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New Jersey State  
Department of Health,  
John Fitch Plaza, P.O. Box 1540  
Trenton, New Jersey 08625

## SELECTED LAWS, REGULATIONS AND INFORMATION RELATING TO RABIES AND CONTROL OF DOGS

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### TABLE OF CONTENTS

NEW JERSEY REVISED STATUTES, Title 26, Chapter 4, Article 7, RABIES AND CONTROL OF DOGS		Section	Page
Section			
26:4-78	Report of suspected cases of rabies	4:19-15.3	Fees; renewals; expiration date of licenses; "seeing eye" dogs; license in one municipality to be accepted in others 4
26:4-79	Report of physician attending person bitten by animal	4:19-15.4	Time for applying for license 4
26:4-80	Report by parent or guardian when child is bitten and no physician attends	4:19-15.5	Application; contents; preservation of information 4
26:4-81	Report when adult is bitten and no physician attends	4:19-15.6	Dogs brought into state 4
26:4-82	Confining animal which has attacked or bitten a person	4:19-15.7	Removing tag from dog without owner's consent; attaching tag to another dog 4
26:4-83	Killing or confining animal bitten by another	4:19-15.8	License for kennel, pet shop, shelter or pound 4
26:4-84	Confining animals to prevent spread of rabies	4:19-15.9	License fees for kennels and pet shops; no fee for shelter or pound 4
26:4-85	Permit to release animals	4:19-15.10	Kennels, pet shops, shelters or pounds; permitting dogs to go off premises 4
26:4-86	Examination of animals by local board	4:19-15.11	Disposition of fees collected 5
26:4-87	Local board to report prevalence of rabies	4:19-15.12	License fee may be fixed by ordinance; fee otherwise 5
26:4-88	Circular on rabies; distribution	4:19-15.13	List of licensed kennels, pet shops, shelters and pounds 5
26:4-89	Free Pasteur treatment	4:19-15.14	Rules and regulations for kennels, pet shops, shelters and pounds 5
26:4-90	Killing of unmuzzled dog running at large	4:19-15.15	Canvass of dogs in municipality; report 5
26:4-91	Appointment of a dog killer; restrictions on killing dogs	4:19-15.16	Dogs to be taken into custody and impounded; notice; destruction 5
26:4-92	Compensation of dog killer	4:19-15.17	Seizure of dogs; going on premises for 6
26:4-93	Blank	4:19-15.18	Interfering with persons performing duties under act 6
26:4-94	Penalties; recovery as amended by Chapter 41, P.L. 1942	4:19-15.19	Violations of act or rules; penalty 6
26:4-95	Powers of municipalities not affected	4:19-15.20	Penalty to be paid to plaintiff; disposition 6
NEW JERSEY STATUTES ANNOTATED, Title 4, Chapter 19, Article 2, REGISTRATION AND TAGS: INJURIES TO ANIMALS AND POULTRY		4:19-15.21	Section 21 of Chapter 151 of the Laws of one thousand nine hundred and forty-one is amended to read 6
4:19-15.1	Definitions	4:19-15.23	Refusal to pay judgment; confinement in jail 6
4:19-15.2	Dogs; license and metal registration tag required; placing tag on dog	4:19-15.26	Compulsory inoculation not authorized by act 6
		4:19-15.27	Act inapplicable to veterinarians' establishments 6

**Title 4, Chapter 19, Article 3, PERSONAL INJURIES**

Section	Page
<b>4:19-16</b> Liability of owner regardless of viciousness of dog	6
<b>NEW JERSEY ADMINISTRATIVE CODE</b>	
<b>Title 8, Chapter 23, Subchapter 3</b>	
<b>RULES AND REGULATIONS</b>	
<b>GOVERNING the Sanitary Conduct and Operation of Kennels, Pet Shops, Shelters and Pounds</b>	
<b>8:23-3.1</b> Compliance	7
<b>8:23-3.2</b> Facilities (general)	7
<b>8:23-3.3</b> Facilities (indoor)	7
<b>8:23-3.4</b> Facilities (outdoor)	7
<b>8:23-3.5</b> Primary enclosures	7
<b>8:23-3.6</b> Feeding and watering	8
<b>8:23-3.7</b> Sanitation	8
<b>8:23-3.8</b> Disease control	8
<b>8:23-3.9</b> Holding and reclaiming animals	8
<b>8:23-3.10</b> Euthanasia	9
<b>8:23-3.11</b> Transportation	10
<b>8:23-3.12</b> Records and administration	10
General Information Concerning Rabies	11

**THE NEW JERSEY REVISED STATUTES**  
**TITLE 26, CHAPTER 4, ARTICLE 7**  
**RABIES AND CONTROL OF DOGS**

**26:4-78 Report of suspected cases of rabies**

Whenever a dog, cat or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner or person in charge of the animal or any person having knowledge thereof, shall forthwith notify the local board having jurisdiction of the place where the animal is located. The notification shall be in writing, signed by the person making the same and shall state where the animal may be found.

