

DOVER CODE

DOGS

CHAPTER 89

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[HISTORY: Adopted by the City Council: Art. I, 12-14-1977*, Art. II, 12-14-1977†. Section 89-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.‡; Amended in its entirety by the City Council on 09-20-1995 by Ord. No. 13-95; Amended in its entirety by the City Council on 04-22-2009 by Ord. No. 2009-04-22-08.]

ARTICLE I

LICENSING AND REGULATION

89-1. Definitions.

As used in this Chapter the following terms mean:

ACCOMPANIED – means the owner or custodian must be able to see and hear the dog, or have reasonable knowledge of where the dog is, and be able to recall the dog on command.

AT LARGE – means off the premises of the owner or keeper, unless accompanied by the owner. At no time, shall any dog be permitted on the private property of another person, without permission of said person.

DOG – means male and female dogs not exempted by state statute.

OWNER – means any person keeping, harboring or having charge or control of, or permitting any dog to habitually be or remain on, or be lodged or fed within such person's house, yard or premises within the City of Dover. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by others.

89-2. License Required.

Every owner or keeper of a dog four (4) months old or over shall annually, on or before April 30th, license their dog in the office of the City Clerk. The City Clerk's office shall furnish the owner or keeper with a dog tag that contains the name of the City, year of issue and registration number. Said dog tag shall be attached and worn around the animal collar.

89-3. Fees. [Amended 05-17-2000 by Ord. No. 06-2000]

The fee for every license for a year or portion of a year shall be:

* Editor's Note: Provisions of this Article are derived from Ch. 54 of the former Code, adopted 12-14-77.

† Editor's Note: Provisions of this Article are derived from Ch. 55 of the former Code, adopted 12-14-77.

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- (1) Seven-fifty dollars (\$7.50) for dogs at least four (4) months old but less than seven (7) months old which are not spayed or neutered and seven-fifty dollars (\$7.50) for a neutered male or spayed female dog; provided, however, that the owner or keeper of such spayed female dog or neutered male dog shall furnish a certificate from the person performing the operation to the satisfaction of the City Clerk.
 - (2) Ten dollars(\$10.00) for any unneutered male or unspayed female dog.
- B. Notwithstanding paragraph A, the fee for every license for a year or a portion of a year shall be three dollars (\$3.00) for a dog of either sex if the owner is 65 years of age or older; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in Paragraph A.
- C. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licenses, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers ten (10) or more litters per year, or sells or transfers fifty (50) or more puppies per year; or who derives forty (40) percent or more of his gross annual income from the sale or transfer of dogs.

89-4. Group Licenses.

- A. The owner or keeper of five (5) or more dogs shall annually by April 30th pay the required fee, provide proof of rabies inoculation for every dog they own and obtain a license authorizing him/her to keep the dogs upon the premises described in the license, or off the premises while under his control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under 89-3(C) of this Chapter.
- B. The City Clerk shall not refuse to issue a group license to an owner or keeper who has complied with the requirements of this Section.
- C. The fee shall be twenty dollars (\$20.00) per year with a late fee of one dollar (\$1.00) per month assessed for any group not licensed by June 1st. [Amended 10-20-1999 by Ord. 12-99]
- D. No fee shall be required for dogs which are under the age of four (4) months.
- E. The owner or keeper shall receive numbered license tags for each dog included under his group license.

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89-5. Replacement of Lost License Tag.

Should the pendant giving the registered number of any dog licensed as by law required become lost or stolen, the City Clerk shall issue a new pendant (metal tag) for such dog, keeping a record of the change of number, and notify the Chief of Police of such change in a timely manner. [Amended 03-20-2002 by Ord. No. 14-02]

89-6. Penalty for Unlicensed Dogs.

- A. The City Clerk shall annually, between June 1 and June 20, prepare a list for the City Council of owners who have not obtained or renewed their dog licenses by May 31. The City Council shall, within twenty (20) days from June 20, issue a warrant and authorize the City Clerk or the Police Chief to issue civil forfeiture notices for each unlicensed dog. The City Council may also authorize the Police Department to seize any unlicensed dog. Unlicensed dogs shall be held for a period of seven (7) days. (RSA 466:14)
- B. Civil forfeitures may be delivered by certified mail, hand delivery or left at the abode of the dog owner. The original notice shall be delivered to the owner with a carbon copy to the city clerk. The forfeiture notice shall indicate that the owner of the dog has fifteen (15) calendar days of the notice of forfeiture to pay the forfeiture fee, cost of service, and to license the dog(s) or a summons to District Court will be issued by the Police Department. The forfeiture fee is Twenty-five (\$25.00) dollars and the service fee is five dollars (\$5.00). Failure to pay the forfeiture and service fees in a timely manner shall result in a summons to the District Court by an authorized law enforcement officer.
- C. A fine not to exceed fifty dollars (\$50.00) shall be imposed for an offense.

