

## **Reprinted From the November 2001 Issue of New Jersey Municipalities Magazine**

### **Understanding New Jersey's Animal Control Laws**

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Municipal officials should not be surprised that animal issues often become front-page news. Cruelty to animals, conditions at animal shelters and the plight of stray and unwanted animals are but a few of the "hot button" issues that they face on a regular basis that draw public and media attention. Legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue. In communities all across the state, there are organized groups lobbying for improved care of stray animals and the allocation of public resources to address animal welfare and control problems. However, animal control is often a low priority in municipal budgets when pitted against the many programs and services competing for limited resources. This sometimes leads to the development of situations that provoke public dissatisfaction. A proactive stance can be effective in preventing such situations. This article will give municipal officials an overview of animal control, dog licensing, the New Jersey low cost spay and neuter program and vicious dog laws, and ways elected officials can make improvements in animal control programs and services.

A case can be made that the animal control laws and the availability of quality animal sheltering facilities in New Jersey are among the best in the nation. Many of these laws were originally developed in the 1940s and 1950s to combat the urban canine rabies problem in the United States through the establishment of "dog catchers" (the precursor to animal control officers), the impoundment of stray animals, and eventually, statewide dog licensing with rabies vaccination as a prerequisite. Over the years, the statutes have been broadened to reflect the public's changing attitude towards the role and importance of pets in our society.

#### **Animal Control**

The New Jersey Department of Health and Senior Services (DHSS) has oversight responsibility for rabies and animal control statutes and has staff available to assist municipalities and local health departments with these issues. The law requires that all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality. Individuals become certified by completing a 3-credit course approved by the DHSS. Municipalities comply with this requirement in a variety of ways, ranging from hiring their own municipal, regional, or county officers, or by contracting with private animal control companies to provide these services. The DHSS recommends that in the event a municipal government decides to contract with a private animal control officer or company, the contract be carefully reviewed to ensure that all required rabies and animal control responsibilities are adequately addressed. The DHSS should be consulted if there are any questions concerning what adequate services entail.

#### **Animal Facilities**

In order to operate kennels, pet shops, shelters and pounds, an operator must first be issued a license by the municipality. The application for licensure must be accompanied by a

description of the property and written approval by the local health department, showing compliance with local and state rules governing the location and sanitation of the establishment. A certificate of a satisfactory inspection from the local health department is usually considered written approval. Facilities must be reinspected yearly before the municipality reissues the annual license. Comprehensive inspections by the local health department will prevent facilities operating under sub-standard conditions. In order to assist local health departments with this task, the DHSS has conducted training sessions for local inspectors and facility operators and routinely consults with these individuals. The license fees for animal facilities are set in statute as \$10 for pet shops or kennels providing accommodations for ten or less dogs and \$25 for kennels providing accommodations for more than ten dogs. No fee shall be charged for a shelter or pound. Senate Bill 1946, sponsored by Senator Bucco, proposes to raise these fees to a level that reflects the cost burden to the municipality for licensure of facilities

## **Dog Licensing**

Although dog licensing sometimes seems like a chore to both pet owners and licensing clerks alike, there are many benefits to dog licensing. Licensed dogs are required to wear identification tags that allows animal control officers to trace ownership of the animal and return lost strays to their owners. The tag also serves as an indication that the dog is currently vaccinated against rabies in the event it is involved in a bite or attack. Pet owners who license their dogs have been shown to take better care of their pets and are less likely to allow their animals to free-roam or otherwise become a nuisance to the community. The municipality can utilize fees derived from dog licensing to fund animal and rabies control programs, as well as other activities beneficial to pets and their owners.

The owners of all dogs seven months of age or older are required to annually apply to the licensing clerk of the municipality in which he or she resides for a dog license. In order for the license to be issued, the owner must present proof that a licensed veterinarian has vaccinated the dog against rabies and that the duration of immunity from that vaccination extends through at least ten months of the twelve-month licensing period. An exemption to the rabies inoculation requirement shall be granted if the owner presents written certification from a licensed veterinarian that the dog cannot be vaccinated due to a medical condition or course of therapy.

Dog licensing fees are set by municipal ordinance but the maximum that can be charged annually is \$7.00. License fees are kept by the municipality and used for animal and rabies control activities. Municipal licensing clerks also collect the following additional fees when the dog is licensed: \$1.00 for each dog licensed that is forwarded to the DHSS and placed in the Rabies Trust Fund to support State rabies and animal control programs, \$3.00 for unneutered dogs that is forwarded to the DHSS, Animal Population Control Program to fund the New Jersey low cost spay and neuter program, and \$0.20 for each dog licensed that is forwarded to the DHSS to defray the costs of operating The People for Animals, Inc. low cost spay and neuter clinic located in Hillside, NJ. These fees were enacted into law in 1983.

