

## Municipal Animal Control in New Jersey Best Practices May 2015

### A. Legal Requirements (Excerpts)

1. New Jersey Statutes Annotated (N.J.S.A.) 26:4-78 through 95 address rabies control and mandate that animal bites and rabies exposures to humans and domestic animals be reported to the local department of health, which serves as the lead agency for rabies control activities. N.J.S.A. 26:4-82 requires health officers to order dogs and other animals that have bitten persons confined and observed by their owners at home or at an approved location for at least 10 days from the date of a bite.
2. N.J.S.A. 4:19, subchapter 15 addresses dog licensing, canvassing to identify unlicensed dogs, and other animal control requirements
3. N.J.S.A. 4:19-15.16 specifically addresses animal control activities, as summarized below:
  - N.J.S.A. 4:19-15.16 Section a. summarizes the criteria for a certified animal control officer (ACO) appointed by the municipal government to take into custody and impound dogs and other animals. N.J.S.A. 4:19-15.16a. (5) requires the impoundment of 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. Ownership of the animal is required to be traced with procedures to notify the owner that the animal has been impounded. All impounded animals must be held for 7 days at a facility licensed as a pound prior to adoption or euthanasia. All surrendered animals shall be held for 7 days and offered for adoption before euthanasia or the animal may be transferred to an animal rescue organization facility or a foster home.
  - 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 and the animal cruelty investigator (ACI) certification courses.
  - 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. ACOs that complete the law enforcement training course and are certified as ACIs can be authorized by the municipal government to enforce the New Jersey animal cruelty laws (N.J.S.A. 4:22), but ACIs that are not so authorized cannot enforce these laws.
  - N.J.S.A. 4:19-15.16c lists the authority of ACIs.
  - N.J.S.A. 4:19-15.16d requires all ACIs to forward a copy of signed complaints or summonses to the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) within 5 business days.

**Note:** If animal control and impoundment services are not directly under the purview of the Health Officer (HO), it is essential that an oversight

relationship between the HO and both the ACO and 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 HO should be directly involved in contract development and review 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 whether or not 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.

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

## **B. Animal Control Services - 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 in order 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, groundhogs, foxes, and bats), threatening the safety and health of residents. Proper equipment (i.e., transportation vehicles, rabies poles, protective gloves, 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. ACOs should be able to educate residents on how to abate wildlife nuisances and refer them to pest control services and other agencies that can assist residents if ACOs are not authorized by their supervisors to provide these services. In general, wildlife nuisance issues are under the authority of the New Jersey Department of Environmental Protection and ACOs require approval from the NJDEP, Division of Fish and Wildlife to handle nuisance wildlife.

3. **Investigation** of reports of animal bite and vicious dog incidents, seizure and impoundment of dogs meeting criteria under the State vicious dog law, and notifying HOs and municipal courts. (N.J.S.A. 4:19-19).

4. **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 of injuries or illnesses. Transportation vehicles must meet regulatory standards (N.J.A.C. 8:23A-1.12).
5. **Keeping 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 (N.J.A.C. 8:23A-1.13).
6. Serving notices for the **confinement** of biting or bitten domestic animals for rabies observation and monitoring these confinements, if authorized to do so by the HO (N.J.S.A. 26:4-82 and 83).
7. Arranging **transportation of rabies specimens** to the State Rabies Laboratory, if designated by municipality or local health department (N.J.A.C. 8:23A-1.10).
8. **Canvass for unlicensed dogs** (and cats if required by local ordinance) and take enforcement action when necessary (N.J.S.A. 4:19-15.15).
9. Routine **patrolling of the community** served 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 animal care topics such as responsible pet ownership, microchip identification and registration, rabies prevention, and the benefits of spaying and neutering pets.
11. **Participation** on local/county rabies and animal control related task forces, committees and groups.

### C. **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.

In order to be licensed and operate, impoundment facilities must meet the standards described in N.J.A.C. 8:23A-1.1 through 1.13 governing sanitary conduct and operation of licensed animal facilities. Municipal licensure requires inspection by the local health department and written approval that the facility is in compliance with all applicable laws, regulations and ordinances. Minimum impoundment facility functions include:

1. **Maintenance** of impounded animals under sanitary conditions.
2. **Reunite** owners with their lost animals by tracing ownership of impounded animals 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** HOs of all suspect rabid animals and human bite and other rabies exposures.
5. **Evaluation** of unclaimed impounded or surrendered animals as to their health status and suitability for adoption.
6. **Adoption** of unclaimed impounded and surrendered animals.
7. **Animal disease control and health care** programs shall be established and 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. He or she shall assist facility management in preventing and responding to disease outbreaks.
8. **Euthanasia** of unclaimed animals that are deemed unadoptable due to health or behavioral reasons.
9. **Disposal** of the remains of dead animals and other animal wastes.
10. **Keeping records** of the intake and disposition of all impounded and surrendered animals.
11. Prepare, or contract with a veterinarian to **prepare and properly package rabies specimens** for shipment to the State Rabies Laboratory.
12. **Provide public education**, for schools, the media, and other groups, regarding topics such as responsible pet ownership, rabies prevention, and the need for spaying and neutering of pets.
13. 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 facilities should encourage adoption of animals by working collaboratively with adoption and rescue groups, as well as other shelters, to place adoptable animals into long-term homes as quickly as possible.

Most animal shelter and impoundment facilities have to at least periodically euthanize unadoptable animals. It is important that shelters and pounds prevent overcrowding in the facility, which is often associated with 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 become unsuitable for adoption.