**26:4-79 Report by physician attending person bitten by animal**

Every physician shall, within twelve hours after his first professional attendance upon any person bitten by a dog, cat or other animal, report to the person designated by law or by the local board, under authority of law, to receive reports of reportable communicable diseases in the municipality in which the person so bitten may be, the name, age, sex, color, and the precise location of the person so bitten.

**26:4-80 Report by parent or guardian when child is bitten and no physician attends**

The parent or guardian of a child bitten by a dog, cat or other animal, when no physician attends such child, shall within twelve hours after first having knowledge that the child was so bitten, report to the person designated by law or by the local board, under authority of law, to receive reports to reportable communicable diseases in the municipality in which the child so bitten may be, the name, age, sex, color and precise location of the child.

**26:4-81 Report when adult is bitten and no physician attends**

If an adult is bitten by a dog, cat or other animal and no physician attends him, the adult, or if he is incapacitated, the person caring for him, shall report to the person designated by law or by the local board of health to receive reports of communicable diseases in the municipality in which the adult so bitten may be, the name, age, sex, color and the precise location of the adult. The report shall be made within twelve hours after the adult was so bitten, or if he is incapacitated, the report shall be made within twelve hours after the person caring for him shall first have knowledge that the adult was so bitten.

**26:4-82 Confining animal which has attacked or bitten a person**

The local board, within its jurisdiction, may serve notice upon the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to confine the animal at the expense of the owner or person in charge of it upon the premises of the owner or person in charge or at some other place designated in the notice, for at least ten days after the animal has attacked or bitten a person.

**26:4-83 Killing or confining animal bitten by another**

The local board, within its jurisdiction, shall serve a notice, in writing, upon the owner or person in charge of a dog, cat or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies requiring the owner or person in charge of the animal to kill it or confine it for a period of not less than six months.

**26:4-84 Confining animals to prevent spread of rabies**

Whenever the local board or any office or inspector thereof has reason to believe or has been notified by the State Department that there is danger that rabies may spread within the jurisdiction of such board, such board officer or inspector shall serve a notice, in writing, upon all persons within the jurisdiction of such board, so far as the same may be known to the board or to such officer or inspector thereof, owning or having charge of any dog, requiring such person to confine such dog, or such board, officer or inspector in lieu of serving such notice in writing, may cause a notice to be published in the official newspaper of such municipality. Other animals may be included in the order whenever, in the opinion of such board, this is necessary. Whenever the State Department has knowledge that any case of rabies exists among dogs of other domestic animals, within the State, and in its judgment the disease is liable to spread, the Department may issue an order requiring any local board to order animals confined as provided in this section, and to cause its provisions to be enforced, by appropriate proceedings either in law or in equity.

**26:4-85 Permit to release animals**

An animal confined under order to the local board shall not be released until a certificate of release has been issued by the board.

#### **26:4-86 Examination of animals by local board**

The local board or the duly authorized agent of such board, within its jurisdiction, shall be permitted by the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to examine the animal at any time, and daily if desired, within a period of ten days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

No person shall refuse, obstruct, or interfere with the local board in making the examination.

#### **26:4-87 Local board to report prevalence of rabies**

Each local board shall furnish information to the state department concerning the prevalence of rabies within its jurisdiction whenever or as often as requested to do so by the State Department.

#### **26:4-88 Circular on rabies, distribution**

The State Department shall prepare a circular containing a description of the symptoms, the methods of transmission, the treatment, and the preventive measures to be taken against the spread of rabies, and, upon application, shall provide sufficient copies of the circular for distribution.

The circulars shall be furnished to the person empowered under the law to license dogs, and if there is no provision for such person within the jurisdiction of the local board of health, the local board is empowered to act. Such person or board shall apply to the State Department for a sufficient number of such circulars and shall, at the time of licensing, furnish a copy of the circular to each person who may obtain a dog license.

#### **26:4-89 Free Pasteur treatment**

Each local board may furnish without charge the Pasteur treatment for any indigent person, residing within its jurisdiction, who has been bitten by an animal known or suspected to be affected by rabies.

Any expense thus incurred shall be provided for by the governing body having charge of the finances of the municipality in which the indigent person resides in the same manner as the regular funds of the board are provided for.

#### **26:4-90 Killing of unmuzzled dog running at large**

The mayor of any city, town, borough, the president of any village, and the township clerk of any township, with the consent of the governing body of such municipality, may, whenever the public safety may require such action, issue a proclamation authorizing the killing of any dog found running at large within the limits of such municipality without being properly muzzled with a wire muzzle securely fastened about the nose.

#### **26:4-91 Appointment of a dog killer, restrictions on killing dogs**

The governing body of any municipality may appoint one or more persons to kill dogs running at large after the issuance of a proclamation as provided in section 26:4-90 of this title, and any such person or persons so appointed shall have full power and authority and are hereby authorized to

kill any such dogs found running at large. No dog shall be killed until notice of the proclamation has been given for one day by written or printed handbills, and no dog shall be killed which is accompanied by its owner.

#### **26:4-92 Compensation of dog killer**

Such governing body may fix the compensation to be paid to any persons so appointed, and may pay him out of any moneys in the treasury of the municipality.

