

**Municipal Animal Control in New Jersey, Best Practices**  
**March 2018**

**A. Legal Requirements (Excerpts)**

1. New Jersey Statutes Annotated (N.J.S.A.) 26:4-78 through 95 address rabies control and mandate that all animal bites and rabies exposures to humans and domestic animals be reported to the Health Officer with jurisdiction where the exposed person or animal lives. The Health Officer serves as the lead for rabies control activities. Health Officers frequently utilize Certified Animal Control Officers (ACOs) to assist with rabies investigations, animal confinements and submission of specimens for rabies virus testing at the State laboratory.
  - N.J.S.A. 26:4-79 requires physicians to report all animal bites to the Health Officer with jurisdiction where the bite victim lives, within 12 hours of attendance.
  - N.J.S.A. 26:4-82 requires Health Officers to order dogs and other domestic animals that have bitten persons to be confined and observed by their owners at home or at an approved location for at least 10 days from the date of a bite.
  - N.J.S.A. 26:4-86 allows Health Officers to examine animals that have bitten people during the 10-day holding period. If the animal dies or if the owner elects to euthanize the animal within 10 days of the bite, the Health Officer may order a laboratory examination of the animal for rabies.
2. N.J.S.A. 4:19, subchapter 15, addresses dog licensing, and other animal control requirements

N.J.S.A. 4:19-15.16 Sections a. through l. specifically addresses **animal control activities**:

**Section a.** The ACO(s) appointed by the municipal government shall take into custody and impound any animal provided by this section:

- Any stray dog off the owner's premises
- Any animal suspected to be rabid and
- Any dog or other animal (e.g., cats) off the property of the owner reported to, or observed by, an ACO to be ill, injured, or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

- **Section b.** If an animal taken into custody and impounded pursuant to subsection a. has a collar or harness with identification of the name and address of any person, or has a registration tag, or has a microchip with an identification number that can be traced to the owner or person charged with the care of the animal, or the owner or the person charged with the care of the animal is otherwise known, the certified animal control officer shall ascertain the name and address of the owner or the person charged with the care of the animal, and serve to the identified person as soon as practicable, a notice in writing that the animal has been seized and will be liable to be offered for adoption or euthanized if not claimed within seven days after the service of the notice.
  
- **Section c.** A notice required pursuant to this subsection may be served:
  - (1) by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of residence or the address given on the collar, harness, or microchip identification; or
  - (2) by mailing the notice to that person at the person's usual or last known place of residence, or to the address given on the collar, harness or microchip identification.
  
- **Section d.** An impoundment facility (pound) receiving an animal from a certified animal control officer pursuant to subsection a. of this section, or from any other individual, group, or organization, shall hold the animal for at least seven days before offering it for adoption, or euthanizing, relocating, or sterilizing the animal, except if:
  - (1) the animal is surrendered voluntarily by its owner to the shelter or pound, in which case the provisions of subsection e. of this section shall apply; or
  - (2) the animal is suspected of being rabid, in which case the provisions of subsection j. of this section shall apply.
  
- **Section e.** If a pound or shelter is not required to hold an animal for at least seven days pursuant to paragraph (1) of subsection d. of this section, the pound or shelter:
  - (1) shall offer the animal for adoption for at least seven days (168 hours) before euthanizing it; or

(2) may transfer the animal to an animal rescue organization facility or a foster home prior to offering it for adoption if such a transfer is determined to be in the best interest of the animal by the shelter, pound, or kennel operating as a shelter or pound.

- **Section f.** Except as otherwise provided for under subsection e. of this section, no pound receiving an animal from a certified animal control officer may transfer the animal to an animal rescue organization facility or a foster home until the pound or shelter has held the animal for at least seven days.
- **Section g.** If the owner or the person charged with the care of the animal seeks to claim it within seven days, or after the seven days have elapsed but before the animal has been adopted or euthanized, the shelter or pound:

(1) shall, in the case of a cat or dog, release it to the owner or person charged with its care, provided the owner or person charged with the care of the animal provides proof of ownership, which may include a valid cat or dog license, registration, rabies inoculation certificate, or documentation from the owner's veterinarian that the cat or dog has received regular care from that veterinarian;

(2) may, in the case of a cat or dog, charge the cost of sterilizing the cat or dog, if the owner requests such sterilizing when claiming it; and

(3) may require the owner or person charged with the care of the animal to pay all the animal's expenses while in the care of the shelter, pound, or kennel operating as a shelter or pound, not to exceed \$4 per day.

