

Municipal Animal Control Frequently Asked Questions (FAQ)

New Jersey Department of Health and Senior Services June 2009

Animal control is one of the most common topics that the New Jersey Department of Health and Senior Services (NJDHSS), Office of Animal Welfare (OAW) receives questions about. The following FAQ has been developed to provide clarification on animal control requirements and address the most commonly received questions. We hope that this document will aid local health departments and municipal governments throughout the State in meeting their animal control requirements.

What statutes and regulations address animal control in New Jersey?

Statutes or laws:

- New Jersey Statutes Annotated (N.J.S.A.) 4:19-15.1 through 15.36
<http://www.state.nj.us/health/animalwelfare/law.shtml>

Regulations or rules:

- New Jersey Administrative Code (N.J.A.C.) 8:23A -1.1 through 1.13, 2.1 through 2.8, and 4.1 through 4.3
http://www.state.nj.us/health/cd/documents/njac_823a.pdf
- N.J.A.C. 8:23 -1.1 through 1.4 and 3.1
http://www.state.nj.us/health/cd/documents/njac_823.pdf

Q: Who can perform animal control duties for a municipality?

A: N.J.S.A. 4:19-15.16b requires all municipal governments to appoint a certified animal control officer (ACO) who shall be responsible for animal control within the jurisdiction of the municipality. Only persons who have satisfactorily completed a State approved course of study for animal control officers, and are certified as an animal control officer by the NJDHSS, may be authorized to exercise the powers and duties of an animal control officer, as mandated in N.J.S.A. 4:19-15:16. **Persons who have not completed the course and are NOT certified, including those currently enrolled in the course, cannot be appointed to perform animal control duties by the governing body, even if they are working under the supervision of a certified ACO. Municipalities contracting with private ACO companies should specify in the contract that all ACOs working for the company are certified.**

The Commissioner of Health and Senior Services has the power to revoke certification for any ACO convicted of or who has plead guilty to an animal cruelty offense, or other offense deemed incompatible with the trust and responsibility required to carry out the duties of an ACO. The list of ACOs whose certifications have been revoked is posted at: <http://www.state.nj.us/health/cd/revoked.shtml> . **Once an ACOs' certification has been revoked, they cannot work as an ACO in New Jersey**, even if they are working under the auspices of a contracting agency with other certified ACOs. Municipal governments shall not appoint an ACO whose certification has been revoked, and if their certification is revoked while already serving as an ACO, the municipality must revoke their appointment as an ACO. If an ACO in a contracting agency has had their certification revoked, the municipality must take action to ensure that this person does not perform ACO duties in their municipality. Maintenance of valid ACO certifications should be specified in the contract with the ACO agency.

Q: What are the work duties of ACOs?

A: In general, ACOs perform the following duties: respond to calls and complaints of sick, injured, dangerous or nuisance animals; investigate complaints; capture animals; patrol for stray animals; transport animals; and canvass for unlicensed animals. In addition, ACOs respond to complaints about suspect rabid wild and domestic animals and vicious dog situations. **N.J.S.A. 4:19-15.16 requires the pick-up and impoundment of any dog, cat or other animal off the premises of the owner reported to, or observed by, a certified animal control officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.** The impounded animal must be held for 7 days at the designated licensed impoundment facility to allow an owner the opportunity to reclaim their lost pet. The specific duties of an animal control officer are discussed in the document entitled "Essential Components of Municipal Animal Control", available at: <http://www.state.nj.us/health/cd/acontrol.htm> .

Q: Do municipalities need to provide animal control coverage after normal business hours?

A: Yes. N.J.S.A. 4:19-15.16 mandates that animal control coverage be provided within all municipal jurisdictions, with no stated time limitations. Although 24 hour coverage is not specifically stated in the statute, animal control is considered to be a public safety service (similar to police, fire and ambulance coverage) and needs to be provided on a 24 hour per day, 7 days per week basis for emergency situations. Rabid animals and vicious dogs may threaten residents at any time of the night or day. If animal control services are not provided after-hours, the municipal government may be liable for injuries to residents or other problems caused by stray animals.

Q: Is emergency veterinary care mandatory for injured stray animals?