#### **26:4-93 Blank**

#### **26:4-94 Penalties**

Any person who violates any of the provisions of this article except sections 26:4-90 to 26:4-92, or any notice served thereunder shall be liable to a penalty of five dollars (\$5.00) for the first offense, and not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each subsequent offense, to be recovered in a civil action brought by and in the name of the State Department or a local board. Penalties hereunder shall be enforced and collected pursuant to sections 26:3-72, 26:3-77 and 26:3-78 of the Revised Statutes. Chapter 41, P.L. 1942 as amended by c. 26, L. 1953.

#### **26:4-95 Powers of municipalities not affected**

Nothing in this article shall be construed to change or affect the provisions of any law authorizing the mayor or governing body of a municipality to enforce measures for the restriction and control of rabies.

### **NEW JERSEY STATUTES ANNOTATED TITLE 4 CHAPTER 19 ARTICLE 2**

**(AS AMENDED 1966)**

### **REGISTRATION AND TAGS: INJURIES TO ANIMALS AND POULTRY**

#### **4:19-15.1 Definitions**

“Dog” shall mean any dog, bitch or spayed bitch.

“Dog of licensing age” shall mean any dog which has attained the age of seven months or which possesses a set of permanent teeth.

“Kennel” shall mean any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

“Pet shop” shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

“Pound” shall mean an establishment for the confinement of dogs seized under the provisions of this act or otherwise.

“Shelter” shall mean any establishment where dogs are received, housed and distributed without charge.

“Owner” when applied to the proprietorship of a dog shall include every person having a right of property in such dog and every person who has such dog in his keeping.

#### **4:19-15.2 Dogs; license and metal registration tag required; placing tag on dog**

Any person who shall own, keep or harbor a dog of licensing age shall in the month of January, one thousand nine hundred and forty-two, and annually thereafter, apply

for and procure from the clerk of the municipality or other official designated by the governing body thereof to license dogs in the municipality in which he resides, a license and official metal registration tag for each such dog so owned, kept or harbored, and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

**4:19-15.3 Fees; renewals, expiration date of licenses; "seeing eye" dogs; license in one municipality to be accepted in others**

The persons applying for the license and registration tag shall pay the fee fixed or authorized to be fixed in section twelve of this act, and the sum of fifty cents (\$0.50) for the registration tag fee of each dog; and for each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; and said licenses, registration tags and renewals thereof shall expire on the last day of January in each year. Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey and such license and tag shall be accepted by all municipalities as evidence of compliance with this section.

Dogs used as guides for blind persons and commonly known as "seeing eye" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

License forms and uniform official metal registration tags designed by the State Department of Health shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.

**4:19-15.4 Time for applying for license**

The owner of any newly-acquired dog of licensing age or of any dog which attains licensing age, shall make application for license and registration tag for such dog within ten days after such acquisition or age attainment.

**4:19-15.5 Application; contents, preservation of information**

The application shall state the breed, sex, age, color and markings of the dog for which license and registration are sought, and whether it is of a long- or short-haired variety; also the name, street and post-office address of the owner and the person who shall keep or harbor such dog. The information on said application and the registration number issued for the dog shall be preserved for a period of three years by the clerk or other local official designated to license dogs in the municipality. In addition he shall forward to the State Department of Health each month, on forms furnished by the said department an accurate account of registration numbers issued or otherwise disposed of. Registration numbers shall be issued in the order of the applications.

**4:19-15.6 Dogs brought into state**

Any person who shall bring or cause to be brought into this State any dog licensed in another State for the current year, and bearing a registration tag, and shall keep the same or permit the same to be kept within the State for a

period of more than ninety days shall immediately apply for a license and registration tag for each such dog unless such dog be licensed under section eight of this act.

Any person who shall bring or cause to be brought into this State any unlicensed dog and shall keep the same or permit the same to be kept within the State for a period of more than ten days shall immediately apply for a license and registration tag for each such dog unless such dog be licensed under section eight of this act.

**4:19-15.7 Removing tag from dog without owner's consent; attaching tag to another dog**

No person, except an officer in the performance of his duties shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

**4:19-15.8 License for kennel, pet shop, shelter or pound**

Any person who keeps or operates or proposes to establish a kennel, a pet shop, shelter or a pound shall apply to the clerk or other official designated to license dogs in the municipality where such establishment is located, for a license entitling him to keep or operate such establishment.

The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the local municipal and health authorities showing compliance with the local and State rules and regulations governing location of and sanitation at such establishments.

All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained and all such licenses shall expire on the last day of January of each year, and be subject to revocation by the municipality on recommendations of the State Department of Health or the local board of health for failure to comply with the rules and regulations of the State Department or local board governing the same after the owner has been afforded a hearing by either the State Department or local board.

Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

**4:19-15.9 License fees for kennels and pet shops; no fee for shelter or pound**

The annual license fee for a kennel providing accommodations for ten or less dogs shall be ten dollars (\$10.00) and for more than ten dogs twenty-five dollars (\$25.00). The annual license fee for a pet shop shall be ten dollars (\$10.00). No fee shall be charged for a shelter or pound.

