ORDINANCE NO. 2024-23

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 61 OF THE TOWNSHIP CODE ENTITLED "SALE OF PUPPIES AND KITTENS"

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 61 of the Township Code entitled "Sale of Puppies and Kittens" is hereby amended to read as follows:

SECTION 1.

§61-1 Definitions.

ANIMAL CARE FACILITY - Unchanged.

BREEDER - Unchanged.

ANIMAL IMPORTER means a person who brings any cat or dog into Barnegat Township from any other state or sovereign entity for the purpose of offering the cat or dog for sale, adoption, or transfer in exchange for any fee, sale, voluntary contribution, service, or other consideration. Animal importer includes any commercial or nonprofit animal rescue, adoption, or humane relocation or delivery organization that is not otherwise required to be licensed by the New Jersey Department of Health.

CAT – Unchanged.

DOG – Unchanged.

RESCUE ORGANIZATION - Unchanged.

BREEDER – Unchanged.

BROKER shall mean any person, firm, corporation, or organization who sells a cate or dog to a pet shop, whether or not the broker is also the breeder of the cat or dog.

OFFER FOR SALE means to sell offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

PET SHOP - Unchanged.

DASTI & STAIGER
ATTORNEYS AT LAW
310 Lacey Road | P.O. Box 779
Forked River, NJ 08731

POUND shall mean an establishment for the confinement of dogs or other animals seized either under the provisions of N.J.S.A. 19-15.1 et seq. or otherwise.

§61-2 Restrictions on the sale of animals.

No pet shops or pet shop owners, shall sell, offer for sale, barter, auction, breed or otherwise dispose of dogs and cats in Barnegat Township that were obtained from any breeder or broker who:

1. is not in compliance with the requirements concerning the maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds established in rules and regulations adopted pursuant to section 14 of P.L.1941, c. 151 (C.4:19-15.14) at the time of purchase of the animal by the pet shop;

2. is not in possession of a current license issued by the USDA pursuant to 9 C.F.R. s.1.1 et seq.;

3. is not in possession of all other licenses required for a breeder or broker by the state in which the breeder or broker is located;

4. has been cited on a USDA inspection report for a direct violation of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase of the animal by the pet shop;

5. has been cited on a USDA inspection report during the two-year period prior to the purchase of the animal by the pet shop for three or more indirect violations of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125 through 3.142 of Title 9 of the Code of Federal Regulations;

6. is cited on the two most recent USDA inspection reports prior to the purchase of the animal by the pet shop for no-access violations pursuant to enforcement of the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq.; or

7. directly or indirectly obtained the animal from a breeder, broker, or other person, firm, corporation, or organization to whom paragraph (1), (2), (3), (4), (5), or (6) of this subsection applies.

Every cat or dog brought into Barnegat Township for the purpose of sale, adoption, barter, exchange, or transfer by pet shops, kennels, pounds, rescue organizations, or

DASTI & STAIGER
ATTORNEYS AT LAW
310 Lacey Road | P.O. Box 779
Forked River, NJ 08731

shelters shall be accompanied with an animal history and health certificate certified by a licensed New Jersey veterinarian and providing the following information:

1. the name, address, and other contact information of the breeder of the cat or dog, if known;

2. the origin of the cat or dog, the animal's date of birth, and, if the date of birth is not known;

3. the animal's approximate age as estimated by a licensed veterinarian; and

4. any illnesses identified in the cat or dog, any treatments, medications, or vaccinations received, and a list of the treatments, medications, and vaccinations received, the dates of administration thereof, and the illnesses identified in the cat or dog and the date on which the illness was identified.

No cat or dog shall be brought into Barnegat Township for the purpose of sale, adoption, barter, exchange, or transfer unless the animal importer is licensed by the United States Department of Agriculture as a Class B Dealer.

No pet shops or pet shop owners, pounds, kennels, animal care facility, animal rescue organizations, or shelters may bring a cat or dog into Barnegat Township for the purpose of sale, adoption, barter, exchange, or transfer without the animal history and health certificate required pursuant this section. The animal history and health certificate shall accompany the cat or dog until the end of the animal's life.

No pet shop, pet shop owner, kennel or kennel operator, animal care facility, or animal rescue organization may sell, offer for sale, barter, auction, adopt, breed or otherwise dispose of dogs and cats in Barnegat Township that are younger than eight weeks old.

Nothing contained herein shall prohibit a pet shop, animal care facility, animal rescue organization, shelter, pound or other establishment from keeping, displaying, selling, or otherwise transferring any dog, cat or both, that has been seized, surrendered or donated; provided that no animal rescue organization, shelter or pound may obtain

DASTI & STAIGER
ATTORNEYS AT LAW
310 Lacey Road | P.O. Box 779
Forked River, NJ 08731

cats or dogs from any animal importer, breeder, broker, other individual for payment or other compensation.

Nothing contained herein shall prohibit a breeder who owns four or fewer breeding age females and who is not eligible for licensure by the United States Department of Agriculture from offering for sale a dog or cat; provided that the breeder provides an animal history and health certificate to the individual receiving the animal.

All pet shops, shelters, kennels, pounds animal care facilities, and animal rescue organizations shall be subject to inspection by the proper officer of Barnegat Township to ensure compliance with this Section.

§61-2.1 Rescue organizations.

Unchanged.

§61-3 Violations and penalties.

Unchanged.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

DASTI & STAIGER
ATTORNEYS AT LAW
310 Lacey Road P.O. Box 779
Forked River, NJ 08731

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **3rd day of September, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **1st day of October, 2024, at 10:00 AM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER
ATTORNEYS AT LAW
310 Lacey Road | P.O. Box 779
Forked River, NJ 08731