A: Yes. N.J.A.C. 8:23A -1.12 and 8:23-3.1 require ACOs to determine if the animals they take into custody need emergency veterinary care, and if so, to transport them to a veterinary facility to receive such care. In this situation, emergency veterinary care is defined as, at a minimum, the care necessary to stabilize the animal and alleviate pain and suffering. Severely injured animals (e.g., those with broken bones, deep open wounds, or with clear signs of pain or suffering) should not be left at a shelter without first receiving veterinary care. After receiving emergency care, the ACO is responsible to later transport the animal to the impoundment facility and then relay the veterinarian's instructions, including medications and all corresponding medical records, to the appropriate personnel at the shelter where the injured animal is impounded. Once impounded, the animal's medical care would transfer to the veterinarian responsible for disease control and health care at the facility.

Q: Can severely injured stray animals be euthanized during the 7-day holding period?

A: N.J.S.A. 4:19-15.16 requires stray animals to be held for 7 days and to be provided with medical care. The law does not specifically permit an animal to be euthanized during this period. However, if a veterinarian deems that euthanasia is necessary for humane reasons to prevent excessive suffering when illness or injury is severe and the prognosis for recovery is extremely poor, this would likely be defensible. Only a veterinarian should euthanize a stray animal in this situation, and the veterinarian should clearly document the humane rationale for euthanasia in the animal's medical record.

Q: Can municipalities institute a financial limit or cap on the cost of veterinary care for impounded animals?

A: As stated above, the **attending veterinarian determines what medical care would be necessary to stabilize the animal and provide basic medical care to alleviate pain and suffering.** Municipal governments may wish to negotiate with area veterinarians and emergency hospitals to establish an agreeable fee structure for such basic emergency care. In some areas, veterinarians have agreed to work within a general financial limit on veterinary care fees for impounded animals. However, the veterinarian must provide basic medical care for impounded animals and this medical care shall not be denied due to financial constraints or delayed waiting for approval. To avoid conflicts and misunderstandings, the NJDHSS recommends that all financial agreements for veterinary services, including emergency care, is clearly stated in the municipal animal control services contract and all involved parties have copies of the signed contract to avoid misunderstandings.

Q: Do ACOs need to keep records?

A: Yes. N.J.A.C. 8:23A-1.13 requires that records be kept of all animals picked up and impounded. Each intake record must state the date the animal was received, a description of the animal (including breed, color, age and sex), license number, and the name and address of the person from whom acquired or the location picked-up. ACOs impounding animals must provide the impoundment facility with this information, which also needs to be recorded by the impoundment facility. Animal impoundment records must also include the name and address of the owner reclaiming the animal, the name and address of the person adopting the animal, or the date the animal was euthanized and by what method.

ACOs must also maintain detailed records of all job-related activities to ensure proper follow-up and accountability with regard to complaints and other situations being investigated.

Q: Is there a requirement to reunite lost pets with their owners?

A: Yes. The ACO is required to contact the animal's owner, if known, or to trace them through information found on the animal's collar, identification tag, registration (license) tag or microchip. If the owner is identified but has not reclaimed the animal, the impoundment facility or ACO must notify the

owner in writing, either by personal delivery or certified mail that the animal has been impounded and will be held for 7 days after receipt of the letter.

Q: Do State laws mandate that ACOs pick up and impound stray cats?

A: Yes. N.J.S.A. 4:19-15.16, mandates that cats, as well as dogs and other animals, that are off the property of the owner (i.e., stray) reported to, or observed by, a certified ACO to be ill, injured, or creating a threat to public safety or welfare, or otherwise interfering with enjoyment of property be picked up and impounded by the ACO for the municipality. Complaints regarding stray cats need to be investigated by the ACO on a timely basis. Any cat which the ACO determines to be a stray must be transported to the designated impoundment facility and held for 7 days prior to adoption or euthanasia.

Q: What about surrendered animals?

A: Unwanted owned animals may be surrendered (signed over) to a shelter by the owner and then adopted or euthanized without being held for 7 days. However, impoundment facilities, shelters and ACOs are not required by state law to accept owner-surrendered animals. The full name and address of the owner should be obtained for the record, and the owner questioned to obtain information on why the animal is being given up. Such information will help to ensure that it is the actual owner surrendering the animal and also will assist in evaluating the animal for potential adoption.