**4:19-15.10 Kennels, pet shops, shelters or pounds, permitting dogs to go off premises**

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on leash or in a crate or other safe control.

#### **4:19-15.11 Disposition of fees collected**

License fees and other moneys collected or received under the provisions of section three, eight, nine and sixteen of this act, except registration tag fees, shall be forwarded to the treasurer of the municipality within thirty 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 this act or under local dog-control ordinances; for local prevention and control of rabies; for providing anti-rabic 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 and for administering the provisions of this act. Any unexpended balance remaining in such 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 said third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds to the municipality any amount then in such account which is in excess of the total amount paid into said special account during the last two fiscal years next preceding. The registration tag fee of fifty cents (\$0.50) for each dog shall be forwarded within thirty days after collection by the clerk or other official designated to license dogs to the State Department of Health which department shall forward said 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 this act 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 this act 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 such fund which is in excess of the total amount paid into such fund during the last two fiscal years next preceding.

#### **4:19-15.12 License fee may be fixed by ordinance; fee otherwise**

The governing body of each municipality may, by ordinance, fix the sum to be paid annually for a dog license and each renewal thereof, as required by section three of this act, which sum shall be not less than one dollar and fifty cents (\$1.50) nor more than three dollars and fifty cents (\$3.50). In the absence of such a local ordinance, the license fee shall be one dollar and fifty cents (\$1.50).

#### **4:19-15.13 List of licensed kennels, pet shops, shelters and pounds**

The clerk or other official designated to license dogs in the municipality shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed within thirty days after the licenses therefor are issued, which list shall include the name and address of the

licensee and the kind of license issued.

#### **4:19-15.14 Rules and regulations for kennels, pet shops, shelters and pounds**

The State Department of Health shall, within six months of the approval of this act and with the co-operation and assistance of the State Department of Agriculture, prepare and promulgate rules and regulations governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, to preserve sanitation therein and prevent the spread of rabies and other diseases of dogs within and from such establishments.

Such rules and regulations shall be enforced by the State Department of Health and by local boards of health.

#### **4:19-15.15 Canvass of dogs in municipality; report**

The chief of police of each municipality, or the chairman of the police committee thereof, if the office of chief of police does not exist, or any person appointed for the purpose by the governing body of the municipality, shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of their respective municipalities and shall report, on or before May first of each year, to the clerk or other person designated to license dogs in the municipality and to the local board of health, and to the State Department of Health the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs.

#### **4:19-15.16 Dogs to be taken into custody and impounded; notice; destruction**

The chief of police of a municipality, or the chairman of the police committee if the office of chief of police does not exist, or any person appointed for the purpose by the governing body of the municipality, shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

(a) Any dog off the premises of the owner or of the person keeping or harboring said dog which said official or his agent, or agents have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.

If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring said dog is known, the chief of police or chairman of the police committee, or any person authorized by him in that behalf, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.

A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual, or last known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

When any dog so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained for seven days after seizure, when no notice has been given as above set forth and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding \$1.00 per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the aforesaid chief of police of the municipality, or the chairman of the police committee, or any person authorized by him in that behalf, may cause the dog to be destroyed in manner causing as little pain as possible.

**4:19-15.17 Seizure of dogs; going on premises for**

Any officer or agent authorized or empowered to perform any duty under this act is hereby authorized to go upon any premises to seize for impounding any dog or dogs which he may lawfully seize and impound when such officer is in immediate pursuit of such dog or dogs, except upon the premises of the owner of the dog if said owner is present and forbids the same.

**4:19-15.18 Interfering with persons performing duties under act**

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this act.

**4:19-5.19 Violations of act or rules; penalty**

Any person who violates or who fails or refuses to comply with sections two, four, six, seven, eight, ten or eighteen of this act or the rules and regulations promulgated by the State Department of Health pursuant to section fourteen of this act, shall be liable to a penalty of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, to be recovered by and in the name of the Director of Health of the State of New Jersey, or by and in the name of the local board of health of the municipality, or by and in the name of the municipality, as the case may be, except that for the first offense in cases of violation of sections two, four and six of this act, the penalty shall be not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00), to be recovered in the same manner.

**4:19-15.20 Penalty to be paid to plaintiff; disposition**

Any penalty recovered in an action brought under the provisions of this act shall be paid to the plaintiff therein. When the plaintiff is the Director of Health of the State of New Jersey, the penalty shall be paid by said director into the treasury of the State. When the plaintiff is a local board of health the penalty shall be paid by the local board into

the treasury of the municipality within which the local board has jurisdiction.

**4:19-15.21 Section 21 of Chapter 151 of the Laws of one thousand nine hundred and forty-one is amended to read:**

21. The county district courts and the municipal courts shall have jurisdiction to hear and determine in a summary manner proceedings for violations of any of the provisions of this act. Penalties for such violation shall be enforced and recovered pursuant to "the penalty enforcement law" (2A:58-1 et seq.) at pursuit of the Director of Health of the State of New Jersey or of the local board of health or the municipality. Process shall be either in the nature of a summons or warrant. L. 1941, c. 151, p. 502, as amended by c. 5, P.L. 1953.

