

BOS Public Hearing - Animal Control Ord. - 8/24/10

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Friday, 06 August 2010

Notice of Public Hearing
Town of Northwood

The Northwood Board of Selectmen will be holding a second and final public hearing beginning at 6:00 p.m. on August 24, 2010 at the Northwood Town Hall for the purpose of receiving public input on the following proposed ordinance: Ord. No. 10-02 - Animal Control Ordinance.

Copies of the proposed ordinance are available for review at the Town Hall.

Board of Selectmen
Town of Northwood, NH

The proposed Ordinance is as follows:

Ordinance No. 10-02
Town of Northwood, NH Animal Control Ordinance – 8/4/10 draft

An Ordinance to Amend Chapter 32, Animals, of the Code of the Town of Northwood.
Be it enacted by the Board of Selectmen of the Town of Northwood as follows:

Section 1. Chapter 32 of the Code of the Town of Northwood is hereby amended by deleting the existing Article II, Animal Control, and replacing it with a new Article II, Animal Control, to read as follows: Article II
Animal Control

32-2. Enforcement.

The Police Commission and Police Department are responsible for the enforcement of the provisions of this Chapter. This includes setting the duties of the Town Animal Control Officer (ACO) and the hiring and supervision of the ACO.

32-3. Dog Licenses.

A. All owners or keepers of dogs, that are four months of age or older and who reside within the Town limits of Northwood shall have their dogs licensed annually on or before April 30 of each year. (RSA 466:1)

B. Any officer who identifies the owner of an unlicensed dog will issue a conditional summons permitting the person receiving the ticket to pay a civil forfeiture to the Northwood Town Clerk's Office in lieu of going to court (RSA 446:13).

C. All fines for conditional summons must be paid within 96 hours of the issuance date at the Clerk's Office (RSA 466:13).

D. It shall be the responsibility of the Animal Control Officer to check with the Clerk's Office for verification that the conditional summons has been paid within the 96 hours.

E. If the conditional summons has not been paid within the 96 hours, the Animal Control Officer shall direct the police to issue a summons to the owner of the dog for the specific violation. The Animal Control Officer is authorized to seize any unlicensed dog after 96 hours, and have said dog placed into an appropriate kennel. (RSA 466:14)

F. The fines for conditional summons shall be as follows:

1. Unlicensed dog - \$25.00 (RSA 466:1)
2. No rabies shot - \$25.00 (RSA 436:100)
3. Failure to have license or rabies attached to a dog by means of a collar or harness - \$25.00 (RSA 436:109)

32-4. Dog Nuisances.

A. Per NH RSA 466:31, a dog is considered a nuisance, a menace, or vicious to persons or to property under any or all,

but limited to, the following conditions:

1. Dogs Running at Large - 466:31 (a)
2. If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4) - RSA 466:31, II (b)
3. If it digs, scratches or excretes or causes garbage to be scattered on property of another - RSA 466:31, II (c)
4. If a female dog in heat is permitted to run at-large off the premises of the owner unless on a leash - RSA 466:31, II (d)
5. If it growls, snaps at, runs after or chases any person or persons - RSA 466:31 (e)
6. If it runs after, or chases bicycles, motor vehicles, motorcycles or other vehicles on the public ways - RSA 466:31(f)
7. If it bites, attacks or preys on game animals, domestic animals or human beings - RSA 466:31 (g)

B. Any person who considers a dog to be a nuisance, menace or vicious to person, property or other animals may make a complaint verbally to any law enforcement officer, or the Animal Control Officer. When a complaint is received, the following process will be followed:

1. The Animal Control Officer shall conduct an investigation of the complaint and determine if it is factual.
2. The Animal Control Officer will identify the owner and explain the nature of the complaint and circumstances, and may:
 - a. Give a Written Warning for the nuisance or problem; or
 - b. Identify the owner and explain the complaint and the nature of the circumstances and prepare an Order to Abate Nuisance on the Town Summons Form. A copy of this Order to Abate shall be delivered to the owner or keeper of the dog, either in person by the Animal Control Officer, or by certified mail, to the last know place of abode; or
 - c. The owner of the dog may be given a summons to Candia District Court.

32-5. Penalties.

The fine(s) for conditional summons shall be as follows:

\$25.00 for the first nuisance offense under RSA 466:31, II (a) (b) (c) or (d);
 \$100.00 for the second nuisance offense committed within 12 months of the first nuisance offense.