## **Are All Your Dogs Licensed?**

DHSS officials estimate that more than two thirds of the dogs in New Jersey are unlicensed, representing a large amount of uncollected municipal and State revenue. Licensing

officials can estimate the number of owned pets in a municipality based on a formula published by the American Veterinary Medical Association:

To estimate the dog population in an area, multiply the number of households by .534

To estimate the cat population in an area, multiply the number of households by .589

Using an estimated statewide population of 8.41 million or 3.24 million households, there are 1.73 million owned dogs and 1.91 million owned cats in New Jersey. Comparatively, only 478,140 dog licenses were issued in 2000, representing less than 28% of the estimated owned dogs. The potential lost annual revenue to municipalities from unlicensed dogs is estimated to be over \$ 8 million.

### **How To License More Dogs**

One of the most effective methods to increase dog licensing in a community is to annually canvass all residents to identify unlicensed dogs. Unfortunately the number of towns submitting a canvass report to the DHSS has steadily declined to 27 % in 2000 (Table 1). The statutory requirement for submitting a canvass report to the DHSS was amended in 1996 to allow the reports to be submitted either annually or biennially (every other year). Local health officers have reported that conducting a door-to-door canvass of their municipalities every year generates substantial revenue, is a cost-effective activity and increases the visibility of municipal services. It is also an excellent opportunity to disperse information to citizens about public health and other important topics. Many towns have recruited retired citizens, volunteers or students to perform a canvas inexpensively.

### **Cat Licensing**

Currently there is no law requiring statewide licensure of cats. The DHSS has supplied a model cat licensing ordinance to health officers and 251 municipalities have reported that they have passed such an ordinance. Municipalities retain all revenue collected from the licensure of cats. Because cats are a significantly higher risk to transmit rabies to humans and create a larger nuisance to residents than dogs, the DHSS strongly encourages municipal officials to pass and enforce cat licensing ordinances.

### **Pet Limit Ordinances**

Some municipal governments have passed ordinances limiting the number of dogs or other pets that residents can own. This may not be the most effective method to reduce animal related problems. In the event an owned pet is causing a nuisance, existing animal control and nuisance ordinances are usually adequate for animal control officers to take effective corrective action. Also, pet limit ordinances have resulted in a decrease in animal licensing by owners wishing to conceal the number of pets that they own.

### **The State Rabies and Animal Control Program**

Revenues from dog licensing forwarded to the DHSS are utilized in a variety of ways. Staff is available on a 24 hours basis to consult with medical professionals, veterinarians, local health officers and municipal officials with regard to rabies exposures and treatment, as well as animal control and other issues. This revenue also funds all laboratory testing of animal rabies specimens submitted to the Public Health and Environmental Laboratories (approximately 3,200 per year), and supports the purchase of animal rabies vaccine, syringes and other supplies provided to municipalities to conduct free rabies vaccination clinics. Every year, approximately 700 municipal vaccination clinics are conducted, with about 120,000 dogs and cats receiving inoculations. The DHSS recommends that municipal officials schedule their State/municipal-sponsored rabies vaccination clinics to correspond with their licensing renewal date, in order to aid residents who need to provide a rabies booster vaccination their animals prior to licensure.

### **Animal Population Control Program (APC)**

The New Jersey State Department of Health and Senior Services recognizes that stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals. Reducing the number of unwanted stray animals will relieve the financial burden placed upon local municipalities resulting from pickup, impoundment, and euthanasia of stray dogs and cats. A 1991 survey indicated that a conservative estimate of the cost to pick-up, hold for 7 days, and euthanize an animal was \$58. With approximately 122,000 strays impound yearly in the State at present, the total estimate for municipalities would run about \$ 7 million (expressed in 1991 dollars) annually.

New Jersey was the first state in the nation to aggressively address the pet overpopulation problem with an innovative statewide spay/neuter program. Referred to as the Animal Population Control, Low Cost Spay and Neuter Program. Pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies (\$20 copayment fee) and pet owners participating in one of the several Public Assistance Programs (\$10 copayment fee) are eligible to have their pet dogs and cats neutered in the APC Program.

