

Chapter 18

Restraining of Dogs

Section 18.1 DOG CONTROL

Section 18.1.1 It shall be unlawful for any dog within the Town of Newport to:

- (a) run at large, except when:
 - (1) accompanied by its owner, handler or keeper; or
 - (2) when used for hunting, herding, supervised competition, exhibition or training for said hunting, herding, supervised competition or exhibition
- (b) bark for sustained periods of time, or during the nighttime hours, so that the peace and quiet of the neighborhood is disturbed;
- (c) dig, scratch, excrete, or cause waste, trash or garbage to be scattered on property other than its owners;
- (d) while in heat, run at large or be off the premises of its owner, handler, or keeper except when:
 - (1) kept on a leash by a responsible adult,
- (e) growl, snap, run after, or chase any person, bicyclist, horse, or other animal, motor vehicles, motorcycles or other vehicles being driven, pulled or pushed on property other than that of the owner, handler, or keeper;

Section 18.2.1 For the purpose of this chapter “Accompanied” shall mean the owner, handler, or keeper can see, or hear the dog or both or have reasonable knowledge of where the dog is hunting or herding or where training or trials are being conducted or held.

Section 18.2.2 For the purpose of this chapter “At Large” shall mean off the premises of the owner, handler, or keeper, and not under the control of the owner, handler, or keeper by means of personal presence and attention as will reasonable control the conduct of the dog.

Section 18.2.3 For the purpose of this chapter “Authorized Person” shall mean any law enforcement or Animal Control Officer appointed by the Board of Selectmen, or landowners while on their property.

Section 18.2.4 For the purpose of this chapter “night Time Hours” shall mean the hours between 8:00 pm and 7:00 am.

Section 18.2.5 It shall not be an affirmative defense to a violation of any provision of this chapter that the dog was a different breed or sex than a dog that was subject of previous violations. Only that the owner, handler, or keeper is the same.

Section 18.3 SEIZURE AND NOTICE OF VIOLATION

Section 18.3.1 Any authorized person may seize, impound or restrain any dog found in violation of this chapter and deliver the said dog to a person or shelter authorized to board dogs.

Section 18.3.2 Any authorized person who has seized, impounded or restrained a dog found in violation of this chapter may request a law enforcement or Animal Control Officer issue in the name of the owner, handler or keeper of such dog, a notice of violation. Such notice shall impose upon the owner, handler or keeper of such dog a civil penalty in accordance with Section 18.5.

Section 18.3.3 Nothing in this section shall prohibit a law enforcement or Animal Control Officer from issuing a citation requiring the owner, handler or keeper of a dog to appear before the District Court.

Section 18.4 DOG BITES

Section 18.4.1 If the skin of any person has been punctured by a dog and the incident was reported to the Police Department or Animal Control Officer, a law enforcement officer or Animal Control Officer shall within 24 hours, notify the injured person, or, in the case of a minor, the minor's parents or guardian, whether, according to Town Records, the dog has been appropriately immunized against rabies.

Section 18.4.2 The owner, handler or keeper of a dog shall be in violation of this section if the dog punctures the skin of any person. Provided however, that the incident occurred off the property of the owner, handler or keeper or the dog was not protecting the property of the owner, handler or keeper. Any person found to have violated this section shall be sentenced as provided in Section 18.10 of this chapter.

Section 18.5 CIVIL PENALTY

Section 18.5.1 Any owner, handler or keeper of a dog found in violation of this chapter may be issued a civil penalty in accordance with the provisions set forth below:

- (a) for a first offense a civil penalty in the amount of twenty-five dollars (\$25.00) may be imposed;
- (b) for any subsequent offense a civil penalty in the amount of fifty dollars (\$50.00) may be imposed

Section 18.5.2 Nothing in this chapter shall prohibit a law enforcement or Animal Control Officer from issuing the owner, handler or keeper of a dog a citation requiring their appearance before the District Court.

Section 18.5.3 All civil penalties shall be paid to the Town of Newport at the Police Department within ninety-six (96) hours of the date and time such penalty was given by the law enforcement or Animal Control Officer.

Section 18.5.4 In the event a civil penalty is not paid to the Town of Newport at the Police Department as specified in Section 18.4 Paragraph III, the owner, handler or keeper of the dog shall be issued a citation requiring the owner, handler or keeper to appear before the District Court.

Section 18.5.5 Any owner, handler or keeper found to be in violation of this section by the District Court, shall be sentenced in accordance with Section 18.10

Section 18.5.6 It shall not be an affirmative defense to the imposition of a civil penalty under this section that the dog was a different breed or sex than a dog that was the subject of previous violations, only

that the owner, handler or keeper is the same.

Section 18.6 PROCURING A LICENSE: TAG

Section 18.6.1 Every owner, handler or keeper of a dog three (3) months old or older shall on or before April 30 of each year, cause it to be registered, numbered, described and licensed for one year from the ensuing May 1.

Section 18.6.2 Every owner, handler or keeper shall register a dog in accordance with Section 18.6.1, in the office of the Newport Town Clerk and shall cause the “Tag” issued by the Town Clerk to be affixed to a collar around the dog(s) neck.

(a) the “tag” issued by the Newport Town Clerk shall be of a the size and type as directed by the Town Clerk and shall have the following information on it:

- (1) name of the Town;
- (2) year of issue; and,
- (3) the registration number

(b) the “tag” shall be furnished by the Town Clerk at the expense of the Town and paid for out of the amount received from Dog License Fees. License Fees shall be set by the Board of Selectmen but shall not exceed statutory requirements.