**4:19-15.23 Refusal to pay judgment; confinement in jail**

The court shall cause a defendant who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto, to be committed to the county jail for a period not exceeding ten days in the case of a first conviction, and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding thirty days.

**4:19-15.26 Compulsory inoculation not authorized by act**

No provision of this act shall be construed as giving any authority for the compulsory inoculation of dogs with anti-rabic vaccines.

**4:19-15.27 Act inapplicable to veterinarians' establishments**

No provision of this act shall be construed to apply to any establishment wherein or whereon dogs are received or kept for diagnostic, medical, surgical, or other treatments, owned by and operated under the immediate supervision of a graduate veterinarian licensed in the State of New Jersey. L. 1941, c. 151, p. 506.

**TITLE 4 CHAPTER 19 ARTICLE 3  
PERSONAL INJURIES**

**4:19-16 Liability of owner regardless of viciousness of dog**

The owner of any dog which shall bite a person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

For the purpose of this section, a person is lawfully upon the private property of such owner when he is on the property in the performance of any duty imposed upon him by the laws of this state or the laws or postal regulations of the United States, or when he is on such property upon the invitation, express or implied, of the owner thereof.

**NEW JERSEY ADMINISTRATIVE CODE**

**Title 8, Chapter 23, Subchapter 3**

**RULES AND REGULATIONS GOVERNING  
THE SANITARY CONDUCT AND  
OPERATION OF KENNELS, PET SHOPS,  
SHELTERS AND POUNDS**

**Effective November 2, 1972**

These rules and regulations have been prepared and promulgated by the State Department of Health pursuant to the authority vested in it by Section 14 of Chapter 151 of the Public Laws of 1941 (N.J.S.A. 4:19-15.14).

**8:23-3.1 Compliance**

(a) Kennels, pet shops, shelters and pounds shall comply with the provisions of these rules and regulations in the maintenance and care of all animals subject to rabies and other diseases of dogs, as well as rules, regulations and ordinances enacted by the appropriate agency or governing body of the municipality wherein they are located.

(b) The term "animal" as used in these regulations means any animal subject to rabies and other diseases of dogs.

**8:23-3.2 Facilities (general)**

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, to restrict the entrance of other animals; and location, construction, arrangement and operation shall not constitute a nuisance.

(b) Reliable and adequate electric power, if required to comply with other provisions of these rules and regulations, and adequate potable water shall be available.

(c) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

(e) Facilities, such as washrooms, basins or sinks, shall be provided to maintain cleanliness among animal caretakers.

(f) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in these rules and regulations. Premises shall remain free of accumulations of trash. Insects, ectoparasites, and avian and mammalian pests shall be controlled effectively.

**8:23-3.3 Facilities (indoor)**

(a) Indoor animal facilities shall be provided for all pet shops, shelters and pounds. Kennels must also have indoor facilities, except for animals which are acclimated.

(b) Indoor housing facilities for animals shall be sufficiently heated when necessary to protect the animals

from cold, and to provide for their health and comfort. In the case of dogs or cats, the ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit, unless the animals are acclimated to lower temperatures.

(c) Indoor housing facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

(d) Indoor housing facilities for animals shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly-distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period.

(e) Primary enclosures shall be so placed as to protect the animals from excessive illumination.

(f) The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned.

(g) A suitable method shall be provided to eliminate rapidly excess water from indoor housing facilities. Drains, when used, shall be properly constructed and kept in good repair to avoid foul odors therefrom. Closed drainage systems, when used, shall be equipped with traps and so installed as to prevent any back-up of sewage onto the floor of the room.

**8:23-3.4 Facilities (outdoor)**

(a) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals kept outdoors to protect themselves from the direct rays of the sun.

(b) Animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) Shelter shall be provided for animals kept outdoors when the atmospheric temperature falls below 50 degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which an animal is acclimated.

(d) A suitable method shall be provided to drain surface water rapidly.

**8:23-3.5 Primary enclosures**

(a) A primary enclosure is any structure used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage or compartment.

(b) Primary enclosures shall be structurally sound and maintained in good repair so as to:

1. Contain the animals,
2. Protect animals from injury,
3. Keep predators out,

4. Enable animals to remain dry and clean,
5. Permit animals convenient access to food and water as required in these rules and regulations,
6. Provide sufficient space for each animal to turn about freely and to stand, sit and lie in a comfortable normal position.

(c) In addition to the other provisions of this Section, each dog in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, expressed in square feet.

(d) Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

1. Females in season (estrus) shall not be housed in the primary enclosure with males, except for breeding purposes, unless otherwise requested by the owner.
2. Any animal exhibiting a vicious disposition shall be housed individually in a primary enclosure.
3. Immature animals shall not be housed in the same primary enclosure with adults other than their mothers, except when permanently maintained in breeding colonies.

