

**TOWN OF SUGAR HILL  
DOG ORDINANCE**

Pursuant to the authority conferred by New Hampshire Revised Statutes Annotated, Chapter 31:39, in order to promote the general welfare of the citizens of the Town of Sugar Hill, the following ordinance is hereby enacted;

**DOG ORDINANCE:** A dog is considered to be in violation of this ordinance if:

- A: It barks continuously 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;
- B: It turns over garbage cans or waste containers, or otherwise causes garbage or waste to be scattered on property other than its owners;
- C: It growls or snaps at or runs after persons, or it bites any human being;
- D: It runs after bicycles, motorcycles or motor vehicles being driven along the streets, highways or public ways;
- E: Whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, domestic animals, fowl or human beings;
- F: It digs or scratches in gardens or around cultivated areas on property other than its owners, so as to uproot or destroy the growing plants or trees;
- G: While in heat, the dog is not permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times, such dog shall be confined within a building or enclosures in such a manner that she will not come in contact (except for intentional breeding purposes) with another dog;
- H: If the dog is found to be running at large.

**DEFINITION OF TERMS**

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

- A: **"Enforcement Officer"** shall mean any Police Officer, State Fish and Game Officer, or any person designated by the Selectmen to enforce this ordinance.
- B: **"At Large"** shall mean off the premises of the owner or

keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subparagraph shall not include a dog which is being used for hunting, herding, supervised competition, or exhibition or training for such activities if accompanied by the owner or custodian, meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time.

- 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 and shall not include mailmen, utility personnel, or any delivery person on the premises at the request of 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: **"Vicious 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 vicious 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.

#### **CUSTODY AND IMPOUND**

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

- A: Any dog found to be violating this ordinance.

- B: Any dog unlicensed and not vaccinated against rabies, as required by New Hampshire law, even if the dog is on the premises of the owner or keeper.
- C: Any dog at any time on or off the premises of the owner or 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.
- D: In case of a dog bite, an Enforcement Officer may, after collection of sufficient evidence that there is probable cause 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 District Court. The owner or keeper shall be liable for the expense of confinement or boarding.
- E: After collection of sufficient evidence by an Enforcement Officer that there is probable cause to believe that a particular dog is vicious, it may be taken into custody and impounded pending a determination hearing provided in this ordinance. If the dog is ultimately determined to be vicious, the owner or keeper shall pay for the expense of confinement or boarding. If it is determined not to be vicious, the Town of Sugar Hill shall pay for the expenses.
- F: 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, she shall be subject to a fine of up to one hundred dollars (\$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 dog has been impounded and will be liable to be disposed of or destroyed if not claimed within six days from the time of service of such notice, or from 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 VICIOUS DOGS**

- A: Upon written complaint, signed under oath by a private citizen, that a dog is vicious, the Enforcement Officer may request a hearing at the District Court to determine whether or not a dog is vicious, as that term is described in RSA 466:31(11)(g).

- B: No person owning or keeping a vicious dog shall keep the dog on any private property, which is not kept in an enclosure of the owner or keeper.

Vicious 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. Vicious dogs so restrained shall be accompanied by an able-bodied person at all times while off the owner's/keeper's premises.

- C: Once a dog has been declared vicious, it shall not be kept on any private property until an enclosure shall have been 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 vicious dog shall display signs on the premises where the dog is kept warning that there is a dangerous dog on the premises. The location of the signs shall be determined by an Enforcement Officer.

#### **PENALTIES:**

Any person whether the owner or the keeper of a dog who violates any of the provisions of this ordinance shall be subject to a penalty of which is a minimum of the sum of twenty-five dollars (\$25.00) for the first offense and the sum of two hundred and fifty dollars (\$250.00) for each

additional offense. In the case of a vicious dog, the fine for the first offense shall be One Hundred dollars (\$100.00). In addition, should the dog cause any property damage or injury, the violator shall be liable for damage.

Nothing under this ordinance stops the Enforcement Officer from availing himself to the rights and remedies set forth in Chapter 466 et seq of the New Hampshire Statutes.