

## New Jersey Chapter



National Wildlife Control Operators Association

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**Consider these six questions when choosing capture, handling, transportation, and disposal methods for wildlife:**

1. Is it safe?
2. What are the likely ecological consequences of this action?
3. Is it practical?
4. Is it humane?
5. Is it legal?
6. How would your actions play on the evening news?

All of these questions are important, but which ones matter most in a particular situation will change with the circumstances of the job. Your understanding of these issues will deepen over time, as you gain experience working with the public and with wildlife. Here are some basic points related to each of these big questions.

**Is it safe?**

Roof work is one of the more common NWCOS job hazards. Fall caused 11% of the deaths associated with job-related injuries in upstate New York (1993 statistics from the Dep't. of Health. How do other NWCOS stay safe and get the job done?

Many NWCOS are most concerned about safeguarding people: themselves, their customers, and the public. There are health and safety risks posed by the presence of nuisance wildlife, and by wildlife control techniques. Wild animals might expose people to diseases or parasites, for example, or cause fires or road accidents (see chapter four).

Those are the routine risks. Some NWCOS face unusual risks because they handle exotic wildlife, such as pet snakes left behind in dorms when the college term ends. It's not always easy to identify the species. Could it be venomous? Obviously, if you're tangling with an animal that could hurt nearby people, extra caution is needed.

The way you go about your business could also affect the safety of other species and of the environment. A careful NWCOS can help prevent the spread of a wildlife disease into a new area, or to a different species. Likewise, by using traps and pesticides carefully, that NWCOS can reduce the chances of catching or killing the wrong animal or contaminating the environment.

How safe is the situation, and the method you want to use? Consider such things as:

- \* Is the nuisance animal sick, aggressive, or otherwise dangerous?
- \* Do you have the right gear for the job?
- \* Is the building safe?
- \* How well can you control access to any pest control devices, such as traps or pesticides?
- \* Could children, pets, or other animals gain access to the animal, or to your tools, and injure themselves?
- \* Do weather conditions make the job too dangerous? (For example, icy, wet, or windy conditions could make it unsafe to walk on a roof.)

## **What are the likely ecological consequences of this action?**

The most important tool for a NWCO is good judgment. A solution that works when you're dealing with 70 bats may not be appropriate if you're dealing with 7,000 bats.

Think beyond your client's property. What effects might your actions have on local wildlife populations?

Many of the wildlife species that most commonly cause conflicts with people are abundant, so capturing and killing an individual isn't going to threaten the species' survival. But what if you're asked to remove hundreds or thousands of animals?

This could happen with starlings, crows, Canada geese, or bats. Some conservationists would be happy if you killed European starlings because they're an exotic species that competes with our native wildlife. Crows and Canada geese are abundant in this area, so wildlife biologists aren't overly concerned about the effects of reducing the size of a flock on the larger population. Bats are a different story.

The two species of bats that are most likely to cause nuisances in the Northeast are the little brown bat and the big brown bat. In both, females gather in large colonies to raise their young—each has only one or two pups each year. This low breeding rate, and their colonial habit, makes them vulnerable.

Typically, you'll see a few hundred brown bats in a maternal colony but in a very successful site you might find as many as several thousand females and their pups. Although it hasn't been well-studied yet, doesn't it seem reasonable to assume that what you do in such a situation could affect the local population of bats? Obviously, the bats have been there for a long time. Can you convince your customer to choose the two-season solution instead of the quick-fix, which might cause long-term harm to the local bat populations?

Here's what a more relaxed approach would look like. In the first year, you install two or three bat boxes in the early summer. Let the bats raise their young in the building, and give them time to check out those newly-installed boxes. In late fall, you can begin limited bat-proofing, but don't close the main entry hole. In early May of the following year, install a check-valve over the main entrance. Once you are certain all the bats are out of the structure, you can finish permanent bat-proofing by sealing the primary entrance.

Bats in the house or barn may be a problem, but bats in the yard are often considered beneficial because they eat so many insects. By giving the bats a little more time to get used to the alternative roosts, you increase the chances they'll return to the area to use them. That cushions the drop in the local population.

Quite a few of the techniques mentioned in this manual could affect other wildlife. Any modification of the landscape, even something as simple as mowing, will be good for some species and bad for others. For this reason, when you're planning your strategy, imagine two zones around the building.

To solve the problem and prevent future occurrences, how far must wildlife be kept from the building? That's your inner zone, which you'll probably want to keep well-manicured. The size of this zone depends on which species you're concerned about. A one-foot gravel perimeter around the foundation may foil mice, but it's not going to make a bear hiccup. What about the areas beyond this zone? If you maintain proper defenses, you should be able to leave the outer zone wilder. You might even al-

ter the landscape to encourage certain wildlife to use that area.

Best practices are all about common sense and good judgment. If it's easy for squirrels to get into your attic, why wouldn't they nest in this warm and secure place? If it's nearly impossible, does it matter if they're nesting in a tree fifty feet away?

As a NWCO, you have many tools to solve nuisance wildlife problems. Good judgment is the most important one. You can offer effective, long-term solutions—and help prevent wildlife conflicts from developing—without sterilizing the planet.

Extra care and thoughtfulness is needed with certain techniques, because of their greater potential to harm other species or the environment. This is especially true when using lethal tools such as body-gripping traps or pesticides. You could accidentally capture or injure someone's pet, or a protected species.

You don't want to catch any member of the wrong species, or individuals of the target species that aren't causing the conflict. Don't condemn an entire species because of the actions of a few individuals. Nuisance animals aren't malicious, they're simply taking advantage of an opportunity, adapting natural habits to an artificial environment in order to survive. If you catch the wrong individuals, you haven't solved the problem for your customer.

Sometimes, just moving an animal can cause problems. We'll talk about that technique, called "trap and transfer" or "translocation," in chapter five.

### **Is it practical?**

Even if you could afford everything on the market, how would you fit it into your truck? Here's a simple answer to a situation that called for a covered trap. Solutions don't have to be fancy to work.

Some methods sound great until you actually try to make them work. And some methods are great, but customers balk at the cost. Many factors will affect whether you can actually use a certain approach, ranging from your skill levels, the available gear, weather conditions, timing, and cost.

Of course, your solution has to fix the problem. After you've determined which species to target and placed your devices so they'll most likely capture the offending animals and no others, you still need to figure out how many animals are probably there. If there are six and you've caught three, chances are that's not good enough.

And have you provided a long term solution or just temporary relief? You may want to avoid quick-fix jobs because no matter what the customers say when they hire you, they might not be happy later, and might blame you. (Well-written contracts may help, especially if the paperwork includes descriptions of the options offered, the recommended actions, and the likely consequences.)

Sites sometimes present unexpected challenges. The area you really want to get to may be inaccessible. Or maybe the neighbors are feeding the squirrels that are overrunning your customer's yard. Without their cooperation, your options are limited. Your traps might be vandalized or stolen. And some sites, because of their location or use, suffer from a curse: people think the area is a good place for animals, and don't consider the landowners' needs. Some farms suffer from this problem. Many people abandon animals at farms, and over time, it can become overwhelming.

Timing can present practical problems, too. What if no one knows who owns the potential release

site? Will you tell your customer to wait while someone does the research? (Who?) Or what if the owner refuses to give you permission to release animals onto that land, and it would take hours to drive to another suitable site? Or if the customer wants you to deal with the problem right now, but certain techniques require federal and state permits?

Then there's the dilemma of the mysterious "someone." Your customer asks, "isn't there someone you can just take it to?" In nearly all cases, the answer is "no." Wildlife rehabilitators accept injured, sick, and orphaned wildlife, not healthy adult animals. And they don't want you to routinely drop off baby animals, either. Consider this a matter of professional responsibility: you should work in a way that minimizes the chance of creating wildlife orphans. (Another thing to keep in mind is that not all wildlife rehabilitators handle the same animals. They must have special training and additional permits to handle rabies vector species, for example.)

One last practical point to consider as you choose a method for capturing, handling, evicting, transporting, or disposing of wild animals is, could you make things worse? Expect to get a few calls where this has already happened, because your customers followed some bad advice or just had bad luck. Perhaps they thought the animal had left, so they closed up the hole to keep it from getting back in, only to trap the animal inside. Or maybe they had a raccoon family in the attic. Their neighbors had one in their chimney and used a loud radio and a pan of ammonia to harass the female so she'd move her young. They did the same, and it worked...but not quite the way they wanted. The female did feel threatened and did move her young—to a much more secure place—in the wall. In both cases, the job becomes much harder.

### **Is it humane?**

Most NWCOS enter the industry because of their love of wildlife. If you want to work in a way that reflects that value, you'll need skills, knowledge, compassion, and a mature way of thinking. Those abilities may be sorely tested at times. The problem is that some people focus on a particular method and believe that it's always the "right" answer.

We'll discuss the details of handling and disposal methods in chapter five, but here's the big picture. If you want to treat wildlife in a humane fashion you have to think about what this means through every stage of the job. How is the animal affected by the strategy and techniques you've chosen? What's likely to happen after you leave?

Questions about the humane treatment of wildlife usually focus on the choice between nonlethal and lethal techniques, but it's more complicated than that. Although it seems odd, a nonlethal technique will not guarantee humane treatment for the animal in all situations. For example, relocating squirrels during the summer may be appropriate. But harsh winter conditions may not give a relocated squirrel enough time to find shelter before it dies of exposure; if it finds shelter, it may starve to death if you've moved it too far away from its food cache. Another example: if you release an injured, sick, or highly traumatized animal in a new place, it may not be strong enough to ward off the attacks of animals that are already well-established in that area.

To make this discussion of animal welfare even trickier, there are nonlethal techniques that are meant to stress the animal a bit. Why? To train the animal to change its behavior. For example, NWCOS may use border collies to chase Canada geese away from a park, or rubber buckshot to scare bears. This is a legitimate approach that may solve the wildlife conflict. It does make the nuisance animal feel some pain or stress—but only as much as is necessary. You'll see this general approach described by such terms as "frightening techniques," "scare devices," "repellents," and "aversive conditioning." These techniques support other wildlife management efforts, too.

Here are a few issues to consider when you're trying to decide how to humanely capture an animal. Many types of traps are selective, effective, and humane when they're used properly. Really. It all depends on your skill and carefulness. A cage trap can be misused and cause a cruel death, while a foothold trap could be used well and aid in a humane capture. Some simple modifications to your traps and trapping habits may provide more comfort to the captured animal and increase its chance of survival. Try to protect the trapped animal from exposure to bad weather. In some cases, you'll also need to protect them from people (especially children), pets, and predators, or their own behavior.

Rain, or extreme heat or cold, can kill some animals. You can prevent many of these accidental deaths by checking your traps as soon as you can (at least once a day); by using a plastic box trap (except in the summer, when it can heat more quickly than other designs); by covering a standard metal cage trap with plywood, cardboard, burlap, towels, blankets, tarps, or aluminum; by setting the trap in a less exposed place; or by waiting for better weather, if possible.

Trap placement is critical if you need to keep children, pets, or predators away. Some people might intentionally harm an animal, or release it. Kids might be too young to understand the effects of their actions. Even if all they do is watch the animal, their presence will increase its stress. If a person is scratched or bitten, that could translate into a death sentence for a mammal, should rabies testing be necessary. Pets and predators may also investigate, causing even more stress for the animal.

When captured in a live trap, some species will settle down while others, like squirrels and raccoons, will paw furiously at the trap or rub their bodies against the metal. Given enough time, they could rub off fur and bloody themselves. The shape and size of some new trap designs helps to minimize this problem. Checking traps frequently helps, too.

Those concerned with the humane treatment of wildlife also take special care so they don't turn young animals into orphans. This means you may need to alter your habits when there are young in the den or nest who aren't mature enough to take care of themselves and leave on their own.

Adult wildlife may need special consideration at certain times of year, as well. If you accidentally trap a hibernating animal inside a building, it will either find another way out (perhaps through the living spaces or by creating a new hole, causing more damage to the building) or it might die inside. Sounds like a lose-lose situation, doesn't it?

So what do you do? Many NWCOs will install a "one-way door" (also called "checkvalves"). This device allows animals to leave but keeps them from re-entering the building. We'll discuss it in more detail in chapter five, but here's a quick example of its use. If a client requests bat exclusion in February, some NWCOs will close up most—but not all—of the exits. They'll install a checkvalve over the main exit. This way, if they've missed a bat, it still has a way out. The NWCO returns in April or early May, after the bats have emerged from hibernation, to finish the job. (One caution about checkvalves: don't use them during the pup-rearing season, beginning in late May, when young, immobile bats may be left behind.)

Finally, when you have to kill an animal, choose one of the best practices described in chapter five whenever you can. These techniques are more likely to provide as painless a death as possible. You may achieve this using one, or perhaps a combination, of techniques. Ideally, you either kill the animal quickly, or first quickly make it unconscious, then kill it quickly.

## **Is it legal?**

Consider whether you are allowed to handle the species. Do you need permits or additional licenses for the methods you'd like to use? You may not take, possess, or transport a migratory bird without a federal permit, for example. To use chemical repellents on your customer's property, you'd need a commercial pesticide applicator license in addition to your NWCO license.

Can you legally use this method in this area? Local restrictions might affect which techniques you use to capture or kill an animal. Shooting is frequently regulated by local ordinances, but some areas will even control the type of fences you can install.

Have you secured all of the necessary permissions? If you want to release an animal off-site, you'd need approval from the landowner who's hired you and from the owners of the land you're going to use as a release site. Some people mistakenly believe they can release animals onto public land, such as parks or wildlife management areas, without permission. Nope! Talk to the property manager first.

## **How would this play on the evening news?**

"Wildlife belongs to the public. Regional and national surveys demonstrate that the public has concerns about how their wildlife is treated. Because of this, [NWCOs] should manage wildlife as the public asks, whenever possible and practical. In all cases, [NWCOs] will use [their] professional judgment to determine the best course of action, understanding that every damage prevention job is a customized operation."

—excerpted from Dr. Robert H. Schmidt's column, "The Professional Touch: A Professional Code of Ethics for Wildlife Damage Management" in the Oct/Nov. 1993 issue of *Animal Damage Control* 1(5):8

Many NWCOs are deeply committed to improving the industry and achieving professional recognition for their work. Communication skills are critical to this effort, and to the success of your business. The greatest wildlife expert in the world won't win customers, or the public's trust, if that person is dismissive of other people's feelings and beliefs, arrogant, or just plain confusing.

Nuisance wildlife problems can be highly emotional for some clients. You're entering someone's home, perhaps at a time when they're not even close to being at their best. Be at yours.

Let your professionalism shine. Be respectful and honest with your customers. Decent. (Isn't that the way you want to be treated when you're a customer?) Listen. Try to understand what they want. One thing that's probably true about most successful business people is they make their customers happy. That's a balancing act, of course. It's okay to refuse a job if someone insists on something that you think is wrong, or know that "solution" won't work. You also have to maintain your reputation.

You'll probably have some difficult customers. It can be challenging to listen, sometimes. Do your best. Remember, listening quietly to someone's point of view doesn't mean you support it.

If there are legal or practical reasons why you can't do what your customers ask, explain. Describe the available options in the amount of detail your customers request. Some customers won't care how you do the job while others will have strong opinions, especially about the disposal of animals; they may want to hear every detail.



Think about the average person, who probably feels either neutral about wild animals, or likes the idea that they're "out there." This same person probably believes that people have the right to protect their families and their homes. Our John Doe might believe it's perfectly reasonable to remove nuisance animals from a home by trapping them. Would he be squeamish if he saw a dead animal in a trap? Maybe. Would he be upset if he saw a dead animal in a body-gripping trap hanging over the side of someone's roof? And would that cause him to reconsider his opinion of trapping in general?

That's the kind of blunder that can lead to a media feeding frenzy, and polarize communities. Whether you like it or not, the public cares about how you do your job. So imagine the cameras are always rolling. What reaction would you expect if someone videotaped your work, then showed it on the evening news? If you have to work outdoors, be as discreet as possible. Consider how your work might be interpreted by a passerby.

Are you willing to step in front of a real "camera," to let the public see the positive sides of the industry? Many NWCOs volunteer to help educate the public about wildlife and wildlife damage management. They participate in public events, write columns for local newspapers, appear on local TV or radio shows, or maintain websites to help others find credible information.

Such actions help people get to know and respect you. It's a chance to help others understand the facts and complexities of various wildlife situations. Each year, you can count on local media addressing the issue of what to do about baby birds that have fallen out of their nests. If you can think of a creative angle, you'll probably find yourself talking to reporters. (Good for the community and good for your business).

This assumes that you're doing good and fair work that would shine, if only you didn't fidget and grow tongue-tied once the camera turns your way. One of the challenges of wildlife control work is that people will define "good and fair" differently. This brings us back to the complex issue of trap and transfer, which is an example of how doing right by your customer may also be an unneighborly act.

The science isn't definitive yet, but many people believe that nuisance animals can't be rehabilitated, that once an animal has learned about the "good pickings," it will seek the same situation wherever it lives. Remove a raccoon from your customer's attic and it will move into the neighbor's attic. Then the next one. And the next one. Is it fair to transfer your customer's problem to someone else? You'll hear different opinions from NWCOs, and will have to develop your own standards. Even if your treatment of wildlife is beyond reproach, those cameras could focus on business practices. So make them best practices.

New Jersey Nuisance Wildlife Control (Permitting/Non-Permitting) Most Common					
Wildlife	No Permit N.J.A.C. 7:25-5.21	Non-Game Depre- dation Permit	Game Depredation Permit Needed	Federal Permit	Health Dept. Letter
Raccoon	X				
Gray Squirrel	X				
Opossum	X				
Skunk	X				
Groundhog	X				
Weasel	X				
Coyote	X				
Red & Gray Fox	X				
Mole		X			
Vole		X			
Southern Flying Squirrel		X			
Chipmunk		X			
Bats (ALL)		X			
Snakes (ALL)		X			
Woodpecker <sup>1</sup>				X	
Canadian Geese <sup>1</sup>				X	
Pigeons	X				X
English Sparrow <sup>2</sup>	X				
Starling <sup>2</sup>	X				
Beaver			X		
Otter			X		
Muskrat			X		
Turkey			X		
Whitetail Deer			X		

1. All migratory birds.      2. Unprotected species - N.J.A.C. 7:25-5.22 (b)



# State of New Jersey

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## **POLICY ON THE RELOCATION OF WILDLIFE**

### **BACKGROUND**

As the administering agency for the wildlife resource in New Jersey, the Division of Fish and Wildlife has a responsibility to ensure that human activities relating to the movement and release of wildlife do not negatively affect human health and safety, agriculture and local wildlife populations. Authority to control releases is found in N.J.S.A. 23:4-63.3 and 64.4, and the N.J.A.C. 7:25 sub-chapters 4 and 10 which regulate the captivity of non-game and exotics and game birds and mammals, respectively.