89-7. Seizure of Unlicensed Dogs.

- A. Any authorized police officer may seize any dog not properly licensed after a written warning and cause it to be transported to the Cochecho Valley Humane Society or other incorporated entity authorized to accept such dogs. The Cochecho Valley Humane Society, or other authorized incorporated entity shall keep said dog at the expense of the city for a period of time not to exceed seven (7) consecutive days. Full title to the dog shall transfer to the Cochecho Valley Humane Society, or other authorized incorporated entity after seven (7) consecutive days. If, after such time, the dog remains unclaimed, then the Cochecho Valley Humane Society shall dispose of said dog at the expense of the City of Dover.
- B. Any owner of a dog, so seized, may reclaim said dog during the seven (7) day period provided for herein by furnishing proof of a proper license, payment of the forfeiture

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fee and service fee, a reasonable daily facility fee, all necessary veterinary fees, and a twenty-five dollars (\$25.00) pick up and transportation service charge paid to the Police Department. (RSA 466:15)

ARTICLE II

NUISANCE REGULATIONS

89-8. Running at Large.

A person who owns or keeps a dog within the City shall not permit or allow such dog to be at large in the City, unless:

- A. The dog is restrained by being kept on a leash not exceeding 8 feet in length; or
- B. The dog is accompanied by the owner or custodian and under voice control.

89-9. Impoundment.

It shall be the duty of every police officer or other law enforcement officer or other such person as may be designated by the Animal Control Officer to apprehend any dog running at large contrary to the provisions of 89-8 and may impound such dog at the Cocheco Valley Humane Society or other authorized incorporated entity.

89-10. Notice to Owner; Redemption.

If such dog shall be impounded, the Police Chief or designee shall notify the owner in a timely fashion. The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the City of Dover for the impounding, veterinary care, and maintenance of such dog, including a pickup and transportation fee. (See Fee Schedule) Any dog so impounded which is not licensed and whose owner is unknown after a seven-day period may be disposed. Any dog which appears to be suffering from rabies or affected with hydrophobia or other infections or dangerous disease, shall not be released, but may be forthwith destroyed.

89-11. Barking Dogs.

A person who owns or keeps a dog in the city is hereby required to restrain such dog from extended and continuous barking or like noises that create a public disturbance or is deemed to be a continuous nuisance to abutters or neighbors 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, Violations of this section shall be subject to penalties as prescribed under Section 89-13.

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89-12. Removal of Excrement.

It shall be unlawful for the owner or person in control of any dog to allow that dog to appear in any public place or upon the property of any other person, unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; nor shall said owner or person in control, fail to expeditiously remove any such excrement deposited by said dog in any such place. Hearing Ear dogs, Guide Dogs, Service Dogs and Search and Rescue Dogs pursuant to state law are exempt from the provisions of this ordinance.

89-13. Violations and Penalties.

Any owner found violating any provisions of this Article II shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) for a first offense and, upon a second or subsequent conviction within twelve (12) months of a violation of this Article, a fine of not less than fifty dollars (\$50.00)

ARTICLE III

MISCELLANEOUS REGULATIONS

89-14. Restraint Required.

Any person upon learning that a dog owned by him or kept in his custody has bitten any person shall forthwith tie up and restrain said dog from running at large for a period of ten (10) days and shall, as soon as possible, notify the Animal Control Officer or the Police Department.

89-15. Examination of Dog.

It shall be unlawful for any person to kill or dispose of a dog owned by him or kept in his custody which has bitten a person until he has notified the Animal Control Officer, the Police Department or the Health Officer and until these officials have had an opportunity to examine the dog.

89-16. City Parks and School Grounds; Dogs Prohibited; Exemptions.

No Owner or keeper shall allow any dog, whether on a leash or off a leash, in any area of any park or school grounds where a playing structure is erected with safety materials underneath, or where scheduled athletic games and/or recreational programs are held. The prohibited area shall include the playing surface for the athletic games or programs including foul territory, throw in areas, batting cages, warm up-mounds and player seating areas. This prohibition shall only apply when signage has been erected announcing the prohibition.

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Hearing Ear dogs, Guide Dogs, Service Dogs and Search and Rescue Dogs pursuant to state law are exempt from the provisions of this ordinance.

89-17. Violations and Penalties.

- A. Any person convicted of a violation of this Article III, shall be fined not more than fifty dollars (\$50.00).
- B. Each day a dog is not restrained in accordance with 89-14, shall constitute a separate violation.