

## CHAPTER 189

**AN ACT** concerning the necessary care and tethering of certain animals, and supplementing Title 4 of the Revised Statutes, and amending P.L.1941, c.151.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.4:22-17.1 Definitions relative to care, tethering of certain animals.

1. As used in this act:

“Adverse environmental conditions” means (1) when the ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of a dog, domestic companion animal, or service animal, or there are other cold weather or precipitation-related environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, or hail that a person should reasonably know would pose an adverse risk to the health or safety of a dog, domestic companion animal, or service animal, based on the animal’s size, age, physical condition, or thickness of the animal’s hair or fur; or (2) when the ambient temperature is 90 degrees Fahrenheit or above in the immediate vicinity of a dog, domestic companion animal, or service animal, or a dog, domestic companion animal, or service animal is exposed to direct sunlight or hot pavement or any other hot surfaces that a person should reasonably know would pose an adverse risk to the health or safety of the animal, based on the animal’s size, age, physical condition, or thickness of the animal’s hair or fur.

“Animal rescue organization” means an animal rescue organization as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

“Animal rescue organization facility” means an animal rescue organization facility as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

“Domestic companion animal” means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. “Domestic companion animal” shall not include “domestic livestock” as defined in subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1).

“Kennel” means a kennel as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

“Pet shop” means a pet shop as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

“Pound” means a pound as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

“Proper shelter” means a structure or other type of protection that conforms to the standards and requirements set forth in section 5 of this act, but shall not mean a shelter as defined elsewhere in this section.

“Service animal” means a service animal or a guide dog as defined in subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-3.2), or an animal used for any therapeutic purpose.

“Shelter” means a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

“Tether” means to fasten a dog with a cable, chain, rope, or other similar object to a stationary object, including, but not limited to, a doghouse, tree, stake, pole, fence, or wall, or to a device that is mobile including, but not limited to, a trolley or pulley, in order to restrict the dog’s movement. “Tether” also means the cable, chain, rope, or other similar object used to fasten a dog, as applicable.

“Unattended” means that the dog, domestic companion animal, or service animal is outdoors and a person is not also outdoors with the animal, or that the dog, domestic

companion animal, or service animal is indoors and a person is not also indoors with the animal.

C.4:22-17.2 Unlawful treatment of certain animals.

2. a. Except as provided in subsections b. and c. of this section, it is unlawful to expose any dog, domestic companion animal, or service animal to adverse environmental conditions for more than 30 minutes, unless the animal has continuous access to proper shelter, as set forth in section 5 of this act.

b. When State or local officials issue an order of evacuation due to weather or other emergency conditions, an owner or other person with custody or control of a dog, domestic companion animal, or service animal shall make every effort to evacuate with the animal, and shall not leave the animal indoors or outdoors while unattended and tethered. If evacuation with the owner or other person with custody or control of the dog, domestic companion animal, or service animal is not an option, the owner or other person with custody or control of the animal shall make every effort to: (1) deliver the animal to a safe haven not impacted by the emergency, which may include, but is not limited to, a licensed kennel, shelter, or pound, temporary animal shelter established for the purposes of the emergency, the residence of a friend, relative, or other caregiver, or other suitable facility capable of ensuring the animal's safety; or

(2) secure the animal in an indoor area that is clear of hazards and is as protective of the dog, domestic companion animal, or service animal as possible under the circumstances, and alert local emergency responders to the animal's location.

c. The requirements of subsection a. of this section shall not apply to a dog, domestic companion animal, or service animal if any person, including the animal's owner or person with custody or control of the animal:

(1) is in the presence of the animal and exposed to the same adverse environmental conditions as the animal at all times that the animal is exposed to these adverse environmental conditions; and

(2) can see the animal at all times while the animal is exposed to the adverse environmental conditions, unless the person is blind or visually impaired so that the person cannot see the animal due to the blindness or visual impairment, in which case the person shall remain immediately adjacent to the animal at all times while the animal and the person are exposed to the adverse environmental conditions.

As used in this subsection, "blind" means a person whose vision in the person's better eye with proper correction does not exceed 20/200 or who has a field defect in the person's better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees; and "visually impaired" means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.

d. The requirements of subsections a. and b. of this section shall not apply to any cat living outside with no apparent owner, commonly referred to as, or considered to be, a feral cat.

e. (1) The owner of a dog, domestic companion animal, or service animal shall be liable for a violation of subsection a. of this section that occurs on any property belonging to the owner or on which the owner resides at the time of the violation, regardless of whether the owner is present when the violation occurs.

