

# SENATE, No. 1013

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Senators Addiego, Bateman, Kyrillos, A.R.Bucco and Greenstein**

**SYNOPSIS**

Regulates tethering and confinement of, and proper shelter for, dogs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/15/2016)**

1 AN ACT concerning the tethering and confinement of, and proper  
2 shelter for, dogs, supplementing Title 4 of the Revised Statutes,  
3 and amending R.S.4:22-26.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) As used in this act:

9 “Adverse weather conditions” means (1) when the outdoor  
10 ambient temperature is 32 degrees Fahrenheit or below, or there are  
11 other outdoor environmental conditions, including, but not limited  
12 to, wind, rain, snow, ice, sleet, hail, or cold, that a person should  
13 reasonably know would pose an adverse risk to the health or safety  
14 of a dog, based on the dog’s size, age, physical condition, or  
15 thickness of the dog’s hair or fur; or (2) when the outdoor ambient  
16 temperature is 90 degrees Fahrenheit or above, or a dog is exposed  
17 to direct sunlight, hot pavement, or heat, that a person should  
18 reasonably know would pose an adverse risk to the health or safety  
19 of a dog, based on the dog’s size, age, physical condition, or  
20 thickness of the dog’s hair or fur.

21 “Animal rescue organization facility” means the same as that  
22 term is defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

23 “Kennel” means the same as that term is defined in section 1 of  
24 P.L.1941, c.151 (C.4:19-15.1).

25 “Pet shop” ” means the same as that term is defined in section 1  
26 of P.L.1941, c.151 (C.4:19-15.1).

27 “Pound” ” means the same as that term is defined in section 1 of  
28 P.L.1941, c.151 (C.4:19-15.1).

29 “Proper shelter” means a structure or other type of protection  
30 that conforms with the standards and requirements set forth in  
31 section 6 of this act. “Shelter” means the same as that term is  
32 defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

33 “Tether” means to fasten a dog with a cable, chain, rope, or other  
34 similar object to a stationary object, or to a device that is mobile  
35 including, but not limited to, a trolley or pulley, in order to restrict  
36 the dog’s movement. “Tether” also means the cable, chain, rope, or  
37 other similar object used to fasten a dog, as applicable.

38  
39 2. (New section) a. (1) A person tethering a dog, whether  
40 indoors or outdoors, shall:

41 (a) attach the tether to a buckle collar that has a metal or plastic  
42 buckle and that is properly sized and fitted for the restraint and  
43 comfort of the tethered dog;

44 (b) use only a tether that is a plastic-coated or vinyl-coated wire  
45 cable or a chain with metal chain links that are no more than one-  
46 quarter of an inch thick;

