

Town of Littleton	PAGE 1 OF 7
Littleton, New Hampshire	EFFECTIVE:
<i>DOG REGULATION ORDINANCE</i> <i>Chapter 3</i>	REVIEWED & OPR: 5/9/2011 BOS MEETING
	APPROVED AT BOS MEETING ON: 5/9/2011

PREAMBLE:

1. This Ordinance shall be captioned "Dog Regulation Ordinance" shall take effect on its adoption by the Board of Selectmen
2. In addition to any other remedy established by law, the Selectmen shall be authorized to enforce the provisions of this ordinance by any proceeding commenced in the Grafton County Superior Court or the Littleton District Court, and shall be entitled to recover from any violator hereof all their costs, including attorney's fees, in connection with such enforcement, to the extent allowed by said Court.
3. If any word, term, phrase, sentence or clause of this ordinance is found to be invalid by any court of competent jurisdiction, or any other agency, such finding shall not affect the validity of any other word, term, phrase, sentence, or clause of this ordinance.

SECTION 1. Purpose

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

SECTION 2. DEFINITION OF TERMS

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

- I. **Dog:** Shall be intended to mean both male and female, neutered or spayed and including puppies, so called.
- II. **Owner:** Shall be intended to mean any person, group, association or organization maintaining, keeping, caring for, harboring or owning a dog.
- III. **At Large:** Shall be intended to mean 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.
- IV. **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 proper size as regulated State Statute.

- V. **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 include any dog which has attacked any animal, as domestic or wild.
- VI. **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.)
- VII. **Chasing cats or any other animal is not part of the ordinance.** Dogs would only be considered vicious if they attacked the animal causing injury or death. The ordinance is to supplement RSA466.36 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.
- VIII. **Leash:** Shall mean/be considered to be not over 6 feet in length.
- IX. **Torture, Cruelty, Neglect:** Shall be intended to mean any act or deed or the omission of any act or deed so that any animal, wild or domestic or tamed, shall be tormented, suffer, caused pain or die from the lack of shelter, food, care or neglected to the extent that suffering pain, or death is caused.
- X. **Trespasser:** Shall be intended to mean anyone who enters or remains on the private property of another who has not been authorized to do so by the owner or occupier of the property. This shall not be intended to include mailmen, utility personnel, or any delivery person on the premises at the request of the owner or occupier of the property where a dog is kept, or any person invited on the premises by the owner or occupier.

Section 2. Authority

The animal control officer or any police officer shall have the authority to enforce the observance of this chapter relating to animal control. The Board of Selectmen may empower the duties of the animal control officer to serve notice of forfeiture (citation) relating to animal control, and it may also empower the animal control officer to investigate all reports of violations involving animal in this article and of RSA 466:1 et seq.

Section 3. License and fees.

The owner of a dog owned, kept, harbored or maintained in the town shall license and register the dog as specified under RSA 466:1. The license fees set forth in RSA 466.4 are increased as set forth in section 5, as permitted by RSA 466:39.

Section 4. Late fees.

In addition to the license fees provided in section 3 pertaining to license and fees, there shall be a charge of \$1.00 for each month or any part thereof that the fees remain unpaid if the fees are

not paid before June 1 in each year. If a civil forfeiture letter is sent there will be a \$25.00 fee as well as an additional \$5.00 postage charge if it is sent by certified mail.

Section 5. Penalty of unlicensed dogs.

- A. Whoever is the owner of a dog contrary to section 3 pertaining to license and fees shall forfeit \$25.00 to the town.
- B. Whoever is the owner of a dog contrary to section 4 pertaining to license and fees shall forfeit \$1.00 each month, or part thereof, after June 1 of the current registration year, payable to the town.
- C. Whoever receives a civil forfeiture notice by certified mail will forfeit \$5.00, payable to the town.
- D. If the forfeiture is not made to the town clerk within three (3) days of the notice of forfeiture, the case will be disposed of in the district court. This forfeiture shall not preclude proper licensing of the dog as required by this chapter. Three (3) days will be counted as working days for purposes of this enforcement, i.e. Monday – Friday, excluding weekends and Holidays.

SECTION 6. At Large Prohibited

It shall be unlawful for the owner or keeper of any dog to permit a dog so-owned or kept, to run at large with out being controlled by a leash, except for the following:

- I. When dog is upon the owner's property;
- II. When accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or;
- III. When in actual training for such hunting, herding, or competition and exhibition.
- IV. This chapter shall not apply to service dogs as defined in RSA 167-D:1, or any dog owned or employed by or acting on the behalf of law enforcement.
- V. For the purpose of this section, "accompanied" means that the owner or custodian must be able to see or hear or both, or have reasonable knowledge of where the dog is hunting, herding or where training is being conducted or where trials are being held. Nothing herein provided shall mean that the dog must be within sight at all times. RSA 466:30-a.

