

CHAPTER 1-13—ANIMAL CONTROL PUBLIC CEMETERIES

1-13-01 PURPOSE: The Purpose of this ordinance is to regulate the conduct of dogs and other domesticated animals in and upon the public cemeteries of the Town of Stratham and to ensure the safe and harmonious use by all who frequent these cemeteries.

1-13-02 DEFINITION OF TERMS: As used in this ordinance the following terms shall be defined as set forth herein, unless the context shall indicate otherwise:

- a) **Public Cemetery:** Those lands/grounds owned by and under the authority of the Town of Stratham, by its officers and/or agents, and dedicated to the purpose of being a cemetery. Such property, as may be augmented from time to time, is shown and described, but not necessarily limited to the parcels on Tax Map 13, Lot 41 and Tax Map 17 Lot 46 on the 2009 Town of Stratham Tax Maps.
- b) **Dog:** Any member of the canine family.
- c) **Domesticated Animal:** Any animal found to be in the care of a person and/or owner.
- d) **Owner:** Any person, individual, couple, group, association or organization maintaining, keeping, caring for, owning, licensing or registering a dog and/or other domesticated animal.

1-13-03 DOGS AND OTHER DOMESTICATED ANIMALS PROHIBITED WITHIN PUBLIC CEMETERY: It shall be unlawful for the owner, or other individual as defined above, of a dog and/or other domesticated animal to permit such animals within and upon the grounds of a Public Cemetery.

1-13-04 EXCEPTIONS TO SECTION 1-13-03:

- a) Seeing-eye dogs, hearing-ear dogs and service dogs as governed by State statutes shall be authorized in a Public Cemetery.
- b) Animals authorized in writing by the Board of Selectmen during specific events.

1-13-05 IMPOUNDING OF ANIMALS: Any dog and/or other domesticated animal found in a Public Cemetery may be restrained and impounded by the Stratham Police Department and/or the Stratham Animal Control Officer or deputy of such officer. An animal so impounded may be confined in a suitable animal shelter for not more than seven (7) days following which the animal may be humanely disposed of by the Stratham Police Department or such shelter.

1-13-06 CLAIMING IMPOUNDED ANIMALS: An owner, person or other individual claiming an animal impounded by the Stratham Police Department and/or the Stratham Animal Control Officer or deputy of such officer shall pay to the animal shelter used to hold or restrain the animal during the period of impoundment, the customary and usual shelter fees charged by the shelter for keeping the animal for the number of days of impoundment.

1-13-07 REMOVAL OF ANIMAL EXCREMENT REQUIRED: Any person who owns, controls, or is responsible for a dog and/or other domesticated animal, and who allows such an animal to be in a Public Cemetery, either in violation of this ordinance or in conformity with Section 1-13-04 above, shall properly clean up and dispose of any excrement left by the animal in a Public Cemetery. The excrement shall be disposed of in a lawful and sanitary manner. Failure to comply with the standards of this section shall constitute a separate and distinct violation of this ordinance.

1-13-08 ENFORCEMENT PROCEDURES: The enforcement of this ordinance shall be the responsibility of the Stratham Police Department and/or the Stratham Animal Control Officer or deputy of such officer. The officer enforcing this ordinance may issue a summons for any violations of this ordinance.

1-13-09 VIOLATIONS AND FINES: Any person who violates any provision of this ordinance shall be guilty of a violation and shall be liable to paying the civil forfeiture specified below. Any person choosing to pay the civil forfeiture set forth below shall be deemed to have waived the right to have his or her case heard before the local District Court of jurisdiction and shall not be otherwise prosecuted for this violation of this ordinance. Any person who does not pay the civil forfeiture set forth below shall have his or her case disposed of in the local District Court of jurisdiction. The civil forfeiture imposed by this ordinance shall be in the amount specified for the following violations:

- a) Fifty dollars (\$50.00) for the first offense under Sections 1-13-03 and/or 1-13-07;
- b) One hundred dollars (\$100.00) for a second offense of the same sections committed within twelve (12) months of the first offense.

Any person liable for a civil forfeiture shall pay such forfeiture to the Town Clerk of the Town of Stratham within ninety-six (96) hours of the date and time notice is given by any law enforcement officer to the owner of the dog and/or other domesticated animal in violation of this ordinance. If the civil forfeiture is not paid within ninety-six (96) hours of the date and time of such notice, then the owner or person violating this ordinance shall appear as noted on the summons itself to be heard upon the charge in the local District Court of jurisdiction.

Should any person to whom a summons is issued fail to pay the civil forfeiture within the period of time provided for such payment and should such person be found guilty of violating the provisions of this ordinance, then that person shall be guilty of a violation. As provided under New Hampshire law a violation is an offense so designated for which there is no other penalty provided other than a fine or fine and forfeiture or other civil penalty. The fine shall not exceed one thousand dollars (\$1,000.00). A violation does not constitute a crime and conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

Adopted 2011

By: Selectmen David Canada, Timothy Copeland, & Bruno Federico