

FRANCONIA DOG ORDINANCE

On Tuesday, August 2, 1988, the Town of Franconia adopted the following changes and new ordinances relative to dogs.

1. Changes in fines:

The fine for dogs in violation of RSA 466:30 (Dog Control Law in effect) was raised from \$10.00 to \$100.00.

The fine for keeping a dog contrary to the provisions of RSA 466:13 (Dog Control law in effect) shall be \$150.00 payable to the town.

2. New ordinance adopted:

DEFINITION OF TERMS

As defined in this ordinance, the following terms shall mean:

- A. "Enforcement Officer" shall mean any police officer, State Fish & Game Officer, or any person designated by the Selectmen to enforce this ordinance.
- B. "At Large" shall mean, off the premises or property of the owner, the dog shall be on a leash or chain not over eight feet in length. The leash requirement shall not apply to any dog while used for hunting.
- C. "Dog" shall mean both male and female, neutered or spayed and including puppies, so called.
- D. "Enclosure" shall mean a fence or structure of at least six feet in height, forming a penned or fenced area suitable to prevent the entry of young children. The enclosure shall be securely locked with sides, top, and bottom so as to prevent the escape of the dog.
- E. "Owner" shall mean any person or persons, corporations, businesses, firms, or associations keeping, harboring, owning, feeding or allowing to remain on the property or premises, or acting as caretaker or custodian of a dog for another person.

- F. "Trespasser" shall mean anyone who enters or remains on the private property of another who has not been authorized to do so by the owner or occupier of the property where a dog is kept, or any person invited on the premises by the owner or occupier.
- G. "Dangerous Dog" is any dog which bites any human being or other domestic animal, or which demonstrates menacing and dangerous behavior toward humans, except that an animal shall not be deemed dangerous if it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it.

CONTAINMENT OF CERTAIN DOGS

- A. It shall be unlawful to permit any female dog in season (heat) to run at large or be off the premises of the owner or keeper during such period and such dog shall be confined within a building or enclosure in such manner that she will not be in contact (except for intentional breeding purposes) with another dog.
- B. No person owning or keeping a dangerous dog shall keep the dog on any private property which is not in kept in an enclosure of the owner or keeper. Dangerous dogs shall not be permitted upon a public street, sidewalk or any other public property except when muzzled and restrained by a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length. Dangerous dogs so restrained shall be accompanied by an able-bodied person at all times while off the owner/keeper's premises.
- C. Once a dog has been declared dangerous it shall not be kept on any private property until an enclosure shall be installed. After the installation of the enclosure, it shall be inspected by an Enforcement Officer prior to the dog being kept on the property.
- D. Any person keeping a dangerous dog shall display a sign or signs on the premises where the dog is kept warning that there is a dangerous dog on the premises. The location of the sign or signs shall be determined by an Enforcement Officer.

CUSTODY AND IMPOUNDMENT

An Enforcement Officer may take into custody and impound at the owner's expense:

- A. Any dog off the premises of the owner or keeper "running at large."
- B. Any dog at any time off or on the premises of the owner or keeper not licensed and rabies vaccinated as required by New Hampshire law.
- C. Any female dog at any time in violation of this ordinance.
- D. Any dog at any time on or off the premises of the owner/keeper if the owner or keeper fails to cooperate and/or assist any Enforcement Officer in the case of a dog bite or investigation of a dog bite.
- E. In case of a dog bite, an Enforcement Officer may after collection of sufficient evidence that the property, safety, health or welfare of other persons is in jeopardy or fear, order in writing, for the owner or keeper to deliver up said animal or to remove the animal from the premises to a facility designated by an Enforcement Officer. Such restraint or confinement shall continue until an Enforcement Officer releases the animal from custody. The decision to confine or restrain the animal may be changed, modified or overruled by the presiding Judge of the Littleton District Court. The owner or keeper shall be liable for the expense of confinement or boarding.
- F. After collection of sufficient evidence by an Enforcement Officer, and there is probable cause to believe that a particular dog is dangerous, it may be taken into custody and impounded pending a determination hearing as provided in this ordinance. If the dog is ultimately determined to be dangerous, the expense of confinement or boarding shall be paid for by the owner or keeper. If it is determined not to be dangerous, the expenses shall be paid for by the Town.
- G. If the owner or keeper fails, refuses or neglects to deliver up said animal as ordered, or to comply with the order to restrain or confine said animal, he shall be subject to a fine or \$100.00 for each day that the owner or keeper has failed to surrender the dog.

PROCEDURES FOR CUSTODY AND IMPOUNDMENT

- A. If any dog taken into custody as provided in the ordinance wears a collar or harness with an attached registration tag or the owner of the dog is otherwise ascertainable, an Enforcement Officer shall serve on said owner forthwith a notice in writing stating that the time of impounding if the owner is unknown. Such notice may be served by mailing to, delivering in hand or leaving at the last known place of abode of said owner as determined by the registration tag or other available information.

- B. When any dog taken into custody in accordance with this ordinance has been detained for the prescribed time, the notice given to the owner in the manner prescribed, and if the owner has not claimed such dog and paid all expenses including maintenance and has not produced a current dog license, then an Enforcement Officer may cause the dog to be destroyed. Such dog shall be destroyed in the least painful and most humane manner possible.

DETERMINATION OF DANGEROUS DOGS

- A. Upon written complaint, signed under oath by a private citizen, that dog is dangerous, the Enforcement Officer may request a hearing at the Littleton District Court to determine whether or not a dog is dangerous.