

**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.