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

- 1 (c) use a tether that is at least 12 feet in length and permits the  
2 dog to walk at least 12 feet in any direction;
- 3 (d) use a tether with swivels on both ends of the tether to  
4 prevent twisting and tangling of the tether;
- 5 (e) restrain only one dog per tether;
- 6 (f) when tethering more than one dog, tether the dogs a  
7 sufficient distance apart so that no dog can reach another dog or its  
8 tether, or become entangled in another dog's tether;
- 9 (g) ensure that the dog cannot reach any window sill, fence,  
10 wall, porch or terrace railing, vehicle, tree, pole, pool, public road  
11 or highway, or other object or location that poses a risk of  
12 entanglement, strangulation, drowning, or other harm to the health  
13 or safety of the dog; and
- 14 (h) provide the dog with continuous access to water in a sanitary  
15 and liquid state whenever the dog is tethered for more than 30  
16 minutes.
- 17 (2) Subparagraph (c) of paragraph (1) of this subsection shall  
18 not apply if the person tethering the dog or the owner or other  
19 person with custody or control of a tethered dog is, at all times  
20 while the dog is tethered, outdoors on the property where the dog is  
21 tethered.
- 22 (3) Subparagraphs (d), (f), and (g) of paragraph (1) of this  
23 subsection shall not apply if the person tethering the dog, or the  
24 owner or other person with custody or control of the dog, is in the  
25 immediate presence of the dog.
- 26 b. The owner or other person with custody or control of a dog  
27 shall also be liable for a violation of subsection a. of this section if  
28 the dog is tethered by another person in violation of subsection a. of  
29 this section on any property of the owner or other person with  
30 custody or control of the dog or on which the owner or other person  
31 with custody or control of the dog resides.
- 32
- 33 3. (New section) a. It shall be unlawful for any person to  
34 tether a dog:
- 35 (1) whether indoors or outdoors, by means of a halter or harness  
36 that fits on the dog's head or body, or with a tether or collar to  
37 which a weight is attached; or
- 38 (2) outdoors between the hours of 11 p.m. and 6 a.m., or under  
39 adverse weather conditions for more than 30 minutes.
- 40 b. Paragraph (2) of subsection a. of this section shall not apply  
41 if the person tethering the dog or owner or other person with  
42 custody or control of a tethered dog is, at all times while the dog is  
43 tethered, outdoors on the property where the dog is tethered.
- 44 c. The owner or other person with custody or control of a dog  
45 shall also be liable for a violation of subsection a. of this section if  
46 the dog is tethered by another person in violation of subsection a. of  
47 this section on any property of the owner or other person with

1 custody or control of the dog or on which the owner or person with  
2 custody or control of the dog resides.

3

4 4. (New section) a. Whenever a dog is outdoors for more than  
5 30 minutes under adverse weather conditions, the owner or other  
6 person with custody or control of the dog shall provide proper  
7 shelter for the dog, as set forth in section 6 of this act, and  
8 continuous access to that proper shelter.

9 b. Subsection a. of this section shall not apply if the owner or  
10 other person with custody or control of the dog is at all times  
11 outdoors on the property where the dog is located.

12

13 5. (New section) a. It shall be unlawful to confine a dog in:

14 (1) violation of section 4 of this act; or

15 (2) any structure, room, area, or container that does not comply  
16 with the standards and requirements of proper shelter as set forth in  
17 section 6 of this act, except as provided in subsection c. of this  
18 section.

19 b. A person may confine a dog in an area or space of less than  
20 100 square feet for up to 10 consecutive hours. After 10  
21 consecutive hours of confinement, a person shall not continue to  
22 confine the dog, or confine the dog again, until:

23 (1) the dog is provided at least two hours of continuous access  
24 to at least 100 square feet of space in which the dog can  
25 comfortably walk; and

26 (2) if more than one dog is confined, each additional dog is  
27 provided at least two hours of continuous access to at least 50  
28 square feet of additional space in which the dog can comfortably  
29 walk.

30 c. Notwithstanding the requirements of subparagraph (e) of  
31 paragraph (1) of subsection a. of section 6 of this act, a person may  
32 confine a dog temporarily in an animal carrier or crate for the  
33 purpose of transport, provided that the dog's head cannot touch the  
34 ceiling of the animal carrier or crate when the dog is in a normal  
35 sitting or standing position in the animal carrier or crate.

36 d. The owner or other person with custody or control of a dog  
37 shall also be liable for a violation of subsection a. or b. of this  
38 section if the dog is confined by another person in violation of  
39 subsection a. or b. of this section on any property of the owner or  
40 other person with custody or control of the dog or on which the  
41 owner or other person resides.

42 e. Subsections a. and b. of this section shall not apply to:

43 (1) a facility maintained and used in connection with the  
44 practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or

45 (2) a kennel, pet shop, shelter, or pound subject to the rules and  
46 regulations adopted pursuant to section 14 of P.L.1941, c.151  
47 (C.4:19-15.14) pertaining to the sanitary operation of kennels, pet  
48 shops, shelters, and pounds.

