

CITY OF CLAREMONT
IN THE YEAR TWO THOUSAND AND TEN

ORDINANCE 516

“DOGS”

The City of Claremont Ordains:

Pursuant to RSA 31:39 and RSA 47:17, Chapter 4, Article II, Dogs, of the Claremont City Code is hereby amended as follows:

Section 1 Section 4-26 Definitions

Section 4-26 Definitions, is hereby amended by revising or adding the following to existing definitions. Definitions not revised or added remain the same.

At Large shall mean off the premises or property of the owner or responsible person, or not confined within a vehicle, and not under the control of the owner or any person by means of a leash or other restraint not more than six (6) feet long and not under the control of the owner or responsible person where a leash or other restraint is not expressly required under this chapter.

Enclosure shall mean any structure, fenced or otherwise, that is secure on all sides, including top and bottom, so as to prevent the escape of the dog and is of such height and construction to prevent the entry of children.

Notice of forfeiture shall mean a citation as may be issued by a duly authorized peace officer in lieu of a court summons and payable to the City Clerk.

Nuisance dog shall mean any dog under any or all of the following or similar conditions:

- Running at large;
- Chasing bicycles, motor or other vehicles being driven, pulled or pushed on the public ways;
- Barking for sustained periods of more than one-half hour or, if between the hours of 11 p.m. and 7 a.m., disturbs the peace and quiet of a neighborhood or area;
- Digging, scratching or excreting on any property other than its owner's;
- Is unconfined while in heat (confinement meaning within an enclosed building and not accessible to any other dog(s));
- Whose owner violates Section 4-34 of this Article II.

Own shall mean to keep, harbor, control or have custody of a dog on either a permanent or temporary basis. This term shall not apply to veterinarians or kennel operators temporarily responsible for maintaining on their premises dogs owned by others.

Owner shall mean any person or persons, firm, association, partnership, LLC, corporation or other responsible person possessing, keeping, harboring or having custody of a dog. This term shall not apply to veterinarians or kennel operators temporarily responsible for maintaining on their premises dogs owned by others.

Vicious dog shall mean any dog that growls, snaps at, bites or chases any person or persons not on the property of its owner who are either on foot or on any propelled vehicle and includes any dog that has attacked any other animal, whether domestic or wild. This term shall not apply if a dog bites, attacks or threatens a trespasser on the property of its owner. This term shall also not apply to any dog while on the property of its owner that is under the control of its owner or is controlled by a fence, enclosure or other restraint.

Section 2 Section 4-28 Responsibility of dog owner

Section 4-28, Responsibility of dog owner, is hereby amended by indicating the existing text as subsection (a) and adding the following additional subsections:

(b) It shall be unlawful for any dog to be at large within any property owned by the City of Claremont and operated by the Parks & Recreation Department unless such dog is under the control of the owner or responsible person by means of a leash or other restraint not more than six (6) feet long.

(c) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement or to any disability assistance animal accompanying a disabled person and shall not apply to dogs actively participating in hunting, herding, supervised competition or exhibition, or training.

Section 3 Section 4-30 Impoundment

Section 4-30, Impoundment, is hereby amended by revising the first sentence and adding a new second sentence to subsection (a) to read as follows:

(a) Any dog found at large and/or any nuisance or vicious dog shall be restrained and impounded by the officer so designated. Upon impoundment, the police chief or his designee shall notify the owner in a timely fashion.

Section 4 Section 4-32 Issuance of complaints.

Section 4-32, Issuance of complaints, shall be re-titled “Issuance of complaints; penalties” and is amended as follows:

(a) It shall be the duty of the designated dog or animal control officer, health officer or any law enforcement officer to issue a complaint against the Owner of a dog for a violation of any provision of this Article II.

(b) Any person who violates any provision of this Article II shall be guilty of a violation, together with the costs of such prosecution for each offense, unless subject to the civil forfeiture as set forth in subsection (c).