This policy on the release of wildlife supersedes the prior translocation policy, which stressed rabies vector species and was necessary to prevent an unnatural spread of the disease across New Jersey. Under the prior policy, release of rehabilitated or nuisance animals was only allowed at, or immediately adjacent to, the site of capture. Rehabilitators, animal and pest control operators, as well as the general public, generally found this policy inflexible considering the varied circumstances involved with the capture and subsequent release of wildlife. The euthanasia alternative was unacceptable for many constituents.

This policy is a result of several meetings with representatives of affected constituency groups and includes input from wildlife rehabilitators, animal control officers and pest control operators. This policy sets standards for release of all species and considers both biological and social issues, which affect the selection of a release site.

Ideally, all terrestrial animals should be released as close to the initial site of capture as possible. Normal home ranges and dispersal distances for a species should be considered to prevent unnatural spread of disease and unnatural gene flow. This will minimize possible spread of diseases, minimize interfering with population dynamics, including survival of individuals, and the genetics of a particular population; and for adult animals, allow release in already established territory.

Social considerations including public perceptions of what is ethically and morally appropriate for wildlife may be tempered when the situation involves themselves. The public perceives that whenever possible, orphaned and injured animals should be given treatment and a second chance for survival. At the same time, past experience has demonstrated that the public may not wish to have these "saved" animals returned to their own back yards. This "not in my backyard" syndrome is more prevalent when it comes to the release of a nuisance animal which has just caused a problem on a homeowner's property. Constituents most often wish to live trap an offending animal and move it elsewhere, rather than learn to live with the animal or have it euthanized.

## **GENERAL RELEASE CRITERIA**

In order to be considered for release, wildlife must be capable of recognizing, obtaining and processing natural foods, evading and/or defending against predators, acquiring shelter, acquiring and/or defending territories, perform normal seasonal movement and dispersals, exhibit normal socialization with conspecifics, be free of visibly obvious disease and parasites, and be free of exposure to exotic diseases/parasites. The appropriate season and/or current weather conditions must also be considered when determining if/when an animal is releasable.

If an animal is determined to be releasable, the animal should be released as close as possible to the site of capture. With few exceptions, the fact that the animal was found at a particular location indicates that suitable habitat exists for that species. Release site selection is more critical for terrestrial and sedentary species such as amphibians, reptiles and small mammals than for avian species. Human interpretation of what is better habitat and what, therefore, is a better release site is an academic exercise, which is often difficult even for experts.

When considering release on site, or elsewhere, the concept of "carrying capacity" must be remembered. Carrying capacity is defined as the number of individual animals a particular habitat can support because of the food, water, cover and living space it provides for a particular species. The number of animals that a particular location supports is, therefore, finite. Release of wildlife in a location other than the site of capture exacerbates competition for limited resources at a given location and should therefore, be avoided whenever possible.

Release locations must vary so that many rehabilitated or nuisance animals are not released at the same location. This practice known as "dumping" will likely result in decreased survival probability for the released animals and is therefore unacceptable for either rehabilitated or nuisance wildlife. An unusually high density of wildlife that cannot be supported at a particular location will invariably lead to increased stress, disease, parasites, and ultimately death of many animals. Spill over of wildlife into adjacent properties often leads to nuisance wildlife situations.

### **Nuisance Wildlife**

Relocation of nuisance wildlife must be evaluated on a case by case basis. Whenever possible, habitat alteration (i.e., capping chimney) and education of the homeowner in order to allow release on site is encouraged. Failure to remedy the situation by using exclusionary devices or removing the attractant (i.e., garbage) will guarantee that the problem will continue even if the offending animal is removed. If release on site is not practical, relocation must follow the guidelines below.

Before relocating any adult wildlife during the spring and summer, a search for their newborn animals should be conducted. If found, these young must be relocated with the adults. Any trapped nuisance wildlife that appears to be injured or sick should be placed with a licensed wildlife rehabilitator for evaluation prior to release.

If release on site or relocation of a nuisance animal will create a new problem, euthanasia of the problem animals should be considered. Property owners and occupants of dwellings, or their agents in writing, may control property damage by lawful means when suffering such damage from squirrel, raccoon, opossum, skunk, weasel and woodchucks (N.J.A.C. 7:25-5.21). If euthanasia is found to be the only viable method of control, the above species may be euthanized according to the methods declared as acceptable or conditionally acceptable in the most recent report of the American Veterinary Medical Association (AVMA) Guidelines on Euthanasia. The AVMA report states drowning is not an acceptable method of euthanasia. Other municipal and state laws apply.

Most other wildlife species are controlled by state and/or federal regulations and lethal control measures are regulated by the Division of Fish and Wildlife and in some cases, the U.S. Fish and Wildlife Service.

### **Rehabilitated Wildlife**

Established policy prohibits the release of animals that are unlikely to survive because of physical or behavioral problems. You may place nonreleaseable live wildlife that are suitable for use in educational programs, foster parenting, research projects, or other permitted activities with persons permitted or otherwise authorized to possess such wildlife with prior approval from the Division of Fish and Wildlife - Wildlife Permitting Unit and/or the US Fish and Wildlife - Migratory Bird Permitting Office. Use of physically deformed animals for educational purposes is discouraged. Animals that cannot be released or placed are to be euthanized.

Releasable wildlife can be grouped into two distinct categories injured or orphaned juveniles and injured adults. For many species, orphans or young-of-the-year have not yet established home ranges and may naturally disperse considerable distances from their natal home range. Adults already have established home ranges and would benefit greatly by release into familiar territory.

### **SPECIFIC GUIDELINES**

#### **Amphibians and Reptiles**

Home ranges for amphibians and reptiles are not well known but are less than an acre for some species. Survival depends on close proximity to important habitat components such as traditional hibernacula (denning sites) or breeding sites. Diseases and genetic flow over geographic distance are certainly slower for these sedentary species. Relocation of captured animals over relatively short distances may be highly detrimental to the individual animals, as well as, pose great risk to local populations. Research and experience has shown that snakes may be released within 200 meters (slightly more than two football fields) from a capture location in a nuisance situation and not present future problems. Movements greater than 200 meters may be too far to ensure their survival. Therefore, the maximum relocation distance the state permits from the site of capture is 200 meters. For relocation of turtles or salamanders throughout the state, contact the ENSP's office in Clinton at (908) 638-4127

#### **Birds**

Current rehabilitation practice usually involves releasing passerines at the rehabilitation center where supplemental feeding situations are available while birds gain flight experience. Larger birds are often released off site in suitable habitat and at the appropriate time of year. Since migratory bird species are widely dispersed, there is no need to change current practices. Birds found during the nesting season may be territorial to an area, and should be released during the nesting season close (within one mile) to the location of their initial discovery, unless to do so would risk additional injury or put them in otherwise unsuitable habitat.

#### **Mammals**

Ideally, all mammals should be released at the site of capture if it is known, and if permission of the landowner is obtained. From a biological perspective, release of adult mammals outside of their home range will lead to a decrease in survival and possible spread of disease. This policy recognizes this and

encourages all releases to be conducted within two miles of the initial capture. However, because of social situations which may prevent this, release distances specified below will be allowed.

Rehabilitation of juvenile mammals often includes on-site "soft releases", which improve survival probability, but preclude release at the original site of capture. Soft releases are, therefore, allowed according to acceptable rehabilitation standards.

## **Deer**

Release of rehabilitated deer at the initial site of capture is usually impractical considering the current method of rehabilitation. Rehabilitators licensed for deer have facilities that allow orphans to be turned out in a rural setting with a bottle-feeding and as little human contact as possible. Orphans gradually assimilate into the local population. It is rare that adult injured deer are rehabilitated, but when this occurs, release at the facility is generally the least traumatic for the animal. Transportation of deer to a remote release site is discouraged because of possible further stress and injury to the animal.

## **Bears, Wild Canines, Bobcats, Beaver and Otter**

Handling and rehabilitation of these animals is limited to a few licensed rehabilitators and is conducted in close consultation with the Division. Prior approval of the release site is required. Relocation or lethal nuisance control of these species outside of specific hunting and trapping seasons without a permit from the Division is prohibited. Nuisance situations should be reported to the wildlife control office by calling 908-735-8793. All bobcat releases must be coordinated with the Division of Fish and Wildlife's Endangered and Nongame Species Program.

## **Rabies Vector Species**

Nuisance bats are protected under the Endangered and Nongame Species Conservation Act and therefore may not be controlled by lethal means. Evictions and exclusions of bats should only be conducted prior to mid-May and after mid-September to prevent injury and death to young bats.

Raccoons, skunks, fox and woodchucks are currently classified as rabies vector species for the raccoon rabies strain currently endemic in New Jersey. Due to the rare occurrence of rabies in opossums, this species is no longer classified as a rabies vector species. As mentioned above, release locations for foxes must be approved by the Division. If release at the site of capture for the rehabilitated and nuisance raccoons, skunks and woodchucks is impossible the following restrictions apply.

### ***Rehabilitated Juvenile Rabies Vector Species***

All young of the year must be released within the county of origin in suitable habitat and with permission of the landowner. No releases are allowed on federal, state, county or municipal land. If no private land is available for release, the Division may approve a release on the closest state Wildlife Management Area on a case by case basis. Juveniles may not be translocated to a township that is currently involved in a rabies prevention program using the oral rabies vaccine.

### ***Adult Rabies Vector Species***

Releases of adult rabies vector species must take place within the township of origin in suitable habitat and with permission from the landowner. No releases within the township may be greater than a 10-mile distance from the capture site for raccoons and 5 miles for skunks and woodchucks. No releases are allowed on federal, state, county or municipal land. If no private

land is available for release, the Division may approve a release on the closest state Wildlife Management Area on a case by case basis. Persons wishing to release a nuisance or rehabilitated adult rabies vector species must first contact the Wildlife Permitting Unit at 609-292-2966.

**Approved: 3/96**

**NOTE: Control of nuisance wildlife revised by code in August 1996**

**Revision: 11/20/96**

**Revision: 2/28/07**

**Revision: 3/11/09**

**Revision: 7/20/09**

**Revision: 2/16/2010**

## Appendix 1—Agents and methods of euthanasia by species

Agents and methods of euthanasia by species (refer to Appendix 4 for unacceptable agents and methods.)

Species	Acceptable* (refer to Appendix 2 and text for details)	Conditionally acceptable† (refer to Appendix 3 and text for details)
Amphibians	Barbiturates, inhalant anesthetics (in appropriate species), CO <sub>2</sub> , CO, tricaine methane sulfonate (TMS, MS 222), benzocaine hydrochloride, double pithing	Penetrating captive bolt, gunshot, stunning and decapitation, decapitation and pithing
Birds	Barbiturates, inhalant anesthetics, CO <sub>2</sub> , CO, gunshot (free-ranging only)	N <sub>2</sub> , Ar, cervical dislocation, decapitation, thoracic compression (small, free-ranging only), <u>maceration (chicks, poults, and pipped eggs only)</u>
Cats	Barbiturates, inhalant anesthetics, CO <sub>2</sub> , CO, potassium chloride in conjunction with general anesthesia	N <sub>2</sub> , Ar
Dogs	Barbiturates, inhalant anesthetics, CO <sub>2</sub> , CO, potassium chloride in conjunction with general anesthesia	N <sub>2</sub> , Ar, penetrating captive bolt, electrocution
Fish	Barbiturates, inhalant anesthetics, CO <sub>2</sub> , tricaine methane sulfonate (TMS, MS 222), benzocaine hydrochloride, 2-phenoxyethanol	Decapitation and pithing, stunning and decapitation/pithing
Horses	Barbiturates, potassium chloride in conjunction with general anesthesia, penetrating captive bolt	Chloral hydrate (IV, after sedation), gunshot, electrocution
Marine mammals	Barbiturates, etorphine hydrochloride	Gunshot (cetaceans < 4 meters long)
Mink, fox, and other mammals produced for fur	Barbiturates, inhalant anesthetics, CO <sub>2</sub> (mink require high concentrations for euthanasia without supplemental agents), CO, potassium chloride in conjunction with general anesthesia	N <sub>2</sub> , Ar, electrocution followed by cervical dislocation
Nonhuman primates	Barbiturates	Inhalant anesthetics, CO <sub>2</sub> , CO, N <sub>2</sub> , Ar
Rabbits	Barbiturates, inhalant anesthetics, CO <sub>2</sub> , CO, potassium chloride in conjunction with general anesthesia	N <sub>2</sub> , Ar, cervical dislocation (< 1 kg), decapitation, penetrating captive bolt
Reptiles	Barbiturates, inhalant anesthetics (in appropriate species), CO <sub>2</sub> (in appropriate species)	Penetrating captive bolt, gunshot, decapitation and pithing, stunning and decapitation

*Continued on next page*



<b>Species</b>	<b>Acceptable* (refer to Appendix 2 and text for details)</b>	<b>Conditionally acceptable† (refer to Appendix 3 and text for details)</b>
Rodents and other small mammals	Barbiturates, inhalant anesthetics, CO <sub>2</sub> , CO, potassium chloride in conjunction with general anesthesia, microwave irradiation	Methoxyflurane, ether, N <sub>2</sub> , Ar, cervical dislocation (rats < 200 g), decapitation
Ruminants	Barbiturates, potassium chloride in conjunction with general anesthesia, penetrating captive bolt	Chloral hydrate (IV, after sedation), gunshot, electrocution
Swine	Barbiturates, CO <sub>2</sub> , potassium chloride in conjunction with general anesthesia, penetrating captive bolt	Inhalant anesthetics, CO, chloral hydrate (IV, after sedation), gunshot, electrocution, blow to the head (< 3 weeks of age)
Zoo animals	Barbiturates, inhalant anesthetics, CO <sub>2</sub> , CO, potassium chloride in conjunction with general anesthesia	N <sub>2</sub> , Ar, penetrating captive bolt, gunshot
Free-ranging wildlife	Barbiturates IV or IP, inhalant anesthetics, potassium chloride in conjunction with general anesthesia	CO <sub>2</sub> , CO, N <sub>2</sub> , Ar, penetrating captive bolt, gunshot, kill traps (scientifically tested)

\* Acceptable methods are those that consistently produce a humane death when used as the sole means of euthanasia.

† Conditionally acceptable methods are those that by the nature of the technique or because of greater potential for operator error or safety hazards might not consistently produce humane death or are methods not well documented in the scientific literature.

# Nuisance Wildlife Control Regulations

## NJAC § 7:25-5.21

Squirrel (*Sciurus* spp.), raccoon (*Procyon lotor*), opossum (*Didelphis virginianus*), skunk (*Mephitis mephitis*), weasel (*Mustela* spp.), woodchuck (*Marmota monax*), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*) and red fox (*Vulpes vulpes*) damage

- (a) Property owners and occupants of dwellings suffering damage from squirrel, raccoon, opossum, skunk, weasel, woodchuck, gray fox, red fox and coyote, or their agents designated in writing, may control these animals by lawful procedures at any time subject to State law and local ordinances. Persons controlling coyotes under this provision shall notify one of the Regional Law Enforcement Offices within 24 hours.
- (b) Farmers or their agents may control squirrels, raccoon, opossum, skunk, weasel, woodchuck, gray fox, red fox and coyotes, by lawful procedures at any time when found destroying livestock, crops or poultry, subject to State law and local ordinances. Farmers or their agents controlling coyotes under this provision shall notify one of the Regional Law Enforcement Offices within 24 hours.
- (c) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-9 and other applicable statutes.

## NJAC § 7:25-5.12. General trapping for New Jersey

- (a) All traps set or used in this State must bear a durable and legible tag with the name and address of the person setting, using and maintaining the traps. The Division may issue a trap identification number to licensed trappers which may be used in lieu of a name and address.
- (b) No trap of any kind shall be permitted to remain set on any property at the close of the trapping season. It shall be illegal to possess, in the woods or fields of this State any conibear or killer type trap with a jaw spread greater than six inches except under permit for the trapping of beaver or otter.
- (c) No person shall set, use or maintain any type of conibear or killer-type trap for the purpose of trapping any muskrat or other furbearing animal in this state unless such trap is completely submerged underwater. This shall not preclude the setting of conibear or killer-type traps in tidal waters of this State for the purpose of taking muskrats, whereby the traps may be exposed above the surface of the water due to the ebb and flow of the tide, and provided that all such traps shall be completely submerged at mean high tide.
- (d) No conibear or killer-type traps with a jaw spread larger than six inches shall be used or set in this State except for the trapping of beaver or otter. No conibear or killer-type traps with a jaw spread larger than 10 inches shall be used, set or maintained at any time in this state for the purpose of trapping any animal. Jaw spread shall be measured across the trigger of a set trap to the inner edges of the jaws.
- (e) Steel-jaw leghold type trap:
  - 1. Effective October 27, 1985, and thereafter, no person in this State shall:
    - (i) Manufacture, sell, offer for sale, possess, import or transport an animal trap of the steel-jaw leghold type;
    - (ii) Take or attempt to take any animal by means of a trap of the steel-jaw leghold type; or
    - (iii) Use a steel-jaw leghold type trap.

2. The possession of a trap of the steel-jaw leghold type shall be prima facie evidence of a violation of these regulations except under the conditions prescribed by N.J.S.A. 23:4-22.5 which are:

- i. The use of steel-jaw leghold traps for the purpose of exhibition by humane or educational institutions or organizations; or
- ii. The possession of such traps by a person in the act of turning over the traps to a law enforcement agency.

- (f) Body gripping restraining snares shall be subject to the following requirements.

- 1. No person shall set, use or maintain any type of snare unless they have first satisfactorily completed a division-approved snare training course and carry on their person appropriate certification thereof.
- 2. Except when submerged underwater or when set for mink and muskrat as provided herein, all snares of the body gripping type used in trapping must be constructed of aircraft cable or crucible wire measuring 5/64 to 1/8 inches in diameter and be equipped with a swivel. Mink and muskrat body gripping snares must be constructed of aircraft cable or crucible wire measuring 1/32, 3/64, or 1/16 inches in diameter, equipped with a swivel and set within 50 feet of the mean high water line.
- 3. Except when submerged underwater or when set for mink and muskrat as provided in this subsection, no body gripping snare shall be set, used, or maintained with a loop diameter average (arithmetic mean) greater than 12 inches. Mink and muskrat body gripping snares must be equipped with a stop to prevent the average (arithmetic mean) diameter of

the loop opening from exceeding four inches.

4. Except when set for mink and muskrat as provided in this subsection, no body gripping snare shall be set, used or maintained with the distance between the ground or walking surface to the top of the loop greater than 24 inches. No mink or muskrat body gripping snare must be set, used or maintained with a distance between the ground or walking surface to the top of the loop greater than seven inches.
5. Except when submerged underwater or when set for mink and muskrat as provided in this subsection, no body gripping snare shall be set, used or maintained unless it is equipped with a stop six inches from the end to restrict loop closure to no less than six inches in circumference.

