

CHAPTER 1-14—REGULATION OF DOGS

1-14-01 The Town of Stratham ordains that the following ordinance be enforced within its jurisdiction:

1-14-02 Definitions:

- a) Dog shall mean both male and female dogs of the canine family.
- b) Person shall mean any natural person, individual, couple, company, trustee or trust, corporation or incorporated association.
- c) Owner shall mean any person, individual, couple, group, association, or organization owning, keeping, harboring, licensing, registering, or caring for a dog.
- d) Leash shall mean any strap, cable, rope or device designed or intended to be attached to a dog and which when attached shall act as a restraint on the movements of the dog when held or controlled by any person.
- e) At-Large shall mean off the premises of the person owning, keeping, or harboring such dog unless restrained by a leash not exceeding eight (8) feet in fixed length or retractable leash with stop control.
- f) Accompanied means that the person owning, keeping, or harboring a dog must be able to see or hear, or both, or have reasonable knowledge of where the dog is while engaged in hunting, herding, competition or training. In these instances, the person must be able to demonstrate the ability to recall and control the dog.

1-14-03 Prohibitions:

- a) Person(s) who own, keep, or harbor a dog shall not allow such dog to be at-large in the Town. All dogs off the premises of the person owning, keeping, or harboring such dog shall be restrained by a leash not exceeding eight (8) feet in length or retractable leash with stop control.
- b) No person shall bring a dog into any public structure owned by the Town.
- c) It shall be unlawful for the owner or person in control of any dog to allow that dog to appear in any public place or upon the property of any other person unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; nor shall said owner or person in control fail to expeditiously remove any such excrement deposited by said dog in any such place.

1-14-04 Exceptions:

- d) Dogs may hunt, herd, compete, or train when accompanied by a person who owns, keeps or harbors such dog(s).
- e) Seeing-eye dogs, hearing-ear dogs and service dogs as governed by State statutes shall be authorized to enter all public buildings.
- f) Dogs entering Town buildings during specific events authorized by the Board of Selectmen.
- g) Dogs may run at-large as permitted under **Ordinance #1-2004 (Chapter 1-12) Animal Control Ordinance for Stratham Hill Park** as may be amended.
- h) Dogs may run at-large on private land with the landowner's permission.

1-14-05 Vicious Dogs as a Menace or Nuisance: Any dog may be found to be a vicious dog or may be considered to be a menace or nuisance to persons and to property under some or all, but not limited to, the following conditions:

- a) If the dog growls, snaps at, runs after, or chases any person or persons.
- b) If the dog runs after or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven or operated within a public or private parking lot or upon a public or private roadway.
- c) If the dog bites, attacks or preys upon a person or persons or upon other domestic or wild animals.

1-14-06 Impoundment: It shall be the duty of every police officer or person designated as the Animal Control Officer or their deputies to apprehend any dog running at-large contrary to the provisions of this ordinance and to impound such dog at a suitable animal shelter authorized by the Town. In addition to impounding the dog, the person owning, keeping, or harboring such dog shall be issued an "abate the nuisance" order. The officer may issue a citation in lieu of the "abate the nuisance" order.

1-14-07 Notice and Redemption: When a dog is impounded, the person who owns, keeps, or harbors such dog shall be notified forthwith. This person may reclaim the dog upon payment of all costs and charges incurred by the Town. A twenty-five dollar (\$25.00) pickup and transportation fee shall be paid to the Town as well. If the dog is unclaimed at the end of seven (7) days, ownership of the dog shall be turned over to the SPCA or other sanctioned facility.

1-14-08 Penalty: Any persons who violate any provision of this ordinance shall be guilty of a violation and shall be liable to pay 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 Exeter District Court and shall not be otherwise prosecuted for a 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 Exeter District Court. The civil forfeiture imposed by this ordinance shall be in the amount specified for the following violations:

- a) Twenty-five dollars (\$25.00) for the first offense under Chapter 1-14-03 (a), 1-14-03 (b) or 1-14-03 (c). Fifty dollars (\$50.00) for a second offense of the same sections committed within twelve (12) months of the first offense. One hundred dollars (\$100.00) for the third or more offense of the same sections within twelve (12) months of the first offense.
- b) Fifty dollars (\$50.00) for the first menace or nuisance offense under Sections 1-14-05 (a) and 1-14-05 (b) One hundred dollars (\$100.00) for a second or subsequent menace or nuisance offense committed within twelve (12) months of the first such offense.
- c) One hundred dollars (\$100.00) for the first vicious offense under Section 1-14-05 (c) two hundred dollars (\$200.00) for a second or subsequent vicious offense committed within twelve (12) months of the first vicious offense.

Any person liable for the 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 or Animal Control Officer or their deputies to the owner of the dog 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 be subject to a summons to be issued and heard in the Exeter District Court.

Should a summons be issued as a result of nonpayment of the civil forfeiture within the period of time provided for such payment and should any owner be found guilty of violating the provisions of this ordinance, then such person shall be guilty of a violation and shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).

Adopted 2006

By: Annual Town Meeting