The owner should be asked if the animal has bitten anyone within 10 days of being surrendered and this information should be transcribed on the shelter surrender form. If the answer to this question is yes, the animal will need to be held for a total of 10 days from the date of the bite for rabies observation. The name and address of the bite victim should be obtained and the information reported to the local health department.

Q: What about feral cats?

A: All cats (i.e., *Felis catus*) are considered to be domestic animal species, regardless of their behavior, condition or level of socialization. The term “feral” is widely used to describe domestic animal species living in an unsocialized or wild state. There is no proven assessment to definitively determine whether a cat is feral or not. Because cats under the stress of being captured and impounded may display a wild behavior and be confused for a feral animal, New Jersey statutes do not distinguish feral cats as a subunit of the species. Any cat with unclear ownership status would be considered a stray animal and therefore, shall be impounded by the ACO and held for 7 days as per state statutes.

Indicators of ownership include: The person being the primary caretaker of the animals, the person knowing the history of the animal (age, sex, etc.), a sales receipt, municipal license, adoption contract, veterinary records, or a picture. The ACO may need to conduct a field investigation of the property and surrounding area to ascertain ownership. Feeding an animal for a number of days (e.g., 3 days or more) should not be the primary indicator of ownership. It is recommended that ACOs err on the side of caution and classify an animal as stray when ownership is in question to avoid euthanizing someone's pet by mistake.

With regard to managed cat colonies, the NJDHSS would consider a managed cat colony, as described below, to be ‘on the property of the owner’ and thus not falling under the category of “stray” animals to be impounded. However, if managed colony cats begin to create a nuisance or public health threat, the caretaker's practices should be re-evaluated. The managed colony should be discontinued or relocated if such problems cannot be solved over a reasonable period of time.

Q: What is meant by the terms Trap-Neuter-Return (TNR) and Managed Cat Colonies?

A: TNR is the non-lethal population control technique utilized in **managed cat colonies** to humanely capture, vaccinate, identify, and spay or neuter (sterilize) cats. Trapped kittens and cats that are tame enough to be adopted are sterilized and placed into homes. Adult cats that are not adoptable are returned to the colony where they live out their lives in the managed colony. Spaying and neutering the cats will stabilize the population of the colony, and the colony size will eventually be reduced through attrition, as long as new cats are not added. Managed cat colonies require a designated caretaker, a group of dependable volunteers to care for the animals on a regular basis, and permission from the property owner and municipal government. Cats that appear ill or injured must be captured and given medical treatment, and the colony will need to be re-trapped periodically to update rabies and other

vaccinations. Colonies must be constantly monitored for cats that may be newly abandoned, so they can be transported to the nearest animal shelter for holding and potential adoption or claiming by owners. The American Association of Feline Practitioners has published excellent guidelines for managing cat colonies, which are posted here: <http://www.catvets.com/professionals/guidelines/position/?Id=332> .

Q: Is TNR permitted in New Jersey?

A: Only in connection with properly managed cat colonies (as described above). The NJDHSS defers to local officials to determine the appropriateness of allowing managed cat colonies within a municipality. Colonies should not be established in areas where at-risk wildlife populations could be threatened, or where they may pose a nuisance or a significant zoonotic disease risk to the public. The operation of the colony must comply with all local ordinances and receive landowner permission. Colonies must be established in cooperation with the local animal control and health agencies; input from local wildlife organizations, humane groups and veterinarians may be beneficial.

Q: How should municipal animal control handle nuisance cat problems with limited resources?

A: While N.J.S.A. 4:19-15.16 requires that domestic animals interfering with enjoyment of property be picked up and impounded, the NJDHSS recognizes that the need for services for cats may be overwhelming at times and recommends that an integrated management approach be used.

First of all, a site visit should be made to the reported problem area to ascertain whether a problem truly exists, and if so, the extent of the problem. An estimate of the number of animals should be made, as well as an assessment of their physical condition (are there ill or injured animals needing medical attention?), relative ages (are there kittens and pregnant females present?), behavior (any tame cats?) and so on. The owner of the property and the number and proximity of neighbors should be ascertained, an assessment of public health concerns related to the site made, and any other relevant information gathered to make an overall evaluation of the situation.

