

## TOWN OF WEARE ANIMAL CONTROL ORDINANCE

### Section 1. PREAMBLE

It has been determined that there are a large number of dogs and domestic animals in the Town of Weare which have been allowed to run at large or otherwise becomes a nuisance by the owners of these animals, which results in damage and inconvenience to the neighbors and citizens of the Town and requires a substantial amount of time by the Police Department to investigate and handle these complaints. The adoption of this ordinance will promote the responsible care and restraint of dogs and animals by their owners, reduce the number of complaints from citizens and provide a comprehensive penalty method for those individuals who do not comply with this ordinance..

### Section 2. REFERENCES

Weare Town Meeting vote of March 3, 1973, Article 16 "Leash Law" Weare Ballot vote of November 4, 1980 adopting RSA 466:30a NH RSA 466 inclusive. NH RSA 436:99 through 109.

### Section 3. DEFINITIONS

- A. "Unlicensed" means any dog, over 3 months old, kept in the Town of Weare for which the owner or keeper has not obtained the annual license from the Town Clerk of Weare. (RSA 466:1).
- B. "Untagged" means a dog which does not have a current license attached to a collar or other device or that does not have the owner's name & address attached. (RSA 466:1).
- C. "Running at large" means any dog or other domestic animal that is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention that will reasonably control the conduct of the animal and not accompanied by the owner or custodian. (RSA 466:30a) (RSA 466:30a II).
- D. "Nuisance" means any dog that barks for sustained periods of time or during the night so as to disturb a person of average sensibilities taking into consideration the character of a neighborhood or area; any dog that digs, scratches or excretes or causes waste or garbage to be scattered on property other than its owners; any 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 must otherwise be confined within a building or enclosure to prevent contact with a male dog and may not be used for hunting during this period. (RSA 466:31 II a,b,c).
- E. "Menace" means any dog that growls, snaps at or runs after or chases any person; any dog that runs after or chases bicycles, motor vehicles, or other vehicle being drawn, pulled or pushed on the streets, highways or public ways. (RSA 466:31 II d,e).

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- F. “Vicious” means any dog that bites, attacks or preys on game animals, domestic animals, fowl or human beings. (RSA 466:31 II g).
- G. “Owner or Keeper” shall mean any person keeping, harboring, or having charge or control of, or permitting any dog to habitually be or remain on, or be lodged or fed within such person’s house, yard, or premises. A parent or guardian shall be liable under this section if the owner or keeper of the dog is a minor. (RSA 466:19, 466:31).
- H. “Animal” or “Domestic Animal” as used in this ordinance shall include poultry. (RSA 436:1, II).

### **Section 4. CONDUCT REQUIRED OR PROHIBITED**

- A. All dogs kept in the Town of Weare shall be licensed with the Town Clerk of Weare pursuant to RSA 466:1 and the appropriate fees paid, including penalties.
- B. All dogs are required to have been vaccinated against rabies and a certificate of vaccinations presented to the Town Clerk prior to licensing pursuant to RSA 436:100 and RSA 466:1a.
- C. An owner or keeper shall not allow any dog to run at large with the Town of Weare except when accompanied by the owner or custodian and when used for hunting, herding, supervised competition or training for such pursuant to RSA 466:30a I.
- D. An owner or keeper shall not allow any dog to be a nuisance, a menace or vicious pursuant to RSA 466:31.
- E. An owner or keeper shall keep a dog on a leash at all times when within any park, public recreation or swimming area or at any public event in the Town of Weare. (RSA 31:39 I (b)).
- F. An owner or keeper shall not allow any domestic animal or dog to defecate or urinate in any public area used continually by people, including but not limited to, picnic area, playgrounds, parking or walking areas or sports fields.
- G. An owner or keeper shall not allow any domestic animal including poultry to run free or roam at large so as to trespass on private property or become a nuisance or hazard on public or private property. (RSA 31:39 I (b), RSA 635:3, RSA 47:17 X).
- H. An owner or keeper shall not allow the manure, droppings or feed of any domestic animal or dog to accumulate to the extent that any offensive odor or Public Health problem occurs, which is detrimental to the public at large.