#### **8:23-3.6 Feeding and watering**

(a) Animals shall be fed at least once each day except as otherwise might be required to provide adequate care.

(b) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animals.

(c) Immature animals shall be fed in accordance with generally accepted procedures.

(d) Containers of food shall be accessible to animals and shall be located so as to minimize contamination by excreta.

(e) Feeding pans shall be durable and kept clean.

(f) Disposable food receptacles may be used but must be discarded after each feeding.

(g) Self-feeders may be used for the feeding of dry food and they shall be cleaned regularly to prevent molding, deterioration or caking of feed.

(h) If potable water is not accessible to the animals at all times, potable water shall be offered to animals at least twice daily, for periods of not less than one hour except as might otherwise be required to provide adequate care. Receptacles for such purposes shall be kept clean at all times.

#### **8:23-3.7 Sanitation**

(a) Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning, any animal contained therein shall be removed from such enclosures during the cleaning process, and adequate measures shall be taken to protect the animals in other such

enclosures from being contaminated with water and other wastes.

(b) Primary enclosures for animals shall be physically cleaned often enough to prevent an accumulation of debris or excreta and to reduce to a practical minimum agents injurious to health of animals or humans.

(c) At least once every two weeks, cages, rooms and hard-surfaced pens or runs shall be sanitized by washing them with hot water (180 degrees Fahrenheit) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand or dirt shall be cleaned by removing the soiled gravel, sand or dirt and replacing it as necessary.

(d) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and disease, to facilitate the prescribed sanitary practices as set forth in these rules and regulations, and to prevent nuisances.

(e) An effective program for the control of insects, estoparasites, and avian and mammalian pests shall be established and maintained.

#### **8:23-3.8 Disease control**

(a) Programs of disease control and adequate health care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each animal shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick, diseased, injured, lame or blind animals shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the purposes for which such animal was obtained and is being held; provided, however, that this provision shall not affect compliance with N.J.S.A. 4:19-15.16 which requires the holding for seven days of all stray dogs.

(c) Any animals under quarantine or treatment for a communicable disease shall be separated from other animals in order to minimize dissemination of such disease.

(d) Any person operating or employed at a kennel, pet shop, shelter or pound who observes an animal which he suspects of being rabid shall at once notify by telephone or telegraph the executive officer of the local board of health or the State Department of Health and segregate such animal for a period of ten days unless examined and released on the written statement of a veterinarian.

#### **8:23-3.9 Holding and reclaiming animals**

(a) Steps in the protection of the public from rabies infection include:

1. Unclaimed impounded dogs and cats must be kept alive for seven days to give opportunity for rabies surveillance and opportunity for owner to reclaim. (N.J.S.A. 4:19-15.16)

2. A dog or cat which has bitten a human may be kept alive and observed for ten days following the bite if the

owner of the animal so desires. If the dog or cat shows signs suggestive of rabies during the period of observation, the person in charge of the animal shall notify the local board of health in compliance with N.J.R.S. 26:4-78. If the dog or cat dies during the period of observation, the person in charge of the animal shall arrange for the head of the animal to be delivered to the State Department of Health Laboratory as described in subparagraph 5 of this section.

3. An owned dog or cat which has bitten a human and is not wanted, or any other animal which has bitten a human may be sacrificed for laboratory examination for rabies. The person in charge of the animal shall arrange for the head of the animal to be delivered to the State Department of Health Laboratory as described in subparagraph 5 of this section.

4. A dog or cat submitted for elective destruction may not be killed until the person in charge of the facility has determined that the animal is not a stray, and that the person requesting the animal's destruction is its owner or a representative of the owner, and that the animal has not bitten a human within ten days unless the person in charge of the animal shall arrange for the head of the animal to be delivered to the State Department of Health Laboratory as described in subparagraphs 3 and 5 of this section.

5. The specimen to be submitted to the State Department of Health Laboratory for rabies examination is the head of a small animal such as a dog, cat or mouse, the brain of a large animal such as a horse, cow or sheep, or an entire bat. The specimen should be delivered by messenger to the State Department of Health Laboratory, Health-Agriculture Building, John Fitch Plaza, Trenton, Specimens for rabies examination are accepted 24 hours a day, seven days a week, including holidays.

6. The person in charge of the facility shall keep a record of evidence concerning biting animals and elective destruction for a period of one year.

(b) Each shelter or pound shall post a sign establishing specific hours during which persons will be permitted to enter the facility to look at animals and records for the purpose of seeking animals that are missing:

1. The sign must be clearly visible from the outside.
2. The hours must be at least one hour each day of the week.

3. If the hours are less than two hours each day of the week and two hours per evening for at least two evenings a week, then the posted sign must include a telephone number to be used by persons seeking missing animals.

4. The person who is searching for a missing animal shall identify himself by presenting a driver's license or other acceptable identification document.

5. The person who is searching for a missing animal shall furnish to the shelter or pound a written description of the missing animal and a license for any dog which has attained the age of seven months or which possesses a set of permanent teeth, or a bill of sale or other proof of ownership of a younger dog or other animal.