1       6. (New section) a. Proper shelter for a dog shall be a  
2 structure or other type of protection that meets, at a minimum, the  
3 following standards and requirements:

4       (1) It provides the dog at all times with (a) adequate ventilation  
5 to allow the dog to remain dry and maintain a normal body  
6 temperature, (b) access to water in a sanitary and liquid state, (c)  
7 exposure to natural or artificial light according to a regular cycle of  
8 day and night, (d) sufficient space so that the dog can easily turn  
9 around in a full circle and lie down on its side with limbs  
10 outstretched, and (e) at least three inches of empty space above the  
11 dog's head when the dog is in a normal sitting or standing position  
12 in the proper shelter;

13       (2) It is maintained in a manner to minimize the accumulation of  
14 any waste, other debris, precipitation, or other moisture inside,  
15 surrounding, and underneath any area or structure providing proper  
16 shelter;

17       (3) It is soundly constructed to prevent the sagging or collapse  
18 of any part of the structure or protection, and is maintained in good  
19 repair with no exposed sharp points or edges;

20       (4) It remains in an upright position at all times;

21       (5) In the event of adverse weather conditions as set forth in  
22 paragraph (1) of the definition of that term in section 1 of this act, it  
23 is an enclosed structure that has (a) a roof, walls, and a floor that is  
24 not the ground, (b) adequate insulation and dry bedding to allow the  
25 dog to remain dry and maintain a normal body temperature, and (c)  
26 a windbreak; and

27       (6) In the event of adverse weather conditions as set forth in  
28 paragraph (2) of the definition of that term in section 1 of this act, it  
29 provides the dog with adequate shade by natural or artificial means  
30 to allow the dog to maintain a normal body temperature.

31       b. Any part of the residence of the owner or other person with  
32 custody or control of the dog shall be proper shelter for the dog  
33 provided that the part of the residence, and the use thereof, are in  
34 compliance with the requirements for proper shelter set forth in this  
35 section and the requirements concerning confinement set forth in  
36 section 5 of this act.

37       c. Proper shelter for a dog shall not include:

38       (1) a crawl space under a building or a part of a building, such  
39 as under steps, a deck, or a stoop;

40       (2) the space under a vehicle;

41       (3) the inside of a vehicle if the dog is kept in the vehicle in a  
42 manner or for a length of time that a person should reasonably know  
43 poses an adverse risk to the dog's health or safety; or

44       (4) any structure or protection (a) made from pressure-treated  
45 wood, (b) with a floor consisting of wire or chain-link or having  
46 openings through which a dog's paw can pass, or (c) that is located  
47 outdoors and is made from cardboard or other materials that are  
48 easily degraded by the elements.

1       7. (New section) The Department of Health shall provide to  
2 each municipality in writing a copy of this act and paragraph (6) of  
3 subsection a. of R.S.4:22-26, a plain language description of the  
4 provisions and requirements thereof, and a plain language  
5 description of how to comply with those provisions and  
6 requirements. Each municipality shall provide a copy of this act and  
7 paragraph (6) of subsection a. of R.S.4:22-26 and the plain language  
8 descriptions required pursuant to this section to each person  
9 obtaining a license for a dog at the time of licensing, along with any  
10 other information deemed relevant by the municipality.

11  
12       8. (New section) a. Notwithstanding the provisions of any  
13 other law, or rule or regulation adopted pursuant thereto, to the  
14 contrary, upon a showing of probable cause that a dog is tethered,  
15 confined, or not provided with proper shelter in violation of this act  
16 or paragraph (6) of subsection a. of R.S.4:22-26, a court of  
17 competent jurisdiction shall issue a warrant to any humane law  
18 enforcement officer or agent of the New Jersey Society for the  
19 Prevention of Cruelty to Animals or county society for the  
20 prevention of cruelty to animals, certified animal control officer, or  
21 other State or local law enforcement officer to enter onto the private  
22 property where the dog is located and take physical custody of the  
23 dog.