SECTION 7. IMPOUNDING

It shall be the duty of police officers (or some other designated official) to apprehend any dog running at large and to impound such dog at a facility designated by the Littleton PD. The police officer (or some other designated official) upon receiving any dog shall make a complete registry, entering the breed, color(s) and sex of such dog and whether it is licensed or not. If licensed, he shall enter the name and address of the owner and the number of the license tag. If unlicensed and or the owner is not known, the dog shall be held at the facility designated by the Littleton PD for not more than ten (10) days. Any impounded dog not claimed by its owner within ten (10) days may be humanely disposed of by the impounding facility at the direction of the Chief of Police. If the impounded dog is licensed by the town, the animal control officer or facility designated by the Littleton PD shall make a reasonable attempt to notify the owner of the impounded dog prior to it being humanely disposed of. The Chief of Police shall select a suitable animal shelter for a place of confinement for animals held under the suspicion of rabies after biting or dogs impounded under this section. Littleton Police or some other designated official may take into custody and impound at the owner's expense:

- I. Any dog found to be violating this ordinance.
- II. Any dog unlicensed and not vaccinated against rabies, as required by New Hampshire law, even if the dog is on the premises of the owner or keeper.
- III. Any dog at any time on or off the premises of the owner or keeper if the owner or keeper fails to cooperate and/or assist any Police Officer in the case of a dog bite or investigating a dog bite.
- IV. In case of a dog bite, a Police Officer may, after collection of sufficient evidence that there is probable cause that the property, safety, health or welfare of other persons is in jeopardy or fear, order in writing, the owner or keeper to deliver up said dog or to remove the dog from the premises to a facility designated by the Littleton PD. Such restraint or confinement shall continue until a Police Officer releases dog from custody. The decision to confine or restrain the dog may be changed, modified or overruled by the presiding Judge of the District Court. The owner or keeper shall be liable for the expense of confinement or boarding.
- V. After collection of sufficient evidence by a Police Officer that there is probable cause to believe that a particular dog is vicious, it may be taken into custody and impounded pending a determination hearing provide in this ordinance. If the dog is ultimately determined to be vicious, the owner or keeper shall pay for the expense or boarding. If it is determined not be vicious the Town of Littleton shall pay for the expenses.
- VI. If the owner or keeper fails, refuses or neglects to deliver up said dog as ordered, or to comply with the order to restrain or confine said dog, they shall be subject to a fine up to one hundred (\$100.00) dollars for each day that the owner or keeper has failed to surrender the dog.

SECTION 8. NOTICE

The owner shall be notified not later than two days after the impounding of any dog.

SECTION 9. REDEMPTION

- I. The owner or individual claiming a dog impounded by the Littleton Police (or some other designated official) shall be pay the Town of Littleton a fee for impounding any dog five (\$5) dollars per day up to ten (10) days.
- II. The owner of any dog so impounded may reclaim such dog upon payment of the license fee and any other penalty as set forth in this ordinance if unpaid, and all costs and charges incurred by the Town of Littleton for impounding and maintenance of said dog.
- III. The owner of the dog shall pay kenneling fees established by the facility designated by the Littleton PD.

SECTION 10. WRITTEN COMPLAINTS

Any person who considers a dog to be a nuisance, a menace or vicious to persons, property or other animals, may make a written complaint to any Littleton law enforcement officer. If the complaint is sustained, the owner, keeper or person who harbors the dog shall be ordered to abate the nuisance or menace within 48 hours. RSA 466:31.

SECTION 11. WHAT CONSTITUTES A NUISANCE

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

- I. If it runs at large without being controlled by a leash. (See Section 6)
- II. If it barks for sustained periods of more than one-half hour, or during night hours so as to disturb the peace and quiet of the neighborhood or area
- III. If it digs, scratches, excretes or causes waste or garbage to be scattered on the property of one other than its owner.
- IV. If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such a manner that she will not come into contact (except for intentional breeding purposes) with a male dog. A female dog in season (heat) shall not be used for hunting. RSA 466:31 II.

Each time one of these conditions is met it constitutes a separate offense

SECTION 12. WHAT CONSTITUTES A MENACE

A dog is considered a menace if it meets any of, but not limited to, the following conditions:

- I. If it growls, snaps at, runs after or chases any person or persons;
- II. If it runs after, or chases bicycles, motor vehicles being driven, pulled or pushed on the streets, highways or public ways. RSA 466:31 II.