(c) Any Owner of a dog that is found to be at large or a nuisance as defined herein shall be liable for a forfeiture of \$25.00 for the first offense and \$100 for the second or subsequent offense committed within 12 months of the first offense. Any Owner of a dog that is found to be vicious as defined herein shall be liable for a forfeiture of \$100.00 for the first offense and \$400.00 for the second or subsequent offense committed within 12 months of the first offense. All such forfeitures are to be paid to the city clerk within 96 hours of the date and time notice is given by any authorized person that the Owner is in violation of Section 4-28 herein. Failure to pay such forfeiture in a timely manner shall have the case disposed of in district court. Any Owner who pays such forfeiture twice in any 12-month period shall have any subsequent case disposed of in district court in lieu of any subsequent payment of civil forfeiture.

Section 5 Section 4-33 Confinement of certain dogs

Section 4-33 “Confinement of certain dogs” shall be added as follows:

(a) Any dog found to be vicious under this Article shall be kept at all times in a locked enclosure on private property or entirely within the dwelling of the owner or responsible person. Vicious dogs shall not be permitted upon the public ways, sidewalks or on any public property except when muzzled and restrained by a chain having sufficient tensile strength to control said dog and not exceeding three (3) feet in length. Vicious dogs so restrained shall be under the control of an adult able to restrain the dog while off the owner’s premises.

(b) Any person keeping a vicious dog in an enclosure outside their residence or place of business shall post said enclosure with a sign or signs stating “Beware of Dog” on any side where access to the dog is possible and shall be of a nature capable of being read from the public way.

(c) Any owner having been convicted of keeping a vicious dog(s) shall provide to the Police Chief or his designee proof of liability insurance for bodily injury or death in at least the same amount as is required for the licensing of guard dogs pursuant to RSA 466:50.

Section 6 Section 4-34 Removal of dog feces from public property

Section 4-34. "Removal of dog feces from public property" shall be added as follows:

(a) *Removal from public property.* Any Owner having custody of any dog shall not permit the dog on any public place or property, including public streets, alleys, sidewalks, parks or any other public grounds within the city, unless the Owner has in his or her possession a mechanical or other device for the removal of excrement; nor shall such Owner fail to expeditiously remove any such excrement deposited by the dog in any such public place or property.

(b) *Removal from private property.* Any Owner having custody of any dog shall not permit the dog on any private property other than the premises of the Owner unless such Owner has in his or her possession a mechanical or other device for the removal of excrement; nor shall such Owner fail to expeditiously remove any such excrement deposited by such dog in any such place

(c) *Forfeiture.* Any person found in violation of this section shall be subject to a forfeiture as set forth in Section 4-32(c) of this Article II.

Section 7 Section 4-35 Authority

Section 4-35 "Authority" shall be added as follows:

(a) The police chief or his designee, including a dog or animal control officer, health officer or any law enforcement officer, shall have the authority to enforce this Chapter 4, including the issuance of notices of forfeiture (citations) and the investigation of all reports relating to issues of animal control.

(b) No person shall hinder or interfere with any dog or animal control officer, health officer or any law enforcement officer or such other person as may be appointed as agents of the City in the performance of any duty under this Chapter 4. Any person in violation of this section shall be prosecuted under RSA 642:1, pertaining to obstruction of governmental administration.

(c) The police chief or his designee may, after consultation with the City Manager and in the interest of public health and safety, prohibit all dogs from scheduled events on public property. Such prohibition will be evidenced by the posting of appropriate temporary signage at locations determined by the police chief or his designee.

Section 8 Validity

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 9 Effective Date

This Ordinance shall take effect and be enforced immediately upon passage.

Introduced and passed on first reading _____, 2010.

Adopted by the Claremont City Council on _____, 2010.

Andrew A. Austin

Nicholas Koloski

Victor Bergeron

Christopher Lewis

Adam Burke

Kyle Messier

Jeffrey Goff

Keith Raymond

Mayor Deborah Cutts

Attest: _____
Clerk to the Council