

# CHAPTER 119

---

## **Chapter 119, DOGS**

---

(HISTORY: Adopted 11-4-1980 by the Town at General Election; Amended by the Merrimack Town Council 12-3-2009; 1-26-2012)

### **§ 119-1. Running at large restricted.**

Notwithstanding any provisions of RSA 466, 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.

### **§ 119-2. Determination of at large.**

In this chapter, "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 reasonably control the conduct of such dog, unless accompanied by the owner or custodian.

### **§ 119-3. Enforcement.**

Any authorized person may seize, impound or restrain any dog in violation of this article 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.

**§ 119-4. Duty to Dispose.** It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.

### **§ 119-5. Violations and penalties.**

In addition [**and in accordance to New Hampshire RSA 466:31-a Penalties**] to impounding a dog found at large or in violation of this chapter, any law enforcement officer may issue in the name of the owner or keeper of such dog a notice of violation. Such notice shall impose upon the owner or keeper of such a dog a forfeiture of \$25 [**for the first offense and \$50.00 for the second offense. Third and subsequent offenses shall be handled in the 9<sup>th</sup> Circuit District Division, Merrimack Court.**] Fines must be paid to the Merrimack Town Clerk within 96 hours of the date and time notice is given, in full satisfaction of the assessed penalty. In the event such penalty is not paid to the Merrimack Town Clerk within the time limitations specified, a summons shall be issued for appearance in Merrimack District Court, and any person found guilty of violating the provisions of this section shall be guilty of a violation.

**§ 119-6. Applicability.**

The provisions of this chapter were adopted by the Town pursuant to RSA 466:30-b.

Authenticated:

\_\_\_\_\_  
Nancy M. Harrington, Town Council Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diane Trippett, Town Clerk / Tax Collector

\_\_\_\_\_  
Date