(g) All natural baits consisting of fish, bird or mammal carcasses or flesh used in trapping with body gripping restraining snares must be covered or concealed from view except when placed or located at a distance of 30 feet or greater from any set snare.

(h) Legally licensed trappers possessing a valid and proper rifle permit may carry and use a .22 caliber rifle and .22 caliber short rimfire cartridges only, to kill legally trapped animals other than muskrats.

(i) All traps set or in use must be checked, tended and maintained at least once in every 24 hours.

(j) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-13, 23:4-37, 23:4-38.2, 23:4-39 and 23:4-41 et seq. and other applicable statutes.

# Game Possession Regulations

**23:4-63.2. Possession of live coyote prohibited;** penalty No person shall have a live coyote in possession in this State except by permission of the board, under a penalty of one hundred dollars (\$100.00) for each live coyote so had in possession.

L.1939, c. 42, p. 61, s. 2.

**23:4-63.3. Possession, release of certain animals, prohibited; terms defined**

1. a. No person may possess any live indigenous animal, live exotic animal, live potentially dangerous indigenous animal, or live potentially dangerous exotic animal except as authorized pursuant to a permit issued by the Department of Environmental Protection or as may be authorized otherwise by the Fish and Game Council pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. No person may release any live indigenous animal into the environment of the State except as authorized pursuant to a permit issued by the department or as may be authorized otherwise by the council pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

c. No person may release any live exotic animal into the environment of the State except as authorized pursuant to a permit issued by the department or as may be authorized otherwise by the council pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

d. No person may release any live potentially dangerous indigenous animal into the environment of the State except as authorized pursuant to a permit issued by the department or as may be authorized otherwise by the council pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

e. No person may release any live potentially dangerous exotic animal into the environment of the State except as authorized pursuant to a permit issued by the department or as may be authorized otherwise by the council pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

f. Every pet shop licensed in the State pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8) shall post in a conspicuous place in the pet shop a notice about the existence of this act and a copy of its provisions.

g. The department may attach such conditions to any permit issued or other authorization granted pursuant to this section as the department deems appropriate and necessary for the purpose of protecting indigenous animals or plants, the environment, agriculture, or the public health, safety, or welfare.

h. (1) The council shall adopt, pursuant to the "Administrative Procedure Act," such rules and regulations to supplement the State Fish and Game Code as may be necessary to implement this section.

(2)The council, by rule or regulation adopted pursuant to the "Administrative Procedure Act," may exempt from the requirements and provisions of this section any species of indigenous animal, exotic animal, potentially dangerous indigenous animal, or potentially dangerous exotic animal, provided that the possession or release of such animals would not pose a significant threat to indigenous animals or plants, the environment, agriculture, or the public health, safety, or welfare.

(3)This section shall not apply to any activities of the Division of Fish and Wildlife concerning the possession and release of animals.

i. The requirements and provisions of this section, or any permit issued or rule or regulation adopted pursuant thereto, shall be in addition to those concerning the possession or release of live indigenous animals, live exotic animals, live potentially dangerous indigenous animals, or live potentially dangerous exotic animals, as may be established by any other law or any permit issued or rule or regulation adopted pursuant thereto, including but not limited to "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), R.S.23:4-50, R.S.23:4-52, and the State Fish and Game Code.

j. For the purposes of this section:

"Council" means the Fish and Game Council;

"Department" means the Department of Environmental Protection;

"Exotic animal" means any species of mammal, bird, reptile, amphibian, fish, mollusk, or crustacean that is not indigenous to New Jersey as determined by the Fish and Game Council in rules and regulations adopted pursuant to the "Administrative Procedure Act," and shall include the young or eggs of any such species, but shall not include (1) domesticated companion animals or farm livestock as defined by the Fish and Game Council, or (2) fish, shellfish, or game species not indigenous to New Jersey for which fishing, harvesting, hunting, or trapping is authorized and regulated pursuant to law, the State Fish and Game Code, or rules and regulations of the Fish and Game Council;

"Indigenous animal" means any species of mammal, bird, reptile, amphibian, fish, mollusk, or crustacean that is indigenous to New Jersey as determined by the Fish and Game Council in rules and regulations adopted pursuant to the "Administrative Procedure Act," and shall include the young or eggs of any such species;

"Potentially dangerous exotic animal" means any species of exotic animal that has been determined by the Fish and Game Council in rules and regulations adopted pursuant to the "Administrative Procedure Act," to: (1) be capable of inflicting serious or fatal injuries to humans, livestock, or pets; or (2) possess the potential for becoming a significant threat to indigenous animals or plants, the environment, agriculture, or the public health, safety, or welfare; and

"Potentially dangerous indigenous animal" means any species of indigenous animal that has been determined by the Fish and Game Council in rules and regulations adopted pursuant to the "Administrative Procedure Act," to: (1) be capable of inflicting serious or fatal injuries to humans, livestock, or pets; or (2) possess the potential for becoming a significant threat to indigenous animals or plants, the environment, agriculture, or the public health, safety, or welfare.

L.1962,c.127,s.1; amended 2002, c.122, s.2.

#### **23:4-63.7. Disposal of dead wildlife by authorized personnel**

Except as provided in R.S. 23:4-23, nothing contained in the provisions of this Title shall be construed so as to prohibit or limit the disposal, by State or municipal police officers, or by personnel authorized thereby, of any wild bird, animal, fowl, or fur-bearing animal found dead on or along any public highway or on any private property, upon request of the owner thereof.

## Wild Animals - Possession and Killing Regulations

### § 7:25-5.22 Wild animals; possession, killing

- (a) No person shall have in possession, kill, attempt to take, hunt for, pursue, shoot, shoot at, trap, or attempt to trap any wild mammal or wild birds unless an open season for the taking of such birds or mammals has been declared by the New Jersey Fish and Game Laws or Code and then only during the respective open seasons fixed by the New Jersey Fish and Game Laws or Code, except as provided in 7:25-5.15(a), (b) and (c).
- (b) This section shall not apply to the taking of English sparrows, European starlings, or blackbirds that are doing damage to crops or property; nor shall it apply to the taking of household pests such as Norway rats and house mice.
  - 1. Under Federal regulations, a person may kill yellow-headed, red-winged, bicolored red-winged, tricolored red-winged, and Brewer's blackbirds, cow-birds, all grackles, common crows and magpies when found committing or about to commit serious depredations upon any ornamental or shade tree, agricultural crops, live-stock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. None of the birds killed, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.
  - 2. Nothing in this section shall preclude a person from taking resident Canada geese or their nests or eggs as permitted by 50 CFR 21.49 through 21.61 as authorized by the U.S. Department of the Interior, Fish and Wildlife Service. Persons taking resident Canada geese or their nests or eggs under this section may be required to report on or keep a log of their activities if authorized by the U.S. Department of the Interior, Fish and Wildlife Service, as defined in 50 CFR Part 21.49 through 21.61. Methods and circumstances established by the U.S. Department of the Interior, Fish and Wildlife Service governing where Canada geese, or their nests or eggs, may be taken will be authorized by the Director, with the approval of the Council.
- (c) Persons holding valid permits issued by the New Jersey Division of Fish and Wildlife for the possession or taking of any specific bird or mammal shall not be in violation of this section.
- (d) The fact that a bird or mammal is not native to this State shall not constitute a defense to the possession, taking or attempting to take any wild bird or mammal in violation of this section.
- (e) No person shall have in possession a deer, bear or turkey, or the parts thereof including the meat of a deer, bear or turkey, that he himself or she herself did not kill unless it has a tag or label bearing the date of harvest, possession seal number, and the name, address, telephone number, and license number of the person who killed the deer, bear or turkey.
  - 1. Those in the business of processing deer, bear or turkey, that is butchers, taxidermists, etc., shall keep a ledger of all of their customers. Each customer's name, current address, day and evening telephone number, hunting license number and the possession seal number of any black bear, deer or turkey being processed shall be included in the ledger. This ledger shall be made available for inspection upon request made during the hours of 9:00 A.M. to 5:00 P.M. by any law enforcement officer or employee of the Division of Fish and Wildlife.
  - 2. The possession seal which is issued at a designated black bear, deer or turkey check station shall always stay with the carcass, and with the meat after processing. If the black bear, deer or turkey is to be mounted by a taxidermist, the antlers, or in the case of a black bear, an antlerless deer or turkey, those parts of the animal being mounted, shall be labeled with the possession seal number and the name and address of the owner.
  - 3. Nothing in this section shall preclude a person from collecting and possessing naturally shed deer antler(s).
- (f) Not for profit and non-commercial organizations, including civic associations, volunteer fire departments and first aid squads, the New Jersey State Federation of Sportsmen's Clubs and their county affiliates, sportsmen's clubs and other conservation organizations, may conduct "wild game or venison dinner" fund raising events. These dinners/events may include prepared and ready-to-eat game and furbearing animal meat on a per serving basis. The game meat, the sale of which is otherwise prohibited, and fur-bearer animal meat, must be harvested, registered if required, stored and processed in accordance with applicable State, county, and local laws and regulations.

(g) In addition to the wildlife species and/or parts listed in N.J.S.A. 23:4-27, the pelt including the tail of the eastern gray squirrel (*Sciurus carolinensis*) may be sold, as defined in N.J.S.A. 23:4-27.

(h) The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30, 23:4-43, 23:4-47, 23:4-48, 23:4-50 and other applicable statutes.

**HISTORY:** Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997). See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a). Inserted new (e); recodified former (e) as (f); and in (f), inserted additional N.J.S.A. references. Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999). See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a). In (e)1, inserted "and the possession seal number of any deer or turkey being processed" following "license number" in the second sentence; and in (f), inserted a reference to N.J.S.A. 23:4-48. Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000). See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a). In (e), inserted references to black bears throughout. Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002). See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a). Added (e)3; inserted a new (f) and (g) and recodified former (f) as (h). Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003). See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a). Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005). See: 37 N.J.R. 1959(a), 37 N.J.R. 3657(a). In (a), added 2; rewrote (e). Amended by R.2007 d.239, effective August 6, 2007. See: 39 N.J.R. 587(a), 39 N.J.R. 3324(a). In (b)2, inserted "Part 21.49 through" two times. Administrative correction. See: 39 N.J.R. 3737(b).

## Bird Control Regulations

### 23:4-50 Wild birds other than game birds; capturing; killing; possession; sale; penalties; enforcement

- a. As used in this section, except as otherwise noted: "Department" means the Department of Environmental Protection. "Wild bird" means any bird other than a native, introduced, or feral game bird as defined in R.S.23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon, or peafowl. "Wild bird" also means the egg of a wild bird.
- b. Except as may be otherwise provided by law, rule, or regulation, or by the State Fish and Game Code, no person shall within this State pursue, hunt, take, capture, kill, attempt to take, capture, or kill, or have in possession, living or dead, a wild bird.

c.

1. Except pursuant to a permit issued by the department for scientific, zoological, or educational purposes or to a licensed wild bird breeder for the purpose of obtaining new stock to increase genetic variety, no person shall within this State offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, transport or cause to be transported, carry or cause to be carried, or receive or cause to be received for shipment, transportation, carriage, or export, living or dead, any wild bird, unless the wild bird was raised, and came from an egg produced by captive parents and hatched, in captivity.

2. The fact that a wild bird belongs to a species not native to this State shall not constitute a defense to a violation of this subsection.

3. Any wild bird that enters or is brought into the State from another state or from a point outside the territorial limits of the United States, and which is transported without significant delay but within not more than 48 hours across the State destined for a point beyond the State, may be so entered or brought into the State and transported in accordance with the terms of any federal permit or permit issued under the laws, rules, or regulations of another state.

4. The prohibitions of paragraphs (1) and (2) of this subsection shall not apply to the cockatiel (*Nymphicus hollandicus*), budgerigar (*Melopsittacus undulatus*), or common canary (*Serinus canarius*), nor to any wild birds legally possessed before the 120th day after the date of enactment of P.L.1991, c.253.

The department shall provide for a method or methods to distinguish wild birds legally possessed before the 120th day after the date of enactment of P.L.1991, c.253 from those entering or being brought into the State subsequent to the 120th day after such date of enactment.

Except as may be otherwise provided by law, rule, or regulation, or by the State Fish and Game Code, no part of plumage, skin or body of a wild bird shall be sold or had in possession for sale. Plumage, as used in this section, includes any part of the feathers, head, wings, or tail of a wild bird, and refers equally to plumage of wild birds coming from without the State as to birds obtained within the State, but it shall not be construed to apply to the feathers of ostriches, domestic fowl, or domestic pigeons. The fact that a wild bird belongs to a species not native to this State shall not constitute a defense to the possession of parts thereof.

- e. The English or European house sparrow and the European starling are not included among the birds protected by this section. Nothing herein shall make it unlawful for the owner or occupant of land, the regular employees thereof, or an agent designated by the department to control hawks or owls only when in the act of destroying poultry or livestock, provided that such control activities are conducted in compliance with all relevant State and federal laws, rules, and regulations and that such owner, occupant, employee, or agent has first obtained all permits required thereby.
- f. Except as may be otherwise provided by law, rule, or regulation, or by the State Fish and Game Code, no State permit shall be required to control yellow-headed, red-winged, bi-colored red-winged, tri-colored red-winged, Rusty and Brewer's blackbirds, cowbirds, grackles, and crows when found committing or about to commit depredations upon ornamental or shade trees, crops, livestock, or wildlife, or when concentrated in such manners or manner as to constitute a health hazard or other nuisance; provided, that none of the birds killed pursuant to this subsection, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.
- g. Nothing herein contained shall prohibit the control of animals or birds in instances where there is specific



documentation that they are doing damage to wildlife or agricultural crops, by the department or its employees on any lands in the State.

- h. If any person violates any provision of this section, the department may institute a civil action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation, and the court may proceed in the action in a summary manner.

- 1. A person violating any provision of this section shall be subject to:

- a. a penalty of not less than \$200 nor more than \$1000 for each offense;

- b. a penalty of \$500 for each bird or part thereof that is a subject of the violation; and

- c. forfeiture of any such bird or part thereof that is a subject of the violation, which penalties may be collected in a civil action by a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and the municipal court shall have jurisdiction to enforce "the penalty enforcement law." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

- 2. The department may compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

- 4. The department may sell, sell at auction, or donate any wild bird or part thereof forfeited pursuant to this subsection to any permittee or licensee designated pursuant to paragraph (1) of subsection c. of this section. The proceeds derived from such sales of any wild birds or parts thereof, together with any penalties collected pursuant to paragraph (2) of this subsection and any fees collected pursuant to this section, shall be deposited in a fund for use by the department in administering and enforcing this section and "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.).

- i. The department shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the provisions of this section, which rules and regulations may include a list of species of native, introduced, or feral wild birds determined by the department to be exempt from the prohibitions imposed by this section.

- j. The prohibitions, restrictions, penalties, and other provisions of this section shall be in addition to, and shall be implemented and enforced in conjunction with, any set forth in, or adopted pursuant to, "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.).

Amended 1948,c.448,s.62; 1951,c.296; 1958,c.159; 1963,c.86; 1979,c.212,s.2; 1991,c.253.

### **26:2-86: Destruction or Removal of Certain Domestic Pigeons**

Notwithstanding the provisions of section 23:4-53 of the Revised Statutes or any other law, the State Department of Health or any local board of health within its jurisdiction may order and provide for the destruction or removal of escaped domestic pigeons that have become feral from any area or place upon a finding by the department or the board, as the case may be, that the presence of such escaped domestic pigeons in such area or place is hazardous to the health of any of the inhabitants of this State.

### **23:4-53: Wild Pigeon Protection**

Any provision of law or of the State Fish and Game Code to the contrary notwithstanding, no person shall capture, kill, injure or have in possession, living or dead, or attempt to capture, kill or injure, a wild or passenger pigeon, or destroy or interfere in any manner with the nest or eggs of a wild or passenger pigeon, under a penalty of two hundred and fifty dollars (\$250.00) for each offense.

### **33:4-51: Robbing nests or taking eggs prohibited; Exception; penalty**

No person shall rob the nests or take or destroy the eggs of any wild bird other than the English sparrow, under a penalty of twenty dollars for each nest robbed and each egg so removed or destroyed.

## N.J. REGULATIONS – Possession of Nongame & Exotic Wildlife

### Subchapter 4. Nongame and Exotic Wildlife

Unless otherwise noted, all provisions of this subchapter were adopted by the Department of Environmental Protection pursuant to authority delegated at N.J.S.A. 13:1B-30 et. seq., N.J.S.A. 23:1-1 et. seq., and N.J.S.A. 23:4-28 and were filed and became effective before September 1, 1969. Amendments were filed as R.1971 d.125, effective July 22, 1971. See: 3 N.J.R.107(a), 3 N.J.R.149(d), 27N.J.R.329(a).

Pursuant to authority of N.J.S.A. 23:2A-5, further amendments were filed as R.1979d.9. See: 10 N.J.R.532(b), 11 N.J.R.63(b).

Pursuant to authority of N.J.S.A. 23:4-50, 23:2A-1 et seq., 13:1B-30 et seq. and 23:1-1 et seq., further amendments were filed as R. 1995 d.48 and became effective January 17, 1995. See 27 N.J.R. 329(a).

#### 7:25-4.1 Definitions

(a) The following words and terms when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

“Butt-end band” means a band with an open seam locked around the leg of a bird of any age using pliers or a similar tool and which is obtained from a source approved by the Department, inscribed with a code approved by the Department in sizes stipulated by the Department for each species of bird.

“Captive-bred bird” means any bird that is hatched in captivity from eggs produced by captive parent birds.

“Color Mutation” means a color which is different and distinctive from the normal, natural color for that species of animal, as defined in reference texts commonly recognized as authoritative in the field of zoology, ornithology or aviculture, which is produced by breeding together animals with aberrant color-producing genes.

“Department” means the state’s Department of Environmental Protection.

“Director” means the Director of the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

“Division” means the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

“Exotic mammal, bird, reptile or amphibian” means any nongame species of mammal, bird, reptile, or amphibian not indigenous to New Jersey.

“Nongame Species” means any wildlife for which a legal hunting or trapping season has not been established in New Jersey or which has not been classified as an endangered species by statute or regulation of this State.

“Person” shall be defined to include **but not limited to** corporations, companies, associations, societies, including non-profit organizations, firms, partnerships, joint stock companies, individuals and governmental entities.

“Seamless leg band” means a solid ring leg band from a source approved by the Department, in sizes stipulated by the Department for each species of bird, which is slipped onto the leg of a newly hatched captive-bred bird and which is incapable of being removed or reopened when the bird has reached adult size without either destroying the band or injuring the bird.