24       b. Notwithstanding the provisions of any other law, or rule or  
25 regulation adopted pursuant thereto, to the contrary, any humane  
26 law enforcement officer or agent of the New Jersey Society for the  
27 Prevention of Cruelty to Animals or county society for the  
28 prevention of cruelty to animals, certified animal control officer, or  
29 other State or local law enforcement officer may immediately enter  
30 onto the private property where a dog is located and take physical  
31 custody of the dog, if the officer or agent has probable cause to  
32 believe that the dog is at risk of imminent harm due to a violation of  
33 this act or paragraph (6) of subsection a. of R.S.4:22-26.

34       c. Upon taking physical custody of a dog pursuant to  
35 subsection a. or b. of this section, the person taking physical  
36 custody of the dog shall: (1) post immediately, in a conspicuous  
37 place at the location where the dog was taken, the notice required  
38 pursuant to subsection d. of this section to the dog's owner or to the  
39 person with custody or control of the dog; and (2) send by  
40 registered, certified, or ordinary mail the notice described in  
41 paragraph (1) of this subsection to the address of the location where  
42 the dog was taken into physical custody.

43       d. The notice required pursuant to subsection c. of this section  
44 shall: (1) provide a description of the dog; (2) state that the dog may  
45 be euthanized upon a veterinarian's written determination of  
46 medical necessity as required by subsection e. of this section; (3)  
47 the statutory authority and reason for taking custody of the dog; and  
48 (4) contact information, including at least the name of any

1 applicable office or entity, the name of a person at that office or  
2 entity, and a telephone number for the dog's owner or the person  
3 with custody or control of the dog to obtain information concerning  
4 the dog, the alleged violation, and where the dog has been  
5 impounded.

6 e. A dog taken into physical custody pursuant to subsection a.  
7 or b. of this section shall be placed in an animal rescue organization  
8 facility, shelter, pound, or kennel operating as a shelter or pound to  
9 ensure the humane care and treatment of the dog. If, after the dog  
10 has been taken into physical custody, a licensed veterinarian makes  
11 a written determination that the dog is in intractable and extreme  
12 pain and beyond any reasonable hope of recovery with reasonable  
13 veterinary medical treatment, the dog may be euthanized.

14 f. As soon as practicable after taking physical custody of a  
15 dog, the person taking custody shall issue, or have issued, a  
16 summons to the alleged violator. If the alleged violator is not the  
17 owner of the dog, the person issuing the summons shall also notify  
18 the owner of the dog of the violation and provide the owner with a  
19 copy of the issued summons.

20 Any summons issued for a violation of this act or paragraph (6)  
21 of subsection a. of R.S.4:22-26 shall contain:

- 22 (1) a description of the violation and statutory authority;
- 23 (2) the penalty for the violation;
- 24 (3) contact information identifying at a minimum (a) the name  
25 of the investigating agency or office; (b) the name of the officer or  
26 agent issuing the summons or investigating the alleged violation;  
27 and (c) a telephone number for the investigating agency or office  
28 and the investigating officer or agent;
- 29 (4) notice of the right to voluntarily forfeit ownership or custody  
30 of the dog;
- 31 (5) the action or actions required for compliance; and
- 32 (6) a written demand for immediate compliance.

33 g. Any humane law enforcement officer or agent of the New  
34 Jersey Society for the Prevention of Cruelty to Animals or county  
35 society for the prevention of cruelty to animals, certified animal  
36 control officer, or other State or local law enforcement officer may  
37 petition a court of competent jurisdiction to have a dog confiscated,  
38 if not previously seized, and forfeited upon the conviction of a  
39 person for tethering the dog, confining the dog, or failing to provide  
40 the dog with proper shelter in violation of this act or paragraph (6)  
41 of subsection a. of R.S.4:22-26. Upon a finding that continued  
42 possession of the dog by the dog's owner or custodian poses a  
43 threat to the dog's health or safety, the court shall order that the dog  
44 be forfeited, placed in an animal rescue organization facility,  
45 shelter, pound, or kennel operating as a shelter or pound, and made  
46 available for adoption.