Currently, 218 veterinary hospitals in New Jersey participate in the APC, Low Cost Spaying and Neutering Program. There have been over 145,000 surgeries performed since the inception of the program in September 1984.

New Jersey is one of the few states that collect data from animal pounds and shelters. The APC program conducts an annual survey of such facilities to determine the number of stray dogs and cats, redeemed by owners, adopted, and euthanized. The survey enables the program to estimate the long-term impact of the Low Cost Spaying and Neutering Program on the number of stray dogs and cats impounded by municipalities. It is interesting to note the 25% reduction in the number of dogs and cats impounded and the 41% reduction in euthanasia between 1984 and 2000 (Table 2), the period of time that the Program has been in effect.

Due to the Program's popularity and demand, in 1992, the DHSS and other organizations, such as the Humane Society of the United States (HSUS), and the New Jersey Veterinary Medical Association (NJVMA), began working diligently to identify potential sources for increased funding for this successful program, and in April 1994, then Governor Whitman

announced the availability of the Animal Friendly License Plate. All proceeds from the sale of these plates, available at all Division of Motor Vehicles offices, are used to reimburse participating veterinarians for spaying and neutering surgeries. There have been a total of 32,600 license plates sold for the period of April 15, 1994 through July 2001, resulting in gross sales receipts of over \$1.6 million dollars. In addition there have been state appropriations into the Program in fiscal year 2001 and 2002, totaling \$700,000

## **Vicious Dogs**

Dog bites are a serious problem. The Centers for Disease Control and Prevention estimate that there are approximately 4 million people bitten each year, most of whom are children, and an average of 20 deaths each year caused by dog bites. Dogs belonging to more than 30 breeds have been responsible for fatal attacks on people.

In New Jersey, the “vicious dog law” addresses dog bites and attacks. This legislation was signed into law in 1989 and amended in 1994. The municipal court determines if a dog that attacks a person or kills a domestic pet is vicious or potentially dangerous. The provisions of this law apply to all breeds of dogs and prohibit towns from passing ordinances restricting ownership of specific breeds of dogs. In some cases, these statutes have been a source of frustration for municipalities. Dog attacks are frequently very emotional situations and may involve extensive media coverage. Handling a vicious dog situation may also become very labor intensive. However, the vicious dog law establishes a statewide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed. It is important that local health officers, animal control officers and municipal judges are knowledgeable of the provisions in this act and follow the required procedures when a vicious dog situation arises.

The statute specifies that the municipal animal control officer is the initial responder in suspected vicious dog situations. If the municipality contracts with a private animal control company, the contractual agreement should include procedures for handling vicious dog situations as well as animal and rabies control procedures. The animal control officer responding to the call must make an immediate decision to impound the attacking dog if there is reasonable cause to believe that the dog: 1) attacked a person and caused death or serious bodily injury; 2) dog caused serious bodily injury to a person during an unprovoked attack and poses a threat of harm to persons or domestic animals; 3) engaged in dog fighting; or 4) has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals. In cases where the dog has killed another domestic animal and appears to pose a threat of future attacks, a vicious dog hearing can be conducted but the dog is not required to be impounded.

Immediately upon impounding a dog or identifying a vicious dog situation, the animal control officer must notify the municipal court and local health officer of the situation and determine the identity of the owner. Within three days of determining the owner(s), the animal control officer must notify them of the situation, via certified mail, and require the owner to return a signed statement indicating whether he or she wishes a vicious dog hearing to determine the disposition of the animal, or if not, to relinquish ownership of the dog for euthanasia. If the owner cannot be notified or does not respond to the notification within seven days, the dog may be euthanized. If the owner requests a hearing, the issue is turned over to the municipal court to

schedule the hearing. The municipality and the owner(s) of the dog may settle and dispose of the matter at any time according to terms mutually agreed upon. It is important for municipal officials to follow these exact procedures. In one case, a municipal court ruling declaring a dog vicious was over-turned on appeal because the letter to the owner asking if they wanted a hearing, the initial step in addressing vicious dog situations, was sent over three months after the incident and identification of the animal's owner.

The municipal judge will use the criteria listed in the statutes to determine if the dog is potentially dangerous or vicious. The municipality shall bear the burden of proof to demonstrate by clear and convincing evidence that the dog was not provoked. Dogs declared vicious must be euthanized. Those found to be potentially dangerous are allowed to be kept, providing the owner purchases a special license, constructs an escape-proof enclosure, posts signs around the animal's enclosure and only removes the animal from the enclosure if muzzled and leashed. There is a provision that the judge may require the owner to maintain liability insurance to cover the cost of any damage or injury caused by a potentially dangerous dog.