(2) The person with custody or control of a dog, domestic companion animal, or service animal who is not the owner of the animal shall be liable for a violation of subsection a. of this section that occurs on any property belonging to the person with custody or control of the animal or on which the person with custody or control of the animal resides at the time of the violation, regardless of whether the person is present when the violation occurs.

C.4:22-17.3 Unlawful to cruelly restrain a dog.

3. a. It is unlawful for any person to cruelly restrain a dog.

b. A person cruelly restrains a dog if the person tethers a dog:

(1) which is a nursing female, or which is less than four months old;

(2) outdoors between the hours of 11 p.m. and 5 a.m., but this paragraph shall not take effect until 18 months after the date on which this act takes effect;

(3) in an unoccupied building or upon vacant property;

(4) in a manner that does not permit the dog continuous access to water in a sanitary and liquid state whenever the dog is tethered for more than 30 minutes;

(5) in a manner that exposes the dog to adverse environmental conditions for more than 30 minutes;

(6) by means of a choke collar, prong collar, head harness, or any other type of collar, harness, or similar device other than a properly fitted body harness or buckle-type collar;

(7) by using a chain with metal links that are more than one-quarter of an inch thick, or a tether, collar, or harness to which a weight is attached;

(8) with a tether on which more than one dog is restrained;

(9) with a tether that is less than 15 feet in length or which does not permit the dog to walk at least 15 feet in any one direction; or

(10) with a tether that permits the dog to reach another dog or an object or location that poses a risk of entanglement, strangulation, drowning, or other harm to the health or safety of the dog, including, but not limited to, another dog's tether or a window sill, fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public road or highway.

c. Paragraphs (2), (9), and (10) of subsection b. of this section shall not apply if any person, including the dog's owner or the person with custody or control of the dog:

(1) is in the presence of the dog at all times while the dog is tethered, whether indoors or outdoors; and

(2) can see the dog at all times while the dog is tethered, unless the person is blind or visually impaired so that the person cannot see the dog due to the blindness or visual impairment, in which case the person shall remain immediately adjacent to the dog at all times while the dog is tethered.

As used in this subsection, "blind" means a person whose vision in the person's better eye with proper correction does not exceed 20/200 or who has a field defect in the person's better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees; and "visually impaired" means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.

d. (1) The owner of a dog shall be liable for a violation of subsections a. and b. of this section that occurs on any property belonging to the owner or on which the owner resides at the time of the violation, regardless of whether the owner is present when the violation occurs.

(2) The person with custody or control of a dog who is not the owner of the dog shall be liable for a violation of subsections a. and b. of this section that occurs on any property belonging to the person with custody or control of the dog or on which the person with custody or control of the dog resides at the time of the violation, regardless of whether the person is present when the violation occurs.

(3) Paragraph (9) of subsection b. of this section shall not apply if the dog is indoors and a person is indoors with the dog.

C.4:22-17.4 Unlawful confinement of certain animals.

4. a. It is unlawful to confine a dog, domestic companion animal, or service animal in any structure, room, area, or container that does not comply with the standards and requirements of proper shelter as set forth in section 5 of this act, except as provided in subsections b. and c. of this section.

b. (1) Notwithstanding the requirements of paragraph (1) of subsection a. of section 5 of this act, a person may confine a dog, domestic companion animal, or service animal temporarily in an animal carrier or crate for the purposes enumerated in paragraph (2) of this subsection, provided that (a) during transport, the animal is at all times inside the vehicle being used for transport; and (b) during confinement in the animal carrier or crate, the top of the head of the dog, domestic companion animal, or service animal cannot touch the ceiling of the animal carrier or crate when the animal is in a normal standing position in the animal carrier or crate, and the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on its side in the animal carrier or crate.

(2) A person may confine a dog, domestic companion animal, or service animal temporarily in an animal carrier or crate for the purpose of (a) transport; (b) any exhibition, show, contest, or other temporary event at which the skill, breeding, or stamina of the animal is judged or examined; or (c) in the case of a dog, any exhibition, class, training session, or other temporary event at which the dog is used, or is being trained, to hunt wildlife in a lawful manner.

(3) Notwithstanding the requirements of paragraph (1) of subsection a. of section 5 of this act with regard to access to water, a person may confine a dog, domestic companion animal, or service animal without providing access to water at all times if the animal is confined indoors and in the primary living space of the residence of the owner or other person with custody or control of the animal.

c. (1) The owner of a dog, domestic companion animal, or service animal shall be liable for a violation of subsection a. or b. of this section, as the case may be, that occurs on or in any property belonging to the owner or on which the owner resides or in any vehicle belonging to the owner at the time of the violation, regardless of whether the owner is present when the violation occurs.