47 h. A person found guilty of violating any provision of this act  
48 or paragraph (6) of subsection a. of R.S.4:22-26 shall be responsible

1 for, and pay, the reasonable costs of caring for the dog from the  
2 date on which physical custody of the dog was taken pursuant to  
3 this section until the date the dog is surrendered, forfeited, returned,  
4 or euthanized, including, but not limited to, the cost of transporting,  
5 sheltering, and feeding the dog, the cost of providing the dog with  
6 necessary veterinary care, and if the dog is euthanized, the cost of  
7 the euthanasia.

8  
9 9. (New section) a. In addition to any penalties which may  
10 apply under Title 2C of the New Jersey Statutes or chapter 19 or 22  
11 of Title 4 of the Revised Statutes, any person who violates this act  
12 shall be guilty of a petty disorderly persons offense and:

13 (1) for a first offense, at the discretion of the court, shall be  
14 fined \$100, or be imprisoned for a term of not more than 30 days, or  
15 both; and

16 (2) for a second offense, at the discretion of the court, shall be  
17 fined \$200, or be imprisoned for a term of not more than 30 days, or  
18 both.

19 For a third or subsequent offense, the person shall be guilty of a  
20 disorderly persons offense and, at the discretion of the court, shall  
21 be fined not less than \$250 nor more than \$500, or be imprisoned  
22 for a term of not more than three months, or both.

23 b. Beginning 72 hours after receipt of a summons and notice of  
24 violation, each day that the owner or other person with custody or  
25 control of the dog is still in possession of the dog and fails to  
26 comply with the requirements of this act or paragraph (6) of  
27 subsection a. of R.S.4:22-26 shall constitute a separate offense by  
28 the owner or custodian.

29 c. The court may, in its discretion, reduce the amount of any  
30 fine imposed for a violation of this act or paragraph (6) of  
31 subsection a. of R.S.4:22-26 by the amount the owner or other  
32 person with custody or control of the dog spends on bringing the  
33 dog's outdoor shelter into compliance with this act and paragraph  
34 (6) of subsection a. of R.S.4:22-26. The owner or other person with  
35 custody or control of the dog, as applicable, shall provide  
36 documentation of the costs in a form prescribed by the court.

37  
38 10. (New section) No provision of this act shall be construed to  
39 limit any protection afforded to any dog under Title 2C of the New  
40 Jersey Statutes, chapter 19 or 22 of Title 4 of the Revised Statutes,  
41 or any other State law, or rule or regulation adopted pursuant  
42 thereto, or any local ordinance, resolution, or regulation.

43  
44 11. R.S.4:22-26 is amended to read as follows:

45 4:22-26. A person who shall:

46 a. (1) Overdrive, overload, drive when overloaded, overwork,  
47 abuse, or needlessly kill a living animal or creature, or cause or  
48 procure, by any direct or indirect means, including but not limited



1 to through the use of another living animal or creature, any such  
2 acts to be done;

3 (2) Torment, torture, maim, hang, poison, unnecessarily or  
4 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
5 creature, or cause or procure, by any direct or indirect means,  
6 including but not limited to through the use of another living animal  
7 or creature, any such acts to be done;

8 (3) Cause the death of, or serious bodily injury to, a living  
9 animal or creature from commission of any act described in  
10 paragraph (2), (4), or (5) **], or (6)]** of this subsection, by any direct  
11 or indirect means, including but not limited to through the use of  
12 another living animal or creature, or otherwise cause or procure any  
13 such acts to be done;

14 (4) Fail, as the owner or a person otherwise charged with the  
15 care of a living animal or creature, to provide the living animal or  
16 creature with necessary care, or otherwise cause or procure such an  
17 act to be done; **[or]**

18 (5) Cause bodily injury to a living animal or creature from  
19 commission of the act described in paragraph (4) of this subsection;  
20 or

