



TOWN OF LINCOLN, NEW HAMPSHIRE ANIMAL CONTROL ORDINANCE

TOWN OF LINCOLN
In the year One Thousand Nine Hundred and Seventy Three
Amended on March 11, 2014

AN ORDINANCE

“Prohibiting dogs from running at large within the corporate limits of the Town of Lincoln; authorizing the impounding of dogs running at large, whether licensed or unlicensed; redemption of impounded dogs; and providing a penalty.”

BE IT ORDAINED BY THE SELECTMEN OF THE TOWN OF LINCOLN, as follows;

Section 1. Definition of terms. As used in this ordinance, unless the context otherwise indicates:

- a.) “Dog” shall be intended to mean both male and female.
- b.) “Owner” shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- c.) “At large” shall be intended to mean off the premises of the owner and not under control of the owner or a member of his immediate family or a person of sufficient age and strength to effectively restrain the dog either by leash or chain, not longer than six feet.

Section 2. Running at large prohibited. No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to run at large within Town of Lincoln at any time. Notwithstanding anything in this article to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, or other public place in the town if at the time said dog is securely confined in a motor vehicle.

Section 3. Impounding. It shall be the duty of every police officer to apprehend, if possible, any dog found running at large contrary to the provisions of Section 2 and to impound such dog in a suitable place.

Section 4. Notice to owner and Redemption. If such dog has upon it the name or address of the owner, or if such name or address is otherwise known, then the police department shall notify the owner within twenty-four (24) hours after impounding such dog. If the dog impounded does not have the name or address of the owner, and if the owner is not otherwise known, then notice shall be necessary. The owner of any dog so impounded may reclaim said dog upon payment of the sum of \$2.00 for the first 24-hour period, or any part thereof the dog is held and \$1.30 for each 12-hour period, or any part thereof

that the dog is held thereafter; provided, however, that before release to any person, if the dog is not licensed, a license as required by RSA 466:1 shall be secured.

Section 5. Fees. The sums collected pursuant to the provisions of this section shall be accounted for and paid over to the Town Treasurer.

Section 6. Disposition of unclaimed dogs. Any dog which has been impounded and has not been redeemed by the owner shall be killed, provided, however, that any such dog shall be held for at least forty-eight hours after impounding, and in those cases where notice is given the owner, held for at least forty-eight hours after said notice is given.

Section 7. Penalty. Any owner found violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 Nor more than \$50.00 for each offense.

TITLE XLV, ANIMALS, CHAPTER 466, DOGS AND CATS

Muzzling and Restraining Dogs

Section 466:30-a

466:30-a Dog Control Law.-

- I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, for guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for supervised competition and exhibition,, or for training for such. For the purpose of this section, “accompanied” means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, where training is being conducted, where trials are being held, or where the dog is guarding, working, or herding livestock. Nothing herein provided shall mean that the dog must be within sight at all times.
- II. In this section, “at large” means 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 reasonable control the conduct of such dog, unless accompanied by the owner or custodian.
- III. Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable laws.
- IV. In addition to impounding a dog found at large or in violation of this section, any local law enforcement officer may issue, in the name of the owner or keeper of such dog, a notice of violation for a nuisance dog pursuant to RSA 466:31, II(a).
- V. The provisions of this section shall not be effective in any city or town unless adopted by a city or town pursuant to RSA 466:30-b.

Source. 1977, 379:1. 1994, 353:9, eff. Jan 1, 1995. 2006, 11:1, eff. Mar. 3, 2006
*Per RSA 466:31 and 31-A, relevant portions detailed below, please remember the
"dog waste" law, and clean up after your pet. Thank you!*

TITLE XLV, ANIMALS, CHAPTER 466, DOGS AND CATS

Muzzling and Restraining Dogs

Section 466:31

466:31 Dogs a Menace, a Nuisance or Vicious. –

I. [Repealed.]

II. Under this section, a dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

(a) If a dog is "at large," which means it is 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, supervised competition, exhibition, or training for such activities if accompanied by the owner or custodian, or a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), 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;

(b) 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);

(c) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;

(d) If any female dog in season (heat) is 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 enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;

(e) If it growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper;

(f) 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;

(g) If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

II-a. 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 officer, if any, or to the town clerk, such officer or clerk 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.

III. (a) 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 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 police of the city, constable of the town, or other person authorized by the town and such disposition made of the dog as the court may order.

(b) Notwithstanding RSA 466:31-a, if a law enforcement officer does not witness the nuisance behavior, the name of the complainant shall be released as public information before any fine under RSA 466:31-a shall be levied.

Section 466:31-a

466:31-a Penalties. –

I. Any person who violates any provision of RSA 466:31 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified in paragraph II, 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 RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court.

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation of RSA 466:31. 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 RSA 466:31, II(a), (b), (c) or (d); \$100 for the second or subsequent nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d).

(b) \$50 for the first menace offense under RSA 466:31, II(e) or (f); \$200 for the second or subsequent menace offense committed within 12 months of the first menace offense under RSA 466:31, II(e) or (f).

(c) \$100 for the first vicious offense under RSA 466:31, II (g).

(d) \$400 for the second or subsequent vicious offense committed within 12 months of the first vicious offense under RSA 466:31, II (g).

III. Any person who pays a civil forfeiture specified in paragraph II 2 times in any 12-month period according to the records of the town or city clerk may not pay a civil forfeiture for subsequent violations of RSA 466:31 in that 12-monthy period, but shall have those cases disposed of in district or municipal court. In the case of a vicious dog, as described by RSA

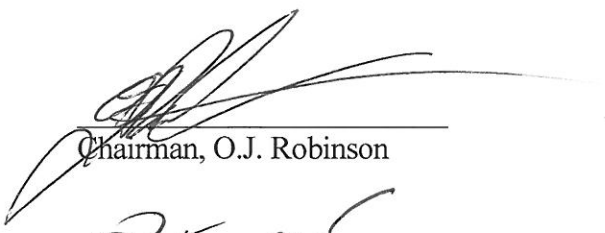
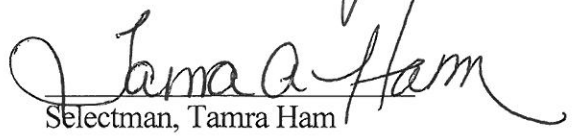
466:31, II (g), where its behavior presents a threat to public safety, immediate district court or municipal court proceedings may be initiated in lieu of the civil forfeiture.

Source. 1977, 222:2. 1989, 158:5, 6. 1994, 353:11, 12. 1995, 298:21, eff. Jan. 1, 1196. 2007, 244:2, eff. Aug. 27, 2007; 339:3, eff. Jan. 1, 2008.

BOARD OF SELECTMEN
LINCOLN, NEW HAMPSHIRE

ORDINANCE REVIEWED AND APPROVED ON THIS 12th DAY OF
MAY 2014.

By the Board of Selectmen of the
Town of Lincoln, New Hampshire


Chairman, O.J. Robinson
Selectman Patricia McTeague
Selectman, Tamra Ham