(2) The person with custody or control of a dog, domestic companion animal, or service animal who is not the owner of the animal shall be liable for a violation of subsection a. or b. of this section, as the case may be, that occurs on or in any property belonging to the person with custody or control of the animal or on which the person with custody or control of the animal resides or in any vehicle belonging to the person with custody or control of the animal at the time of the violation, regardless of whether the person is present when the violation occurs.

d. Subsection a. of this section shall not apply to:

(1) a facility maintained and used in connection with the practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or

(2) a licensed kennel, pet shop, shelter, or pound subject to the rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14) pertaining to the sanitary conduct and operation of kennels, pet shops, shelters, and pounds, which is operating in compliance with those rules and regulations.

C.4:22-17.5 Proper shelter for certain animals.

5. a. Proper shelter for a dog, domestic companion animal, or service animal shall be a structure or other type of protection that meets, at a minimum, the following standards and requirements:

(1) It provides at all times (a) adequate ventilation to allow the dog, domestic companion animal, or service animal to remain dry and maintain a normal body temperature, (b) access to water in a sanitary and liquid state, (c) exposure to natural or artificial light according to a regular cycle of day and night, (d) sufficient space so that the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on the animal's side with limbs outstretched, and (e) when the animal is in a normal sitting position in the proper shelter, the top of the head of the animal cannot touch the ceiling of the proper shelter;

(2) It is maintained in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter, and to provide reasonable protection from flooding;

(3) It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is maintained in good repair with no exposed sharp points or edges;

(4) It remains in an upright position at all times;

(5) In the event of adverse environmental conditions as set forth in paragraph (1) of the definition of that term in section 1 of this act, it is an enclosed structure that has (a) a solid roof, solid walls with a single opening no larger than necessary to allow the dog, domestic companion animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground, and (b) insulation, dry bedding, and a windbreak at the entrance that are sufficient to keep the dog, domestic companion animal, or service animal dry and maintain the animal's normal body temperature; and

(6) In the event of adverse environmental conditions as set forth in paragraph (2) of the definition of that term in section 1 of this act, it provides the dog, domestic companion animal, or service animal with adequate shade or other cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.

b. Any part of the residence of an owner, or other person with custody or control, of a dog, domestic companion animal, or service animal shall be proper shelter for a dog, domestic companion animal, or service animal, provided that the part of the residence, and the use thereof, are in compliance with the requirements for proper shelter set forth in this section.

c. Proper shelter for a dog, domestic companion animal, or service animal shall not include:

(1) a crawl space under a building or a part of a building, such as under steps, a deck, or a stoop;

(2) the space under a vehicle;

(3) the inside of a vehicle if the dog, domestic companion animal, or service animal is kept in the vehicle in a manner or for a length of time that a person should reasonably know poses an adverse risk to the health or safety of the animal; or

(4) any structure or protection (a) made from pressure-treated wood which contains the chemicals arsenic or chromium, (b) with a floor consisting of wire or chain-link or having

openings through which the paw, hoof, or foot of a dog, domestic companion animal, or service animal, as applicable, can pass, or (c) that is located outdoors and is made from cardboard or other materials that are easily degraded by the elements.

C.4:22-17.6 Responsibilities of DOH, municipality.

6. a. The Department of Health, in consultation with the Attorney General, shall:

(1) provide to each municipality in writing sufficient copies of (a) this act, R.S.4:22-17, and R.S.4:22-26; (b) a plain language description of the provisions and requirements thereof; and (c) a plain language description of how to comply with those provisions and requirements; and

(2) post on its website the materials enumerated in paragraph (1) of this subsection.

b. Each municipality shall:

(1) provide the materials enumerated in and provided pursuant to subsection a. of this section, along with any other information deemed relevant by the municipality, to each person obtaining a license for a dog at the time of licensing; and

(2) post on its website the materials enumerated in and provided pursuant to subsection a. of this section.

The municipality may pay any cost incurred by complying with the requirements of this subsection with fees forwarded to the treasurer of the municipality pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11).

C.4:22-17.7 Violations, remedies, required actions.

7. a. Upon a showing of probable cause that there has been a violation of this act and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, an order to any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal.

b. Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal, if the officer or agent has reasonable suspicion to believe that the animal is at risk of imminent harm due to a violation of this act.

c. Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.

d. The notice required pursuant to subsection c. of this section shall: (1) provide a description of the dog, domestic companion animal, or service animal; (2) state that the dog, domestic companion animal, or service animal may be euthanized upon a veterinarian's

written determination of medical necessity as required by subsection e. of this section; (3) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and (4) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal, the alleged violation, and where the animal is impounded.

e. A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into physical custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home if it determines the placement is in the best interest of the animal.

f. A person shall be issued a correction warning prior to being cited for a violation of this act unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:

(1) after the seven days have elapsed from the date a correction warning is issued, no correction has been made; or

(2) the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.

