CHAPTER 9 ANIMAL CONTROL

900 Purpose
This ordinance is designed to regulate the licensing and conduct of dogs.

901 Definitions of Terms
As used in this ordinance, unless the context shall otherwise indicate, the following terms shall be defined as herein set forth:

a. **Dog**: Any member of the family canidae.

b. **Owner**: Any person, group, association or organization maintaining, keeping, caring for, harboring or owning a dog.

c. **At Large**: Off the premises or property of the owner while not on a leash, not under the physical control of a responsible person, and not confined within a vehicle.

d. **Enclosure**: Shall be intended to mean any structure, fenced or otherwise, which is secure on all sides, top and bottom, so as to prevent the exiting of the dog or entrance of young children. Said enclosure shall be of a proper size as regulated State Statute.

e. **Vicious Dog**: Shall be intended to mean any dog which growls, snaps at, bites or chases any person or persons while on foot or on any propelled vehicle. It shall also include any dog which has attacked any animal, as domestic or wild.

f. **Growl**: Is an indication of a dog's imminent attack, usually accompanied by the bearing of teeth and the fur on its back standing up. (Guttural threatening sounds made by an angry animal; low guttural menacing sound as a dog; a deep, angry, throaty noise as of a dog.)

g. **Chasing cats or any other animal is not a part of the ordinance**. Dogs would only be considered vicious if they attacked the animal causing injury or death. The ordinance is to supplement RSA 466:36 which authorizes the killing of dogs found in active pursuit. In most cases, the dog leaves the scene without being killed and, therefore, needs to be designated a future danger to the public and other animals.

902 At Large Prohibited
It shall be unlawful for the owner or keeper of a dog to permit a dog so-owned or kept, to run at large without being controlled by a leash, except for the following:

a. when dog is upon the owner's property;

b. when dog is accompanied by owner or custodian and being used for hunting, herding, supervised competition and exhibition, or;

c. when in actual training for hunting, herding or competition and exhibition.

903 Impounding of Dogs
Any dog found at large without the premises or property of the owner and within the Town of Exeter may be restrained and impounded by the Police department. A dog so impounded may be confined in a suitable animal shelter for not more than seven (7) days may be humanely disposed of by the Exeter Police Department.

904 Claiming Impounded Dogs
An owner or individual claiming a dog impounded by the Exeter Police Department shall pay to the Town of Exeter a fee of twenty ($20) dollars for the dog. In the event an animal shelter is used other than a town-owned facility, the owner or individual claiming the dog shall pay shelter fees established by the outside shelter and approved by the Board of Selectmen.

905 License and Registration
The owner of a dog kept, harbored or maintained in the Town of Exeter, shall license and register the dog as specified in Chapter 466 of the Revised Statutes Annotated of the State of New Hampshire.

906 Killing Dogs
Any member of the Exeter Police Department may kill any dog found in the act of maiming or in close pursuit of deer, caribou, moose, cattle, swine, poultry or other domestic animal. Any dog that is located without proper identification and that is suffering serious injury (ies), distemper or other apparent serious illness may be disposed of forthwith at the discretion of the Exeter Police Department.

907 Dogs a Menace, Nuisance or Vicious
Any dog that is considered to be a menace or a nuisance, or vicious to persons or to property under any or all, but not limited to, the following conditions:

907.1 If it runs at large without being controlled by a leash. (See Section 902)

907.2 If it barks for sustained periods of more than one-half hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area.

907.3 If it digs, scratches or excretes on any property other than its owner's;

907.4 While in heat is unconfined (confinement shall mean within an enclosed building - not accessible to any other dog (s);

907.5 If it growls, snaps at, runs after or chases any person or persons;

907.6 If it runs after or chases bicycles, motor vehicles, motorcycles or other vehicles being driven, pulled or pushed on the streets, highways or public ways;

907.7 If whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, fowl or human beings;

907.8 If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal control officer, such officer shall, within 24 hours, notify the injured person or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.

907.9 Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the Exeter Police Department and such disposition made of the dog as the court may order.

908 Removal of Animal Excrement Required
Any person who owns or is responsible for an animal shall, if the animal defecates upon public property or private property, promptly clean up and dispose of the excrement. The excrement shall be disposed of in a lawful and sanitary manner.

910 Prohibition in Parks and Commons
No person, firm or corporation shall allow to have in their physical control any dog while in the geographical confines of the following parks and commons:

a. Founders' Park
b. Library grounds
c. Gilman Park - off Bell Avenue;
d. Hampton Road Recreation Park;
e. Park Street Common
f. Swasey Parkway
g. Brickyard Pond fields

911 Enforcement Procedure
The enforcement of this Chapter shall be the responsibility of the Exeter Police Department. The Exeter Police Department may issue complaints alleging violations of this Chapter.

912 Vicious Dogs
No persons owning a vicious dog shall keep such dog on private property unless said dog is in a secure enclosure of the residence of the owner. Vicious dogs shall not be allowed on public property except when on a leash of three feet or

less in length and a tensile strength of at least 300 pounds. If said dog has caused serious bodily injury, it shall also be muzzled while on public property. Vicious dogs so restrained shall be under the control of an adult able to restrain the dog while off the owner's premises.

913 Enclosures
Any person keeping a vicious dog in an enclosure outside of their residence shall post said enclosure with a sign or signs stating: "Beware of Dog" on any side where access to the dog is possible. Said sign(s) shall have letters of no less than two (2) inches in height.

914 Bodily Injury
Any vicious dog which has caused serious bodily injury, or which has not been restrained as set forth in this Chapter, shall be impounded by the Town and held until a disposition is ruled by the Court.

915 Insurance
Any owner having been convicted of keeping a vicious dog(s) which has caused serious bodily injury, shall show proof of $100,000 liability insurance for bodily injury or death to the Animal Control Officer, as in the licensing of guard dogs under NH Revised Statutes Annotated 466:46

916 Violations/Fines
Any person who violates any provision of paragraph 907 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified below, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of paragraph 907. Any person who does not pay the civil forfeiture specified below shall have the case disposed of in district or municipal court.

Any person who violates any of the provisions of paragraph 907 shall be liable for a civil forfeiture, which shall be paid to the Town Clerk within 96 hours of the date and time notice is given by any law enforcement officer to the owner or keeper of a dog in violation of paragraph 907. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

a. $25 for the first nuisance offense under sub-paragraph 907.1, 907.2, 907.3 or 907.4; $50 for the second nuisance offense committed within 12 months of the first nuisance offense under sub-paragraph 907.1, 907.2, 907.3 or 907.4.

b. $50 for the first menace offense under sub-paragraph 907.5 or 907.6; $100 for the second or subsequent menace offense committed within 12 months of the first menace offense under sub-paragraph 907.5 or 907.6.

c. $100 for the first vicious offense under sub-paragraph 907.7; $200 for the second

or subsequent vicious offense committed within 12 months of the first vicious offense under sub-paragraph 907.7.

Any person who pays a civil forfeiture specified above 2 times in any 12-month period according to the records of the Town Clerk, may not pay a civil forfeiture for subsequent violations of paragraph 90 in that 12-month period, but shall have those case disposed of in district or municipal court. In the case of a vicious dog, as described by paragraph 907, where its behavior presents a threat to public safety, immediate District Court or Municipal Court proceedings may be initiated in lieu of the civil forfeiture.

917 Penalties

A person, firm or corporation violating any provisions of Chapter 9 of this code (excluding 907) shall be punished by a fine of not more than one hundred ($100) dollars for each offense.