“Wild bird” means any bird other than a native, introduced, or feral game bird as defined in R.S. 23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose,

duck, pigeon or peafowl. “Wild bird” also means the egg of a wild bird.

#### 7:25-4.2 Permit required

(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or federal law. An application to the Department for a permit shall be made using the form prescribed by the Department. Any false representation by the applicant or a permittee who knows or reasonably should know that the representation to induce the Department to issue a permit or take any other action, shall subject the applicant or permittee to all penalties available under State law, including revocation of any permit obtained based upon false information. All permits issued by the Department under this chapter are valid only when used by the permittee in accordance with the terms and conditions of the permit and the regulations governing that permit. The Department shall, upon written notice to the permittee, revoke any permit listed in N.J.A.C. 7:25-4.6(a) issued to any person who ceases to consistently meet the eligibility criteria for that particular permit and may, in its discretion, seek an order from the Director or a court of competent jurisdiction allowing immediate removal of any animal possessed under that permit. Written notices of violation against a permittee shall set forth the terms of the permit or the regulation which the Department alleges the permittee has violated and the penalty sought. Notices of violation shall be brought and if not settled, contested, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14-1 et seq., or the rules of the court with jurisdiction over the claim of violation. The Department may settle all claims for penalties pursuant to N.J.S.A. 23:2A-10. Revocation of all Department-issued permits for repeated violations shall occur as set forth in (c), below.

(b) No person shall liberate within this state any nongame species or exotic mammal, bird, reptile, or amphibian unless such person has first received a permit from the Department, which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.

(c) Upon written notice to the permittee, the Department may suspend any type of exotic or nongame species permit described in (a) above as listed in N.J.A.C. 7:25-4.6 for six months based upon final agency action establishing that a violation of a permit condition has occurred or, that a violation of any regulation appearing in this subchapter has occurred as a result of a plea of guilt, court conviction or final agency action establishing guilt. A notice of suspension may be mailed to the permittee together with any administrative notice of violation on which it is based, but the suspension shall not take effect until the deadline to request a hearing concerning the notice of violation has elapsed. In the event of a timely request to the Department for a hearing on an administrative notice of violation, no proposed suspension shall not take effect until the final agency action on the notice of violation and, if appealed, until all appeals of the final agency action have been concluded and the violation has been affirmed. In the event of municipal or superior court conviction of a violation of any regulation in this subchapter, no proposed suspension mailed to the permittee shall take effect until all appeals from the conviction have been concluded and conviction

of the violation has been affirmed. If the permit expires during the period of its suspension, no application for any other permit to reacquire possession of any animal possessed pursuant to the suspended permit may be made until the six-month suspension period has elapsed. During the suspension period, all animals possessed pursuant to any suspended permit must be removed from the custody and control of the permittee and placed in the custody of an individual licensed by the Division or, as permitted by Federal law, with a person residing outside of New Jersey in accordance with that states laws, at the sole expense of the permittee.

(d) Upon written notice to the permittee, the Department may revoke all Division-issued permits described in (a) above as listed in N.J.A.C. 7:25-4.6 upon a finding that in any five year period, two or more violations of any permit condition or any regulations appearing in this subchapter have occurred. Except by order of the Division Director as provided below, no permit whatsoever shall be issued by the Division to the violator of permit conditions or regulations within two years from the date of the final agency action affirming a violation or within two years of a conviction or guilty pleas in municipal or superior court, whichever constitutes the second violation or within three years from the date of the final agency action affirming a violation or within three years of a conviction or guilty plea in municipal or superior court, whichever constitutes the third or subsequent violation. The two and three year period of disqualification above shall be computed beginning from the date of any court order or final agency action affirming the violation which is not appealed, or, if appealed, from the filing date of the order as entered by the last court of competent jurisdiction to which any party has appealed which affirms the conviction or final agency action. In the event of the imposition of a two or three year period of disqualification, a permittee whose violations do not arise from possession of animals authorized pursuant to a hobby permit previously issued to the now-disqualified permittee may petition the Division Director to retain the hobby permit and the animal specifically authorized for possession pursuant to that permit which was in the physical possession of the permittee prior to the date of the Notice of Revocation if the Director determines, in his or her sole discretion and based upon the evidence submitted by the permittee, that there is a high probability that the animal's well-being will be jeopardized or its life endangered if the animal is separated from daily contact with the permittee during the course of the disqualification period. In the event the Director denies this petition, the former permittee may petition the Director for permission to reapply for a hobby permit to regain possession of the animal if the Division Director determines that there is physical evidence verified by an affidavit from a licensed veterinarian submitted by the former permittee that the animal's life is plainly in danger of its well-being is jeopardized solely as a result of its separation from the former permittee. The permittee may not possess any animals under a hobby permit issued or extended at the discretion of the Director if possession of the animal violates and Federal, state or local law.

1. The violator may request a hearing to contest an administrative notice of violation, proposed suspension or revocation as the case may be, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et. seq., and the uniform Administrative Procedure Rules of Practice, N.J.A.C. 1:1-1. No administrative hearing shall be afforded a violator in order to contest a notice of proposed suspension or revocation based upon repeated violations as set forth in (c) above when the objection to the proposed suspension or revocation constitutes a challenge to the facts underlying a violation for which an

opportunity for a hearing and appeal has already been afforded the permittee.

2. The request for an administrative hearing must be received in writing by the Department within 20 days from the date of mailing of the Division's notice of violation or intent to suspend or revoke the permit. If a timely request for a hearing concerning any notice of proposed agency action is not received by the Department, any alleged violation contained in the notice shall be deemed admitted by the permittee and any suspension or revocation proposed in that notice, shall become effective without further action by the agency on the date stipulated in the notice of suspension or revocation.

#### 7:25-4.3 Exotic Species and Nongame species requiring a permit for possession

(a) Exotic species and nongame species requiring a permit for possession include, but are not limited to the following:

##### 1. Birds:

- i. Red-fronted parrot - *Amazona viridigenalis*;
- ii. Turquoise-fronted parrot - *Amazona aestiva*;
- iii. Yellow-cheeked parrot - *Amazona a. autumnalis*;
- iv. Half-moon conure - *Aratinga jandaya*;
- v. Jenday Conure - *Aratinga jandaya*;
- vi. Sun Conure - *Aratinga solstitialis*
- vii. Nanday Conure - *Nandayus nenday*
- viii. African/Timneh gray parrot - *Psittacus erithacus*;
- ix. Macaws - *Ara. spp.* & *Anodorhynchus spp.* (Except endangered forms.)

##### 2. Mammals:

- i. Ferrets - *Mustela putorius furo*;
- ii. Kinkajou - *Potos flavus*;
- iii. European hedgehog - *Erinaceus europeaus*;
- iv. Dwarf Hamster - *Phodopus spp.*
- v. Chinchilla - *Chinchilla spp.*
- vi. Sugar Glider - *Petaurus breviceps*
- vii. Exotic Sheep - except *Ovis aries*;
- viii. Exotic Goats - except *Capra hircus*.

##### 3. Reptiles:

- i. Pythons - Family Pythonidae;
- ii. Rat Snakes - *Elaphe spp.*;
- iii. Boas - Family Boidae (other than Boa Constrictors)
- iv. King Snakes - *Lampropeltis spp.*;
- v. Racer - *Colluder spp.*;
- vi. Ringneck Snakes - *Diadophis punctatus*;
- vii. Green Snakes - *Opheodrys spp.*;
- viii. Collared Lizard - *Crotaphytus collaris*;
- ix. Monitor - *Varanus spp.*;
- x. Skinks - Family Scincidae;
- xi. Ameiva - *Ameiva spp.*;
- xii. Chuckwalla - *Sauromalus obesus*;
- xiii. Alligator Lizard - *Gerrhonotus spp.*;
- xiv. Geckos - Family Gekkonidae other than Tokay Gecko;
- xv. Armadillo Lizard - *Cordylus cataphractus*

##### 4. Amphibians:

- i. African Clawed Frog - *Xenopus laevis*
- ii. Poison Dart Frog - *Dendrobates spp.*
- iii. Argentine Horned Frog - *Ceratophrys ornata*
- iv. Green Treefrog - *Hyla cynerea*
- v. Cuban Treefrog - *Hyla septentrionalis*
- vi. Red-eyed Treefrog - *Agalychnis callidryas*
- vii. White's Treefrog - *Litoria caerulea*
- viii. Firebelly Toad - *Bombina bombina*
- ix. Firebelly Newt - *Cynops pyrrhogaster*

(b) The Department may issue a permit for the possession of the above exotic mammals, birds, reptiles or amphibians, or nongame species provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-4.7.

#### 7:25-4.4 Exempted Species

(a) The following listed species of exotic or nongame mammals, birds, reptiles or amphibians may be possessed in this state without a permit.

##### 1. Birds:

- i. Budgerigar - *Melopsittacus undulatus*;
- ii. Cockatiel - *Nymphicus hollandicus*;
- iii. Peafowl - *Pavo cristatus*;
- iv. Rock dove - *Columba livia*;
- v. Canary - *Serinus canaria*;
- vi. House sparrow - *Passer domesticus*;
- vii. European starling - *Sturnis vulgaris*;
- viii. Zebra finch - *Poephila guttatus*;
- ix. Society finch - *Lonchura domesticus*
- x. Emu - *Dromaius novaehollandiae*
- xi. Ostrich - *Struthio camelus*
- xii. Greater Rhea - *Rhea americana*
- xiii. Lesser Rhea - *Rhea pennata*

##### 2. Mammals:

- i. Hamster - *Mesocricetus auratus*;
- ii. Gerbil I - *Meriones mongolinensis*;
- iii. Guinea pig - *Cavia porcellus*;
- iv. Domestic Rabbit - *Oryctolagus cuniculus*
- v. Vietnamese Pot-bellied Pig - *Sus spp.*
- vi. Pigmy goats - *Capra hircus*;
- vii. Mice and Rats - *Mus spp.* and *Rattus spp.*;
- viii. Chipmunk - *Tamias spp.* and *Eutamias spp.*;
- ix. Red Squirrel - *Tamiasciurus hudsonicus & douglasii*;
- x. Flying Squirrel - *Glaucomys spp.*
- xi. Llama - *Lama glama*
- xii. Alpaca - *Lama pacos*
- xiii. Guanaco - *Lama guanicoe*

##### 3. Reptiles:

- i. American Anole - *Anolis carolinensis*;
- ii. Common iguana - *Iguana iguana*;
- iii. Boa constrictor - *Constrictor constrictor*;
- iv. Eastern painted turtles - *Chrysemys picta picta*;
- v. Snapping turtles - *Chelydra serpentina*;
- vi. Fence lizard - *Sceloporus occidentalis & undulatus*;
- vii. Garter snake - *Thamnophis spp.* (except *T. sirtalis* *Tetrataenia*).
- viii. Tokay gecko - *Gekko gekko*;
- ix. Ribbon snake - *Thamnophis spp.* (except *T. sirtalis* *Tetrataenia*).

##### 4. Amphibians:

- i. Leopard frogs - *Rana pipiens*;
- ii. Green frogs - *Rana clamitans*;
- iii. American toad - *Bufo americanus*;
- iv. Fowler's toad - *B. w. fowleri*;
- v. Bullfrogs - *Rana catesbeiana*;
- vi. Red-spotted newts - *Notophthalmus viridescens*;
- vii. Dusky salamanders - *Desmognathus fuscus*

##### 5. Invertebrates:

Any invertebrate other than those listed on any relevant Federal or State of New Jersey Endangered Species List.

(b) Such exotic or nongame mammals, birds, reptiles or amphibians must be housed or caged in such a manner as to prevent liberation.

#### 7:25-4.5 Additional Species

A permit shall be required for any other exotic mammals, birds, reptiles, or amphibians, or nongame species not specifically exempted by Section 4.4.

#### 7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required.

(a) The Division may issue, but shall not be limited to, the following categories of permits.

1. **Individual hobby**-issued to persons holding exotic mammals, birds, reptiles or amphibians, or nongame species for hobby purpose or as pets.

2. **Scientific holding**-issued to qualified persons holding exotic mammals, birds, reptiles or amphibians, or nongame species for scientific observation, captive breeding attempts and other scientific or educational study.

3. **Zoological**-issued to private and public institutions which exhibit exotic mammals, birds, reptiles or amphibians, or nongame species, including possession, importation, exportation and sale of species listed in the permit.

4. **Pet Shop**-issued to individuals and establishments engaged in the retail sale of mammals, birds, reptiles or amphibians, or nongame species including importation, exportation and sale of species listed in the permit.

5. **Animal Dealer**-issued to individuals and establishments engaged in the wholesale of mammals, birds, reptiles or amphibians, or nongame species including importation, exportation and sale of species listed in the permit.

6. **Animal Exhibitor**-issued to exhibitors of exotic mammals, birds, reptiles or amphibians, or nongame species other than zoos. Traveling exhibits, small exhibitions not qualifying as zoos, and circuses are included, including importation, exportation, and sale of species listed in the permit.

7. **Animal Theatrical Agencies**-issued to the persons owning exotic mammals, birds, reptiles or amphibians, or nongame species to be hired for advertising, acting, or theatrical appearances, including importation, exportation, and sale of species listed in the permit.

8. **Scientific Collecting**-issued to persons to collect nongame species or escaped exotic mammals, birds, reptiles or amphibians for scientific studies or other approved purposes, when such activity is shown to have a beneficial effect on the conservation of the species, the public welfare or the environment.

9. **Special Purpose Salvage**-issued to persons or institutions to salvage dead migratory birds or parts thereof, for scientific or education purposes.

10. **Special Wildlife Salvage**-issued to persons or institutions to salvage dead nongame species, or parts thereof, other than migratory birds, for scientific or education purposes.

11. **Endangered Species**-issued to persons or institutions for the possession of endangered species for conservation or research purposes.

12. **Depredation control**-issued to persons or establishments to control nongame species, which are creating a hazard to public safety, crops, livestock or similar concerns.

13. **Rehabilitation**-issued to persons to rescue, rehabilitate and release nongame and endangered birds.

14. **Bird Breeder**-issued to persons meeting the regulatory criteria for possessing wild-caught bird species to acquire birds for use as new breeding stock to increase genetic variety. This permit does not authorize the resale of wild-caught birds acquired under this permit except with the permission of the Department to another holder of a bird breeder permit. Those engaged in the

retailing or wholesaling of birds must also have a pet shop or animal dealer permit.

(b) All possession permits shall expire on December 31 of the year of issue.

(c) The possession permits shall require an annual application and inspection fee as listed:

<b>CATEGORIES OF PERMITS</b>	<b>ANNUAL APPLICATION AND INSPECTION FEE</b>
Individual Hobby	\$ 10.00
Individual Hobby/Birds	\$ 20.00
Scientific Holding	\$ 35.00
Zoological Holding	
-less than 10 animals	\$ 60.00
Zoological Holding	
-more than 10 animals	\$110.00
Pet Shop	\$100.00
Animal Dealer	\$100.00
Animal Exhibitor	
-single exhibit	\$ 35.00
-annual	\$110.00
Animal Theatrical Agency	\$110.00
Scientific Collecting	\$ 22.00
Special Purpose Salvage	\$ 7.00
Special Wildlife Salvage	\$ 7.00
Endangered Species	\$ 7.00
Depredation Control	\$ 22.00
Rehabilitation	\$ 7.00
Bird Breeder	\$150.00

(d) Pet shop, animal dealer, zoo, nature center and animal theatrical agency possession permits must be displayed in a prominent place. The sale of exotic mammals, birds, reptiles or amphibians, or nongame species to any individual must be accompanied by an "Exotic or Nongame Sales Receipt" the form of which shall be prescribed by the Department, and an application packet. This "Exotic or Nongame Sales Receipt" will be a temporary possession permit valid for a period of 20 days after the date of sale.

(e) Pet shops and animal dealers shall submit to the Division an annual inventory of acquisitions, sales and exchanges, and white copies of temporary permits issued for sale of any regulated species, upon expiration or renewal of their permits.

(f) Zoos and nature centers must submit quarterly reports of births, deaths, acquisitions and disposals.

(g) Periodic inspections shall be made by Division designated personnel and shall consist of examination of exotic mammals, birds, reptiles or amphibians, or nongame species, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by permit in order to permit inspection of the activity by Division personnel.

(i) Persons holding permits listed above at (a)8 to 12 shall submit reports to the Division of permit activities no less than one month after the expiration of their permits.

(j) Any person holding an Exotic or Nongame Species Possession Permit pursuant to this subchapter which expires or is revoked, shall file a report with the Division within fifteen days after expiration or revocation explaining the final disposition of all animals in his possession during the calendar year of issue. The explanation shall set forth the following information: the species and number of individuals of each species possessed; the date of birth and current age of each animal, births, deaths and cause of

each death, the complete name, address and telephone number of the person to whom an animal was transferred or sold, the date the animal was transferred or sold, and the current location of each animal's records.

(k) Pet shops or other establishments dealing in birds other than canary, budgerigar and cockatiel shall prominently display a sign visible to the public on the premises where such birds are offered for sale, which states: After December 10, 1991, only captive-bred birds or birds legally in possession pursuant to New Jersey regulations prior to December 10, 1991 may be offered for sale or purchased in New Jersey. All birds offered for sale except those exempted by New Jersey regulations, must also be marked with a band or microchip approved by the New Jersey Division of Fish and Wildlife. To report violations, or questions, call (908) 735-5450.

#### **7:25-4.7 General possession criteria**

(a) Prior to the issuance of any permit permitted by these regulations, every applicant shall, in forms provided by the Department, demonstrate that:

1. The animal will be fed an adequate diet; and
2. The animal is housed or caged in a manner that:
  - i. Allows the animal to perform the normal behavior patterns of its species; and
  - ii. Prevents disease, liberation or accidental injury to the animal and the public, and
3. The method of acquisition did not violate the laws and regulation of this state, any other state or the Federal Government; and
4. The animal shall receive prompt treatment for any illness or injury from a licensed veterinarian; and
5. The animal is free of infectious diseases and parasites which may be dangerous to the animal, livestock or people of the state, provided that the Division may request certification that the animal for which the permit is being sought is free from infectious diseases and parasites from a licensed New Jersey veterinarian or a person recognized as qualified to make such certification by the Director of Fish and Wildlife.

