

N.J. Stat. § 4:19-23

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 4. Agriculture and Domestic Animals (Chs. 1 — 28) > Chapter 19. Dogs, Taxation and Liability for Injuries Caused by [and Kennels, Pet Shops, Shelters, Pounds; Animal Control] (Arts. 1 — 4) > Article 3. Injury (§§ 4:19-16 — 4:19-37)

§ 4:19-23. Dog declared potentially dangerous; conditions

a. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

- (1) caused bodily injury to a person during an unprovoked attack, and poses a serious threat of serious bodily injury or death to a person;
- (2) caused serious bodily injury to another domestic animal or killed another domestic animal, and
 - (a) poses a serious threat of serious bodily injury or death to a person, or
 - (b) poses a serious threat of death to another domestic animal; or
- (3) (Deleted by amendment, P.L.2019, c.82).

b. A dog shall not be declared potentially dangerous for:

- (1) causing bodily injury to a person if the dog was provoked;
- (2) causing serious bodily injury to, or killing, a domestic animal if the domestic animal was the aggressor;
- (3) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to commit a trespass or other criminal offense on the property of the owner or person with custody or control of the dog;
- (4) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog's offspring; or
- (5) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting.

For the purposes of paragraph (1) of this subsection, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

c. As used in this section, “bodily injury” means bodily injury as defined in subsection a. of N.J.S.2C:11-1; and “serious bodily injury” means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.

History

N.J. Stat. § 4:19-24

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§ 4:19-24. Registration of potentially dangerous dog; conditions

If the municipal court declares the dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:

a. shall require the owner to comply with the following conditions:

(1) to apply, at his own expense, to the municipal clerk or other official designated to license dogs pursuant to section 2 of P.L.1941, c.151 (*C.4:19-15.2*), for a special municipal potentially dangerous dog license, municipal registration number, and red identification tag issued pursuant to section 14 of this act. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number, and red identification tag;

(2) to display, in a conspicuous manner, a sign on his premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from 50 feet of the enclosure required pursuant to paragraph (3) of this subsection;

(3) to immediately erect and maintain an enclosure for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six feet in height separated by at least three feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the animal control officer and having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three feet from the owner and under the direct supervision of the owner;

b. may require the owner to maintain liability insurance in an amount determined by the municipal court to cover any damage or injury caused by the potentially dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the municipality in which the owner resides to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.