GUIDE TO PREVENTION OF ANIMAL CRUELTY LAWS

Amendments to the Prevention of Cruelty to Animals Act (hereinafter "the Act"), N.J.S.A. 4:22-17 et seq., were recently signed into law. The new legal requirements set forth in the Act apply to any individual who owns or has custody or control (hereinafter "caretaker") of a dog, service animal or an animal that is a pet.

To ensure all dog, pet and service animal owners and caretakers have a basic understanding of these newly enacted legal requirements, a brief, general description of the requirements and prohibitions and a guide to compliance is provided below. The description below also includes a short synopsis of prohibited acts that apply to animals in general, which is provided to ensure that the general public is aware of these restrictions. This brief overview is intended to be a helpful guideline and is not intended to be a substitute for reading the law in its entirety.

Unlawful Treatment of Animals

It is unlawful to expose a dog, pet, or service animal to harsh weather conditions, such as freezing temperatures (32 degrees Fahrenheit or below), excessive heat (90 degrees Fahrenheit or above), rain or snow, for more than thirty minutes when the owner or caretaker of the animal is not with the animal and exposed to same conditions. An owner or caretaker who violates this requirement could be subject to a fine, imprisonment, community service, ordered to pay restitution, and/or possibly have his or her animal seized.

To avoid a violation of this section of the Act, an owner or caretaker must provide his/her animal with appropriate shelter if the animal will be out in harsh weather for longer than thirty minutes. A proper shelter is a structure that is soundly built, in good repair and provides the animal with adequate ventilation, water, light, and space to move and sit. In addition to these standard requirements, the shelter must also be enclosed, have a solid roof, solid walls with a single opening, a floor that is not the ground, insulation, dry bedding, and a windbreak at the entrance that is sufficient to keep the animal dry and maintain the animal's normal body temperature when the animal is exposed to freezing temperatures and/or inclement weather. When the animal is exposed to excessive heat, the structure must also have adequate shade or a cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.

See N.J.S.A. 4:22-17.2 and 17.5.

Evacuation Orders

When State or local officials issue an order of evacuation due to emergency conditions, the owner or caretaker of a dog, pet or service animal must make every effort to evacuate with the animal. An owner or caretaker who violates this requirement could be subject to a fine, imprisonment, community service, ordered to pay restitution, and/or possibly have his or her animal seized.

To avoid this violation, the owner or caretaker must make reasonable efforts to evacuate with his or her animal. If it is not possible to evacuate with the animal, the owner or caretaker should (1) deliver the animal to a safe area not impacted by the emergency, or (2) secure the animal in an indoor area that is clear of hazards and is as protective of the dog, pet, or service animal as possible under the circumstances and alert local emergency responders to the animal's location.

See N.J.S.A. 4:22-17.2

Cruelly Restraining a Dog

It is unlawful for any person to cruelly restrain a dog. An owner or caretaker who violates this requirement could be subject to a fine, imprisonment, community service, ordered to pay restitution, and/or possibly have his or her animal seized.

To avoid a violation, an owner or caretaker cannot tether:

(1) a nursing female dog or a dog less than four months old;

(2) a dog that is outdoors between the hours of 11 p.m. and 5 a.m.;

(3) a dog in an unoccupied building or in a vacant property;

(4) a dog in a manner that does not permit the dog continuous access to water;

(5) a dog in a manner that exposes the dog to harsh weather conditions, including, but not limited to, freezing temperatures, excessive heat, rain or snow, for more than 30 minutes;

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

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

(8) a dog with another dog;

(9) a dog with a tether that is less than 15 feet in length or does not permit the dog to walk at least 15 feet in any one direction, except when the dog is indoors with its owner or caretaker; or

(10) a dog with a tether that permits the dog to reach another dog or an object or location that poses a risk of entanglement, strangulation, drowning, or other harm to the health or safety of the dog.

Please note that paragraphs 2, 9, and 10 above shall not apply if the dog's owner or caretaker is in the presence of the dog and can see the dog at all times while the dog is tethered.

Additionally, enforcement of paragraph 2 will begin in February 2019.

See N.J.S.A. 4:22-17.3.

Unlawful Confinement

The Act prohibits an owner or caretaker of a dog, pet or service animal from confining the animal in any structure, room, area, or container that is not a proper shelter. An owner or caretaker who violates this requirement could be subject to a fine, imprisonment, community service, ordered to pay restitution, and/or possibly have his or her animal seized.

To avoid a violation of this requirement, an owner or caretaker must provide his or her animal with a shelter that is soundly built, in good repair and provides the animal with adequate ventilation, water, light, and space to move and sit.

Proper shelter does not include a crawl space under a building, such as under steps, a deck, or a stoop, or space under a vehicle. Proper shelter also does not include the inside of a vehicle for a length of time that a person should reasonably know poses an adverse risk to the health or safety of the animal. Additionally, a proper shelter cannot be made from pressure treated wood containing the chemicals arsenic or chromium, have a floor consisting of wire or chain-link, have openings that a paw, hoof or foot of an animal can pass through, or be made of cardboard or other materials that are easily degraded by the elements.

Please note that a person may confine a dog, pet or service animal temporarily in an animal carrier or crate for the purpose of transporting, exhibiting or training the animal so long as the animal is inside the vehicle when being transported, the animal can easily turn around in a full circle and lie down in the carrier or crate, and the top of the animal's head does not touch the ceiling of the crate or carrier.

See N.J.S.A. 4:22-17.4 and 17.5.

Prohibited Acts

It is unlawful to:

- directly or indirectly abuse, torment, overwork, torture, maim, poison, cause serious bodily injury or the death of a living animal or creature;
- fail to provide the living animal or creature in one's custody with necessary care;
- receive or sell a horse that is suffering from abuse or neglect or that cannot be ridden or worked due to a disability or disease;
- arrange, witness, gamble on or assist with animal fighting or baiting;
- carry an animal or leave an animal unattended in a vehicle under inhumane conditions adverse to the health of the animal;
- own, operate, manage or conduct a roadside stand or market that is along a public street or highway or a shopping mall and confine an animal or allow an animal to roam for exhibit purposes*;
- keep or exhibit a wild animal at a roadside stand or market that is along a public street or highway, a gas station or shopping mall;
- sell or give away live baby chicks, ducklings, rabbits, turtles or chameleons that have been dyed or that are under two months old;

- own, possess, keep, train, promote, purchase, or sell an animal for fighting or baiting purposes
- sell dog, cat or horse meat or the fur of a dog or cat (unless the fur is from a groomer or veterinary office or for scientific research);
- surgically debark a dog;
- use a live pigeon, fowl, or other bird for the purpose of a target or to be shot, except in the shooting of game;
- use a dog for drawing a vehicle for business purposes;
- abandon a domesticated animal or abandon a sick or disabled animal to die in a public place;
- confine an animal without providing the animal with food and water or fail to provide an animal with necessary care;
- sell an animal with a contagious or infectious disease;
- use an animal, reptile or bird for purposes of solicitation**; or
- artificially mark sheep or cattle.

A person who violates this statute is subject to a fine ranging from $250 to $5000. To avoid a fine, individuals should not engage in the above-listed prohibited acts.

* This section does not apply to pet shops, individuals who keep these animals for protection of the premises, breeder associations, 4-H clubs, educational agricultural programs, equestrian teams, or charitable organizations conducting exhibits.

** This section does not apply to exhibits conducted by 4-H clubs or breeder associations.

See N.J.S.A. 4:22-26.