#### **7:25-4.8 Potentially dangerous species**

(a) "Potentially dangerous species" is defined as any exotic mammals, birds, reptiles or amphibians, or nongame species which, in the opinion of the Division, is capable of inflicting serious or fatal injuries or which has the potential to become an agricultural pest, or a menace to the public health , or indigenous wildlife populations, including, **but not limited to** the following:

<b>CLASS/ORDER</b>	<b>FAMILY</b>
Primates	Cebidae-New World Monkeys
	Cercopithecidae-Old World Monkeys, Baboons
	Pongidae-Apes
Carnivora	Canidae-Nondomestic dogs
	Ursidae-Bears
	Felidae-Nondomestic cats
Sauria(Venomous)	Helodermatidae-Gila monsters
	Elapidae-Coral snakes and cobras
	Viperidae-Vipers
Serpentes(Venomous)	Crotalidae-Pit Vipers
	Alligatoridae-Alligators and caiman
	Crocodylidae-crocodiles
Crocodilia	Gavialidae-gavials

Psittaciformes	<i>Psittaculis spp.</i> -Ring-necked parakeets <i>Myiopsitta spp.</i> -Monk (Quaker) parakeets <i>Cyanoliseus patagonus</i> -Patagonian Conures
Rodentia	<i>Cynomys spp.</i> -Prairie dogs <i>Spermophilus spp.</i> -Ground squirrels

(b) The Department, in its discretion, may issue a permit for possession of a potentially dangerous species only after a clear showing that the criteria for the possession of such potentially dangerous species have been met.

#### **7:25-4.9 Criteria for the possession of potentially dangerous species**

(a) In addition to the general criteria enumerated above in section 7:25-4.7, every person applying for a permit to possess potentially dangerous species shall meet each and every of the following criteria to the satisfaction of the Division:

1. **Education and Background:** Persons wishing to apply for a permit to possess a potentially dangerous species must have extensive experience in maintaining the species desired or related species.

2. **Knowledge:** Persons wishing to apply for a permit to possess potentially dangerous species must demonstrate a working knowledge and expertise in handling and caring for each of the species desired.

3. **Protection of the Public:** The housing facilities shall also be constructed to prevent public access to and contact with the animal. The potentially dangerous species shall not be kept as a pet, for hobby purposes or in situations, which, in the judgement of the Department, could adversely affect the health of the animal or which could constitute a hazard to the public.

4. **Purpose and Intent:** Persons applying to possess potentially dangerous species must submit a written statement of the purpose and intent of keeping the species.

5. **Housing and Feeding:** Persons applying for a permit to possess a potentially dangerous species must supply a written description of the housing and caging facilities for the species required. A summary must be submitted of a continuous source of food for the specific diet of the animals. Division personnel may inspect the completed facilities to determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

6. **Other Restrictions:** Under no circumstances shall a person issued a pet shop or animal dealer permit possess any potentially dangerous species on the commercial premises, except in emergencies and for a limited period of time as stipulated by the Department in writing and subsequently agreed to by the animal dealer or pet shop owner, who shall assume full responsibility for the safety and welfare of both the animal and the public during its temporary storage. A potentially dangerous animal already on display at the premises of a pet shop or animal dealer and already under a permit for such display as of January 17, 1995 may remain so displayed under the terms and conditions of that permit for the lifetime of that animal.

#### **7:25-4.11 Miscellaneous provisions**

(a) Any person who transfers possession, as distinguished from ownership, or location of any animal for which a permit has been issued, shall, within 48 hours, report to the Division of Fish and Wildlife exactly which animals are transferred and the name and address of the person to whom the animals were transferred.

(b) (Reserved)

(c) Exotic mammals, birds, reptiles and amphibians, or nongame species possessed under these permits may be dispatched in a manner as directed by the Commissioner and consistent with the provisions of the permit for legitimate purposes, including, **but not limited to**, the following:

1. Euthanasia of sick, injured or surplus animals to cull individuals to prevent overcrowding or spread disease; such euthanasia can also be ordered by Commissioner when necessary to prevent spread of disease;

2. To use as food, or to utilize the hide, skin, or other body parts.

3. Euthanasia by an agent of the Division or as ordered by the Commissioner.

4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner.

5. Euthanasia of research animals held under the scientific holding permit or scientific collecting permit.

#### **7:25-4.12 Notice of a denial permit, procedure, review, time limitations, hearing**

(a) In the event of a denial of an application for any permit required by this subchapter or the revocation of any permit, the Division shall issue to the applicant or prior permittee a written statement setting forth the reasons for the denial or revocation.

(b) Any such person may, pursuant to the applicable provisions of the Administrative Procedure Act, within 30 days from the date of issuance of the denial, request a hearing for a review of such determination.

(c) Any permittee shall permit division personnel, at any reasonable time, to inspect the housing facilities of the animal or animals to determine compliance with the permit requirements and criteria.

#### **7:25-4.14 Requirements for possession of endangered wildlife species**

(a) Individuals wishing to apply for a permit to possess endangered wildlife must meet all criteria for a Federal endangered species permit (issued by the United States Fish and Wildlife Service), when applicable, and for the New Jersey Nongame and Exotic Species Permit pursuant to N.J.A.C. 7:25-4.7 (issued by the Division of Fish and Wildlife). The Department will require and review the Federal permit before issuing a State permit.

(b) The Division shall issue a permit for possession of specific individual animals classified as endangered wildlife to an applicant who fulfills the criteria in (a), above., and who

1. has obtained a sponsoring organization and designated professional who have submitted to the Division all information required in (a)2 and 3 below;

2. has submitted to the Division a detailed written proposal for scientific research to be completed by the applicant within the time stated by the applicant which, in the judgement of the Division, requires use of the species in question, will not jeopardize the animal's health and has a reasonable probability of yielding, when performed by the applicant under the supervision of the Division and the sponsor pursuant to scientific protocol approved in writing by the Division, scientifically-reliable, new information of use to researchers or zoologists specializing in the study or conservation of the species in question.

i. All proposals shall stipulate the intervals at which the applicant shall submit periodic reports to the Division stating the applicant's progress with the research and improvements in the applicant's expertise in handling and caring for the animals; and

(c) Amateur attempts or intent to propagate and endangered species will not be considered as sufficient purpose for an individual to be issued a permit to keep an endangered species.

1. Has submitted to the Division written records of the applicant's relevant education, past and current research, publications, funding, equipment and any other information (including personal demonstration as may be required by the Division) which demonstrates to the satisfaction of the Division that the applicant has working knowledge and expertise in handling and caring for the species in question, and that it is reasonably probable that the applicant will accept guidance from both the sponsor and the Division to improve that expertise and that the applicant will accomplish the research within the time stated to the Division

accordance with the scientific protocol approved by the Division.

(d) Applicants for a permit to possess endangered wildlife species in New Jersey must be sponsored by a scientific institution, zoological society or similar organization accredited by its professional peers. The goal of sponsorship is to improve the applicant's expertise in the handling, care and breeding of the animal in question, to ensure that the applicant's research requires use of the species in question and has reasonable probability of producing scientifically-reliable, new data useful to other researchers or zoologists specializing in the study and conservation of the species in question. All research proposals, scientific protocols (including the frequency of reports to the Division by the applicant), and supervisory procedures must be described in writing to the Division by the applicant and receive written approval from both the Division, the sponsor, and the monitoring professional for a permit to be issued. Any permit issued pursuant to this section is conditioned upon the applicant's consistent compliance with instruction from the Division and the professional monitoring the applicant's research as well as the diligent pursuit and timely completion of the Division-approved research project by the applicant pursuant to the scientific protocols approved by the Division. Applicants shall produce their research and exhibit their animals to Division personnel on twenty-four hours notice. Should the Division determine that the applicant has failed to meet these conditions, the Division shall suspend or revoke the applicant's permit and place the animals possessed pursuant to that permit under immediate constructive seizure, pending permanent removal of the animals by the Division from the possession of the applicant at the applicant's own expense. All research by the applicant shall cease immediately upon receipt of a notice of suspension or revocation, except as approved in writing by the Division.

(e) An offer of sponsorship must contain the following:

1. An agreement to commit the organization to the responsibilities of sponsorship as defined herein, executed by the President, Director or other employee of the organization with authority to so bind the organization.

2. Confirmation that the organization is acquainted with the relevant training and experience of the applicant, has reviewed the applicant's proposed research and has determined that it is reasonably probable that the proposed research, as performed by the applicant pursuant to the supervision and scientific protocol described by the sponsor shall yield scientifically-reliable, new information which will be useful to other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted to the sponsoring organization for its comment;

3. The name and address of a professional with well-established, recently-practiced expertise in the handling, care and

breeding of the species at issue (or a species closely related) who has agreed to monitor all aspects of the applicant's research on behalf of the organization in accordance with the procedures approved in advance of commencement of the work by the Division and fulfill all the obligations set forth in (e)4 below. The sponsoring organization shall acknowledge its responsibility to locate another professional with credentials acceptable to the Division who shall monitor the applicant's work, report to the Division, and fulfill all the obligations set forth in (e)4 below in the event the professional initially chosen and approved by the Division is unable, for reasons unrelated to the performance of the applicant, to continue in assisting the Division in monitoring the applicant's work;

4. A letter from the professional identified in (e)3 above paragraph which lists his or her professional qualifications, verifies that he or she has personally met the applicant, reviewed the applicant's relevant training and experience as well as the proposed research, finds the research meritorious and believes, based upon his or her experience, that it is reasonably probable that the proposed research, as performed by the applicant within the time stated by the applicant pursuant to the supervision and scientific protocol described by the professional, shall yield scientifically-reliable, new information which shall be useful to the other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted for the professional's comment. The professional shall agree in writing to guide the applicant in the proper handling, care and breeding of the animals in question and review the applicant's research protocol and data as frequently as needed to ensure the applicant's research meets the criteria for the issuance of this permit. The professional shall agree to personally meet with the applicant and review the applicant's work no less than once every three months and to submit a written report to the Division on the applicant's progress every three months. The applicant may prepare and submit this report as long as the report is approved in writing by the professional in advance of its submission to the Division. Reports must be submitted to the Division later than the 15<sup>th</sup> day following the end of each three-month reporting period;

5. A written statement that the professional agrees to notify the Division and the sponsoring organization in writing if the applicant fails to follow the professional's or the Division's guidance or the scientific protocol approved by the Division and the professional believes that such failure is jeopardizing the probability that scientifically-reliable, useful, new information shall be produced as a result of the applicant's research or that the research cannot be accomplished within the time stated by the applicant; and

6. The applicant shall execute a written acknowledgement releasing the Department, the sponsoring organization and any professionals monitoring the applicant's work from liability for any damages or whatsoever nature arising from the suspension or revocation of any permit issued by the Division. The applicant shall be solely responsible for all costs of maintaining and relocating at the direction of the Division all the animals possessed under this permit when a permit is suspended, revoked or expires.

## **7:25-4.15 Protection of animal and welfare of public**

(a) Individuals applying for a permit to possess endangered wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific

diet of the animals. Department personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

(b) The housing facilities must be constructed to prevent public access to and contact with the animal. The animal may not be kept as a pet, for hobby purposes or in situations which, in the judgement of the Department, could adversely affect or provide no net benefit to the health of the animal or the welfare of the species. The individual must demonstrate to the satisfaction of Division personnel that the security of the housing and caging facilities protects the animal and the public.

(c) Qualified veterinarian service must be readily available to the animal at all times.

#### **7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes**

(a) No permit shall be issued for the purpose of selling any such wild-caught bird. Except as provided in this subchapter, a person issued a permit to possess wild bird species shall possess only birds bred from captive parent birds and eggs produced from captive parent birds. To preserve the genetic integrity of species of regulated birds, distinct species of birds shall not be crossbred with other different species of birds to produce hybrid birds.

(b) In addition to meeting the general criteria in N.J.A.C. 7:25-4.7, every person applying for a permit to possess individuals of a species of wild-caught bird shall meet each and every of the following criteria:

##### **1. Education and Background, as follows:**

i. A person applying for a permit to possess individuals of species of birds which have been wild-caught, or their eggs, primarily for breeding purposes, including those persons designated by institutions or businesses as those responsible for breeding birds, shall affirmatively demonstrate that he or she possesses extensive and thorough experience in breeding the species which is the subject of the application, or of a closely related species.

ii. A person applying for a permit to possess individuals of species of birds which have been wild-caught or their eggs primarily for zoological, scientific or educational purposes which include breeding only as a secondary purpose, including those persons designated by institutions or businesses as those responsible for breeding and handling birds, shall demonstrate that he or she possesses a thorough knowledge of the handling, care and breeding of the species which is the subject of the application, or of a related bird species. As a condition for the issuance of the permit the Division may require that the applicant be supervised by an aviculturist approved by the Department. In the case of scientific or educational projects of limited duration, the applicant shall identify the final disposition of the bird(s);

2. Other Licenses and Permits: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall obtain, in addition to a New Jersey Exotic Species or Nongame Species Permit, all other permits applicable to the possession of such species. Any permit issued for the possession of birds by the Department shall not exempt an applicant from compliance with any other relevant Federal, state, county or municipal law;

3. Purpose and Intent: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall state in writing the purpose and intent of keeping the birds, the species of birds, and the number of individuals of each species the applicant intends to possess under the permit. In

the case of multiple purposes and intents, the applicant shall rank his or her intentions in order of decreasing importance to the applicant;

4. Housing: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail the caging facilities for each bird species, including those aspects of the facilities designed to prevent escape. For each building in which birds are to be housed, its street address and on which floors the birds are to be housed shall be stated. For each room in which birds are to be house, that room's dimensions, the nearest source of natural and artificial light available for each bird, the type of heating, cooling and ventilation in each room and its source in each room relative to each bird's caging facilities and the location of each room within the building shall be described. Acceptance of any permit authorized under this subchapter shall entitle and authorize Department personnel to inspect the housing and caging of the licensed birds from 8:00 A.M. to 9:00 P.M.-Monday through Saturday in order to determine if the housing and caging is suitable for the species and will ensure accomplishment of the applicant's stated purposes;

5. Feeding: Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail a reliable, continuous source of food for each bird species, including adult, nestling and hatchling diets for each bird species to be kept;

6. Permitted Birds: Except as stated herein, no person or organizations shall possess for any purpose an wild-caught bird or egg produced from such a bird unless that person or organization produces credible documentary evidence that the bird (or egg) was legally possessed pursuant to this subchapter before December 10, 1991, the effective date of the Wild Bird Act.

i. All wild-caught birds possessed before December 10, 1991 by persons or organizations with a permit or other written approval from the Department are exempt from this proof requirement. The Department may consider, among other things, the following as proof of a wild-caught bird's pre-Act status: Affidavits from persons with relevant knowledge and sworn-true copies of such documents as bills of lading, contracts of sale, pet shop records and veterinary records.

ii. No person or institution shall sell or otherwise transfer possession of any wild-caught bird or its egg which is possessed pursuant to a Department permit, or purchase or otherwise receive any new wild-caught birds without first obtaining written permission from the Department.

iii. Sellers or transferrers of both pre-Act and post-Act birds shall maintain written documentation as per (b) 6I showing that all birds are either captive-bred or were legally possessed pursuant documents for each regulated bird sold or otherwise transferred must be provided to the purchaser or receiver of each bird and to the Department.

#### **7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous**

(a) Regulated birds possessed under a permit issued prior to January 17, 1995 shall be exempt from banding until the bird is sold or otherwise transferred to a different person. All other regulated birds shall not be possessed until such time as an application to possess the bird, accompanied by proper documentation, is made to the Department and the bird is banded in accordance with this subchapter. Department denial of an application to possess regulated bird(s) shall result in the forfeiture of the bird(s) to the Department without compensation to the applicant.



(b) The natural appearance of any bird shall not be altered by any person in any way for any purpose, except as follows:

1. Seamless or butt-end bands as provided in this section;
2. Subcutaneous coded identification as provided in this section;
3. Clipped flight feathers of wing, or
4. Surgical or other medical procedure mandated in writing by a licensed veterinarian to preserve the life or health of the bird.

(c) Captive-bred birds hatched in New Jersey shall have seamless bands slipped onto one of their legs. A proper-sized seamless band slipped onto the leg of a hatchling shall be of such a size as to later fit a full-grown adult comfortably, but must not be so large that it could have been slipped over the foot of an older or full-grown bird. The Division shall publish and distribute a list of those species of birds exempt from the banding requirements because of adverse health effects.

(d) Captive-bred birds hatched outside the State of New Jersey and wild-caught birds (except for zebra finches, society finches, canaries, budgerigars and cockatiels) which remain in New Jersey for more than 48 hours and are not wearing seamless bands shall have butt-end bands placed around one of their legs upon arrival in New Jersey. All aviculturally recognized color mutations of any parrot species will be exempt from banding due to their captive-bred origin.

(e) In lieu of or in addition to banding as set forth in (a) through (d) above, birds may be identified by microchips (subcutaneous

implants, or coded information) obtained solely from manufacturers expressly authorized by the Department.

**The penalty for violation of these regulations is contained in N.J.S.A. 23:2A-10b:**

(b) Any person who violates the provisions of this act or any rule, regulation or order promulgated pursuant to this act shall be liable to a penalty of not less than \$100.00 and not more than \$3,000.00 for each offense, to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et. seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. Penalties recovered for violations hereof shall be remitted as provided in R.S. 23:10-19. The Superior Court, municipal court and county district court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

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## Notice for Ferret Permit Applicants

This is to inform you of two things pertaining to the possession of ferrets in New Jersey. First, there is now a rabies vaccine available for ferrets. We are not advising you one way or another concerning its use, as it has not been determined how successful its use will be over the long-term in pet ferret situations. But ferrets are susceptible to rabies and this is a potential problem, particularly in view of the recent spread of rabies in this state. They are also susceptible to and can be inoculated for canine distemper.

Second, due to problems involving escaped ferrets, improperly kept ferrets and ferret bites, we will be strictly enforcing all regulations pertaining to the possession of ferrets. **FERRETS MUST BE KEPT IN SUCH A WAY AS TO PREVENT ESCAPE OR INJURY TO THE PUBLIC.** Failure to adhere to the regulations, which were designed to protect the animal, the environment and the public, may result in penalties and/or prosecution. Failure to adhere to the regulations could also result in pressure to ban the possession of ferrets, brought about by group concerned with the public's welfare. Please read the regulations thoroughly. If you have any questions, we are available at 609-292-9591.

