

Introduced: 06/06/2022
Public Hearing: 07/11/2022
Adopted: 07/11/2022

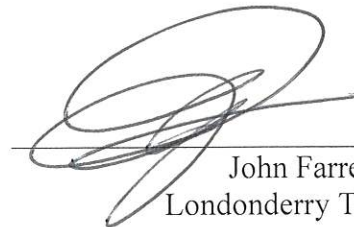
ORDINANCE 2022-06
***AN AMENDMENT TO TITLE IV, PUBLIC HEALTH,
SAFETY AND WELFARE, CHAPTER VIII, ANIMAL
CONTROL***

WHEREAS the Town of Londonderry has previously established an Animal Control Ordinance to promote the general health and welfare of the citizens and animals residing in the Town of Londonderry; and

WHEREAS animal ownership is encouraged and welcomed within the Town, and strong emphasis is placed on the responsible ownership of all animals to ensure all animals are properly registered, cared for, and properly trained or controlled to prevent any animal from creating a nuisance; and,

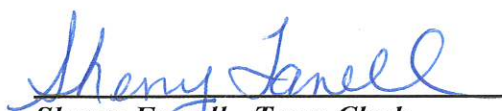
WHEREAS the Town would like to amend its Animal Control Ordinance in order to establish a requirement for dog control which is more restrictive than that set forth in NH RSA 466 and less restrictive than a full leash law.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that its Animal Control Ordinance in Title IV, Public Health, Safety and Welfare, Chapter VIII, Animal Control, is amended per the attached with the changes to become effective upon passage by the Town Council.



John Farrell, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:



Sherry Farrell - Town Clerk
07/11/2022



CHAPTER VIII - ANIMAL CONTROL

PURPOSE:

The Town of Londonderry (“Town”) has established this Animal Control Ordinance (“Ordinance”) to promote the general health and welfare of the citizens and animals residing within the Town. Animal ownership is encouraged and welcomed within in Londonderry. However, strong emphasis is placed on responsible ownership of all animals. Animal owners are encouraged to respect the rights of their fellow citizens and their animals. The responsibility is placed upon animal owners to ensure all animals are properly registered, cared for, and properly trained or controlled to prevent any animal from creating a nuisance.

It is recognized that a requirement for all dogs to be leashed is unnecessary in Town. However, in view of several of unfortunate incidents, the Town adopts this Ordinance, which is intended to establish a requirement for dog control which is more restrictive than that set forth in RSA 466, and less restrictive than a full “leash law.” The Town Council intends that the provisions of RSA 466 shall remain available as an alternative remedy to this Ordinance.

SECTION I DEFINITIONS

- A. “Dog” shall mean both male and female, altered or not.
- B. “Owner” shall mean any person owning, keeping, harboring, or otherwise assuming the care and control of a dog.
- C. “At large” is defined as a dog that is off the premises of the owner or keeper and not under the direct control of any person.
- D. “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.
- E. “Leashed” shall mean any physical restraint that securely connects the owner to the animal that allows for the owner to have physical control of the animal.
- F. “Mandatory Leash Area” shall mean an area where animals must be “leashed.” These areas shall include the area known as the “Rail-Trail,” Londonderry Town Common, the “Town Forest” (referring to the forested area adjacent to the Town Common), and such additional areas as may be designated from time to time as Mandatory Leash Areas by the Londonderry Town Council.

SECTION II RUNNING AT LARGE

- A. It shall be unlawful for an owner of any dog licensed or unlicensed to permit such dog to run at large.

Title IV - Public Health, Safety and Welfare

Rev. July 11, 2022

- B. There shall be a rebuttable presumption that a dog outside the direct sight of its owner is “at large” when injury to another leashed dog or person results from such an interaction.
- C. With the exception of service dogs and dogs securely confined in a vehicle, no dogs shall be permitted within the confines of any cemetery owned and managed by the Town of Londonderry.
- D. No dog shall be unleashed in a Mandatory Leash Area.

SECTION III 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 IV 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 law.

SECTION V 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 the Town of Londonderry. The Animal Control Officer shall have the responsibility to investigate violations of this Chapter and take enforcement action as required.

SECTION VII 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. The ACO currently utilizes the dog pound located at the Police Department as a primary location for animal confinement.

SECTION VIII 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 attempt to notify the owner within twenty-four (24) hours after seizure of the dog.

Title IV - Public Health, Safety and Welfare

Rev. July 11, 2022

- B. Notice of impoundment shall be made by any reasonable manner. If contact is not made by telephone or in person, a writing by registered mail shall be sent with a return receipt requested.
- 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 owner.

SECTION IX FEES

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

SECTION X 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 put up for adoption or turned over to the nearest Animal Rescue League/ animal shelter, 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 to the owner, the ten (10) days shall commence from the date the owner is notified.
- C. In the event the Animal Rescue League/ animal shelter 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 put up for adoption, turned over to the nearest Animal Rescue League/ animal shelter, or disposed of in the manner prescribed by the Town Manager.

SECTION XI DOG OFFICER APPOINTED

- A. The Chief of Police shall appoint an Animal Control Officer and determine the amount of his pay.

- B. 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 Chief of Police shall determine.

SECTION XII 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 the owner of any dog or animal a Conditional Court Summons for any violation of this ordinance. Nothing contained herein shall prevent the Animal Control Officer, in his or her discretion, from enforcing a violation of this Ordinance in Circuit Court as a “town ordinance violation.”

Any notice of violation by Conditional Court Summons issued shall require payment to the Town Clerk, within seven (7) business days from the date of issue. 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: **(These fine amounts are separate from the \$30 daily storage fee for a dog held at the LPD dog pound.)**

Nuisance – (As defined in RSA 466:31, II(b), -(c), and -(d). Note, “at large” is defined in Section I, above)¹

- A. \$25 for the first offense;
- B. \$100 for the second offense committed within twelve months (12) months of the first offense.

Menace – (As defined in RSA 466:31, II(e), and -(f))²

- A. \$50 for the first offense;

¹ “**Nuisance**” means a dog:

- (1) that is off the premises of the owner or keeper and not under the direct control of any person;
- (2) that barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4);
- (3) That digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's; or
- (4) A female dog in season (heat) that 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 manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting.

² “**Menace**” means a dog:

- (1) That growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper; or
- (2) That runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways.

- B. \$200 for the second offense committed within twelve (12) months of the first offense.

Vicious – (As defined in RSA 466:31 II(g))³

- A. \$100 for the first offense;
- B. \$400 for the second offense committed within twelve (12) months of the first offense;
- C. \$800 for third vicious offense committed within twelve (12) months of the first offense;
- D. Any other offense shall be punishable by a fine of up to one thousand dollars (\$1000.00).

If such penalty is not paid to the Londonderry Town Clerk within the time limitation specified, a summons shall be issued for appearance in 10th Circuit Court – District Division – Derry, and any person found guilty of violating the provisions of this section shall be guilty of a violation.

~~End of Chapter~~

³ “**Vicious**” means a dog that, whether alone or in a pack with other dogs, bites, attacks, or preys on game animals, domestic animals, fowl or human beings.