\$50.00 for the first menace offense under RSA 466:31, II (e) or (f); \$200.00 for the second or subsequent menace offense committed 12 months of the first menace under RSA 466:31, II (e) or (f).

\$100.00 for the first vicious offense under RSA 466:31, II (g).
 \$400.00 for the second or subsequent vicious under RSA 466:31, II (g).

32-6. Summonses and Arrest Warrants.

A. A Police Officer may issue a summons to Candia District Court in the following instances:

1. A conditional summons is not paid within the prescribed 96 hour period.
2. The violator has already received at least one conditional ticket within a one-year period.
3. For any other violation of the RSAs where court action is authorized.

B. A Police Officer may draw a complaint and warrant for the arrest of any violator of any dog or animal related offense which is a misdemeanor.

C. Any person who has paid a civil forfeiture under this section three times in a year, shall not be eligible to pay a civil forfeiture for any further violations of the order to abate the nuisance. In these cases, the officer shall summons the individual to appear in Candia District Court.

32-7. Animal Bites.

A. The Animal Control Officer shall advise the victim of an animal bite to seek appropriate medical attention. If the owner of the animal is known, the victim shall be provided with the owner's name, address and telephone number.

B. Any dog or cat displaying symptoms of rabies which has bitten a person and caused a puncture of the skin or a non-bite exposure shall be immediately euthanized and head sent to the Public Health Laboratory in Concord for testing. (RSA 436:105/436:105-a.)

C. If a victim is potentially exposed to rabies either through a bite or a non-bite exposure, and identity of the animal and its owner is known, the officer shall within 24 hours, notify the injured person (or the parent/guardian if the injured is a minor), as to whether the animal has been immunized against rabies (RSA 466:31 II-a)

D. If the dog or cat, which has bitten or caused a non-bite exposure to a person, is vaccinated, it shall be confined by the owner or other responsible person for 10 days. Upon completion of the 10 day confinement, the dog or cat shall be examined by a licensed veterinarian. Any illness during confinement or before release shall be evaluated by a veterinarian. If signs suggestive of rabies develop, the dog or cat shall be euthanized and the head sent to the Public Health Laboratory in Concord for examination. (RSA 435:105/436:105-a).

E. If a dog is not vaccinated or its vaccination status is unknown, the animal shall be seized and impounded for 10 days per RSA 436:105, at the SPCA.

1. If, at any time during the ten (10) day impoundment period, the animal is evaluated by a licensed veterinarian who determines that the animal is exhibiting signs of rabies, the dog shall be euthanized, the head sent for examination to the State of New Hampshire Public Health Laboratory. SPCA shall demand payment in full from the owner for all services rendered. If satisfactory compensation is not made, SPCA shall bill the Town of Northwood, who will then seek restitution through the court system.

2. If, at the end of 10 day impoundment period, the animal is evaluated by a licensed veterinarian, and is not showing any signs of rabies, the owner or custodian of the animal will have 7 working days to pick up the animal from the kennel. If at the end of the 7 days, the animal has not been retrieved, it shall be considered as abandoned pursuant to RSA 437:19. The animal may be adopted or disposed.

F. RSA 641:6 makes it unlawful for any person to kill or dispose of any dog owned by him which has bitten a person, until he has notified the Police Department or the Health Officer and provided these officials with an opportunity to examine the dog.

G. Any cat not vaccinated or whose vaccination status is unknown shall be seized and if the owner consents, impounded for not less than 10 days. Cats will be impounded at the SPCA.

1. Pursuant to RSA 436:115-a II, if the owner does not consent, or is not known, the cat shall be euthanized upon seizure and the head sent to the Public Health Laboratory for testing and evaluation.

2. All other procedures involving cats shall be consistent with those contained in paragraph E. 1-2 above.

3. When the owner or custodian picks the animal up at the SPCA payment in full for all services shall be requested by kennel personnel.

Section 2. Chapter 32 of the Code of the Town of Northwood is hereby amended by adding a new section following Article II, to be known as Article III, to read as follows: Article III
Injured/Deceased Dogs, Cats and Other Animals/Wildlife

32-8. Response and Procedures.

A. The Animal Control Officer or other police officer, shall respond to reports of injured or deceased animals.

B. Procedures for Injured Dogs and Cats:

1. If the owner can be identified, contact the owner and make arrangements to have the animal picked up.

2. Transport the animal to a veterinarian, or, if the local veterinarians are closed, injured animals may be transported, with approval from the Chief of Police, to the Emergency Veterinary Clinic, 1 Intervale Road, Concord, NH, Tel. 603-227-1155

C. Procedures for Deceased Dogs and Cats:

1. Contact the owners if they are known and make arrangements to have the animal picked up.
2. If there are no owners or the owners cannot be identified, then the Animal Control Officer shall appropriately determine where the remains will be disposed.