# Firearm Regulations

## NJ Firearms Laws NJAC 7:25-5.23

This section pertains to wildlife - For Additional Regulations Please refer to [State Police Website - Firearms Information](http://www.state.nj.us/njsp/about/firearms.html) (<http://www.state.nj.us/njsp/about/firearms.html>) Please note: You **MUST** be properly licensed to utilize firearms in wildlife control

### § 7:25-5.23. Firearms and missiles, etc.

a. Except when legally engaged in deer or black bear hunting during the prescribed firearm seasons, respectively, no person shall have in his or her possession in the woods, fields, marshlands or on the water any shell or cartridge with missiles of any kind larger than No. 4 fine shot. This shall not apply to persons properly licensed and permitted for hunting during the special eastern coyote, red fox and gray fox hunting season, exclusively, who may use fine shot no smaller than #4 (.13 inches in diameter) or larger than #T (.20 inches in diameter). This shall not preclude farmers or their agents from using shot not larger than No. 4 buckshot to control woodchuck causing damage or a properly licensed person from hunting woodchuck with a rifle during the woodchuck season. For hunting woodchuck, center-fire rifles of .25 caliber or smaller or rim-fire rifles may be used. Center-fire rifles larger than .25 caliber may also be used provided that the bullets used do not exceed 100 grains in weight. All center-fire rifle ammunition used in hunting woodchucks must be hollow point, soft point or expanding lead core bullets. All rim-fire rifle ammunition used in hunting woodchuck must be hollow point or soft point type. Also excepted is the use of a muzzleloading rifle, .36 caliber or smaller, loaded with a single projectile during the prescribed portion of the squirrel season in designated areas. Waterfowl hunters may possess and use shotgun shells loaded with T (.200") steel fine shot or smaller or other non-toxic shot authorized by Federal regulations no larger than T (.200") shot and **properly licensed** persons hunting for raccoon or opossum with hounds or **engaged in trapping for furbearing animals may possess and use a .22 caliber rifle and raccoon, or opossum or legally trapped furbearing animals other than muskrat.** Notwithstanding the foregoing, this subsection shall not preclude agents and/or permittees operating under an approved Special Deer Management Permit ( 7:25-5.32) from shooting deer with a rifle or a rifle equipped with a silencer or suppressor if that permit so specifically provides. Rifles for this purpose shall be restricted as specifically provided in that permit to include only .22, .223, .270 and .45 caliber or other calibers approved by the Division. Only highly frangible bullets shall be employed in .223 and .270 caliber rifles. Bullets employed in .22 and .45 caliber rifles shall be restricted to those designed to provide maximum expansion and limited penetration. As a part of a Special Deer Management Permit, use of .22 rim-fire ammunition is restricted to euthanasia of captive deer only.

b. All persons in possession of a rifle while hunting or trapping must have **in addition to their proper license, a valid and proper rifle permit.**

Please Note: A valid rifle permit is required for dispatching trapped animals other than muskrat with a .22 caliber rifle. *You must first pass the shotgun course or have a firearm hunting license before you can take this course.*

*This course is required to obtain a NJ Rifle Permit. [Hunter Education Training](#)*

c. Except as may be permitted for waterfowl hunting in accordance with Federal regulations and as provided for agents and/or permittees operating under an approved Special Deer Management Permit ( 7:25-5.32), no person shall use in hunting fowl or animals of any kind, any shotgun capable of holding more than three shells at one time or that may be fired more than three times without reloading. Except as provided for agents and/or permittees operating under an approved Special Deer Management Permit ( 7:25-5.32), no person shall use in hunting or trapping of any kind, a rifle loaded with more than three cartridges. No person shall have in his or her possession while deer hunting on Monmouth Battlefield State Park any shell or cartridge with missiles of any kind other than shotgun slugs or No. 4 or No. 000 buckshot.

d. It shall be legal to use a .22 caliber rifle and .22 caliber short cartridge only for hunting raccoon and opossum with hounds and for killing legally trapped animals other than muskrats on State wildlife management areas.

e. Within the areas described as portions of Passaic, Mercer, Hunterdon, Warren, Morris and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 513 and the New York State line; then south along Rt. 513 to its intersection with Rt. 511; then south along Rt. 511 to its intersection with Rt. 46; then west along Rt. 46 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 15; then north along Rt. 15 to its intersection with the Morris-Sussex County line; then south along the Morris-Sussex County line to the Warren County line; then southwest along the Morris-Warren County line to the Hunterdon County line; then southeast along the Morris-Hunterdon County line to the Somerset County line; then south along the Somerset-Hunterdon County line to its intersection with the Mercer County line; then west and south along the Hunterdon Mercer County line to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 546; then west along Rt. 546

to the Delaware River; then north along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to the point of beginning at Lakeside; and in that portion of Salem, Gloucester, Camden, Burlington, Mercer, Monmouth, Ocean, Atlantic, Cape May and Cumberland counties lying within a continuous line beginning at the intersection of Rt. 295 and the Delaware River; then east along Rt. 295 to its intersection with the New Jersey Turnpike; then east along the New Jersey Turnpike to its intersection with Rt. 40; then east along Rt. 40 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Rt. 536; then east along Rt. 536 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 571; then southeast along Rt. 571 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with Rt. 9 at Somers Point; then south along Rt. 9 to its intersection with Rt. 83; then west along Rt. 83 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Dennis Creek; then south along the west bank of Dennis Creek to its intersection with Delaware Bay; then northwest along the east shore of Delaware Bay and the Delaware River to the point of beginning; persons holding a valid and proper rifle permit in addition to their current firearm hunting license may hunt for squirrels between September 24 - November 11, 2005 and January 7 - February 20, 2006; September 30 - November 10, 2006 and January 6 - February 19, 2007; September 29 - November 9, 2007 and January 5 - February 18, 2008; September 27 - November 7, 2008 and January 10 - February 16, 2009; September 26 - November 6, 2009 and January 9 - February 15, 2010; and September 25 - November 12, 2010 and January 8 - February 21, 2011 using a .36 caliber or smaller muzzleloading rifle loaded with a single projectile.

- f. Except as specifically provided below for waterfowl hunters, semi-wild and commercial preserves, trappers, woodchuck hunters, raccoon and opossum hunters, muzzleloader deer hunters, muzzleloader squirrel hunters, and muzzleloader bear hunters, it shall be illegal to use any firearm of any kind other than a shotgun. Nothing in this subsection shall prohibit the use of a shotgun not smaller than 20 gauge nor larger than 10 gauge with a rifled bore for deer and black bear hunting only. Persons hunting black bear shall use a shotgun not smaller than 20 gauge or larger than 10 gauge with lead, lead alloy or copper slug only. Persons hunting deer shall use a shotgun not smaller than 20 gauge or larger than 10 gauge with the lead, lead alloy or copper slug only; or, a shotgun not smaller than 20 gauge nor larger than 10 gauge with the buckshot shell. It shall be illegal to have in possession while deer hunting any firearm missile except the 20, 16, 12 or 10 gauge lead, lead alloy or copper slug; or, if hunting deer the 12, 10, 16 or 20 gauge buckshot shell. Shotgun shells containing a single spherical projectile may not be possessed or used in deer or black bear hunting. (This does not preclude a person legally engaged in hunting on semi-wild or commercial preserves for the species under license or a person legally engaged in hunting woodcock from being possessed solely of shotgun(s) and nothing larger than No. 4 fine shot, nor a person engaged in hunting waterfowl only from being possessed solely of shotgun and nothing larger than T (.200 inch) steel shot or other bismuth non-toxic shot authorized by Federal regulations during the shotgun deer seasons). **A legally licensed trapper possessing a valid rifle permit may possess and use a .22 rifle and short rimfire cartridge only while tending his or her trap line.** Farmers or their agents may use shot not larger than No. 4 buckshot to control woodchuck causing damage. firearm deer season and the permit muzzleloader rifle deer season. Persons who are properly licensed may hunt for black bear with a muzzleloader rifle during a prescribed black bear season. Muzzleloader rifles used for hunting deer or black bear are restricted to single-shot single barreled weapons with flintlock or percussion actions, shall not be less than .44 caliber and shall fire a single missile or projectile. Only one muzzleloader rifle may be possessed while hunting. Double barrel and other types of muzzleloader rifles capable of firing more than one shot without reloading or holding more than one charge are prohibited. Persons who are properly licensed may hunt for deer with a single-shot, single barreled, flintlock or percussion action, smoothbore muzzleloader during the permit muzzleloader rifle season. Single shot, smoothbore muzzleloaders used during the permit muzzleloader season shall fire a single missile or projectile and shall not be smaller than 20 gauge or larger than 10 gauge. Double barrel and other types of smoothbore muzzleloaders capable of firing more than one shot without reloading or holding more than one charge are prohibited during the permit muzzleloader season. Persons who are properly licensed may hunt deer with double barrel, smoothbore muzzleloader during the six day firearm and permit shotgun deer seasons. Smoothbore muzzleloaders used for deer hunting during the six day firearm and permit shotgun deer seasons shall not be smaller than 20 gauge or larger than 10 gauge, and shall fire a single missile or projectile, or buckshot no smaller than No. 4 (.24 inch) or larger than 000 (.36 inch). Only one muzzleloader rifle or smoothbore muzzleloader may be possessed while deer hunting.

2. Properly licensed persons 10 years of age and older engaged in hunting with a muzzleloader rifle must have in possession a proper and valid rifle permit. Properly licensed persons 10 years of age or older, hunting during the muzzleloader rifle permit deer season with a smoothbore muzzleloader, must also have in possession a proper and valid rifle permit. Rifle permits for 10 to 17 year olds will be valid for muzzleloader deer hunting, muzzleloader squirrel hunting, muzzleloader woodchuck hunting and muzzleloader bear hunting.
3. A muzzleloader is considered unloaded when, in the case of a percussion cap rifle or shotgun, the percussion cap has been removed from the nipple; in the case of a flintlock, when the powder is removed from the pan and a boot or cover

made of a nonmetallic material is placed over the frizzen.

4. Only black powder or black powder equivalents, including Clean Shot, GOEX Clear Shot and Pyrodex, may be used with a muzzleloading firearm when engaged in hunting any game species during the prescribed seasons enumerated within the current Game Code. Modern smokeless powder is strictly prohibited while hunting game with a muzzleloading firearm.
5. Whenever a firearm is in a motor vehicle, in addition to the requirements found in 7:25-5.23(f)4 (unloaded), it shall be enclosed in a securely fastened case.

g. No person shall hunt, hunt for, or attempt to capture, kill, take, injure or destroy game birds or animals except at the time and in the manner provided by N.J.S.A. Title 23 and the valid State Game Code and any regulation required for a special permit deer hunt.

h. Wild waterfowl, migratory game birds, rabbits, hares, jack rabbits, squirrels, grouse, chukar partridge, pheasants, and quail shall not be hunted for or taken on Sunday. However, pheasants, quail and chukar partridge may be hunted for or taken on Sunday on semi-wild and commercial shooting preserve lands that are properly licensed for the taking thereof.

i. Except for conservation officers and their deputies, no person shall carry or possess a bow and arrow, firearm of any kind or any instrument capable of firing or throwing a projectile of any type within the limits of a state game refuge unless authorized by the Division.

j. Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof.

k. No person shall, for the purpose of hunting for, pursuing, taking or killing, or attempting to hunt, pursue, take or kill any bird or animal, have in an automobile or vehicle of any kind, any firearm loaded with missiles of any kind, under a penalty of not less than \$20.00 nor more than \$50.00.

l. The Division may issue special permits without fee, to shoot or hunt from a standing vehicle that is parked off the road to licensed hunters who have demonstrated in writing the nature of their disability and the need for an exemption. The applicant shall provide medical documentation on the form(s) provided by the Division, which must be certified by a physician licensed to practice medicine. Permittees are subject to all applicable New Jersey Fish and Wildlife laws and regulations. Violation of any Fish and Wildlife law or regulation may result in the revocation of any special permit issued by the Division.

1. Individuals hunting with a permit to hunt or shoot from a motor vehicle shall mark the vehicle being used for the purpose of hunting in one of the following ways: The vehicle shall display handicapped license plates issued by the New Jersey Division of Motor Vehicles or display a sign, provided by the Division, in the rear window of the vehicle being utilized.
2. Permits issued to individuals under this subsection and under (o) below may be revoked by the Division when the applicant is found to have made false statements on their application or the applicant had been convicted of any violation of Fish and Wildlife laws and regulations.

m. No person shall have both a firearm and a bow and arrow in his or her possession or under his or her control in the woods or fields or on the water while hunting any wild bird or mammal. This does not preclude a person from carrying both a firearm and bow and arrow in a motor vehicle. This does not apply to duly constituted law enforcement officers.

n. No person shall hunt with the aid of a deer decoy, except during the fall bow, special permit bow and winter bow seasons. Any person while carrying or moving deer decoys in the woods and fields for the purpose of hunting shall wear a cap of fluorescent hunters orange or some other garment containing at least 200 square inches of fluorescent orange material which shall be visible from all sides. No person shall hunt for deer with the aid of an electronic calling device, or any device which projects a beam of light upon the target.

o. Physically challenged persons whose need for alternative methods of taking game animals can not be addressed by the provisions of (l) above and 7:25-5.24(e) may apply to the Director of the Division of Fish and Wildlife for further exemption from the existing regulations concerning methods of taking wildlife including alternative equipment on forms provided by the Division. Applicants must demonstrate in writing the nature of the disability and the need for an exemption and must provide medical documentation on the form(s) provided by the Division, which must be certified by a physician licensed to practice medicine. The Division will review each request submitted under (l) above, this subsection, and 7:25-5.24(e) and may determine the need to schedule interviews with the applicants and/or their physician to verify the circumstances and determine the specific requirements of each applicant, and assess the ability of each applicant to safely and effectively use alternative equipment or methods. Additional medical information and/or evaluation may be required if deemed necessary by the Division in order to make a determination of the validity of the application. The cost of the additional medical testing is the responsibility of the applicant. Each permit shall designate the specific alternative methods to take wildlife, including equipment permitted

and the term of the permit for each individual determined to be qualified. All handicapped permit applications will be accepted during the period of January 1 to August 31 of each year. Within 60 calendar days from the denial of any application by the Division, the applicant may appeal to the Fish and Game Council. Any further right of appeal shall be determined and handled in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, 1:1. Such disputes will be referred to the Office of Administrative Law for hearing.

- p. No person shall carry or possess a shotgun and any shotgun slug in the woods and fields or on the water while hunting unless he or she has in possession a shotgun which has adjustable open iron or peep sights or a scope affixed. No person shall use any shotgun containing shotgun slugs for the purpose of hunting unless it has adjustable open iron or peep sights or a scope affixed.
- q. Persons required by law to wear corrective lenses to operate a motor vehicle shall wear corrective lenses when hunting with a bow or a firearm of any kind.
- r. Nothing in this subchapter shall be construed to prevent the Director of the New Jersey Division of Fish and Wildlife from authorizing personnel or agents of the New Jersey Division of Fish and Wildlife from possessing, carrying or using hand held pistol-like devices which launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance wildlife; or from possessing, carrying or using animal immobilization rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals or from possessing, carrying or using rifles or shotguns, upon completion of approved training course, in order to dispatch sick, injured, or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife. All such duly authorized personnel of the New Jersey Division of Fish and Wildlife, except Conservation Officers, shall possess a firearms purchaser card, a valid New Jersey hunting license and a rifle permit issued by the New Jersey Division of Fish and Wildlife.
- s. Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from the possession and use of any other Division approved device or equipment for the capture, marking or killing of wildlife for scientific, enforcement or public safety purposes. This section applies to all non-domestic animals whether native or exotic, irrespective to season status, or other restrictions in any statute or rule.
- t. Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from possessing, carrying or using any device which projects, releases or emits any substance specified as being non-injurious to black bears or other animals by the State Director of Animal Health and which produces temporary physical discomfort though being vaporized or otherwise dispensed in the air for the purpose of repelling animal attacks or for the aversive conditioning of nuisance wildlife.
- u. Notwithstanding the foregoing, this section shall not preclude the Director from authorizing, on a case by case basis, Federal Government employees operating under a State of New Jersey Depredation Control Permit, Special Wildlife Management Permit and/or a Federal Fish and Wildlife permit that is co-signed by the New Jersey Division of Fish and Wildlife, to shoot wildlife specifically listed on that permit with an air rifle or a rifle when that permit specifically authorizes the use of air rifles and/or rifles. Air rifles used for this purpose shall be restricted to .22 caliber or smaller only. Rifles used for this purpose shall be restricted to .22 caliber or other calibers approved by the Division.
- v. Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30, 23:3-1, 23:4-1, 23:4-12, 23:4-13, 23:4-16, 23:4-18, 23:4-19, 23:4-24.1, 23:4-29, 23:4-42, 23:4-44 and 23:8-10 and other applicable statutes.

#### HISTORY:

Amended by R.1995 d.427, effective August 7, 1995. See: 27 New Jersey Register 1897(a), 27 New Jersey Register 2889(a). Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996). See: 28 New Jersey Register 2434(b), 28 New Jersey Register 3934(a). Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997). See: 29 New Jersey Register 2213(a), 29 New Jersey Register 3462(a). In (e) and (f)1, amended dates of hunting season; inserted (t) through (v); and recodified former (t) as (w); and in (w), amended N.J.S.A. references. Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998). See: 30 New Jersey Register 1681(a), 30 New Jersey Register 2886(a). In (e), changed the season date; in (f), deleted the former second and tenth sentences in 2; deleted former (p); and recodified former (q) through (w) as (p) through (v). Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999). See: 31 New Jersey Register 1231(a), 31 New Jersey Register 2338(a). In (a), rewrote the third sentence, and added the last four sentences; in (c), added an exception at the beginning; in (e), changed dates; and in (f), added the last sentence in the introductory paragraph, and substituted "10" for "14" throughout 3. Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000). See: 32 New Jersey Register 1673(a), 32 New Jersey Register 3294(a). In (a), inserted a reference to black bears in the first sentence, and rewrote the second sentence; in (e), changed dates; in (f), rewrote the introductory paragraph, 1 and 2; and in (p), deleted a reference to (o) in the first sentence, inserted "on the forms provided by the Division" following "documentation" in the second sentence, and rewrote the third sentence. Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001). See: 33 New Jersey Register 1527(a), 33 New Jersey Register 2829(a). Rewrote section. Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002). See: 34 New Jersey Register 1504(a), 34 New Jersey Register 2973(a). Rewrote (l) and (o); neutralized the gender refer-

ence in (m). Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003). See: 35 New Jersey Register 1804(a), 35 New Jersey Register 4053(a). In (a), inserted "or black bear" following "deer" in the first sentence and added the last sentence; in (e), changed the dates; rewrote (f). Amended by R.2004 d.385, effective October 4, 2004 (operative October 9, 2004). See: 36 New Jersey Register 2325(a), 36 New Jersey Register 4513(b). In (e), changed the dates; added a new (u) and recodified existing (u) as (v). Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005). See: 37 New Jersey Register 1959(a), 37 New Jersey Register 3657(a). In (a), deleted "coyote" following "permitted for hunting", added ", red fox and gray fox" following "eastern coyote", deleted "No.2" following "who may use", and added "no smaller than #4 (.13 inches in diameter) or larger than #T (.20 inches in diameter)" following "fine shot"; in (e), updated dates.