- **Section h.** If the animal remains unclaimed, is not claimed due to the failure of the owner or other person to comply with the requirements of this section, or is not adopted after seven days after the date on which notice is served pursuant to subsection c. of this section or, if no notice can be served, not less than seven days after the date on which the animal was impounded, the impounded animal may be placed in a foster home, transferred to another shelter, pound, or animal rescue organization facility, or euthanized in a manner causing as little pain as possible and consistent with the provisions of R.S.4:22-19.
- **Section i.** At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal

taken into custody, impounded, or otherwise brought to a shelter or pound shall be sold or made available for experimentation. Any person who sells or otherwise makes available any such dog or other animal for experimentation shall be guilty of a crime of the fourth degree.

- **Section j.** Any animal seized under this section suspected of being rabid shall be immediately reported to the Health Officer of the local board of health and to the Department of Health, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health.
- **Section k.** When an ACO takes into custody and impounds, or causes to be taken into custody and impounded, an animal, the certified animal control officer may place the animal in the custody of or cause the animal to be placed in the custody of, only a licensed shelter or pound. The ACO may not place the animal in the custody of or cause the animal to be placed in the custody of, any animal rescue organization facility, foster home, or other unlicensed facility. However, the licensed shelter, pound, or kennel operating as a shelter or pound may place the animal in an animal rescue organization facility, foster home, or other unlicensed facility if necessary pursuant to subsection e. or h. of this section.
- **Section l.** Notwithstanding the provisions of this section and sections 3 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the contrary, no cat or dog being transferred between shelters, pounds, or kennels operating as shelters or pounds, or being transferred to an animal rescue organization facility or placed in a foster home, shall be required to be sterilized prior to that transfer.

**Note:** If animal control and impoundment services are not directly under the purview of the Health Officer, it is essential that an oversight relationship between the ACO and both the Health Officer and the manager of the impoundment facility be developed to ensure an adequate response to rabies, stray animal and vicious dog situations. In municipalities where animal control services are provided by a private agency, the Health Officer should be directly involved in contract development and review the contract to ensure full compliance with all appropriate statutes and regulations. This process should include an

assessment as to whether all ACOs from the agency are certified, can respond quickly to calls and complaints considering the geographic locations involved, and if there is adequate impoundment space to meet the volume of animals from the municipality in question, as well as from other municipalities contracting with the facility.

**N.J.S.A. 4:19-15.16a** requires the promulgation of regulations concerning training for animal control officers.

New Jersey Administrative Code (N.J.A.C.) 8:23A subchapter 2. lists the requirements for the ACO certification course.

**N.J.S.A. 4:19-15.16b** requires all municipalities to have a certified ACO to enforce the provisions of N.J.S.A. 4:19-15.16.

3. **N.J.S.A. 4:19-15.32** requires dogs and cats taken into custody and impounded at a shelter, pound or an animal rescue organization to be scanned for a microchip. If one is found, staff shall notify the owner as to the whereabouts of the animal and shall hold the animal for at least 7 days after the owner is notified.
4. **N.J.S.A. 4:19-17 through 37** addresses vicious and potentially dangerous dog situations.

## **B. Animal Control Best Practices**

1. **Timely response** to calls and complaints from the public concerning suspected rabid wild or domestic animals; dogs and cats that are stray, injured, ill, creating a threat to public health, safety or interfering with the enjoyment of property; and vicious dogs. The response to animal-related emergency calls should be prompt, even on nights, weekends and holidays to safely control dangerous animals and minimize pain and suffering of stray, sick and injured animals (N.J.S.A. 4:19-15.16).
2. **Capture of stray domestic animals**, as well as wild animal rabies vectors (i.e., raccoons, skunks, foxes, groundhogs, and bats), threatening the safety and health of residents. Proper equipment (i.e., transportation vehicles, rabies poles, protective gloves and clothing, uniforms and badges or credentials, and humane capture animal traps) is essential to safely carry out the above duties (N.J.S.A. 4:19-15.16).

Note: Capture of nuisance wildlife (i.e., healthy appearing raccoons not threatening humans, squirrels in attics, groundhogs burrowing in yards,

etc.) is NOT required under statute for municipal animal control to provide. In general, wildlife nuisance issues are addressed by the New Jersey Department of Environmental Protection, Division of Fish and Wildlife. ACOs should be able to educate residents on how to abate common wildlife nuisances and refer residents to pest control services, wildlife rehabilitators and other agencies that can assist residents if ACOs are not authorized by their supervisors to provide these services.

**3. Investigate to find the animal owner of stray animals**

ACOs shall search the animal for a collar or tags that has owner information and contact the owner to inform them that the dog or other animal has been impounded and can be reclaimed. In addition to searching animals for identification, ACOs are required to scan animals for a microchip and notify the owner that the animal has been captured (N.J.S.A. 4:19-15.16).