6. The person who is searching for a missing animal shall abide by all reasonable security measures required by the shelter or pound to prevent the spread of diseases.

### **8:23-3.10 Euthanasia**

(a) Euthanasia is the act of inducing painless death.

(b) No animal being disposed of shall be allowed to make physical contact with another animal while in any apparatus designed to kill unless pretranquilized to the extent that they are not capable of aggressive actions dangerous to humans or animals. The milling, fighting, biting and clawing that take place when several animals are put to death together, unless pretranquilized, are inhumane and cannot be defended. Avoidance of such aggressive physical contact may also be achieved by disposing of animals singly or by the use of a chamber with compartments so constructed that the animals cannot make contact with each other. Excitable and apprehensive animals shall be given a tranquilizer prior to being killed. Carcasses must be removed prior to reuse of the equipment with other live subjects. Whatever method is used, the operator must be carefully trained and know the equipment and how to use it. The equipment should be periodically checked by someone mechanically competent with regard to the specific method of euthanasia. The operator must be motivated to want to dispose of animals with a minimum of suffering and pain.

(c) The acceptable methods of euthanasia include the following:

1. The primary recommended method is injection of a barbiturate.

- i. It is recommended that this method be limited to use by a veterinarian or personnel directly under the supervision of a veterinarian.

- ii. Intravenous injection is preferred; intrathoracic or intracardiac injection may be made where intravenous injection is impractical, as in the very small animal, or in the comatose animal with depressed vascular function.

- iii. Some animals, because of nervousness or viciousness, should be quieted by prior oral or parenteral administration of a tranquilizer or sedative.

2. Inhalation of carbon monoxide by animals confined in a chamber.

- i. Safeguards must be observed to prevent discomfort to animals and hazard to personnel.

- ii. Personnel using CO must be instructed thoroughly in its use and understand the hazards and limitations.

- iii. The CO generator and chamber must be located in a well-ventilated environment, preferably out of doors.

- iv. The lethal chamber must be equipped with internal lighting and viewports which allow direct visual surveillance of collapse and death of animals within the chamber.

- v. The gas generation process should be adequate to achieve a CO concentration throughout the lethal chamber of at least five per cent within no more than 20 minutes after animals are put in the chamber.

- vi. If chemical generation through the use of sodium formate and sulfuric acid is used, the generated CO must have the irritating acid vapors filtered out by passing it through a ten per cent solution of sodium hydroxide prior to its entry into the lethal chamber.

vii. If CO generation is by combustion of gasoline in an engine:

(1) The engine must be maintained in good operating condition and carefully tuned.

(2) The engine must be operated only at idling speed with the richest fuel-air mixture the choke will permit.

(3) Prior to entry into the lethal chamber the exhaust gas must be cooled so that it does not exceed 125 degrees Fahrenheit (51.7 Celsius).

(4) The chamber must be equipped with accurate temperature gauges monitored by attendants to assure that internal temperature of the chamber does not exceed 110 degrees Fahrenheit (41.3 Celsius).

(5) Prior to its entry into the lethal chamber the exhaust gas must be passed first through an adequate water filtration process to remove irritants and carbon particles.

3. Hypoxia induced by rapid decompression.

i. Equipment must be properly constructed, maintained and operated.

4. Hypoxia induced by nitrogen piped into a chamber from a cylinder until all of the air is displaced.

5. Administration of inhalent anesthetics.

i. Ether, chloroform, halothane or methoxyflurane may be used.

ii. Acceptable for small animals such as birds, rodents, and young cats and dogs. Not recommended for larger animals.

iii. Precautions shall be taken to protect personnel and other animals. Ether is flammable and expensive. Chloroform, halothane and methoxyflurane are potentially harmful by large dose or repeated exposure.

6. Inhalation of high concentration of carbon dioxide by animals in a chamber.

i. Acceptable only for very small animals such as mice, rats, guinea pigs and rabbits.

7. Intravenous injection of combinations of chloral hydrate, magnesium sulfate and pentobarbital.

i. Acceptable for large animals, such as horses.

8. Injection of neuromuscular blocking agents.

i. Where standard methods of restraint are impractical or impossible (such as zoo animals, animals in severe pain from trauma, or animals that are intractable for other reasons) or where manual capture and restraint may cause pain and injury through struggling and anxiety, the use of immobilizing drugs such as curare, succinylcholine and other neuromuscular blocking agents is acceptable.

ii. Because the immobilized animal is fully conscious and subject to death by suffocation, euthanasia by other means should be accomplished without delay.

(d) Methods not acceptable for euthanasia include the following:

1. Hydrogen cyanide gas.

2. Injection of chloral hydrate.

3. Injection of magnesium sulfate.

4. Strychnine in any form.

5. Injection of hydrocyanic acid.

6. Electrocution.

7. Shooting and captive bolt pistol.

8. Drowning.

9. Exsanguination.

### **8:23-3.11 Transportation**

(a) Vehicles used in transporting animals shall be mechanically sound and equipped to prevent hazards to the health of all animals being transported.