# **NJ Animal Cruelty Laws Title 4**

## **(4:22-15 to 4:22-57)**

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4:22-57. List of persons not eligible to be animal control officers

4:22-15. Definitions

As used in this article:

"Animal" or "creature" includes the whole brute creation.

"Owner" or "person" includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed or in the custody of the corporation shall be imputed to the corporation.

**Source:** L.1880, c. 157, § 20, p. 224 [C.S. p. 63, § 43].

4:22-16. Construction of article

Nothing contained in this article shall be construed to prohibit or interfere with:

a. Properly conducted scientific experiments performed under the authority of the Department of Health or the United States Department of Agriculture. Those departments may authorize the conduct of such experiments or investigations by agricultural stations and schools maintained by the State or federal government, or by medical societies, universities, colleges and institutions incorporated or authorized to do business in this State and having among their corporate purposes investigation into the causes, nature, prevention and cure of diseases in men and animals; and may for cause revoke such authority;

b. The killing or disposing of an animal or creature by virtue of the order of a constituted authority of the State;

c. The shooting or taking of game or game fish in such manner and at such times as is allowed or provided by the laws of this State;

d. The training or engaging of a dog to accomplish a task or participate in an activity or exhibition designed to develop the physical or mental characteristics of that dog. These activities shall be carried out in accordance with the practices, guidelines or rules established by an organization founded for the purpose of promoting and enhancing working dog activities or exhibitions; in a manner which does not adversely affect the health or safety of the dog; and may include avalanche warning, guide work, obedience work, carting, dispatching, freight racing, packing, sled dog racing, sledding, tracking, and weight pull demonstrations;

e. The raising, keeping, care, treatment, marketing, and sale of domestic livestock in accordance with the standards developed and adopted therefor pursuant to subsection a. of section 1 of P.L.1995, c. 311 (C. 4:22- 16.1); and

f. The killing or disposing, by a reasonable or commercially acceptable method or means, of a Norway or brown rat (*Rattus*



norvegicus), black rat (*Rattus rattus*), or house mouse (*Mus musculus*) by any person, or with the permission or at the direction of that person, while the animal is on property either owned or leased by, or otherwise under the control of, that person, provided that the animal is not a pet.

CREDIT(S)

Amended by L.1985, c. 433, § 1, eff. Jan. 13, 1986; L.1995, c. 311, § 2, eff. Jan. 5, 1996; L.1997, c. 88, § 1, eff. May 8, 1997.

#### 4:22-16.1. Rules and regulations; standards for humane treatment of domestic livestock

a. The State Board of Agriculture and the Department of Agriculture, in consultation with the New Jersey Agricultural Experiment Station and within six months of the date of enactment of this act, shall develop and adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.): (1) standards for the humane raising, keeping, care, treatment, marketing, and sale of domestic livestock; and (2) rules and regulations governing the enforcement of those standards.

b. Notwithstanding any provision in this title to the contrary:

(1) there shall exist a presumption that the raising, keeping, care, treatment, marketing, and sale of domestic livestock in accordance with the standards developed and adopted therefor pursuant to subsection a. of this section shall not constitute a violation of any provision of this title involving alleged cruelty to, or inhumane care or treatment of, domestic livestock;

(2) no person may be cited or arrested for a first offense involving a minor or incidental violation, as defined by rules and regulations adopted pursuant to subsection a. of this section, of any provision of this title involving alleged cruelty to, or inhumane care or treatment of, domestic livestock, unless that person has first been issued a written warning.

c. For the purposes of this act, "domestic livestock" means cattle, horses, donkeys, swine, sheep, goats, rabbits, poultry, fowl, and any other domesticated animal deemed by the State Board of Agriculture and the Department of Agriculture, in consultation with the New Jersey Agricultural Experiment Station, to be domestic livestock for such purposes, according to rules and regulations adopted by the department and the board pursuant to the "Administrative Procedure Act."

CREDIT(S)

L.1995, c. 311, § 1, eff. Jan. 5, 1996.

#### 4:22-17. **Cruelty; disorderly persons offense**

a. A person who shall:

(1) Overdrive, overload, drive when overloaded, overwork, deprive of necessary sustenance, abuse, or needlessly kill a living animal or creature;

(2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done; or

(3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather; or leave it unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature--

Shall be guilty of a disorderly persons offense, and notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every such offense shall be fined not less than \$250 nor more than \$1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court. A violator of this subsection shall also be subject to the provisions of subsection c. and, if appropriate, subsection d. of this section.

b. A person who shall purposely, knowingly, or recklessly:

- (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, or needlessly mutilate a living animal or creature; or
- (2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done--

Shall be guilty of a crime of the fourth degree.

If the animal or creature is cruelly killed or dies as a result of a violation of this subsection, or the person has a prior conviction for a violation of this subsection, the person shall be guilty of a crime of the third degree.

A violator of this subsection shall also be subject to the provisions of subsection c. and, if appropriate, subsection d. of this section.

c. For a violation of subsection a. or b. of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals, a district (county) society for the prevention of cruelty to animals, or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program. The court also may require the violator to pay restitution or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any agency, entity, or organization investigating the violation, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a district (county) society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or a local or State governmental entity.

d. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense pursuant to subsection a. of this section or a crime of the third degree or crime of the fourth degree pursuant to subsection b. of this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

CREDIT(S)

Amended by L.1995, c. 355, § 2, eff. Jan. 5, 1996; L.1996, c. 64, § 1, eff. July 12, 1996; L.2000, c. 162, § 1, eff. Dec. 7, 2000; L.2001, c. 229, § 1, eff. Aug. 27, 2001; L.2003, c. 232, § 1, eff. Jan. 9, 2004; L.2005, c. 105, § 1, eff. June 29, 2005.

#### **4:22-18. Carrying animal in cruel, inhumane manner; disorderly persons offense**

A person who shall carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner, shall be guilty of a disorderly persons offense and punished as provided in subsection a. of R.S.4:22-17.

CREDIT(S)

Amended by L.1995, c. 355, § 3, eff. Jan. 5, 1996; L.1996, c. 64, § 2, eff. July 12, 1996; L.2001, c. 229, § 2, eff. Aug. 27, 2001.

#### **4:22-19. Failure to care for or destruction of impounded animals; penalties; collection**

A person who shall:

- a. Impound or confine, or cause to be impounded or confined, in a pound or other place, a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water; or
- b. Destroy or cause to be destroyed any such animal by hypoxia induced by decompression or in any other manner, by the

administration of a lethal gas other than an inhalant anesthetic, or in any other manner except by a method of euthanasia generally accepted by the veterinary medical profession as being reliable, appropriate to the type of animal upon which it is to be employed, and capable of producing loss of consciousness and death as rapidly and painlessly as possible for such animal shall, in the case of a violation of subsection a., be guilty of a disorderly persons offense and shall be punished as provided in subsection a. of R.S.4:22-17; or, in the case of a violation of subsection b., be subject to a penalty of \$25 for the first offense and \$50 for each subsequent offense. Each animal destroyed in violation of subsection b. shall constitute a separate offense. The penalty shall be collected in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.) and all money collected shall be remitted to the State.

This section shall apply to kennels, pet shops, shelters and pounds as defined and licensed pursuant to P.L.1941, c. 151 (C.4:19-15.1 et seq.); to pounds and places of confinement owned and operated by municipalities, counties or regional governmental authorities; and to every contractual warden or impounding service, any provision to the contrary in this title notwithstanding.

CREDIT(S)

Amended by L.1977, c. 231, § 1, eff. Sept. 20, 1977; L.1982, c. 76, § 1, eff. July 22, 1982; L.1982, c. 158, § 2, eff. Oct. 27, 1982; L.1996, c. 64, § 3, eff. July 12, 1996; L.2001, c. 229, § 3, eff. Aug. 27, 2001.

#### 4:22-19.1. Chamber or device to induce hypoxia; dismantlement and removal

Within 30 days of the effective date of this act, any chamber or device used to induce hypoxia through decompression or in any other manner shall be dismantled and removed from the premises. The owner of any premises on which the chamber or device remains 30 days subsequent to the effective date of this act shall be guilty of a disorderly persons offense.

CREDIT(S)

L.1982, c. 76, § 3, eff. July 22, 1982.

<For similar section added by L. 1982, c. 158, § 3, eff. Oct. 27, 1982, see § 4:22-19.2, post.>

#### 4:22-19.2. Dismantlement and removal of decompression chamber or device; offense

Within 30 days of the effective date of this act, any chamber or device used to induce hypoxia through decompression or in any other manner and any gas chamber or similar device, except one which is used for the administration of an inhalant anesthetic, shall be dismantled and removed from the premises. The owner of any premises on which the chamber or device remains 30 days subsequent to the effective date of this act shall be guilty of a disorderly persons offense.

<For similar section added by L. 1982, c. 76, § 3, eff. July 22, 1982, see § 4:22-19.1, ante.>

CREDIT(S)

L.1982, c. 158, § 3, eff. Oct. 27, 1982.

#### 4:22-19.3. Prohibition of use of neuromuscular blocking agent to destroy domestic animal

Whenever any dog, cat, or any other domestic animal is to be destroyed, the use of succinylcholine chloride, curare, curariform drugs, or any other substance which acts as a neuromuscular blocking agent is prohibited.

CREDIT(S)

L.1988, c. 160, § 1, eff. Nov. 16, 1988.

#### 4:22-19.4. **Violations; penalty**

A person who violates this act shall be subject to a penalty of \$25.00 for the first offense and \$50.00 for each subsequent offense, to be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). Each animal destroyed in violation of this act shall constitute a separate offense. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law."

CREDIT(S)

L.1988, c. 160, § 2, eff. Nov. 16, 1988.

**4:22-20. Abandoning disabled animal to die in public place; abandoning domesticated animal; disorderly persons offense**

a. A person who shall abandon a maimed, sick, infirm or disabled animal or creature to die in a public place, shall be guilty of a disorderly persons offense.

b. A person who shall abandon a domesticated animal shall be guilty of a disorderly persons offense. The violator shall be subject to the maximum \$1,000 penalty.

CREDIT(S)

Amended by L.1977, c. 229, § 1, eff. Sept. 20, 1977; L.1986, c. 176, § 1, eff. Dec. 8, 1986; L.1991, c. 108, § 1, eff. April 19, 1991.

**4:22-21. Sale of horses unfit for work; disorderly persons offense**

A person who shall receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or for any other cause, could not be worked, ridden or otherwise used for show, exhibition, or recreational purposes, or kept as a domestic pet without violating the provisions of this article or any law of this State relating to cruelty to animals shall be guilty of a disorderly persons offense.

CREDIT(S)

Amended by L.1995, c. 355, § 4, eff. Jan. 5, 1996; L.1998, c. 105, § 2, eff. Sept. 14, 1998.

**4:22-22. Use or disposal of animals having contagious diseases; crime of the fourth degree**

A person who shall:

a. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, any horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals; or

b. When any such disease is beyond recovery, refuse upon demand to deprive any such animal of life--

Shall be guilty of a crime of the fourth degree.

CREDIT(S)

Amended by L.1995, c. 355, § 5, eff. Jan. 5, 1996.

**4:22-23. Use of live birds as targets; disorderly persons offense**

A person who shall:

a. Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill

in marksmanship;

- b. Shoot at a bird used as described in subsection a. of this section, or is a party to such shooting; or
- c. Lease a building, room, field or premises, or knowingly permit the use thereof for the purpose of such shooting--

Shall be guilty of a disorderly persons offense, and shall, in addition to any penalty assessed therefor, be fined \$25 for each bird shot at or killed in violation of this section.

This section shall not apply to the shooting of game.

CREDIT(S)

Amended by L.1995, c. 355, § 6, eff. Jan. 5, 1996; L.2003, c. 232, § 2, eff. Jan. 9, 2004.

#### 4:22-24. Fighting or baiting animals or creatures and related offenses

A person who shall:

- a. Keep, use, be connected with or interested in the management of, or receive money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;
- b. Be present and witness, pay admission to, encourage or assist therein;
- c. Permit or suffer a place owned or controlled by him to be so used;
- d. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;
- e. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature; or
- f. Gamble on the outcome of a fight involving a living animal or creature--

Shall be guilty of a crime of the third degree.

CREDIT(S)

Amended by L.1989, c. 35, § 1, eff. March 7, 1989.

#### 4:22-25. Repealed by L.1985, c. 433, § 3, eff. Jan. 13, 1986

##### 4:22-25.1. Motorist hitting domestic animal to stop; report

Each person operating a motor vehicle who shall knowingly hit, run over, or cause injury to a cat, dog, horse or cattle shall stop at once, ascertain the extent of injury, report to the nearest police station, police officer, or notify the nearest Society for the Prevention of Cruelty to Animals and give his name, address, operator's license and registration number, and also give the location of the injured animal.

CREDIT(S)

L.1939, c. 315, p. 762, § 1. Amended by L.1968, c. 39, § 1, eff. May 9, 1968.

##### 4:22-25.2. Punishment for violation

Any person who shall violate any of the provisions of section 1 of P.L.1939, c. 315 (C. 4:22-25.1) shall be guilty of a petty disorderly persons offense.

CREDIT(S)

L.1939, c. 315, p. 762, § 2. Amended by L.1953, c. 5, p. 47, § 62; L.1995, c. 355, § 7, eff. Jan. 5, 1996.

4:22-25.3. Prohibition of sale of dog or cat fur or hair

Any person who sells, barter, or offers for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat commits a crime of the fourth degree, provided that the person knew or reasonably should have known that the fur or hair was from a domestic dog or cat or that the product was made in whole or in part from the fur or hair of a domestic dog or cat. This section shall not apply to the sale or barter, or offering for sale or barter, of the fur or hair of a domestic dog or cat cut at a commercial grooming establishment or at a veterinary office or clinic or for scientific research purposes.

As used in this section, "domestic dog or cat" means a dog (*Canis familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally recognized in the United States as being a household pet and shall not include coyote, fox, lynx, bobcat, or any other wild canine or feline species.

CREDIT(S)

L.1999, c. 307, § 1, eff. Jan. 4, 2000.

4:22-25.4. Prohibition of sale of dog or cat flesh

Any person who sells, barter, or offers for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat or any product made in whole or in part from the flesh of a domestic dog or cat commits a disorderly persons offense, provided that the person knew or reasonably should have known that the flesh was from a domestic dog or cat or the product was made in whole or in part from the flesh of a domestic dog or cat. Notwithstanding the provisions of Title 2C of the New Jersey Statutes to the contrary, any person found guilty of violating this section shall be subject to a fine of not less than \$100 and a term of imprisonment of not less than 30 days.

As used in this section, "domestic dog or cat" means a dog (*Canis familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally recognized in the United States as being a household pet and shall not include coyote, fox, lynx, bobcat, or any other wild canine or feline species.

CREDIT(S)

L.1999, c. 307, § 2, eff. Jan. 4, 2000.

4:22-26. **Acts constituting cruelty in general; penalty**

A person who shall:

- a. (1) Overdrive, overload, drive when overloaded, overwork, deprive of necessary sustenance, abuse, or needlessly kill a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;
- (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, or needlessly mutilate a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;
- (3) Cruelly kill, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the cruel killing of, a living animal or creature, or otherwise cause or procure, by any direct or

indirect means, including but not limited to through the use of another living animal or creature, the death of a living animal or creature from commission of any act described in paragraph (2) of this subsection;

b. (Deleted by amendment, P.L.2003, c. 232).

c. Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather; or leave it unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;

d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of this article;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c. 151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of

age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in the person's possession sheep or cattle, which the person claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;

t. Abandon a domesticated animal;

u. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

v. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature;

w. Gamble on the outcome of a fight involving a living animal or creature;

x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;

y. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat or any product made in whole or in part from the flesh of a domestic dog or cat;

z. Surgically debark or silence a dog in violation of section 1 or 2 of P. L.2002, c. 102 (C.4:19-38 or C.4:19-39);

aa. Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, except that this subsection and subsections bb. and cc. shall not apply to the shooting of game;

bb. Shoot at a bird used as described in subsection aa. of this section, or is a party to such shooting; or

cc. Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section --

Shall forfeit and pay a sum according to the following schedule, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals or a county society for the prevention of cruelty to animals, as appropriate, or, in the name of the municipality if brought by a certified animal control officer or animal cruelty investigator:

For a violation of subsection e., f., g., u., v., w., or z. of this section or of paragraph (3) of subsection a. of this section, or for a second or subsequent violation of paragraph (2) of subsection a. of this section, a sum of not less than \$3,000 nor more than \$5,000;

For a violation of subsection l. of this section or for a first violation of paragraph (2) of subsection a. of this section, a sum of not less than \$1,000 nor more than \$3,000;

For a violation of subsection x. or y. of this section, a sum of not less than \$500 nor more than \$1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product;

For a violation of subsection t. of this section, a sum of not less than \$500 nor more than \$1,000, but if the violation occurs on or near a highway, a mandatory sum of \$1,000;



For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this section or of paragraph (1) of subsection a. of this section, a sum of not less than \$250 nor more than \$1,000; and

For a violation of subsection i., m., n., o., p., q., r., or s. of this section, a sum of not less than \$250 nor more than \$500.

CREDIT(S)

Amended by L.1949, c. 294, p. 895, § 1; L.1951, c. 270, p. 935, § 1; L.1953, c. 5, p. 48, § 63; L.1954, c. 175, p. 683, § 1; L.1974, c. 18, § 1, eff. April 11, 1974; L.1977, c. 229, § 2, eff. Sept. 20, 1977; L.1983, c. 103, § 1, eff. March 14, 1983; L.1989, c. 35, § 2, eff. March 7, 1989; L.1991, c. 108, § 2, eff. April 19, 1991; L.1998, c. 105, § 3, eff. Sept. 14, 1998; L.1999, c. 307, § 3, eff. Jan. 4, 2000; L.2000, c. 162, § 2, eff. Dec. 7, 2000; L.2001, c. 229, § 4, eff. Aug. 27, 2001; L.2002, c. 102, § 8, eff. Nov. 20, 2002; L.2003, c. 232, § 3, eff. Jan. 9, 2004; L.2005, c. 105, § 2, eff. June 29, 2005; L.2005, c. 372, § 16, eff. Jan. 12, 2006.

4:22-26.1. Confiscation and forfeiture of animal under certain circumstance

An officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, or a certified animal control officer, may petition a court of competent jurisdiction to have any animal confiscated and forfeited that is owned or possessed by a person at the time the person is found to be guilty of violating R.S. 4:22-17, R.S. 4:22-18, R.S. 4:22-19, R.S. 4:22-20 or R.S. 4:22-23. Upon a finding that the continued possession by that person poses a threat to the animal's welfare, the court may, in addition to any other penalty that may be imposed for a violation of R.S. 4:22-17, R.S. 4:22-18, R.S. 4:22-19, R.S. 4:22-20 or R.S. 4:22-23, adjudge an animal forfeited for such disposition as the court deems appropriate.