Most dog behaviorists believe that the environment in which a dog is raised is a much stronger determinant of the animal's personality than it's breed or genetic background and that classifying certain breeds as more likely to bite or attack people is not an effective method to prevent dog bites. Any dog can be aggressive around children and may be inappropriate for households with children unless the dog is properly trained and socialized. Infants should never be left alone with any dog. The DHSS recommends that municipal animal control programs include public education addressing dog bite prevention.

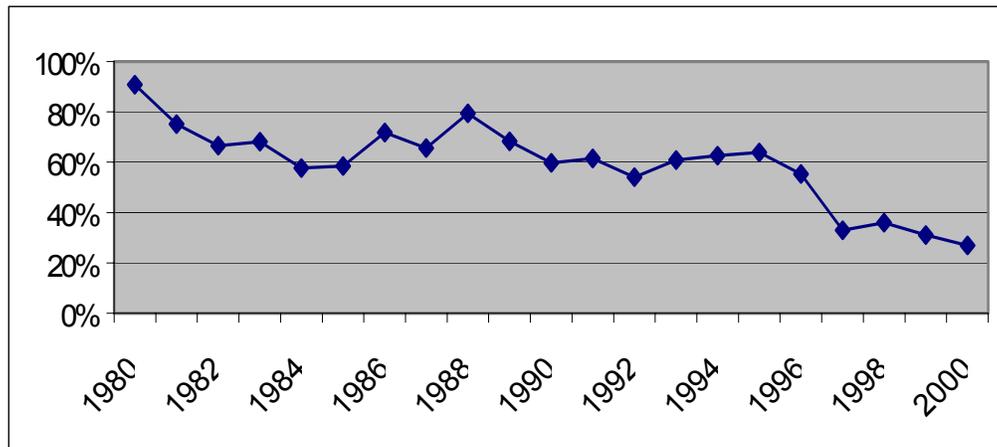
In summary, to effectively protect their citizens, as well as their pets, from animal-related nuisances and public health or safety problems, municipal governmental officials need to be knowledgeable and have an understanding of the State animal control laws and regulations. New Jersey's animal control laws and regulations are codified as N.J.S.A. 4:19-15.1 through 36 and N.J.A.C. 8:23 and 23A, respectively. Copies, as well as technical assistance are available from the New Jersey Department of Health and Senior Services (DHSS) by calling (609) 588-3121 or by emailing [colin.campbell@doh.state.nj.us](mailto:colin.campbell@doh.state.nj.us).

**TABLE 1  
SUBMISSION OF MUNICIPAL DOG CANVASSES TO  
THE NJ DHSS, 1980- 2000**

**567 TOTAL MUNICIPALITIES**

YEAR	MUNICIPALITIES SUBMITTING	PERCENT
2000*	152	27%
1999*	173	31%
1998*	204	36%
1997*	187	33%
1996*	314	55%
1995	363	64%
1994	355	63%
1993	345	61%
1992	306	54%
1991	349	62%
1990	339	60%
1989	387	68%
1988	450	79%
1987	372	66%
1986	407	72%
1985	332	59%
1984	327	58%
1983	386	68%
1982	377	66%
1981	426	75%
1980	515	91%

\*Annual or biennial canvass requirement



**Table 2**  
**NEW JERSEY ANIMAL FACILITY INTAKE AND DISPOSITION**  
**SURVEY OF DOGS AND CATS, 1984 -2000**

<b>YEAR</b>	<b>IMPOUNDED</b>	<b>ADOPTED</b>	<b>REDEEMED</b>	<b>EUTHANIZED</b>
2000	122 200	43 633	15 802	48 551
1999	114 590	41 030	15 366	47 903
1998	116 177	41 397	14 978	48 195
1997	110 951	40 318	15 385	47 521
1996	118 972	38 018	14 589	53 307
1995	113 928	38 312	13 771	48 239
1994	118 894	40 337	15 508	51 607
1993	119 904	37 011	14 282	53 258
1992	119 998	37 026	14 437	60 506
1991	131 416	39 792	13 360	61 481
1990	145 711	49 442	14 042	75 197
1989	149 354	40 008	13 612	78 840
1988	139 045	40 585	13 553	76 995
1987	154 119	40 287	14 870	85 906
1986	133 872	36 093	13 625	72 313
1985	133 859	30 897	13 832	73 122
1984	161 146	31 311	16 414	82 566