

First Reading: 04/04/16
Second Reading/Public Hearing: 05/02/16
Adopted: 05/02/16

ORDINANCE #2016-02 (A)

AN AMENDMENT TO THE MUNICIPAL CODE, ~~TITLE I, CHAPTER XXIX, DOGS~~ TITLE IV-PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER VIII – ANIMAL CONTROL

-
- WHEREAS there is a need to provide for the health and safety of the public in the Town of Londonderry;
- WHEREAS to further provide public safety, there is the need to prohibit dogs from:
- a. Running at large;
 - b. Fouling; and
 - c. Creating disturbing noise; and
- WHEREAS the Town Council has the authority pursuant to RSA 39:31, and Town Charter to enact such regulations.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, ~~Title I – General Code, Chapter XXIX (newly created chapter) Dogs,~~ Title IV – Public Health, Safety and Welfare, Chapter VIII – Animal Control, is hereby amended as attached (Attached please find the current Ordinance, Title IV, Chapter VIII- Animal Control, #1; the original proposed Ordinance, 2016-02, #2 & the current proposed amendment to Title IV, Chapter VIII, #3.)

John Farrell - Chairman
Town Council

Sharon Farrell
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
05/02/16

CHAPTER VIII - ANIMAL CONTROL

SECTION I DEFINITIONS

- A. “Dog” shall mean both male and female, altered or not.
- B. “Owner” shall mean any person owning, keeping, harboring, or assuming the care of a dog.
- C. “Running at Large” is defined as a dog in, on, or being walked upon, a public street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, or in a public street, sidewalk or right-of-way adjacent to a public place and is not secured by a leash or chain or within a carrier which is in the possession of a person of sufficient strength and age to effectively restrain the dog or under the direct control of its handler by means of personal presence and attention as will reasonably control the conduct of such dog.
- D. Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, cemetery, parkway, trail-way or other public place in the Town of Londonderry, if the dog is securely confined in an vehicle or is under the direct control of its handler. Evidence that the dog accosted, jumped on or otherwise bothered a person not its owner or handler shall be evidence that the dog was not under the direct control of its owner.
- E. “Service dog” is a type of assistance dog specifically trained to help people who have disabilities, such as visual impairment, hearing impairments, mental illnesses (such as but not limited to posttraumatic stress disorder (PTSD)), seizure disorders, mobility impairment, and diabetes.
- F. However in no case shall any dog be un-leashed on the Londonderry Rail-Trial or on the Londonderry Town Common, included the forested area adjacent to the Town Common and commonly referred to as the Town Forest.

SECTION II LICENSING AND REGISTRATION

- A. All dogs kept, harbored or maintained by their owners in the Town shall be licensed and registered as specified in RSA 466 and as it may be amended, of the State of New Hampshire.

- B. Any person found to be keeping, harboring or maintaining an unlicensed dog shall be required to license the dog at the office of the Town Clerk within ten (10) days of notice and at the time of registration, pay to the Town an additional fee of ten dollars (\$10).
- C. Failure to register the dog and pay the fee shall require the person to be summonsed to court for the violation of RSA 466 and to receive the punishment thereof.

SECTION III RUNNING AT LARGE

- A. The Town Council shall provide for the enforcement of RSA 466 and take such steps as they may deem necessary to ensure compliance with its provisions by residents of the Town.
- B. In accordance with the provisions of RSA 466:30-A, it shall be unlawful for an owner of any dog licensed or unlicensed to permit the dog to run at large, except when accompanied by the owner or custodian and/or when used for hunting, herding, supervised competition and exhibition or training for such.
- C. With the exception of service dogs or if the dog is securely confined in a vehicle, no dogs shall be permitted within the confines of any cemetery owned and managed by the Town of Londonderry.

SECTION IV DOG FOULING PROHIBITION

It shall be unlawful for any person owning, possessing, or controlling a dog on street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, any public street, sidewalk or right-of-way adjacent to a public place, or on any private property neither owned nor occupied by said person to fail to remove and dispose of any feces left by the dog in or on such public or private property.

SECTION V NOISE REGULATION

It shall be unlawful to keep any dog that barks for sustained periods of time, or during the night so as to disturb the peace and quiet of the neighborhood or area.

SECTION VI ENFORCEMENT

The Londonderry Animal Control Officer and/or the Londonderry Police Department

may seize, impound or restrain any dog running at large and deliver said dog to an authorized boarding shelter for dogs. Such dogs shall be handled pursuant to applicable laws.