### **Section 5. DISPOSITION**

- A. An owner or keeper of any animal in violation of this ordinance shall take immediate steps to remedy the problem and prevent any further occurrences. An owner or keeper is

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required to remove any offensive feces, manure, garbage or otherwise repair any damage caused by their animal.

- B. The owner or keeper of any animal in violation of this ordinance may be summoned to appear in court. At the discretion of the Animal Control Officer or any Police Officer, an owner or keeper may be issued an abatement order.
- C. Any dog that has bitten a person shall be immediately confined and quarantined for a minimum period of 10 days shall be quarantined or isolated upon the premises of the owner of the person in whose possession it is found, or in such other place or enclosure as the Animal Control Officer or any Police Officer shall designate, and the removal of the animal from any premises where it may be ordered to be kept shall be forbidden pursuant to RSA 436:100.
- D. Any animal that is found to be in violation of this ordinance may be picked up and impounded by the Animal Control Officer or any Police Officer.

### **Section 6. COSTS**

- A. The owner or keeper of any animal found in violation of this ordinance shall be responsible for all costs, penalties and damages incurred, including but not limited to, boarding costs, veterinarians fees, damages to property or payment for any livestock or domestic animal killed or injured by a dog pursuant to RSA 466:19.
- B. If an animal is a stray, the Town of Weare will be responsible for the reasonable costs pursuant to RSA 436:107, RSA 466:21 and the animal shall be disposed of.

### **Section 7. PENALTIES**

- A. Any Sworn Police Officer may issue a summons to the owner or keeper of any animal found in violation of this ordinance. Civil penalties assessed, may be any combination of violations, must be paid to the Town Clerk of Weare within 10 days, otherwise the named owner or keeper will be required to appear in court to answer the complaint.
- B. The owner or keeper of any animal that is picked up by the Animal Control Officer or a Police Officer in violation of this ordinance shall be assessed a pickup fee of \$20.00
- C. The owner or keeper of any dog which is unlicensed shall pay a civil penalty fee of \$15.00 in addition to the appropriate license fee.
- D. The owner or keeper of any dog found running at large shall pay a civil penalty of \$10.00.
- E. The owner or keeper of any dog found to be a nuisance shall pay a civil penalty of \$25.00.
- F. The owner or keeper of any dog found to be a menace shall pay a civil penalty of \$50.00.
- G. The owner or keeper of any dog found to be vicious shall pay a civil penalty of \$100.00.

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- H. The owner or keeper of any domestic animal found running at large, to be a nuisance or trespassing shall pay a civil penalty of \$25.00.
- I. The owner or keeper of any animal that creates an offensive odor or health problem shall pay a civil penalty of \$50.00.
- J. An owner or keeper who fails to pay a civil penalty within the time specified shall be required to appear in Goffstown District Court. Any person who shall be found guilty of violating any provision of this ordinance in District Court shall be guilty of a violation and may be fined up to \$500.00.

Section 8. EFFECTIVE AND SEVERABILITY

- A. This ordinance shall be effective upon the date of its passage by the Board of Selectmen.
- B. The invalidity of any part of this ordinance shall not affect the validity of the remaining parts nor in any way act thereon.

Section 9. ADOPTION

Under the authority granted to the Board of Selectmen pursuant to RSA 47:17 and after proper notice and hearing, the Board of Selectmen of the Town of Weare, adopted this Animal Control Ordinance on the 20<sup>th</sup> day of April, 1992 and is hereby adopting this amended ordinance on the 25<sup>th</sup> day of September, 1995.

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William G. Herman, Chairman

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Douglas L. Hatch

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A. Craig Slattum  
BOARD OF SELECTMEN

October 23, 1995  
Date

Attested:  
This 23<sup>rd</sup> day of October, 1995

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Katherine S. Kalajian  
Dep. Town Clerk, Town of Weare