Once all relevant information is obtained and an evaluation made, an integrated plan should be formulated and carried out. High priority should be given to capturing ill/injured cats needing medical attention, kittens (may potentially be tamed and adopted) and pregnant females (will be adding to the population). Tame adult cats should be captured as they may belong to neighbors, or may have been recently abandoned and could be reunited with owners or adopted out. A determination should be made as to whether the site and situation would lend itself to the managed colony approach, or if all of the animals will need to be trapped and removed over time.

In the latter situation, animal control should schedule routine trappings at cat nuisance locations based on the severity of the problem and continue until the problem is resolved. Animal control should collaborate with their contracted impoundment facility to schedule trappings based on available cages. Since many trapped cats are likely to be deemed unadoptable and will be euthanized, cage space for more cats will regularly become available. Although it is understood that it may not be feasible to trap all nuisance cats at the same time due to limited resources or lack of space, this should not entail lengthy and unreasonably long 'waiting lists' for such services. Facilities which provide impoundment services also need to ensure adequate space for incoming animals on a regular basis, in order to meet the terms of their municipal obligations (see next Q & A regarding adequate impoundment space).

In general, ACOs should also educate property owners on steps they may take to decrease problems with nuisance cats and other animals. Usually when cats continuously visit a specific property, there is suitable habitat present. By eliminating access to shelter, food, hiding and nesting areas, homeowner's can significantly decrease their risk of attracting animals. Tactics include, but are not limited to, removing and disposing of animal and food wastes in a covered trash receptacle, keeping premises free of vegetation overgrowth and sealing entryways to crawl spaces, and areas beneath patios and decks. The use of commercially available cat deterrent products (e.g., repellants, cat resistant fencing, motion-activated sprinklers, and electronic high frequency systems) can effectively repel cats from yards and around homes.

Q: What about impoundment facilities that try to keep their euthanasia rates low and run into problems having adequate space for incoming animals??

A: Facility managers need to be cognizant that they are under contract to take in stray animals and need to have available space to do so. If animals are being held for extended periods of time, efforts should be

made to increase adoptions by reducing adoption fees, providing adoption incentives and increasing publicity and marketing. Requests can be made to local businesses for donations, coupons or services (such as a free pet food or products, reduced fee veterinary office visits, etc.) to provide for people adopting animals. Foster network groups and adoption agencies should be utilized as much as possible. Many animal facilities do not wish to utilize these groups due to differences in opinion, but during times of cat overpopulation, these differences should be set aside for the benefit of the animals.

Q: Are there laws regarding pest control companies and other organizations that trap and remove nuisance cats?

A: New Jersey animal control statutes do not specifically address pest control companies and other organizations that may trap cats, however state statutes are quite specific in stating that only certified animal control officers are permitted to pick up and impound stray animals. This requirement is to ensure proper handling and disposition of stray animals, in which certified pest control companies are not trained or certified. If there are situations in which pest control companies or other groups are involved in trapping cats, it is essential for them to consult and work closely with local animal control authorities to ensure the proper humane treatment of animals being trapped, identification of owned neighboring cats which may be mixing with the population being targeted, and the proper disposition of cats. Pest control companies and other groups trapping cats will come under close scrutiny by the SPCA for their care and treatment of any animals trapped. In addition, while pest control companies may be hired by a landowner to trap nuisance cats, the statute makes it clear that stray cats must be impounded after being trapped, and only the appointed ACO would be authorized to perform this function. Pest control companies would need to collaborate with the municipal ACO before trapping stray cats for a property owner to ensure the ACO is available to transport and impound the cats.

For a list of references on these topics see the "Useful Links" section of the OAW webpage: <http://www.state.nj.us/health/animalwelfare/links.shtml> . For more information on animal control, please contact the NJDHSS, OAW at (609) 588-3121 or via email as delineated below:

Heather Bialy: Heather.Bialy@doh.state.nj.us

Camden County
Cape May County
Cumberland County
Essex County
Hudson County*
Middlesex County
Monmouth County
Ocean County
Passaic County
Sussex County
Union County

Renee Cirillo: Renee.Cirillo@doh.state.nj.us

Atlantic County
Bergen County
Burlington County
Gloucester County
Hudson County*
Hunterdon County
Mercer County
Morris County
Salem County
Somerset County
Warren County

* Hudson County is shared by both inspectors.