If the alleged violator is not the owner of the dog, domestic companion animal, or service animal, the person issuing the correction warning or summons, as applicable, shall also notify the owner of the animal of the violation and provide the owner with a copy of the issued correction warning or summons, as applicable.

g. Any summons issued for a violation of this act shall contain:

(1) a description of the violation and statutory authority; and

(2) contact information identifying, at a minimum (a) the name of the investigating agency or office, and (b) the name of the officer or agent issuing the summons or investigating the alleged violation.

h. Any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer issuing a summons for a violation of this act shall also serve on the alleged violator, with the summons, a written notice of:

(1) the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;

(2) the action or actions required for compliance;

(3) a demand for immediate compliance; and

(4) a telephone number for the investigating agency or office and the investigating officer or agent.

i. Any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer may petition a

court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of this act. Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.

j. A person found guilty of, or liable for, a violation of any provision of this act shall be responsible for, and pay, the reasonable costs of caring for the dog, domestic companion animal, or service animal from the date on which physical custody of the animal was taken pursuant to this section until the date the animal is surrendered, forfeited, returned, or euthanized, including, but not limited to, the cost of transporting, sheltering, and feeding the animal, the cost of providing the animal with necessary veterinary care, and if the animal is euthanized, the cost of the euthanasia.

C.4:22-17.8 Violations, penalties for failure to provide necessary care.

8. a. A violation of section 2, 4, or 5 of this act shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.

b. A person who violates section 3 of this act shall be subject to:

- (1) for a first offense, at the discretion of the court, a fine of \$100; and
- (2) for a second offense, at the discretion of the court, a fine of \$200.

For a third or subsequent offense, the offense shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.

c. Beginning on the fourth day after the date of issuance of a summons for a violation pursuant to section 7 of this act, each 30-day period that the owner or other person with custody or control of the dog, domestic companion animal, or service animal is still in possession of the animal and fails to comply with the requirements of this act shall constitute a separate offense.

d. A court may, in its discretion, waive or reduce the amount of any fine imposed for any violation of this act upon the violator demonstrating compliance with this act in the manner as may be prescribed by the court.

C.4:22-17.9 Construction, application of act.

9. No provision of this act, or any rule or regulation adopted pursuant thereto, shall be construed or applied to limit any protection afforded to any dog pursuant to Title 2C of the New Jersey Statutes or any other provisions of Title 4 of the Revised Statutes, any other federal or State law, or rule or regulation adopted pursuant thereto, or any local ordinance, resolution, rule, or regulation.

10. Section 11 of P.L.1941, c. 151 (C.4:19-15.11) is amended to read as follows:

C.4:19-15.11 Disposition of fees collected.

11. License fees and other moneys collected or received under the provisions of sections 3, 8, 9 and 16 of P.L.1941, c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16), except registration tag fees, shall be forwarded to the treasurer of the municipality within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the municipality and shall be used for the following purposes only: for

collecting, keeping and disposing of dogs liable to seizure under P.L.1941, c.151 (C.4:19-15.1 et seq.) or under local dog control ordinances; for local prevention and control of rabies; for providing antirabic treatment under the direction of the local board of health for any person known or suspected to have been exposed to rabies; for payment of damage to or losses of poultry and domestic animals, except dogs and cats, caused by a dog or dogs; for compliance with the requirements of subsection b. of section 6 of P.L.2017, c.189 (C.4:22-17.6); and for administering the provisions of P.L.1941, c.151 (C.4:19-15.1 et seq.). Any unexpended balance remaining in the special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from the special account to the general funds of the municipality any amount then in the account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

The registration tag fee for each dog shall be forwarded within 30 days after collection by the clerk or other official designated to license dogs to the State Department of Health which department shall forward the sum to the State Treasurer who shall place all such moneys in a special account for use only by the State Department of Health in administering P.L.1941, c.151 (C.4:19-15.1 et seq.) and for the prevention and control of rabies throughout the State, and such account is hereby declared to be a trust fund not subject to legislative appropriation. At the end of the third fiscal year following the adoption of P.L.1941, c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year thereafter, there shall be withdrawn from this trust fund and transferred to the general funds of the State any amount then in the trust fund which is in excess of the total amount paid into the trust fund during the last two fiscal years next preceding.

11. This act shall take effect immediately.

Approved August 7, 2017.