

**BOROUGH OF MONTVALE
ORDINANCE NO. 2024-1551**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on February 8, 2024 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on February 27, 2024 at 7:30pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Frances Scordo, Municipal Clerk
Borough of Montvale

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 181 OF THE BOROUGH CODE TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL STORES

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale as follows:

Section 1: Chapter 181, "Dogs and Other Animals," of the Code of the Borough of Montvale Ordinances is hereby amended and supplemented by adding a new Article III, "Certain Sales Prohibited," as follows:

**Article III
Certain Sales Prohibited**

- §181-26** **Definitions.**
- §181-27** **Prohibition on Sale of Dogs or Cats by Retail Pet Stores.**
- §181-28** **Penalty for violation.**
- §181-26** **Definitions.**

For the purposes of this Article, the following terms shall have the following meanings:

Retail pet store means a commercial establishment that sells or offers for sale animals on its premises at retail.

Sell or offer for sale means to display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

Animal rescue organization means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. "Animal rescue organization" does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

Animal shelter means a facility, whether located in or outside the State of New Jersey, that is authorized to do business within the Borough of Montvale for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

§181-27 Prohibition on Sale of Dogs or Cats by Retail Pet Stores.

- A. Notwithstanding any other provision of law to the contrary, it is unlawful for a retail pet store, as defined in this Article, to sell or offer for sale a dog or a cat.

- B. Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in this Article, to publicly showcase dogs or cats available for adoption.

§181-28 Penalty for violation.

Any violation of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article I, General Penalty. Each sale or offer for sale in violation of this Article shall constitute a separate offense.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.