

**CHAPTER 23A****ANIMAL FACILITY OPERATION; ANIMAL CONTROL OFFICER CERTIFICATION; PILOT SPAY/NEUTER CLINIC FEES****Authority**

N.J.S.A. 4:19-15.2A, 15.14 and 15.16A, and 4:19A-11.

**Source and Effective Date**

R.2000 d.122, effective March 20, 2000.  
See: 31 N.J.R. 3025(a), 32 N.J.R. 1053(a).

**Chapter Expiration Date**

Chapter 23A, Animal Facility Operation, Animal Control Officer Certification, Pilot Spay/Neuter Clinic Fees, was extended by gubernatorial directive from September 16, 2005 to September 15, 2006. See: 37 N.J.R. 4019(b).

**Chapter Historical Note**

Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was originally codified in N.J.A.C. 8:23 as Subchapter 3, Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds, Subchapter 5, Animal Control Officer Certification, and Subchapter 6, Pilot Low Cost Spaying and Neutering Clinic Surgery Fees. Subchapter 3 was filed and became effective prior to September 1, 1969. Subchapter 5 was adopted as R. 1984 d.575, effective December 17, 1984. See: 16 N.J.R. 2725(a), 16 N.J.R. 3432(b). Subchapter 6 was adopted as R.1993 d.568, effective November 15, 1993. See: 25 N.J.R. 3116(a), 25 N.J.R. 5148(b).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds, Subchapter 5, Animal Control Officer Certification, and Subchapter 6, Pilot Low Cost Spaying and Neutering Clinic Certification, were readopted by R.1995, d.24, effective December 13, 1994, and were recodified as N.J.A.C. 8:23A by R.1995 d.24, effective January 17, 1995. See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b). Pursuant to Executive Order No. 66(1978), Chapter 23A expired on December 13, 1999.

Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was adopted as new rules by R.2000 d.122, effective March 20, 2000. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 23A, Animal Facility Operation, Animal Control Officer Certification, Pilot Spay/Neuter Clinic Fees, expired September 16, 2005. See: 37 N.J.R. 1392(a).

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**SUBCHAPTER 1. SANITARY OPERATION OF KENNELS, PET SHOPS, SHELTERS AND POUNDS****8:23A-1.1 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Adult dog or cat” means a dog or cat over the age of seven months or which possesses a set of permanent teeth.

“Animal” means any animal subject to rabies or other diseases of dogs.

“Disinfection” is any process, chemical or physical, by means of which pathogenic agents or disease producing microbes are destroyed, but not necessarily resistant bacterial spores.

“Euthanasia” is the act of inducing painless death.

“Impervious surface” means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, which will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.

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

“Owner” when applied to the proprietorship of a dog means every person having a right of property in that dog and every person who has that dog in his or her keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, means every person

having a right of property in that animal and every person who has that animal in his or her keeping.

"Pet shop" means any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

"Pound" means any establishment of the confinement of dogs or other animals seized either under the provisions of N.J.S.A. 4:19-15.16 or otherwise.

"Potable water" means water suitable for human consumption.

"Primary enclosure" means any structure used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage or compartment.

"Shelter" means any establishment where dogs or other animals are received, housed and distributed.

New Rule, R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

### 8:23A-1.2 Compliance

(a) Kennels, pet shops, shelters and pounds shall comply with the provisions of these rules 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) A certificate of inspection, issued for the current licensing year by the local health authority indicating compliance with these rules, shall be prominently displayed at the facility in an area visible to the public. The telephone number of the inspecting local health authority shall be on the certificate.

(c) Any facility constructed or renovated after January 17, 1995 shall first undergo plan review and approval by the local health authority. This review shall be completed within 60 days by the local health authority.

(d) Facilities shall show evidence of satisfactory inspection on a yearly basis by local fire officials.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

### 8:23A-1.3 Facilities (general)

(a) Housing facilities for animals 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 adequate potable water shall be available. Facilities not receiving water

from a municipal water supply system shall test their water annually, or more frequently if required by any applicable standard, in order to be proven free of coliform bacteria. One copy of the water test results shall be kept on file and made available to the State or local health department at the time of facility inspection; another copy shall be sent to the local health department.

(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) Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be provided and operated as to control vermin infestation, odors and disease hazards. In facilities having no refrigeration in which to store carcasses, carcasses shall be removed from the premises within 12 hours, in ambient temperatures of 45 degrees Fahrenheit and above. Carcasses being stored on the premises shall be placed in tightly closed containers to prevent the entry of insects, vermin or other animals.

(e) Facilities, such as washroom, basins or sinks, shall be provided in the facility to maintain cleanliness among animal caretakers; hot and cold water, soap, and towels shall be provided. Toilet facilities shall be provided in the facility or nearby on the premises and shall be kept clean and in good repair.

(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 and the overgrowth of vegetation up to the property line or within 20 feet of the facility. Insects, ectoparasites, and avian and mammalian pests shall be controlled effectively.

Amended by R.1995 d.24, effective January 17, 1995.  
See: 26 N.J.R. 4129(a), 27 N.J.R. 343(b).

### 8:23A-1.4 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 the supervising veterinarian certifies are acclimated to the climatic conditions in New Jersey.

(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. Adequate heat shall mean enough heat necessary to prevent physical damage to an animal from hypothermia. The animals' age, physical condition and hair coat shall be taken into consideration. The temperature at the height level of the animals shall not be allowed to fall below 55 degrees Fahrenheit in any indoor primary enclosures where animals are housed.