

# A Guide to Animal Cruelty (Cheat Sheet)

## **Adverse Environmental Conditions**

- Risk to the health or safety of an animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur
- High winds, Rain, Snow, Ice, Sleet, or Hail
- Temperature 32 degrees or below or 90 degrees or higher
- Exposed to direct sunlight, hot pavement, or any hot surfaces

## **ILLEGAL CONFINEMENT**

4:22-17.4 Confinement of a dog is unlawful.

- To confine a dog, domestic companion animal or service animal in any structure, room, area, or container that does not comply with the standard of proper shelter in section 5.

## **RESTRAINING/ABANDONMENT**

**4:22-17.3a-Cruelly** restrain a dog (*is defined in all of the 3.b's below*)

**4:22-17.3b(1)-Tether** - a dog that is a nursing female, or which is less than four months old

**4:22-17.3b(2)-outdoors between the hours of 11p.m. and 5a.m.** (*this is when predators come out to find food and eat, tethered dogs are helpless to run*)

**4:22-17.3b(3)-** in an unoccupied building or upon vacant property (*Abandonment*)

**4:22-17.3b(4)-** in a manner that does not permit the dog continuous access to water in a sanitary and liquid state whenever the dog is tethered for more than 30 minutes

**4:22-17.3b(5)-** in a manner that exposes the dog to adverse environmental conditions for more than 30 minutes

**4:22-17.3b(6)** -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

**4:22-17.3b(7)-by** using a chain with metal links that are more than one-quarter of an inch thick, or a tether, which a weight is attached collar or harness to

**4:22-17.3b(8)-** with a tether on which more than one dog is restrained (*See 3b(10) below- may cause entanglement and strangulation*)

**4:22-17.3b(9)-** with a tether that is less than 15 feet in length, or which does not permit the dog to walk at least 15 feet in any one direction (*No Trees, Poles, or any type of object that the dog can wrap around which may cause the dog not to be able to get to water or proper shelter Refer to 3b(10) below*)

**4:22-17.3b(10)-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, including, but not limited to, another dog's tether or a windowsill, fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public road or highway.

**4:22-26c- Animal left in a vehicle.**

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

## **Necessary Care:**

**4:22-15-** "Necessary care" means care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to the food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal's needs; access to adequate protection from the weather: and veterinary care to alleviate suffering and maintain health.

**4:22-17.4-** Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with the **necessary care.**

## **Abandonment:**

**4:22-20.a** – A person who shall abandon a maimed, SICK, injured, or disabled animal to die in a public place, shall be guilty of a disorderly person's offense.

**4:22-20.b** – A person who shall abandon a domesticated animal shall be guilty of a DP offense.

## **PROPER SHELTER**

**4:22-17.5a** Proper shelter for a dog, domestic companion animal, or service animal shall be a structure or other type of protection that meets, at a minimum, the following standards, and requirements:

**4:22-17.5a(1)- It MUST provide at all times:**

- (a) adequate ventilation to allow the dog, domestic companion animal, or service animal to remain dry and maintain a normal body temperature.
- (b) **access to water in a sanitary and liquid state**
- (c) exposure to natural or artificial light according to a regular cycle of day and night, *(A shed does not usually meet this)*
- (d) **sufficient space so that the dog, domestic companion animal, or service animal can easily tum around in a full circle and lie down on the animal's side with limbs outstretched.**
- (e) **at least three inches (3") of empty space above the head of the dog, domestic companion animal, or service animal when the animal is in a normal sitting or standing position in the proper shelter, the top of the head of the animal cannot touch the ceiling of the proper shelter.**

**4:22-17.5a(2)-** It is maintained in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter, and to provide reasonable protection from flooding.

**4:22-17.5a(3)-** It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is **maintained in good repair with no exposed sharp points or edges**

**4:22-17.5a(4)-**It remains in an upright position at all times

**4:22-17.5a(5)-** In the event of adverse environmental conditions as set forth in paragraph (1) of the definition of that term in section 1 of this act, *(see definition on page 1)* it is an enclosed structure that has:

- (a) **a solid roof, solid walls with a single opening no larger than necessary to allow the dog, domestic companion animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground**
- (b) **insulation, dry bedding, and a windbreak at the entrance that are sufficient to keep the dog, domestic companion animal, or service animal dry and maintain the animal's normal body temperature.** *(a windbreak is one of the most important parts of this law to allow the dog to maintain normal body temperature)*

**4:22-17.5a(6)-** In the event of adverse environmental conditions as set forth in paragraph (2) of the definition of that term in section 1 of this act, it provides the dog, domestic companion animal, or service animal with adequate shade or other cooling areas by natural or artificial means to allow the animal to maintain a normal body temperature *(every potbelly pig needs a swallow)*

**c.** Proper shelter for a dog, domestic companion animal, or service animal shall not include:

- (1) a crawl space under a building or a part of a building, such as under steps, a deck, or a stoop
- (2) the space under a vehicle
- (3) the inside of a vehicle if the dog, domestic companion animal, or service animal is kept in the vehicle in a manner or for a length of time that a person should reasonably know poses an adverse risk to the health or safety of the animal
- (4) any structure or protection
  - (a) made from pressure-treated wood which contains the chemicals arsenic or chromium
  - (b) with a floor consisting of wire or chain-link or having openings through which the paw, hoof, or foot of a dog, domestic companion animal, or service animal, as applicable, can pass
  - (c) that is located outdoors and is made from cardboard or **other materials that are easily degraded by the elements.**

## **Written Correction Warnings**

**4:22-17.7(f) -** A person SHALL *(means you MUST)* be issued a correction warning prior to being cited for a violation unless the animal was seized immediately. A summons shall be served on the alleged violator as soon as practicable if:

- (1) after the seven (7) days have elapsed from the date a correction warning is issued, no correction has been made, or
- (2) the dog was seized.

**NOTE:** *Not all correction warnings are 7 days. They can be less, depending on the circumstances. For example, if a dog needs medical care, a 24-hour warning can be issued.*