

ORDINANCE

DOGS AND OTHER DOMESTIC ANIMALS

Town Meeting Vote – March 9, 2004

In accordance with RSA 41:11a, The Board of Selectmen for the Town of Ashland, ordains as follows:

1. Definitions

As used unless the context otherwise indicates, the following terms shall have the meanings indicated.

AT LARGE: Off the premises of the owner, and not under the control of the owner or custodian, either by leash, cord, or chain (not exceeding 6 feet in length).

DOG: Both male and female

DOMESTIC ANIMAL: Any animal which is usually owned or in possession of human beings included but not limited to dogs, cats, sheep, fowl, horses, cows, lamb.

OWNER: Any person or persons, firm, association or corporation owning, keeping or harboring a dog.

2. Licensing

All dogs within the Town of Ashland boundaries and of the age of four (4) months old or older shall be licensed according to the provisions in RSA 466:1

3. Running at Large

No owner or keeper of any dog shall permit such dog to run at large. Proof of a dog running at large shall be prima facie evidence that such is permissive on the part of said owner or keeper. It shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian when used for hunting, herding, supervised competition and exhibition or training for such. For the purpose of this section “accompanied” shall be defined as that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting or herding or where training is being conducted or where trials are being held. Nothing herein provided shall mean that the dog must be within sight at all times.

4. Impounding

It shall be the duty of police officers to apprehend any dog running at large and to impound such dog. The police officer upon receiving any dog will make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag.

5. Notice of Impoundment and Fees

The Ashland Police Department will attempt to notify the owner not later than 24 hours after the impounding of any at large animal prior to transporting to the NH Humane Society. The impounded dog will be taken to the NH Humane Society and the owner will be responsible for all charges assessed by this organization. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the Town of Ashland for impounding and maintenance of said dog.

6. Noisy Dogs

The keeping or harboring of any dog, licensed or not, which by habitual howling, yelping, barking or other noise, disturbs or annoys any person for more than a ½ hour in accordance with RSA 466:31-b is unlawful under this ordinance and is hereby declared to be a nuisance, and each day shall constitute a separate offense.

7. Damaging and Soiling Property:

It shall be unlawful to suffer or permit any domestic animal to trespass on private or public property so as to soil, damage or destroy any property or thing of value and the same is hereby declared to be a nuisance, and any such domestic animal may be impounded by the police officers. No domestic animals shall be permitted on the Town Beach and cemeteries. It shall be unlawful for any person owning, possessing or controlling an animal on any sidewalk, street or on any private property neither owned or occupied by said person to: (a) Appear without an adequate and sanitary means to remove any feces left by such animal; or (b) Fail to remove and dispose of any feces left by such animal in a manner consistent with this ordinance. Seeing Eye dogs are specifically exempt from this provision. Conviction of a violation of this section of the ordinance shall be punishable by a fine in accordance with section 9 of this ordinance.

8. Nuisance

Whenever it shall be affirmed in writing by three (3) or more persons having separate residences or regularly employed in the neighborhood that any dog is a habitual nuisance by reason of trespassing, howling, barking or other noise, or damage to property, being vicious or by its actions potentially vicious or in any other manner causing undue annoyance, the police officer , if he finds such nuisance to exist in fact, shall serve notice upon the owner or custodian that such nuisance must be abated within forty-eight (48) hours, after which the police officer shall decide whether such nuisance has been abated and if not, any such dog shall be impounded.

9. Violations and Penalties:

Any owner found violating any provision of this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of \$50 for the first offense, \$100 for each additional offense occurring within a 12-month period. In addition to or instead of impounding a domestic animal found at large or in violation of this ordinance, any law enforcement officer may issue in the name of the owner or keeper of such domestic animal a notice of violation. Such notice shall impose upon the owner or keeper of such a domestic animal a forfeiture of \$25.00 that must be paid to the Town Clerk within ninety-six (96) hours of the date and time notice is given, in full satisfaction of the assessed penalty. In the event that such penalty is not paid to the Town Clerk within the time limitations specified, a summons shall be issued for appearance in district court or municipal court, and any person found guilty of violating the provisions of this ordinance shall be guilty of a violation.

This Ordinance shall be in full force and effective immediately upon passage, approval and publication. This ordinance will supersede all prior approved Town of Ashland dog ordinances.

The Board of Selectmen may, after a public hearing, amend any section of this ordinance to address the needs of the time without further action of the Town Meeting.