SECTION VII IMPOUNDING

It shall be the duty of the Animal Control Officer to apprehend any dog found running at large, as defined or running at large without a collar and valid license tag. Any injury or death of the animal caused in the effort of its apprehension shall be the responsibility of the owner and no liability shall be found with the Animal Control Officer or his assistants. The Animal Control Officer shall have the responsibility to investigate violations of Section IV and Section V of this Chapter and take action consistent with this Chapter.

SECTION VIII METHOD OF CONFINEMENT

The Town Council, with the assistance and cooperation of the Animal Control Officer, shall select a suitable place of confinement for impounded dogs. A suitable place of confinement shall include good food and care.

SECTION IX NOTICE TO OWNERS, REDEMPTION

- A. If the dog has upon it the name or address of the owner or such name or address is otherwise known or obtainable, then the Police Department or the Animal Control Officer shall notify the owner within twenty four (24) hours after seizure of the dog.
- B. Notice of impoundment shall be in writing by registered mail, postage prepaid, and shall be construed as having been given at the time of posting thereof.
- C. If the dog impounded does not have the name or address of the owner, and if the owner is not otherwise known, then no notice shall be necessary.
- D. The owner of any dog so impounded may reclaim the dog upon payment of the sum of up to thirty dollars (\$30) for the first twenty four hour (24 hr) period or any part thereof that the dog is held and up to thirty dollars (\$30) for each twenty four hour (24 hr) period or any part thereof that the dog is held thereafter; provided, however, that before release to any person, if the dog is not licensed, a license as required by the Town shall be secured. Any and all reasonable ancillary costs associated with boarding and maintaining the animal's health, including but not limited to all veterinary expenses, shall be the sole responsibility

of the pet owner.

SECTION X FEES

The sum collected pursuant to the provisions of the Ordinance shall be accounted for and paid over to the Londonderry Town Clerk.

SECTION XI DISPOSITION OF UNCLAIMED DOGS

- A. Any properly collared and tagged dog which has been impounded and has not been redeemed by the owner shall be turned over to the nearest Animal Rescue League provided that any such dog shall be held for at least ten (10) days after impounding.
- B. In those cases where it is required that notice be given the owner, the ten (10) days shall commence from the date the owner is notified.
- C. In the event the Animal Rescue League is unwilling or unable to accept custody of the dog, the dog shall be disposed of as directed by the Town Manager.
- D. Any uncollared, untagged dog whose owner cannot be identified shall be held for a minimum of ten (10) days and after such time, if the owner cannot be determined, the dog shall be disposed of in the manner prescribed by the Town Manager.

SECTION XII DOG OFFICER APPOINTED

- A. The Town Manager shall appoint an Animal Control Officer and shall determine the amount of his pay.
- B. The Officer shall be selected from candidates having knowledge of animals and their care.
- C. It shall be the duty of the Animal Control Officer to enforce the provisions of this Ordinance and perform such other duties in respect thereto as the Town Manager shall determine.

SECTION XIII – VIOLATION AND PENALTIES

A person who violates any provision of this Chapter shall be guilty of a violation. In addition to impounding a dog found at large the Londonderry Animal Control officer and/or Londonderry Police Department may issue in the name of the owner, possessor, controller, or keeper of such dog a notice of violation of any portion of this Chapter. Such notice shall impose upon the owner, possessor, controller, or keeper of such a dog a penalty which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation this Chapter. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty.

The forfeiture shall be in the amount as specified for the following violations:

- A. \$25 for the first offense;
- B. \$100 for the second offense committed within twelve months (12) months of the first offense;
- C. \$400 for third vicious offense committed within twelve months (12) of the first offense;
- D. Any other offense shall be punishable by a fine of up to one thousand dollars (\$1000.00)

Any person who pays a civil forfeiture specified above in any 12-month period according to the records of the town or city clerk, may not pay a civil forfeiture for fourth or subsequent violations of RSA 466:31 in that 12-month period, but shall have those cases disposed of in district or municipal court.

In the event that such penalty is not paid to the Londonderry Town Clerk within the time limitation specified, a summons shall be issued for appearance in Derry District Court, and any person found guilty of violating the provisions of this section shall be guilty of a violation.

~~End of Chapter~~
Chapter VIII Page 3 of 3