

Guidelines for Municipal Licensure of Animal Facilities

I. General Background on Animal Facility Licensure

Pursuant to N.J.S.A. 4:19-15.8 (a), operators of kennels, pet shops, shelters and pounds (animal facilities) must apply annually to the municipality for a license, and each license issued shall expire on June 30th of each year. Facilities that serve multiple functions (e.g., a kennel that also serves as a pound) should be licensed for each function that they perform. Prior to issuance of a license, local health department staff shall inspect the facility to ensure that the operation complies with all laws, rules, and municipal ordinances, including building code and zoning requirements. Specifically, the facility shall be evaluated to ensure that it is in compliance with the State rules governing the sanitary operation of animal facilities, N.J.A.C. 8:23A-1.1 through 1.13. A copy of the satisfactory inspection report issued by the local health department should accompany the licensure application. Before any new construction or renovation, blueprint plans shall be submitted to the local health department for review and approval. Facility licenses are not transferrable upon sale of a business, or to another facility operated by the same owner.

II. Kennels

Kennels are defined as, “any establishment wherein or whereupon the business of boarding or selling dogs or breeding dogs for sale is carried on, except for a pet shop.” (N.J.A.C. 8:23A-1.1). The definition of boarding includes kennels that house dogs during the day, but not overnight (i.e., “doggie day-care centers”). Dogs kept in licensed breeding kennels are exempt from dog licensing requirements (N.J.S.A. 4:19-15.8).

In evaluating whether someone is operating a breeding kennel, municipal officials need to determine if the operation is a business. The following criteria may be used as indicators of a kennel business: regular and purposeful breeding; routine sale of dogs or puppies to the public; signs, websites, and advertisements; having a business name and tax identification number; and separate kennel-type housing for the dogs, as opposed to pets living in the owner’s home.

III. Impoundment Facilities (Pounds) and Shelters

Animal holding facilities that contract with municipalities for the impoundment of stray animals seized by animal control officers pursuant to N.J.S.A. 4:19-15.16 shall be licensed as a pound. Facilities that do not contract for the impoundment of stray animals but receive and distribute animals that are surrendered by owners, shall be licensed as a shelter. Many facilities operate as both a shelter and pound, and should be licensed for both types of operations.

When licensed pounds or shelters take animals offsite for adoption events at business locations (e.g., pet stores, farm supply stores) or a special event (e.g., a community day or county fair), these locations would not need to be separately licensed as a shelter, providing that the shelter or pound is adopting animals that are housed in a licensed facility and that all animal care services required of a licensed animal facility (e.g., veterinary care, isolation of sick animals, sanitation, maintaining animal records at the facility) are met at the location where the animals offered for adoption.

IV. Animal Rescue Organizations and Foster Homes

Animal Rescue Organizations are individuals or groups that house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible. Foster Homes means placement of a cat or dog with an individual or group that is not an animal rescue organization for the purpose of temporarily caring for the cat or dog, without the individual or group assuming ownership and with the intent of relinquishing the cat or dog to a suitable owner. Dogs and cats held by rescues in homes would be considered privately owned animals that are required to be individually licensed by the municipality once they reach 7 months of age.

Animal rescue organizations can pose a challenge to municipal officials. Occasionally a home-based animal rescue organization may cause a nuisance to neighbors in a residential area due to a large number of animals; excessive odors, noise, or waste; and/or business activity occurring at the residence. In this scenario, municipal officials may consider requiring the rescue organization to reduce the number of animals, house them at a licensed shelter facility, or become licensed as a shelter, if they can meet all the licensing criteria for an animal facility and the zoning ordinances.

Some rescue organizations that house animals in private homes adopt or distribute animals intermittently from business establishments (e.g., pet stores, farm supply stores). In this scenario, since the rescue organization is unlicensed, the business from which animals are distributed would need to become licensed as a shelter to ensure that mandated animal care services (e.g., veterinary care, isolation of sick animals, sanitation, maintaining animal records at the facility) are met at that location.

V. Pet Shops

Pet Shops are defined as “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.” (N.J.A.C. 8:23A 1.1) Under this definition, businesses that only sell a small number of animals or just one type of animal (such as fish, frogs, or hermit crabs) requires a pet shop license. Pet shops that allow animal rescue groups to adopt animals at their facilities would be required to apply for and maintain a shelter license, unless the rescue group is licensed as a shelter.

Pet shops that sell puppies and kittens must annually submit the records of the total number of cats and dogs sold each year to the municipality in which it is located, and the municipality must provide this information to the local health department (N.J.S.A. 4:19-15.8 e). Pursuant to the Department of Law and Public Safety, Division of Consumer Affairs, Pet Purchase Protection Act (N.J.S.A. 56: 8-92), the local health department must maintain these records along with any files received concerning animals which are certified as unfit for purchase after sale to the public. The local health department should review the information received about the sale of animals unfit for purchase and inspect/investigate facilities that are selling sick animals. They may recommend to the municipality the suspension or revocation of the license of any pet shop, based on these reports.