B. Procedures for Other Injured and Deceased Animals/Wildlife.

1. If in the officer's judgment the animal is either so severely injured that death is probable or the animal appears to be suffering, the officer may kill the animal in an appropriate and humane manner. NH Fish and Game should be notified of the location of large animal carcasses such as deer and moose. Birds will be accepted at the Humane Society.
2. The Highway Department, NH DOT and/or NH Fish and Game may assist in disposing of animal remains which are not practical to transport.
3. If in the Animal Control Officer's judgment the animal is either so severely injured that death is probable, or the animal appears to be suffering, the officer may kill the animal in an appropriate and humane manner. If the owner is unknown, then the remains shall be disposed of. If the owner is known, then he/she shall be contacted and provided the opportunity to pick up the remains.

Section 3. Chapter 32 of the Code of the Town of Northwood is hereby amended by adding a new section following Article III, to be known as Article IV, to read as follows

Article IV
Cruelty to Animals

32-9. Definitions.

CRUELTY

Shall include, but not limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal. Cruelty includes the abandoning of any animal without proper provision for its care, sustenance, protection or shelter as pursuant to RSA 644:8. It is also considered cruelty to confine an animal in a motor vehicle or other enclosed space in which the temperature is either so high or so low as to cause serious harm to the animal RSA 644:8-a.

ANIMAL

Shall mean any domestic animal, household pet or wild animal in captivity -
RSA 644:8 II.

32-10. Investigation and Enforcement.

- A. Upon receiving a report of cruelty to animals, the Animal Control Officer or other officer assigned shall investigate and take the initial report. Statements from witnesses shall be taken if appropriate.
- B. If any person who is suspected of committing the offense of cruelty to animals is to be interrogated, such interrogation shall be conducted by a full-time sworn police officer. The Animal Control Officer may observe or assist.
- C. If as a result of the investigation, the officer feels there is sufficient cause to bring a charge against any person for cruelty to animals, then he/she shall prepare a complaint and warrant.
- D. If this investigation is being conducted by the Animal Control Officer, he/she shall review the facts of the case and the complaint and warrant itself with the Chief of Police before proceeding any further. If the Chief approves of the intended enforcement action, then an appropriate person shall swear to the complaint, and once active, a sworn police officer shall affect the arrest. Arrest and other reports shall be prepared as prescribed by departmental procedures.

32-11. Temporary Protective Custody.

- A. If during an investigation of a complaint of cruelty to animals, it is determined that there is probable cause to believe that any animal has been abused, neglected or there is imminent danger to its health or life, and there is not sufficient time to obtain court order for custody of the animal, the Animal Control Officer may take immediate temporary protective custody of the animal(s) as outlined in RSA 644:8 IV-a, and transport the animal to a licensed veterinarian for an exam to determine its health and condition. The care and treatment is not to exceed 7 days.
- B. If, after seven days, the animal is not returned to its owner, the officer shall file a petition to the Candia District Court for permanent custody of the animal, and/or appropriate criminal charges. The petition shall request that custody of the animal be given to the SPCA.

Section 4. Chapter 32 of the Code of the Town of Northwood is hereby amended by adding a new section following Article IV, to be known as Article V, to read as follows
Article V
Loose Stock

32-12. Loose Stock.

Upon receiving any report of loose livestock, the Animal Control Officer or other police officer(s) shall be dispatched to the scene. The officer shall attempt to contact the owner of the loose stock and have the owner regain control, or otherwise return it to his property. In certain instances, enforcement action can be taken against the owner of trespassing stock. Refer to NH RSA 635:3 "Trespassing Stock".

Section 5. Chapter 32 of the Code of the Town of Northwood is hereby amended by adding a new section following Article V, to be known as Article VI, to read as follows
Article VI
Wild or Exotic Animals

32-13. Procedure.

Upon receiving any complaint concerning a wild, exotic or endangered animal; or a violation of the Fish and Game laws relative to these animals, the Animal Control Officer or other assigned officer shall take the initial report and determine if the New Hampshire Fish and Game Department should be contacted. The New Hampshire Fish and Game Department shall be contacted if there has been any serious violation of any of the Fish and Game statutes (RSA 206).

Section 6. Severability.

The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

Section 7. Effective date.

This ordinance shall go into effect upon passage.