Each time one of these conditions is met it constitutes a separate offense

SECTION 13. WHAT CONSTITUTES VICIOUS

A dog is considered a vicious if it meets any of, but not limited to, the following conditions:

- I. If whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, domestic animals, fowl or human beings. RSA 466:31 II.
- II. If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the Littleton Police Department, such officer shall, within 24 hours, notify the injured person or, in the case of a minor, the minor's parents or guardian, whether, according town records, the dog has been appropriately immunized against rabies.

Each time one of these conditions is met it constitutes a separate offense

SECTION 14.

Any person who fails, by appropriate action including but not limited to restraining an animal

from running at large, or otherwise effectively abating a nuisance or menace found under the provisions of sections 11,12 and 13, or who fails to comply with any other provisions of those sections after being so ordered, shall have his or her dog taken into custody by the police of the Town of Littleton and such disposition made of the dog as the court may order RSA 466:31 III. Any dangerous, fierce or vicious dog found at large that can not be safely taken up and impounded by a police officer may be disposed of by such police officer.

SECTION 15. LIABILITY OF OWNER OR KEEPER

Any person to whom or to whose property damage is done by a dog not owned or kept by him shall be entitled to recover such damages from the person who owns or keeps the dog, unless the damage was occasioned to him while he was engaged in commission of a trespass or other tort. RSA 466:19.

SECTION 16. PENALTIES

Under sections 2 and 6: Any owner found violating provisions of this ordinance shall be guilty of a violation and fined as established in the Town of Littleton Penalties Ordinance.

Under sections 11,12 and 13: Any person who violates any provision shall be guilty of a violation; provided that if such person chooses to pay the civil penalty, he shall be deemed to have waived his right to have the case heard in court and shall not be prosecuted for or found guilty of a violation of these sections. Any person who does not pay the civil penalty shall have the case disposed of in court. RSA 466:31-a I.

Any person who violates any of the provisions of Sections 11,12 and 13 shall be liable for civil penalties, which shall be paid to the Town Clerk of the Town of Littleton within three (3) days after notice is given to the owner or keeper by any law enforcement officer of the violation of these sections. RSA 466:31-a II.

- I. \$25.00 for the first nuisance violation under section 11 plus any costs incurred under sections 9 and 14; \$50 for the second nuisance violation under section 11 plus any cost incurred under sections 9 and 14 within 12 months of the first nuisance offense.
- II. \$50.00 for the first menace violation under section 12 plus any costs incurred under sections 9 and 14. \$100.00 for the second menace violation under section 12 plus any cost incurred under sections 9 and 14 within 12 months of the first menace offense.
- III. \$100.00 for the first vicious violation under section 13 plus any costs incurred under sections 9 and 14. Must appear in Court for the second vicious violation under section 13 plus any cost incurred under sections 9 and 14 within 12 months of the first vicious offense.
- IV. Unlicensed Dog
 - a. \$5.00 a month after June 1st.
- V. Any person who pays a civil penalty concerning sections 11,12 and 13 three (3) times in any year (based on records of Town Clerk) may not pay a civil penalty for subsequent violations of

these sections in that year, but shall have those cases disposed of in court. RSA 466:31-a III

Section 17. Removal of feces.

For the purposes of this section, the reference to a mechanical or other device shall include, without limitation, a pooper scooper, a trowel, a shovel, a plastic bag or other appropriate container.

Removal from public property. Any owner or person having custody of any dog shall not permit the dog to defecate on any public property, unless the owner or person in control has in his possession a mechanical or other device for the removal of excrement, nor shall such owner or person in control fail to expeditiously remove any such excrement deposited by the dog in any such place.

Removal from private property. Any owner or person having custody of any dog shall not permit the dog to defecate on any private property other than the premises of the owner or person having custody of the dog, unless the owner or person in control has in his possession a mechanical or other device for the removal of excrement, nor shall such owner or person in control fail to expeditiously remove any such excrement deposited by the dog in any such place.

Section 18. Penalties for non-removal of feces.

Any person found in violation of this section will forfeit \$25.00 to the town. If the forfeiture is not made to the town clerk within three (3) days of the notice of forfeiture, the case will be disposed of in the district court. Three (3) days will be counted as working days for purposes of this enforcement, i.e. Monday – Friday, excluding weekends and Holidays.

Any person who pays a civil forfeiture, as specified in this section, three (3) times within a 12-month period, according to the records of the town clerk, may not pay the civil forfeiture for subsequent violations of this section in that 12-month period, but shall have those cases disposed of in district court.

Section 19. Interference with animal control officer.

No person shall hinder or interfere with the animal control officer or such persons as may be appointed as agents in the performance of any duty within this chapter. Any person in violation of this section shall be prosecuted under RSA 642:1 pertaining to obstructing governmental administration.

Section 20. Scope

This ordinance is intended to supplement, and not to replace, any other statute, ordinance, or other law regulating the subject to which it is addressed.