(b) The animal cargo space of all vehicles shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) Primary enclosures used to transport animals, such as compartments or transport cages, cartons or crates, shall be well-constructed and well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

1. Each animal in the vehicle has access to sufficient fresh air for normal breathing.

2. The opening of such enclosures are easily accessible at all times for emergency removal of the animals.

3. The animals are afforded adequate protection from the elements. The temperature within such enclosures shall not be allowed to exceed 85 degrees Fahrenheit or fall below 45 degrees Fahrenheit for a period of more than four hours, provided, however, that at no time may an animal be transported for longer than one hour at a temperature of more than 95 degrees Fahrenheit or less than 35 degrees Fahrenheit.

(d) Animals transported in the same primary enclosure shall be maintained in compatible groups, and any animal exhibiting a vicious disposition shall be transported individually in a primary enclosure. Further, any female animal shall not be transported in the same primary enclosure with any male animal unless otherwise requested by the owner.

(e) Primary enclosures used to transport animals shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect and to lie in a natural position.

(f) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(g) Primary enclosures used to transport animals shall be maintained in a clean and sanitary condition.

(h) It shall be the responsibility of the attendant or driver to inspect the animals to determine whether they need emergency veterinary care, and if so, to obtain such care from a doctor of veterinary medicine at the earliest opportunity.

### **8:23-3.12 Records and administration**

(a) Each person in charge of a kennel, pet shop, shelter or pound shall be responsible for compliance with these rules and regulations.

(b) There shall be kept at each kennel, pet shop, shelter or pound a record of all animals received and/or disposed of. Such record shall state the date each animal was received, description of animal, license number, breed, age

and sex; name and address of person from whom acquired; date killed and method, or name and address of person to whom sold or otherwise transferred.

(c) These records shall be kept at the premises for 12 months after the date the animal is killed or removed from the establishment and shall be available to any agent of the municipal government, the local board of health or the State Department of Health.

(d) Except as otherwise provided in this Section, no kennel, pet shop, shelter or pound shall, within one year from the making thereof, destroy or dispose of any books, records, documents or other papers required to be maintained under these rules and regulations.

(e) The records required to be maintained under these rules and regulations shall be held for such period in excess of the one year period specified in subsection (c) of this Section as may be required to comply with any Federal, State or local law. When the local board of health, or local regional health department, or the State Department of Health notifies a kennel, pet shop, shelter or pound in writing that specified records shall be retained pending completion of an investigation or proceeding, such facility shall hold such records until their disposition is authorized by the local or regional agency or the State Department of Health.

(f) A licensee shall promptly notify the licensing agency of any change in his name and address, or any change in his operations which may affect his status.

### **GENERAL INFORMATION CONCERNING RABIES**

Unleashed dogs off owner's premises and nuisances caused by actions, odors, or noises from dogs or kennels are matters within the jurisdiction of Local Boards of Health and municipal authorities. R.S. 40:48-1, 26:3-45, except when rabies is present and quarantine is ordered by State Department of Health. (R.S. 26:4-84)

### **The State Sanitary Code as revised and enacted by the Public Health Council of the State of New Jersey, June 22, 1953**

#### **CHAPTER III**

#### **Regulation 1 — Importation of dogs; certification requirements**

Dogs shall not be brought into this State excepting when in transit or for breeding, laboratory, or exhibition purposes unless accompanied by a health certificate issued by a licensed veterinarian of the state or nation of the dog's origin indicating that the dog is free from rabies and other communicable disease and has not recently been exposed to any such disease. This certificate shall also state the breed, sex, age, point of origin, point of destination, the name and post office address of the consignee or owner and the consignor or seller and if the dog has been vaccinated, the type and date of vaccination.

The owner or his authorized agent shall, upon arrival of the dog at its destination in this State, immediately forward

the above-mentioned certificate to the health officer or board of health of the municipality or district wherein the dog is located and that health officer or Board, upon review and notation thereof, shall forward the same to the State Department of Health. (R.S. 26:4, Article 7)

#### **Regulation 2 — Reporting of cases of rabies in animals**

It shall be the duty of all veterinarians or persons owning or having an interest in, or having in their possession or under their care or control, or having knowledge of any dog, cat, or other animal affected with rabies, or suspected of being affected with rabies, to forthwith notify the person designated by the board of health having jurisdiction over the place in which such animal is located, to receive such reports, by telephone, telegraph or in person, if practicable, and also in writing, signed by the person, making the same, which report shall state where such animal may be found and shall contain, if possible, a description of the animal, the location of the animal, and the name and address of the owner. (R.S. 26:4-78)

#### **Regulation 3 — Transportation of quarantined animals**

Animals confined by quarantine established by provisions of R.S. 26:2-84, as the result of the presence of rabies in any area within this State, shall not be transported from a quarantined area unless permission therefor shall be granted by the health officer of the municipality or district in this State into which such animal or animals are to be transported under conditions which may be prescribed by the Department. In the event the destination of a quarantined animal is beyond the boundaries of this State permission must be obtained from the State Department of Health.