21 (6) Improperly tether a dog, confine a dog, or fail to provide  
22 proper shelter for a dog, as described in P.L. , c. (C. )  
23 (pending before the Legislature as this bill);

24 b. (Deleted by amendment, P.L.2003, c.232)

25 c. Inflict unnecessary cruelty upon a living animal or creature,  
26 by any direct or indirect means, including but not limited to through  
27 the use of another living animal or creature; or leave the living  
28 animal or creature unattended in a vehicle under inhumane  
29 conditions adverse to the health or welfare of the living animal or  
30 creature;

31 d. Receive or offer for sale a horse that is suffering from abuse  
32 or neglect, or which by reason of disability, disease, abuse or  
33 lameness, or any other cause, could not be worked, ridden or  
34 otherwise used for show, exhibition or recreational purposes, or  
35 kept as a domestic pet without violating the provisions of this  
36 article;

37 e. Keep, use, be connected with or interested in the  
38 management of, or receive money or other consideration for the  
39 admission of a person to, a place kept or used for the purpose of  
40 fighting or baiting a living animal or creature;

41 f. Be present and witness, pay admission to, encourage, aid or  
42 assist in an activity enumerated in subsection e. of this section;

43 g. Permit or suffer a place owned or controlled by him to be  
44 used as provided in subsection e. of this section;

45 h. Carry, or cause to be carried, a living animal or creature in  
46 or upon a vehicle or otherwise, in a cruel or inhumane manner;

47 i. Use a dog or dogs for the purpose of drawing or helping to  
48 draw a vehicle for business purposes;

- 1       j. Impound or confine or cause to be impounded or confined in  
2 a pound or other place a living animal or creature, and shall fail to  
3 supply the living animal or creature during such confinement with a  
4 sufficient quantity of good and wholesome food and water;
- 5       k. Abandon a maimed, sick, infirm or disabled animal or  
6 creature to die in a public place;
- 7       l. Willfully sell, or offer to sell, use, expose, or cause or permit  
8 to be sold or offered for sale, used or exposed, a horse or other  
9 animal having the disease known as glanders or farcy, or other  
10 contagious or infectious disease dangerous to the health or life of  
11 human beings or animals, or who shall, when any such disease is  
12 beyond recovery, refuse, upon demand, to deprive the animal of  
13 life;
- 14       m. Own, operate, manage or conduct a roadside stand or market  
15 for the sale of merchandise along a public street or highway; or a  
16 shopping mall, or a part of the premises thereof; and keep a living  
17 animal or creature confined, or allowed to roam in an area whether  
18 or not the area is enclosed, on these premises as an exhibit; except  
19 that this subsection shall not be applicable to: a pet shop licensed  
20 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
21 keeps an animal, in a humane manner, for the purpose of the  
22 protection of the premises; or a recognized breeders' association, a  
23 4-H club, an educational agricultural program, an equestrian team, a  
24 humane society or other similar charitable or nonprofit organization  
25 conducting an exhibition, show or performance;
- 26       n. Keep or exhibit a wild animal at a roadside stand or market  
27 located along a public street or highway of this State; a gasoline  
28 station; or a shopping mall, or a part of the premises thereof;
- 29       o. Sell, offer for sale, barter or give away or display live baby  
30 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
31 which have been dyed or artificially colored or otherwise treated so  
32 as to impart to them an artificial color;
- 33       p. Use any animal, reptile, or fowl for the purpose of soliciting  
34 any alms, collections, contributions, subscriptions, donations, or  
35 payment of money except in connection with exhibitions, shows or  
36 performances conducted in a bona fide manner by recognized  
37 breeders' associations, 4-H clubs or other similar bona fide  
38 organizations;
- 39       q. Sell or offer for sale, barter, or give away living rabbits,  
40 turtles, baby chicks, ducklings or other fowl under two months of  
41 age, for use as household or domestic pets;
- 42       r. Sell, offer for sale, barter or give away living baby chicks,  
43 ducklings or other fowl, or rabbits, turtles or chameleons under two  
44 months of age for any purpose not prohibited by subsection q. of  
45 this section and who shall fail to provide proper facilities for the  
46 care of such animals;
- 47       s. Artificially mark sheep or cattle, or cause them to be  
48 marked, by cropping or cutting off both ears, cropping or cutting

