

## CHAPTER 9            ANIMAL CONTROL

### 900    PURPOSE

This ordinance is designed to regulate the licensing and conduct of dogs.

### 901    DEFINITIONS OF TERMS

As used in this ordinance, unless the context shall otherwise indicate, the following terms shall be defined as herein set forth:

- (a)    **Dog:** Any member of the family canidae.
- (b)    **Owner:** Any person, group, association or organization maintaining, keeping, caring for, harboring or owning a dog.
- (c)    **At Large:** Off the premises or property of the owner while not on a leash, not under the physical control of a responsible person, and not confined within a vehicle.
- (d)    **Enclosure:** shall be intended to mean any structure, fenced or otherwise, which is secure on all sides, top and bottom, so as to prevent the exiting of the dog or entrance of young children. Said enclosure shall be of a proper size as regulated State Statute.
- (e)    **Vicious Dog:** shall be intended to mean any dog which growls, snaps at, bites or chases any person or persons while on foot or on any propelled vehicle. It shall also include any dog which has attacked any animal, as domestic or wild.
- (f)    **Growl:** is an indication of a dog's imminent attack, usually accompanied by the bearing of teeth and the fur on its back standing up. (Guttural threatening sounds made by an angry animal; low guttural menacing sound as a dog; a deep, angry, throaty noise as of a dog.)
- (g)    **Chasing** cats or any other animal is not a part of the ordinance. Dogs would only be considered vicious if they attacked the animal causing injury or death. The ordinance is to supplement RSA 466:36 which authorizes the killing of dogs found in active pursuit. In most cases, the dog leaves the scene without being killed and, therefore, needs to be designated a future danger to the public and other animals.

### 902    AT LARGE PROHIBITED

It shall be unlawful for the owner or keeper of a dog to permit a dog so-owned or kept, to run at large without being controlled by a leash, except for the following:

- (a)    when dog is upon the owner's property;
- (b)    when dog is accompanied by owner or custodian and being used for hunting, herding, supervised competition and exhibition, or;

- (c) when in actual training for hunting, herding or competition and exhibition.

### 903 IMPOUNDING OF DOGS

Any dog found at large without the premises or property of the owner and within the Town of Newfields may be restrained and impounded by the Police department. A dog so impounded may be confined in a suitable animal shelter for not more than seven (7) days, and may be humanely disposed of by the Newfields Police Department or S.P.C.A.

### 904 CLAIMING IMPOUNDED DOGS

When the S.P.C.A. shelter is used, the owner or individual claiming the dog shall pay shelter fees established by the outside shelter and approved by the Board of Selectmen.

### 905 LICENSE AND REGISTRATION

The owner of a dog kept, harbored or maintained in the Town of Newfields, shall license and register the dog as specified in Chapter 466 of the Revised Statutes Annotated of the State of New Hampshire.

### 906 KILLING DOGS

Any member of the Newfields Police Department may kill any dog found in the act of maiming or in close pursuit of deer, caribou, moose, cattle swine, poultry or other domestic animal. Any dog that is located without proper identification and that is suffering serious injury(ies), distemper or other apparent serious illness may be disposed of forthwith at the discretion of the Newfields Police Department.

### 907 DOGS A MENACE, NUISANCE OR VICIOUS

Any dog shall be considered to be a menace or a nuisance, or vicious to persons or to property under any or all, but not limited to, the following conditions:

- 907.1 If it barks continuously for sustained periods of time:
- 907.2 If it barks during the night hours so as to disturb the peace and quiet of a neighborhood or area;
- 907.3 While it runs at large on the streets or public property or property other than its owner's, it turns over garbage cans, waste containers or otherwise causes waste or garbage to be scattered on property other than its owners;
- 907.4 While it runs at large it barks, growls, snaps at , bites, runs after or chases any person or persons;
- 907.5 While it runs at large, it barks at, runs after or chases bicycles, motor vehicles, motorcycles or other vehicles being driven, pulled or pushed on the streets, highways or public ways;

907.6 While it runs at large, whether along or in a park with other dogs, it runs after, chases or preys on game animals, fowl or human beings;

907.7 While it runs at large, digs, scratches or excretes on any property other than its owner's;

907.8 While in heat is unconfined (confinement shall mean within an enclosed building - not accessible to any other dog (s));

#### 908 REMOVAL OF ANIMAL EXCREMENT REQUIRED

Any person who owns or is responsible for an animal shall, if the animal defecates upon public property or private property, promptly clean up and dispose of the excrement. The excrement shall be disposed of in a lawful and sanitary manner.

#### 909 PROHIBITION IN PARKS AND COMMONS

No person, firm or corporation shall allow to have in their physical control any dog while in the geographical confines of the following parks and commons:

Badger Park

Revolutionary Park

Townlanding

All other town owned land/property

#### 910 ENFORCEMENT PROCEDURE

The enforcement of this Chapter shall be the responsibility of the Newfields Police Department. The Newfields Police Department may issue complaints alleging violations of this Chapter.

#### 911 VICIOUS DOGS

No persons owning a vicious dog shall keep such dog on private property unless said dog is in a secure enclosure of the residence of the owner. Vicious dogs shall not be allowed on public property except when on a leash of three feet or less in length and a tensile strength of at least 300 pounds. If said dog has caused serious bodily injury, it shall also be muzzled while on public property. Vicious dogs so restrained shall be under the control of an adult able to restrain the dog while off the owner's premises.

#### 912 ENCLOSURES

Any person keeping a vicious dog in an enclosure outside of their residence shall post said enclosure with a sign or signs stating: "Beware of Dog" on any side where access to the dog is possible. Said sign(s) shall have letters of no less than two (2) inches in height.

### 913 BODILY INJURY

Any vicious dog which has caused serious bodily injury, or which has not been restrained as set forth in this Chapter, shall be impounded by the Town and held until a disposition is ruled by the court.

### 914 INSURANCE

Any owner having been convicted of keeping a vicious dog(s) which has caused serious bodily injury, shall show proof of \$100,000 liability insurance for bodily injury or death to the Animal Control Officer, as in the licensing of guard dogs under NH Revised Statutes Annotated 466:46

### 915 VIOLATIONS/FINES

Any owner having been convicted of keeping a vicious dog, and convicted, shall be fined. First Offense: \$40.00; Second Offense: \$100.00. Any owner found keeping a vicious dog, which has caused serious bodily injury, shall be fined: First Offense: \$250.00; Second Offense: Confiscation and destruction.

### 916 PENALTIES

A person, firm or corporation violating any provision of Chapter 9 of this code shall be punished by a fine of not more than one hundred (\$100) dollars for each offense. First offense of any provision in this Chapter would normally be \$25.00 unless noted differently in any subsection or RSA.

### 917 VALIDITY

If any section or part of a section or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any section or sections, or part of a section of paragraph of this Article.

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