

**CHAPTER 23A****ANIMAL FACILITY OPERATION; ANIMAL CONTROL OFFICER AND ANIMAL CRUELTY INVESTIGATOR CERTIFICATION; PILOT SPAYING AND NEUTERING CLINIC FEES; AND RABIES INOCULATION****Authority**

N.J.S.A. 4:19-15.1 et seq., particularly 15.2a, 15.14, and 15.16a; and 4:19A-1 et seq., particularly 4:19A-2, 8 and 11.

**Source and Effective Date**

R.2007 d.98, effective March 13, 2007.  
See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

**Chapter Expiration Date**

Chapter 23A, Animal Facility Operation; Animal Control Officer and Animal Cruelty Investigator Certification; Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation, expires on March 13, 2012.

**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: 31 N.J.R. 3025(a), 32 N.J.R. 1053(a).

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, was extended to September 16, 2005. See: 37 N.J.R. 1392(a).

In accordance with N.J.S.A. 52:14B-5.1d, 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 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees, was readopted as R.2007 d.98, effective March 13, 2007. As a part of R.2007 d.98, Chapter 23A, Animal Facility Operation; Animal Control Officer Certification; Pilot Spay/Neuter Clinic Fees was renamed Animal Facility Operation; Animal Control Officer and Animal Cruelty Investigator Certification; Pilot Spaying and Neutering Clinic Fees; and Rabies Inoculation, and Subchapter 5, Penalty for Violation, was adopted as new rules, effective April 16, 2007. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. SANITARY OPERATION OF KENNELS, PET SHOPS, SHELTERS AND POUNDS**

- 8:23A-1.1 Definitions
- 8:23A-1.2 Compliance
- 8:23A-1.3 Facilities (general)
- 8:23A-1.4 Facilities (indoor)
- 8:23A-1.5 Facilities (outdoor)
- 8:23A-1.6 Primary enclosures
- 8:23A-1.7 Feeding and watering
- 8:23A-1.8 Sanitation
- 8:23A-1.9 Disease control
- 8:23A-1.10 Holding and receiving of animals
- 8:23A-1.11 Euthanasia
- 8:23A-1.12 Transportation
- 8:23A-1.13 Records and administration

**SUBCHAPTER 2. ANIMAL CONTROL OFFICER AND ANIMAL CRUELTY INVESTIGATOR CERTIFICATION**

- 8:23A-2.1 Definitions
- 8:23A-2.2 Animal Control Officer course of study
- 8:23A-2.3 Course approval
- 8:23A-2.4 Animal Control Officer certification
- 8:23A-2.5 Mandatory compliance
- 8:23A-2.6 Animal Cruelty Investigator course of study; admission preferences
- 8:23A-2.7 Animal Cruelty Investigator course approval
- 8:23A-2.8 Animal Cruelty Investigator certification

**SUBCHAPTER 3. PILOT LOW COST SPAYING AND NEUTERING CLINIC SURGERY FEES**

- 8:23A-3.1 Fees
- 8:23A-3.2 Immunizations included in fees

**SUBCHAPTER 4. RABIES INOCULATION**

- 8:23A-4.1 Requirements for licensure
- 8:23A-4.2 Recognized durations of immunity
- 8:23A-4.3 Certification of exemption

**SUBCHAPTER 5. PENALTY FOR VIOLATION**

- 8:23A-5.1 Violation; penalty

**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.

“Boarding” is the act of providing food and shelter to dogs, regardless of whether it involves an overnight stay, for a fee, at the request of the owner or caretaker.

“Department” means the Department of Health and Senior Services.

“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.

“Facility” means any kennel, pet shop, shelter or pound subject to N.J.S.A. 4:19-15.1 et seq. and this chapter.

“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.

“Infectious and Zoonotic Disease Program” or “IZDP” means the Infectious and Zoonotic Disease Program of the Communicable Disease Service of the Division of Epidemiology, Environmental and Occupational Health in the Public Health Protection and Emergency Preparedness Branch of the Department of Health and Senior Services. The mailing address of the IZDP is PO Box 369, Trenton, NJ 08625-0369.

“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.

“Potable water” means water suitable for human consumption.

“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.

“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).  
Amended by R.2007 d.98, effective April 16, 2007.  
See: 38 N.J.R. 4606(a), 39 N.J.R. 1474(a).

In introductory sentence, substituted a colon for a period at the end; and added definitions “Boarding”, “Department”, “Facility” and “Infectious and Zoonotic Disease Program”.

### 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