- 1 either ear more than one inch from the tip end thereof, or half  
2 cropping or cutting both ears or either ear more than one inch from  
3 the tip end thereof, or who shall have or keep in the person's  
4 possession sheep or cattle, which the person claims to own, marked  
5 contrary to this subsection unless they were bought in market or of  
6 a stranger;
- 7 t. Abandon a domesticated animal;
- 8 u. For amusement or gain, cause, allow, or permit the fighting  
9 or baiting of a living animal or creature;
- 10 v. Own, possess, keep, train, promote, purchase, or knowingly  
11 sell a living animal or creature for the purpose of fighting or baiting  
12 that animal or creature;
- 13 w. Gamble on the outcome of a fight involving a living animal  
14 or creature;
- 15 x. Knowingly sell or barter or offer for sale or barter, at  
16 wholesale or retail, the fur or hair of a domestic dog or cat or any  
17 product made in whole or in part from the fur or hair of a domestic  
18 dog or cat, unless such fur or hair for sale or barter is from a  
19 commercial grooming establishment or a veterinary office or clinic  
20 or is for use for scientific research;
- 21 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
22 wholesale or retail, for human consumption, the flesh of a domestic  
23 dog or cat, or any product made in whole or in part from the flesh of  
24 a domestic dog or cat;
- 25 (2) Knowingly slaughter a horse for human consumption;
- 26 (3) Knowingly sell or barter, or offer for sale or barter, at  
27 wholesale or retail, for human consumption, the flesh of a horse, or  
28 any product made in whole or in part from the flesh of a horse, or  
29 knowingly accept or publish newspaper advertising that includes the  
30 offering for sale, trade, or distribution of any such item for human  
31 consumption;
- 32 (4) Knowingly transport a horse for the purpose of slaughter for  
33 human consumption;
- 34 (5) Knowingly transport horsemeat, or any product made in  
35 whole or in part from the flesh of a horse, for the purpose of human  
36 consumption;
- 37 z. Surgically debark or silence a dog in violation of section 1  
38 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 39 aa. Use a live pigeon, fowl or other bird for the purpose of a  
40 target, or to be shot at either for amusement or as a test of skill in  
41 marksmanship, except that this subsection and subsections bb. and  
42 cc. shall not apply to the shooting of game;
- 43 bb. Shoot at a bird used as described in subsection aa. of this  
44 section, or is a party to such shooting; or
- 45 cc. Lease a building, room, field or premises, or knowingly  
46 permit the use thereof for the purposes of subsection aa. or bb. of  
47 this section --

1 Shall forfeit and pay a sum according to the following schedule,  
2 to be sued for and recovered, with costs, in a civil action by any  
3 person in the name of the New Jersey Society for the Prevention of  
4 Cruelty to Animals or a county society for the prevention of cruelty  
5 to animals, as appropriate, or, in the name of the municipality if  
6 brought by a certified animal control officer or animal cruelty  
7 investigator:

8 For a violation of subsection e., f., g., u., v., w., or z. of this  
9 section or of paragraph (3) of subsection a. of this section, or for a  
10 second or subsequent violation of paragraph (2) or (5) of subsection  
11 a. of this section, a sum of not less than \$3,000 nor more than  
12 \$5,000;

13 For a violation of subsection l. of this section, for a first violation  
14 of paragraph (2) or (5) of subsection a. of this section, a sum of not  
15 less than \$1,000 nor more than \$3,000;

16 For a violation of paragraph (4) of subsection a. of this section,  
17 or subsection c. of this section, a sum of not less than \$500 nor  
18 more than \$2,000;

