

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

In accordance with N.J.S.A. 52:14B-5.1b, 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, 2014. See: 43 N.J.R. 1203(a).

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 as 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, the expiration date of 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, the expiration date of 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.

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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.

“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

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.

(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. Windows and doors used for ventilation (except for guillotine doors) shall be screened to control the entrance of insects.

(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, including natural sunlight.

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

(g) A suitable method shall be provided to eliminate excess water from indoor housing facilities. Drains, when used, shall be properly constructed and kept in good repair to avoid foul odors and back-up therefrom. Facilities which are not connected to a municipal sewerage system shall have a system for the disposal of animal excrement that meets all applicable standards.

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-1.5 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) Whenever animals are kept outdoors, they shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) In kennels where animals are housed exclusively outdoors, adequate shelter from the weather shall be provided at all times. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the atmospheric temperature falls below 40 degrees Fahrenheit. Each shelter shall be provided with a windbreak at its entrance.

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

(e) Surfaces of outdoor enclosures of pet shops, shelters, pounds and boarding kennels shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned and disinfected; run off from outdoor enclosures shall be disposed of, in accordance with N.J.A.C. 8:23A-1.4(g).

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-1.6 Primary enclosures

(a) 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;
6. Provide sufficient space for each animal to turn about freely and to stand, sit and lie in a comfortable normal position; and
7. Have no sharp points or edges accessible to the animals that could cause injury.

(b) 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.

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

1. Females shall not be housed in the same primary enclosure with sexually intact 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; and
4. Animals of different species shall not be housed in the same primary enclosures.

(d) Animals shall not be placed in empty primary enclosures previously inhabited by other animals unless the enclosure has first been cleaned and disinfected.

(e) Animals showing signs of contagious illness shall be removed from rooms and enclosures containing healthy animals and housed in a separate isolation room, in accordance with N.J.A.C. 8:23A-1.9(b) through (f).

(f) The floors of primary enclosures shall be constructed so as to protect the animals' feet and legs from injury. Enclosures may have grid-type flooring, provided that the grid material is of adequate gauge to prevent sagging under the weight of the animals and that the mesh is small enough to prevent their feet from passing through or to cause cutting injuries to the foot pads.

(g) Each adult cat housed in a primary enclosure for longer than 15 days shall be provided a minimum of seven cubic feet of cage space. A receptacle containing sufficient litter shall be provided to contain excreta.

(h) Adult dogs confined in cages of less than double the minimum standard size as stated in (c) above shall be exercised in runs at least twice a day or walked on a leash for at least 20 minutes per day.

(i) Suspect rabid animals shall be held in caging that is impermeable to the dissemination of saliva to animals housed on either side of it, with a warning sign prominently posted on the enclosure.

(j) Animals shall not be tied to fences or cages in lieu of being housed in primary enclosures.

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-1.7 Feeding and watering

(a) Animals shall be fed at least once each day except as otherwise might be required to provide adequate care. Food from the previous day shall be discarded and fresh food supplied daily except when self-feeders are used, as described in (g) below.

(b) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritional 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; those animals under three months of age shall be fed three times daily; those three to six months of age shall be fed twice daily.

(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, cleaned and disinfected daily.

(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) Potable water must be accessible to animals at all times unless contraindicated by the supervising veterinarian. Receptacles for such purposes shall be cleaned daily.

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-1.8 Sanitation

(a) Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to control disease hazards and odors. When 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