CREDIT(S)

L.1995, c. 255, § 1, eff. Nov. 2, 1995.

4:22-27. Repealed by L.1954, c. 50, p. 394, § 2

4:22-28. Effect of indictment or holding person to bail on liability for penalty

The indictment of a person under the provisions of this article, or the holding of a person to bail to await the action of a grand jury or court, shall not in any way relieve that person from liability to be sued for the appropriate penalties under R.S.4:22-26 .

CREDIT(S)

Amended by L.1953, c. 5, p. 51, § 65; L.1989, c. 35, § 3, eff. March 7, 1989; L.2003, c. 232, § 4, eff. Jan. 9, 2004.

4:22-29. Jurisdiction of action for penalty

The action for the penalty prescribed in R.S.4:22-26 shall be brought:

- a. In the Superior Court; or
- b. In a municipal court of the municipality wherein the defendant resides or where the offense was committed.

CREDIT(S)

Amended by L.1953, c. 5, p. 51, § 66; L.1991, c. 91, § 176, eff. April 9, 1991; L.2003, c. 232, § 5, eff. Jan. 9, 2004.

4:22-30, 4:22-31. Repealed by L.1953, c. 5, p. 51, §§ 67, 68

4:22-30, 4:22-31. Repealed by L.1953, c. 5, p. 51, §§ 67, 68

#### 4:22-32. Enforcement and collection of penalties; warrant

Penalties for violations of R.S.4:22-26 shall be enforced and collected in a summary manner under the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.). A warrant may issue when the defendant is temporarily within the jurisdiction of the court, but not residing therein; or when the defendant is likely to evade judgment by removal therefrom; or when the defendant's name or residence is unknown.

CREDIT(S)

Amended by L.1953, c. 5, p. 51, § 69; L.2003, c. 232, § 6, eff. Jan. 9, 2004.

#### 4:22-33. Security for appearance where defendant nonresident or desires continuance

Where a defendant is a nonresident of the county in which the alleged offense was committed, or where a defendant desires an adjournment or continuance of the hearing, the court before whom the complaint has been made may, in its discretion, require the defendant to furnish security in an amount not exceeding two hundred fifty dollars (\$250.00) for his appearance at the hearing.

CREDIT(S)

Amended by L.1953, c. 5, p. 51, § 70.

4:22-34 to 4:22-42. Repealed by L.1953, c. 5, p. 52, §§ 71 to 79

#### 4:22-43. Powers of members or agents of the society - **4:22-43. Repealed by L.2005, c. 372, § 22, eff. Jan. 12, 2006**

Any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals may exercise and perform powers and duties like those exercised and performed by agents of the society who have been specially deputized by a sheriff.

#### 4:22-44. Arrests with or without warrant

Any humane law enforcement officer of the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals, or any sheriff, undersheriff, constable, certified animal control officer who has been properly authorized pursuant to section 4 of P.L.1983, c. 525 (C.4:19-15.16b) , or police officer may:

- a. Make arrests for violations of this article;
- b. Arrest without warrant any person found violating the provisions of this article in the presence of such humane law enforcement officer, sheriff, undersheriff, constable, police officer or a certified animal control officer who has been properly authorized pursuant to section 4 of P.L.1983, c. 525 (C.4:19-15.16b), and take such person before the nearest judge or magistrate as provided in this article.

CREDIT(S)

Amended by L.1953, c. 5, p. 52, § 80; L.1997, c. 247, § 4, eff. Dec. 8, 1997; L.2005, c. 372, § 17, eff. Jan. 12, 2006.

#### 4:22-45. Notice of arrest to state or district society

Where an arrest is made under the provisions of this article by a constable, sheriff, undersheriff or police officer in a locality where the New Jersey society, or a district (county) society, for the prevention of cruelty to animals exists, he shall give notice to the state or district (county) society at once, whereupon such state or district (county) society shall take charge of the case and prosecute it under the provisions of this article. No magistrate shall hear any such case until proof is made of

the service of such notice on the state or district (county) society.

The provisions of this section shall not apply to certified animal control officers who have been properly authorized pursuant to section 4 of P.L.1983, c. 525 (C.4:19-15.16b) to make arrests.

CREDIT(S)

Amended by L.1997, c. 247, § 5, eff. Dec. 8, 1997.

4:22-46. Search warrants; issuance

Any court having jurisdiction of violations of the law in relation to cruelty to animals may issue search warrants to enter and search buildings or places wherein it is reasonably believed that such law is being violated.

CREDIT(S)

Amended by L.1953, c. 5, p. 52, § 81.

4:22-47. Entry, arrests and seizures in building where violations of § 4:22- 24 exist

A sheriff, undersheriff, constable, police officer, certified animal control officer who has been properly authorized pursuant to section 4 of P.L.1983, c. 525 (C.4:19-15.16b) , or humane law enforcement officer of the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals, may enter any building or place where there is an exhibition of the fighting or baiting of a living animal or creature, where preparations are being made for such an exhibition, or where a violation otherwise of R.S. 4:22-24 is occurring, arrest without warrant all persons there present, and take possession of all living animals or creatures engaged in fighting or there found and all implements or appliances used or to be used in such exhibition.

CREDIT(S)

Amended by L.1989, c. 35, § 4, eff. March 7, 1989; L.1997, c. 247, § 6, eff. Dec. 8, 1997; L.2005, c. 372, § 18, eff. Jan. 12, 2006.

4:22-48. Forfeiture of creatures and articles seized under § 4:22-47; costs payable by owner

The person seizing animals, creatures, implements or appliances as authorized in section 4:22-47 of this Title, shall, within 24 hours thereafter, apply to a court of competent jurisdiction to have the same forfeited and sold.

If, upon the hearing of the application, it is found and adjudged that at the time of the seizure the animals, creatures, implements or appliances were engaged or used in violation of section 4:22-47 or paragraphs "e," "f," "g," "u," "v," or "w" of section 4:22-26 of this Title, or were owned, possessed or kept with the intent that they should be so engaged or used, they shall be adjudged forfeited, and the court shall order the same sold in such manner as it shall deem proper, and after deducting the costs and expenses, shall dispose of the proceeds as provided in section 4:22-55 of this Title.

A bird or animal found or adjudged to be of no use or value may be liberated or disposed of as directed by the court.

The costs of sheltering, caring for, treating, and if necessary, destroying an animal or creature, including veterinary expenses therefor, until the animal or creature is adjudged forfeited and sold, liberated, or disposed of pursuant to this section shall be borne by the owner of the animal or creature.

A creature or property which is adjudged not forfeited shall be returned to the owner, and the person making the seizure shall pay all costs and expenses thereof.

CREDIT(S)

Amended by L.1953, c. 5, p. 53, § 82; L.1989, c. 35, § 5, eff. March 7, 1989.

4:22-48.1. Authorization for shelter, care, and treatment of seized animal; destruction; payment of costs; immunity from liability

a. A person authorized to take possession of a living animal or creature pursuant to R.S. 4:22-47 may provide such shelter, care, and treatment therefor, including veterinary care and treatment, that is reasonably necessary, the costs of which shall be borne by the owner of the seized animal or creature.

b. Notwithstanding the provisions of R.S. 4:22-48 to the contrary, a person seizing a living animal or creature pursuant to R.S. 4:22-47 may destroy it before it is adjudged forfeited if the animal or creature is thought to be beyond reasonable hope of recovery, the cost of which destruction shall be borne by the owner of the seized animal or creature. A person destroying an animal or creature pursuant to the authority of this subsection shall not be liable therefor to the owner of the animal or creature.

CREDIT(S)

L.1989, c. 35, § 6, eff. March 7, 1989.

4:22-48.2. Confiscated animals; costs of care and treatment

The costs of sheltering, caring for, or treating any animal that has been confiscated from a person arrested pursuant to the provisions of R.S.4:22-47 by an agent of the New Jersey Society for the Prevention of Cruelty to Animals, or any other person authorized to make an arrest pursuant to article 2 of chapter 22 of Title 4 of the Revised Statutes, until the animal is adjudged forfeited or until the animal is returned to the owner, shall be borne by the owner of the animal.

CREDIT(S)

L.1997, c. 121, § 1, eff. June 20, 1997.

4:22-49. Repealed by L.1953, c. 5, p. 53, § 83

4:22-50. Care of animal when person in charge arrested

When a person arrested under the provisions of this article, is in charge of an animal at the time of the arrest, with or without a vehicle attached, and there is no one then present, other than the person arrested, to take charge of the property as owner or employee, the person making the arrest may take charge thereof or request a proper person to do so.

The person making the arrest shall promptly notify the owner of the taking of the property and its place of custody, either in person, by telephone or by mailing a notice to his last known post-office address, and a person in charge of the property at the time of the arrest, with permission of the owner, shall be deemed the agent of the owner to receive such notice.

**Source:** L.1931, c. 228, § 1, p. 576.

4:22-50.1. Arrest of owner or operator of animal pound or shelter for cruelty; petition to remove and appoint receiver; service

When the owner or operator of an animal pound or shelter is arrested pursuant to the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes [FN1] by an agent of the New Jersey Society for the Prevention of Cruelty to Animals or any other person authorized to make the arrest under that article, or when the warrant is issued for the arrest, the person making the arrest or any other officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals may petition the Chancery Division of Superior Court to remove the owner or operator as custodian of the animals and appoint a receiver to operate the pound or shelter. The petitioner shall serve a copy of the petition on the Department of Health, the local board of health, and the owner or operator.

[FN1] N.J.S.A. §§ 4:22-15 to 4:22-55.

CREDIT(S)

L.1986, c. 89, § 1, eff. Aug. 14, 1986.

#### 4:22-50.2. Appointment of receiver

The court may appoint a responsible person as a receiver upon a finding that the appointment is in the best interests of the animals at the pound or shelter.

A court shall not appoint a receiver without a hearing except upon a finding that immediate and irreparable harm to the animals may result. The owner shall be given notice of the hearing in a manner designated by the court. After receipt of this notice the owner shall be granted an opportunity to contest the imposition of the receivership at the hearing.

CREDIT(S)

L.1986, c. 89, § 2, eff. Aug. 14, 1986.

#### 4:22-50.3. Receiver; authority and duties; compensation; excess revenues; cost deficiency; bond

The receiver shall be the custodian of the animals at the pound or shelter and shall have control over all real and personal property necessary for the daily operation of the pound or shelter. The receiver may assume the role of the administrator of the pound or shelter and take control of the daily operations or direct the owner or operator in the performance of his duties.

The court shall allow from the revenues of the pound or shelter a reasonable amount of compensation for the expenditures and services of the receiver. The revenues in excess of the cost of the receivership are to be paid to the owner of the pound or shelter. The owner is liable for a deficiency in the costs of the receivership, unless the deficiency results from the gross negligence, incompetence, or intentional misconduct of the receiver, in which case the receiver shall be liable for the deficiency. The receiver may be required to furnish a bond, the amount and form of which shall be approved by the court.

The cost of the bond shall be paid for by the shelter or pound.

CREDIT(S)

L.1986, c. 89, § 3, eff. Aug. 14, 1986.

#### 4:22-50.4. Reports of actions taken and accounts itemizing revenues and expenditures; presentation or settlement of accounts

The court shall require the filing, at periodic intervals, of reports of action taken by the receiver and of accounts itemizing the revenues and expenditures. The reports shall be open to inspection to all parties to the case. Upon motion of the court, the receiver, or owner or operator, the court may require a presentation or settlement of the accounts. Notice of a motion for presentation or settlement of the accounts shall be served on the owner or operator or any party of record who appeared in the proceeding and any party in interest in the revenues and expenditures.

CREDIT(S)

L.1986, c. 89, § 4, eff. Aug. 14, 1986.

#### 4:22-50.5. Termination of receivership

The receiver, owner, or operator may make a motion to terminate the receivership on grounds that the conditions complained of have been eliminated or remedied. The court may immediately terminate the receivership, or terminate the receivership subject to the terms the court deems necessary or appropriate to prevent the condition complained of from recur-

ring.

CREDIT(S)

L.1986, c. 89, § 5, eff. Aug. 14, 1986.

4:22-50.6. Application of act

This act applies to pounds and shelters as defined and licensed pursuant to P.L.1941, c. 151 (C.4:19-15.1 et seq.); to pounds and places of confinement owned and operated by municipalities, counties, or regional governmental authorities; and to every contractual warden or impounding service.

CREDIT(S)

L.1986, c. 89, § 6, eff. Aug. 14, 1986.

4:22-51. Supplying necessary food to animals impounded by another

When a living animal or creature is impounded or confined as provided in section 4:22-19 of this title, and shall continue to be without necessary food and water for more than twelve successive hours, any person may, from time to time as often as is necessary, enter into or upon the pound in which the animal or creature is impounded or confined and supply it with necessary food and water so long as it shall remain impounded or confined. Such person shall not be liable to an action for such entry.

The actual cost of the food, water and bedding, together with twenty per cent additional, may be collected by such person from the owner of the animal or creature in an action at law, together with costs, and the animal or creature shall not be exempt from levy and sale upon an execution issued upon a judgment therefor.

**Source:** L.1880, c. 157, § 10, p. 216 [C.S. p. 58, § 32].

4:22-52. Seizure and sale of vehicle transporting animals in cruel manner

The person arresting the person offending against the provisions of section 4:22-18 of this title shall take charge of the vehicle and its contents, and all necessary expenses which may be incurred for taking charge of and keeping and sustaining them shall be a lien thereon, to be paid before they can be lawfully redeemed.

If the vehicle and its contents are not redeemed within ten days from the time of the seizure, the person making the seizure shall cause them to be advertised for sale by advertisements published in a newspaper circulating in the neighborhood in which the seizure was made for at least three times in a daily paper or one time in a weekly paper, stating the time and place of the sale and the reason for the sale.

At the appointed time and place such person shall sell the vehicle and its contents to the highest bidder and out of the proceeds thereof shall pay all necessary expenses incurred, paying over the balance to the owner.

If the proceeds of the sale are insufficient to pay such expenses, the balance may be recovered by the person making the seizure from the owner in an action at law.

**Source:** L.1880, c. 157, § 8, p. 215 [C.S. p. 57, § 29].

4:22-53. Sale of animals abandoned in disabled condition

An animal or creature abandoned in a maimed, sick, infirm or disabled condition, if fit for further use, may be advertised and sold in the manner directed by a court of competent jurisdiction or agent of the New Jersey Society for the Prevention of Cruelty to Animals.

The proceeds, after deducting expenses, shall be paid to the district (county) society for the prevention of cruelty to animals, if one is in existence in the county; if not, then to the New Jersey society.

CREDIT(S)

Amended by L.1953, c. 5, p. 53, § 84.

4:22-54. Destruction of animals found in disabled condition

When an animal or creature is found on the highway or elsewhere, whether abandoned or not, in a maimed, sick, infirm or disabled condition, a court of competent jurisdiction or sheriff of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals, may appoint a suitable person to examine and destroy such animal or creature if unfit for further use.

CREDIT(S)

Amended by L.1953, c. 5, p. 54, § 85.

4:22-55. Disposition of fines, penalties and moneys imposed and collected

a. Except as provided pursuant to subsection b. of this section, all fines, penalties and moneys imposed and collected under the provisions of this article, shall be paid by the court or by the clerk or court officer receiving the fines, penalties or moneys, within thirty days and without demand, to (1) the county society for the prevention of cruelty to animals of the county where the fines, penalties or moneys were imposed and collected, if the county society brought the action or it was brought on behalf of the county society, to be used by the county society in aid of the benevolent objects for which it was incorporated, or (2) in all other cases, the New Jersey Society for the Prevention of Cruelty to Animals, to be used by the State society in aid of the benevolent objects for which it was incorporated.

b. If an enforcement action for a violation of this article is brought primarily as a result of the discovery and investigation of the violation by a certified animal control officer, the fines, penalties or moneys collected shall be paid as follows: one half to the municipality in which the violation occurred ; and one half to the county society or to the New Jersey Society for the Prevention of Cruelty to Animals, as applicable to the particular enforcement action.

c. Any fines, penalties or moneys paid to a municipality or other entity pursuant to subsection b. of this section shall be allocated by the municipality or other entity to defray the cost of:

(1) enforcement of animal control, animal welfare and animal cruelty laws and ordinances within the municipality; and

(2) the training therefor required of certified animal control officers pursuant to law or other animal enforcement related training authorized by law for municipal employees.

CREDIT(S)

Amended by L.1953, c. 5, p. 54, § 86; L.1997, c. 247, § 7, eff. Dec. 8, 1997; L.2005, c. 372, § 19, eff. Jan. 12, 2006.

4:22-56. Liability for civil damages

Although a municipality and the New Jersey Society for the Prevention of Cruelty to Animals or a county society may share in the receipt of fines, penalties or moneys collected with regard to violations occurring in the municipality pursuant to the provisions of R.S.4:22-55:

a. neither a municipality or a certified animal control officer shall be liable for any civil damages as a result of any act or omission of the New Jersey Society for the Prevention of Cruelty to Animals, a county society or an officer thereof with regard to any investigation, arrest or prosecution of a violator with which the municipality or certified animal control officer was not involved; and

b. neither the New Jersey Society for the Prevention of Cruelty to Animals, a county society or an officer thereof shall be liable for any civil damages as a result of any act or omission of a municipality or a certified animal control officer with regard to any investigation, arrest or prosecution of a violator with which the New Jersey Society for the Prevention of Cruelty to Animals, a county society or an officer thereof was not involved.

CREDIT(S)

L.1997, c. 247, § 10, eff. Dec. 8, 1997; L.2005, c. 372, § 20, eff. Jan. 12, 2006.

4:22-57. List of persons not eligible to be animal control officers

a. For the purposes of establishing the list of persons not eligible to be certified animal control officers as required pursuant to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a), notice shall be provided, within 90 days after the effective date of this section, to the Commissioner of Health and Senior Services of any person who has been convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes, by any court or other official administrative entity maintaining records of such violations adjudged on or before the effective date of this section.

b. For the purposes of maintaining the list of persons not eligible to be certified animal control officers as established pursuant to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a), the court or other official adjudging the guilt or liability for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes, shall charge the prosecutor, officer of the New Jersey Society for the Prevention of Cruelty to Animals or the county society for the prevention of cruelty to animals, or other appropriate person, other than a certified animal control officer, with the responsibility to notify within 30 days the commissioner, in writing, of the full name of the person found guilty of, or liable for, an applicable violation, and the violation for which or of which that person was found guilty or liable, and the person charged with the responsibility shall provide such notice.

CREDIT(S)

L.2003, c. 67, § 3, eff. May 5, 2003; L.2005, c. 372, § 21, eff. Jan. 12, 2006.





## NOTES