19 For a violation of subsection x. or paragraph (1) of subsection y.  
20 of this section, a sum of not less than \$500 nor more than \$1,000 for  
21 each domestic dog or cat fur or fur or hair product or domestic dog  
22 or cat carcass or meat product sold, bartered, or offered for sale or  
23 barter;

24 For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
25 of this section, a sum of not less than \$500 nor more than \$1,000 for  
26 each horse slaughtered or transported for the purpose of slaughter  
27 for human consumption, or for each horse carcass or meat product  
28 transported, sold or bartered, or offered or advertised for sale or  
29 barter;

30 For a violation of subsection t. of this section, a sum of not less  
31 than \$500 nor more than \$1,000, but if the violation occurs on or  
32 near a highway, a mandatory sum of \$1,000;

33 For a violation of subsection d., h., j., k., aa., bb., or cc. of this  
34 section or of paragraph (1) of subsection a. of this section, a sum of  
35 not less than \$250 nor more than \$1,000; and

36 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
37 section, or paragraph (6) of subsection a. of this section, a sum of  
38 not less than \$250 nor more than \$500.

39 (cf: P.L.2013, c.88, s.3)

40

41 12. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 This bill establishes specific requirements for tethering (section 2  
47 of the bill) or confining a dog (section 5 of the bill), prohibits  
48 tethering of a dog under certain circumstances, and requires the

1 owner or other person with custody or control over the dog to  
2 provide the dog with proper shelter and continuous access to it  
3 when the dog is left outdoors for more than 30 minutes under  
4 adverse weather conditions. The standards and requirements for  
5 proper shelter are enumerated in section 6 of the bill. The bill  
6 defines adverse weather conditions as:

7 1) when the outdoor ambient temperature is 32 degrees  
8 Fahrenheit or below, or there are other outdoor environmental  
9 conditions, including, but not limited to, wind, rain, snow, ice, sleet,  
10 hail, or cold, that a person should reasonably know would pose an  
11 adverse risk to the health or safety of a dog, based on the dog's size,  
12 age, physical condition, or thickness of the dog's hair or fur; or

13 2) when the outdoor ambient temperature is 90 degrees  
14 Fahrenheit or above, or a dog is exposed to direct sunlight, hot  
15 pavement, or heat, that a person should reasonably know would  
16 pose an adverse risk to the health or safety of a dog, based on the  
17 dog's size, age, physical condition, or thickness of the dog's hair or  
18 fur.

19 In addition to the specific tethering requirements, the bill also  
20 specifically prohibits:

21 1) whether indoors or outdoors, the dog being tethered with a  
22 halter or harness that fits on the dog's head or body, or with a tether  
23 or collar to which a weight is attached;

24 2) outdoors between the hours of 11 p.m. and 6 a.m.; or

25 3) under adverse weather conditions for more than 30 minutes  
26 without continuous access to proper shelter.

27 The bill also specifies its prohibitions do not apply if the owner  
28 of the dog or the person with custody or control of a dog is outdoors  
29 on the property where the dog is located.

30 The bill establishes procedures for issuing summonses and  
31 seizing dogs that are not properly tethered or provided for during  
32 adverse weather conditions. The bill establishes, in addition to  
33 penalties that may apply pursuant to the State criminal statutes, the  
34 following penalties, at the discretion of the court:

35 1) for a first offense, a fine of \$100, or imprisonment for not  
36 more than 30 days, or both;

37 2) for a second offense, a fine of \$200, or imprisonment for not  
38 more than 30 days, or both; and

39 3) for a third or subsequent offense, a fine of not less than \$250  
40 nor more than \$500, imprisonment for not more than three months,  
41 or both, and the person would also be guilty of a disorderly persons  
42 offense.

43 Finally, the bill establishes a civil penalty for improperly  
44 tethering a dog or failing to provide proper shelter for a dog as a  
45 civil offense under the State animal cruelty statutes. The violator  
46 would be liable for a fine of not less than \$250 nor more than \$500.