

**BOROUGH OF EMERSON  
COUNTY OF BERGEN  
NOTICE OF ADOPTION**

**ORDINANCE NO. 1524-16**

**Introduced: May 17, 2016**

**Adopted: June 14, 2016**

**NOTICE IS HEREBY GIVEN** that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 14th day of June, 2016. A copy of Ordinance 1524-16 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140, ARTICLE I "DOGS AND KENNELS" OF THE CODE OF THE BOROUGH OF EMERSON, TO BAN THE SALE OF DOGS BRED IN PUPPY MILLS IN THE BOROUGH OF EMERSON, BERGEN COUNTY, NEW JERSEY**

**WHEREAS**, according to the Humane Society of the United States ("HSUS") inspection records show that many USDA-licensed breeders breed dogs or cats in inhumane conditions. These breeders are commonly referred to as "puppy mills" and documented problems include: over-breeding; inbreeding; veterinary care that doesn't meet the same standards as other breeders; relatively poor quality of food and shelter; lack of human socialization; and overcrowded cages; and

**WHEREAS**, dogs bred in puppy mills are more likely to have behavior and/or health problems, and, according to the American Society for the Prevention of Cruelty to Animals ("ASPCA"), fearful behavior and lack of socialization with humans and other animals are common characteristics of dogs from puppy mills; and

**WHEREAS**, N.J.S.A. 4:19-15.8 contemplates municipal approval as a prerequisite to the establishment of a kennel for the retail sale of dogs; and

**WHEREAS**, the Mayor and Council of the Borough of Emerson ("Mayor and Council") find that, in addition to State and Federal laws, the Borough has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs; and

**WHEREAS**, although the Mayor and Council recognizes that not all dogs retailed in pet shops are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs to pet shops as a "puppy mill", it is the Mayor and Council's belief that puppy mills continue to exist in part because of public demand for the sale of dogs in pet shops; and

**WHEREAS**, the Mayor and Council believes that a ban on the retail sale of dogs bred in puppy mills from kennels in Emerson will encourage pet owners and prospective pet owners to research breeding establishments prior to purchasing a dog or to adopt needy dogs from animal shelters, thereby saving animals' lives and reducing the cost to the public for sheltering such needy animals; and

**WHEREAS**, the Mayor and Council believe that a ban on the retail sale of dogs bred in puppy mills from kennels located in the Borough of Emerson will provide community awareness of animal welfare, and, in turn, will encourage a more humane environment in Emerson and will be in the best interests of the public health, welfare and safety and be in the best interests of the dogs of Emerson; and

**WHEREAS**, the Mayor and Council believe that a ban on the retail sale of dogs bred in puppy mills from kennels located in the Borough of Emerson should apply to licenses issued on or after July 1, 2016.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Emerson, County of Bergen and State of New Jersey, that Chapter 140, Article I "Dogs and Kennels", of the Code of the Borough of Emerson, be and is hereby amended and supplemented as follows:

**§140-1. Definitions; Word Usage.**

§140-1 shall remain unchanged and in full force and effect, except that a new definition, "Puppy mill" shall be adopted as follows:

PUPPY MILL – A puppy mill is a commercial dog-breeding facility in which the health of the dogs is disregarded in order to maintain a low overhead and maximize profits.

And a new definition, "Pet Shop Operator", shall be adopted, as follows:

PET SHOP OPERATOR – Means a person who owns or operates a pet store, or both.

§387-1(B) shall remain unchanged and in full force and effect.

**BE IT FURTHER ORDAINED**, by the Mayor and Council of the Borough of Emerson, County of Bergen and State of New Jersey, that Section 140-7, "Application for kennel license" of the Code of the Borough of Emerson, be and is hereby amended and supplemented as follows:

**§ 140-7 Application for kennel license.**

A. License. Any person desiring to obtain a license to conduct a dog kennel shall apply to the office of the Clerk of the Borough of Emerson for a license entitling him to keep or operate such establishment.

B. Application. The application for a kennel shall set forth the name of the owner of the proposed kennel and the location where the same is to be conducted within the limits of the Borough of Emerson; an agreement that all dogs kept in said establishment by permission of said kennel license will, at all times, be kept upon the premises for which said license has been issued; include the number of dogs which the owner intends to keep at said dog kennel, which number shall not, at any time, be exceeded; and shall be accompanied by the written approval of the Animal Control Officer of the Borough showing compliance with the local and state rules and regulations governing the location of any sanitation at such establishment.

C. Content of license; expiration. All licenses for a kennel shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of the following year.

D. Issuance or denial of kennel license. When such application to conduct a dog kennel has been properly executed and delivered to the Clerk, the Clerk shall present the same to the Borough Council and, after the Borough Council has considered the same and considered the place where said kennel is to be located and the number of dogs which are to be maintained therein, the Council may grant said license, or, if the public interest demands, the Borough Council may refuse to grant the same.

**BE IT FURTHER ORDAINED**, by the Mayor and Council of the Borough of Emerson, County of Bergen and State of New Jersey, that Section 140-8, "Issuance or denial of kennel license" of the Code of the Borough of Emerson, be and is hereby repealed and replaced as follows:

**§140-8. Prohibited Actions.**

No kennel shall sell, offer for retail sale, barter, auction, or otherwise, dogs bred in puppy mills. Every kennel will comply with the provisions of N.J.S.A. 56:8-95 (or as same may be amended) requiring the owner or operator offering dogs for sale to post in a conspicuous location on the cage or enclosure for each dog the following:

1. The date and place of birth of each dog, and the actual age, or approximate age as established by a veterinarian, of the animal;
2. The sex, color markings, and other identifying information of the animal, including any tag, tattoo, collar number, or microchip information;
3. The name and address of the veterinarian attending to the animal while the animal is in the custody of the kennel, and the date of the initial examination of the animal;
4. The first and last name of the breeder of the animal, the full street address of where the breeder is doing business, an email address, if available, by which to contact the breeder, the breeder's USDA license number, and, if the breeder is required to be licensed in the state in which the breeder is located, the breeder's state license number;

5. If the broker is different from the breeder, the first and last name of the broker of the animal, the full street address of where the broker is doing business, an email address, if available, by which to contact the broker, the USDA license number of the broker, and, if the broker is required to be licensed in the state in which the broker is located, the broker's state license number; and
6. The statement "Know Your Rights" in bold type face and no less than 12 point type, followed by the statement in no less than 10 point type, "State law requires that every shop offering dogs for sale post in a conspicuous location on or near each dog's cage or enclosure the USDA inspection reports for the breeder and broker of each dog for the two years prior to the first day that the dog is offered for sale. If you do not see a required inspection report, please request the report from the shop. If you have any concerns, please contact the New Jersey Division of Consumer Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-6200. You may also view these and other USDA inspection reports for the breeder and broker of each dog on the USDA Animal and Plant Health Inspection Service (APHIS) website. You are entitled to receive additional information from APHIS about the breeder's or broker's history through the federal Freedom of Information Act."

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect on July 1, 2016 after passage and publication in accordance with applicable law.

**ATTEST:**

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Jane Dietsche, RMC, Borough Clerk

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Louis J. Lamatina, Mayor