

## **TOWN of FREMONT SELECTMEN'S ORDINANCE REGULATING DOGS**

### **PURPOSE: TO REGULATE THE LICENSING AND CONTROL OF DOGS WITHIN THE TOWN OF FREMONT.**

#### **A. DEFINITIONS**

As used in this Ordinance, unless the context shall otherwise indicate, the following terms shall be defined as hereinafter set forth.

1. Dog: Any member of the canine family.
2. Owner: Any person, group, association, or organization maintaining, keeping, caring for, harboring or owning a dog.
3. At Large: Off the property or premises of the owner and not under the control of a responsible person and not confined in a vehicle.
4. Service Dogs: Any dog that is used as a guide for a blind person, a hearing dog that is used to assist a deaf person, or any dog that is used to assist any mobility impaired person
5. Menace or Nuisance Vicious Dogs: Any dog that is considered to be a menace a nuisance, or vicious to persons or to property under any or all, but not limited to, the following conditions:
  - a. If it barks continuously for sustained periods of time more than 1/2 hour.
  - b. If it barks so as to disturb the peace and quiet of a neighborhood or area during night hours defined as after 11:00 pm and before 7:00 am.
  - c. While it runs at large on the streets or public property, or the property of another, it digs, scratches or excretes, it turns over garbage cans, waste containers, or otherwise 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 the period except when been exercised on a leash by a responsible adult. At all other time such dog shall be confined within a building or enclosure in such a 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.

## **TOWN of FREMONT SELECTMEN'S ORDINANCE REGULATING DOGS**

- 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.

### **B. ACTS PROHIBITED**

**RUNNING AT LARGE:** It shall be unlawful for the owner or keeper of a dog to permit a dog so owned or kept, to run at large without being controlled by a leash, except for the following,

1. When the dog is on the owner's property.
2. When the dog is accompanied by owner or custodian and being used for hunting, herding, supervised competition and exhibition.
3. When the dog is accompanied by owner or custodian and is in actual training for hunting, herding, supervised competition and exhibition.

**MENACE OR NUISANCE:** It shall be unlawful for the owner or keeper of a dog to permit a dog so owned or kept, to become a Menace or Nuisance as described in Section A above.

**VICIOUS:** No person owning a vicious dog shall keep such dog on private property unless said dog is in a secure enclosure of the residence of the owner. Vicious dogs shall not be allowed on public property except when on a leash of three feet or less in length and a tensile strength of at least 300 pounds. If said dog has caused serious bodily injury, it shall also be muzzled while on public property. Vicious dogs so restrained shall be under the control of an adult able to restrain the dog while off the owner's premises.

**RESTRICTED AREAS:** No person, firm or corporation shall allow or have in his or her physical control any dog other than a service dog as defined above, while in the geographical confines of:

Fremont Memorial Recreational Park

Pratt Memorial Park

All cemeteries

The grounds surrounding Fremont Ellis School, Fremont Town Hall, Fremont Safety Complex, Fremont Public Library, Fremont Historical Society

No person, firm or corporation shall allow any dog to excrete, while not on their private property, without picking up and removing the excrement.

### **C. IMPOUNDING OF DOGS**

Any dog found at large outside the premises or property of the owner and within the Town of Fremont may be restrained and impounded by the Fremont Animal Control Officer or the Fremont Police Department.

## **TOWN of FREMONT SELECTMEN'S ORDINANCE REGULATING DOGS**

### **D. CLAIMING IMPOUNDED DOGS**

Any owner or individual claiming a dog impounded by the Fremont Police Department, shall pay to the Town of Fremont, a \$20.00 pick up fee, plus any boarding fees.

### **E. LICENSE AND REGISTRATION**

The owner of a dog kept, harbored, or maintained in the Town of Fremont shall license and register the dog as specified in Chapter 466 of the REVISED STATUTES ANNOTATED of the State of New Hampshire.

### **F. PENALTIES**

Any person, firm or corporation violating any of the following provisions shall pay a civil forfeiture, which shall be paid to the clerk of the Town of Fremont within 96 hours of the date and time notice was given by any law enforcement officer or other person authorized by the town, to the owner or keeper of the animal

#### **Running at Large & Nuisance**

1<sup>st</sup> Offense: \$25.00

2<sup>nd</sup> Offense within 12 months \$100.00

3<sup>rd</sup> or subsequent offense: Any person who pays a civil forfeiture 2 times in a 12 month period according to the records of the Town or Clerk, may not pay a civil forfeiture for subsequent violations in that 12 month period, but shall have these cases disposed of in District or Municipal Court

#### **Menace**

1<sup>st</sup> Offense: \$ 50.00

2<sup>nd</sup> Offense within 12 months \$100.00

3<sup>rd</sup> or subsequent offense: Any person who pays a civil forfeiture 2 times in a 12 month period according to the records of the Town or Clerk, may not pay a civil forfeiture for subsequent violations in that 12 month period, but shall have these cases disposed of in District or Municipal Court

#### **Vicious**

1st Offense: \$100.00

2<sup>nd</sup> Offense within 12 months \$400.00

3<sup>rd</sup> or subsequent offense: Any person who pays a civil forfeiture 2 times in a 12 month period according to the records of the Town or Clerk, may not pay a civil forfeiture for

## **TOWN of FREMONT SELECTMEN'S ORDINANCE REGULATING DOGS**

subsequent violations in that 12 month period, but shall have these cases disposed of in district or municipal court. In the case of a vicious dog 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.

### **Restricted Areas**

\$25.00 each offense

### **Failure to clean up after dog**

\$25.00 each offense

Witness our hands and seal this 10th day of June 2010.

/ s / Brett Hunter

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Brett Hunter  
Chairman, Board of Selectmen

/ s / Greta St Germain

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Greta St. Germain  
Selectman

/ s / Annmarie Scribner

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Annmarie Scribner  
Selectman

This is to certify that on the            day of June 2010, at            o'clock in the  
noon, the above Ordinance was filed and recorded in the records of the Town of Fremont, NH.

Witness my hand this            day of June 2010.

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Lori A. Holmes    Town Clerk

Ordinance Adopted: 29 July 2004  
Amended at Public Hearing: 10 June 2010