Section 18.6.3 Any owner, handler or keeper of a dog may at any time have it licensed until the ensuing May 1; and a person becoming the owner, handler or keeper of a dog after May 1 shall cause it to be registered, numbered, described and licensed as provided in this chapter.

Section 18.6.4 Any owner, handler or keeper of a dog who fails to license the dog prior to May 1 of each year, may be issued a civil penalty by a law enforcement or Animal Control Officer in accordance with Section 18.5 of this chapter or be issued a citation requiring the owner, handler or keeper to appear before the District Court.

Section 18.7 VACCINATION REQUIRED

Section 18.7.1 The owner, handler or keeper of a dog over three (3) months old shall furnish to the Newport Town Clerk a certification that the dog has been vaccinated against rabies in accordance with the provisions of N.H. RSA 442-A.

Section 18.7.2 The owner, handler or keeper of a dog shall affix to a collar around the dog(s) neck a “Rabies Tag”. This rabies tag shall have the following information on it:

- (a) name of veterinarian or clinic who vaccinated the dog; and
- (b) the year the vaccination was given.

Section 18.8 BOARDING FACILITY REQUIREMENTS

Section 18.8.1 Any facility used for boarding of dogs picked up shall not release the dog from the facility unless the owner, handler or keeper has satisfied the following requirements:

- (a) proof is furnished that all civil penalties have been paid to the Town of Newport;
- (b) all fees charged by the boarding facility have been paid or other arrangements for payment have been made;
- (c) proof is furnished that the dog is properly licensed; and
- (d) proof of the dog's rabies vaccination if the dog is more than three (3) months old.
- (e) Boarding facility shall have staff on site during normal business hours Monday through Friday.
- (f) Boarding facilities shall be responsible for the feeding and care of dogs brought to them by the Newport Police Department.
- (g) Efforts shall be made to adopt out all dogs not claimed by their owner, with the adopter covering all charges associated with the boarding of said dog.
- (h) Boarding facility shall maintain and be licensed by the New Hampshire Agricultural Department as a boarding facility.

Section 18.9 FAILURE TO PAY BOARDING FACILITY FEES

Section 18.9.1 Any owner, handler or keeper of a dog who fails to pay the boarding facility fees shall be issued a citation by a law enforcement or Animal Control Officer requiring the owner, handler or keeper to appear before the District Court.

Section 18.9.2 Any owner, handler or keeper of a dog who is found in violation of any provision of this section shall be sentenced in accordance with Section 18.10 of this chapter.

Section 18.10 PENALTIES (DISTRICT COURT)

Section 18.10.1 Except as otherwise provided in this section:

- (a) any owner, handler or keeper of a dog who is convicted of any offense under this chapter shall be:
 - (1) guilty of a violation;
 - (2) fined not less than \$100.00

Section 18.10.2 Upon conviction of any offense under Chapter 18 based upon a complaint which alleged that the owner, handler, or keeper of a dog had one (1) prior conviction under Chapter 18 within the preceding two (2) years shall be:

- (1) guilty of a violation;

- (2) fined not less than \$250.00

Section 18.10.3

Upon conviction of any offense under Chapter 18 based upon a complaint which alleged that the owner, handler, or keeper of a dog had two (2) prior convictions under Chapter 18 within the preceding two (2) years shall be:

- (1) guilty of a violation;
- (2) fined not less than \$500.00;
- (3) not own or keep a dog within the Town of Newport for two (2) years

Section 18.10.4 Upon conviction of any offense under Chapter 18 based upon a complaint which alleged that the owner, handler, or keeper of a dog had three (3) or more prior convictions under Chapter 18 within the preceding two (2) years shall be:

- (1) guilty of a violation;
- (2) fined not less than \$1,000.00;
- (3) not own or keep a dog within the Town of Newport for five (5) years.

Section 18.10.5 If the owner, handler, or keeper of a dog is convicted of violating any provision of Chapter 18 and the conviction is not based upon a complaint which alleges prior conviction as provided in Chapter 18.13 II, III or IV, but the owner, handler, or keeper is found to have one or more prior convictions during the preceding two (2) years under Chapter 18, the owner, handler or keeper shall be:

- (1) guilty of a violation
- (2) fined not less than \$200.00 nor more than \$750.00

Section 18.10.6 Upon conviction of a violation of Chapter 18.4, the owner, handler or keeper shall be ordered by the District Court to pay the medical expenses incurred, by the person, as a direct result of the dog bite. This provision shall be in addition to the minimum mandatory penalties outlined in this section.

Section 18.10.7 Upon conviction of a violation of Chapter 18.6, the owner, handler or keeper shall be ordered by the District Court to have the dog licensed within ten (10) days. This provision shall be in addition to the minimum mandatory penalties outlined in this section.

Section 18.10.8 Upon conviction of violating Chapter 18.7, the owner, handler or keeper shall be ordered by the court to have the dog vaccinated against rabies within ten (10) days. This provision shall be in addition to the minimum mandatory penalties outlined in this section.

Section 18.10.9 Upon conviction of a violation of Chapter 18, Section 8, the owner, handler or keeper shall be ordered by the court to pay all boarding facility fees within thirty (30) days. This provision

shall be in addition to the minimum mandatory penalties outlined in this section.

Section 18.10.10 No portion of the minimum mandatory portion of any fine nor any minimum mandatory loss or right to keep a dog shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than thirty-five (35) days.

(Approved, Town Meeting May 13, 1992)