For operators of all animal facilities and rescue organizations, if the identity of the owner of an animal is unknown, the animal shall be scanned for the presence of a microchip and if the scan reveals owner information, facility staff shall immediately seek to contact the owner and hold the animal for at least 7 days after the owner has been notified. Prior to release or euthanasia of any cat or dog, the dog or cat shall be scanned again for microchip identification and held for 7 days after owner notification (N.J.S.A. 4:19-15.32).

**4. Investigate reports of animal bites and vicious dog incidents**

Seize and impound dogs meeting criteria under the State Vicious Dog Law and notify the HO and municipal courts (N.J.S.A. 4:19-17 - 37).

**5. Transportation of captured animals** to the impoundment facility for the municipality. Evaluate the captured animals for illness and injury at the time of capture and take them directly to a veterinary facility for treatment if they are injured or ill. All vehicles transporting animals must meet the regulatory standards (N.J.A.C. 8:23A-1.12).

**6. Keep records** to properly document all calls and activities. The source (location of capture) and disposition (returned to owner, brought to impoundment or veterinary hospital) of each animal shall be recorded (N.J.A.C. 8:23A-1.13).

**7. Serve notices for the confinement** of biting or bitten domestic animals for rabies observation and monitoring these confinements, if authorized to do so by the municipality or Health Officer (N.J.S.A. 26:4-82 and 83).

8. Arranging **transportation of rabies specimens** to the State Rabies Laboratory, if authorized by the municipality or Health Officer (N.J.A.C. 8:23A-1.10).
9. Routine **patrolling of the community** for stray, sick or injured animals and those that are creating a threat to public health or safety or domestic animals causing a nuisance for residents. Patrolling should be done in the absence of specific complaints or reports (N.J.S.A. 4:19-15.16).
10. **Public education** through the media, as well as through community and school presentations regarding proper animal care, rabies prevention, responsible pet ownership, pet training techniques, microchip identification and registration, the benefits of spaying and neutering pets and municipal animal control ordinances.
11. **Participation** on local/county rabies and animal control related task forces, committees, trainings and groups.

**C. Animal Impoundment Facility Operation – Best Practices**

**Note:** The same agency may provide both animal control and impoundment services, or these services can be provided by different agencies.

Animal shelters and impoundment facilities must be licensed by the municipal government where they are located by June 30<sup>th</sup> annually. Licensure requires a sanitary inspection of the facility and the Health Officers issuing written approval (a satisfactory inspection rating) indicating full compliance with all applicable laws, regulations (specifically N.J.A.C. 8:23A-1.1 through 1.13) and local ordinances (specifically zoning and building code requirements).

**Minimum impoundment facility activities include:**

1. **Maintenance** of impounded animals under sanitary conditions.
2. **Reunite owners with their lost animals** by tracing ownership of impounded animals, scanning for microchip identification and notifying owners to reclaim their lost pets.
3. **Holding** impounded stray and surrendered animals for the mandatory 7 days to allow an opportunity for owners to reclaim them.
4. **Notifying** Health Officers of all suspect rabid animals, human bites and other rabies exposures.

5. **Establish an animal disease control and health care programs that is supervised by a licensed veterinarian.** All sick animals shall be separated from healthy animals and provided with veterinary care under the supervision of the supervising veterinarian. The veterinarian shall assist facility management in preventing and responding to disease outbreaks and maintaining required animal medical records.
6. **Evaluate** impounded or surrendered animals for signs of illness or injury, temperament and suitability for adoption.
7. **Adoption** of unclaimed impounded and surrendered animals deemed suitable for adoption.
8. **Euthanasia** of unclaimed animals that are deemed unadoptable due to health or behavioral reasons. Most animal shelter and impoundment facilities at least periodically euthanize animals that are deemed unadoptable. It is important that shelters and pounds prevent overcrowding in the facility, which may cause increased animal and worker stress, unsanitary conditions and increased disease transmission between animals. Animals held long-term in a kennel environment may become less socialized and ultimately may become unsuitable for adoption over time.
9. **Proper Disposal** of the remains of dead animals and other animal wastes.
10. **Prepare, package and deliver rabies specimens** for delivery to the State Rabies Laboratory for testing, or contract with a veterinarian to prepare and package rabies specimens.
11. **Provide public education** for schools, the media, and other community groups, regarding topics such as responsible pet ownership, rabies prevention, and the need for spaying and neutering pets.
12. Impoundment facilities must **have a large enough capacity** to house animals obtained from their contract service areas and hold animals for the required 7- day period.

Shelter and impoundment management should encourage adoption of animals deemed adoptable by working collaboratively with local adoption and rescue groups, as well as other shelters, to place adoptable animals into long-term homes as quickly as possible.