

TOWN OF OSSIPEE

DOG ORDINANCE - TOWN PROPERTY

SECTION I: AUTHORITY.

These Regulations have been enacted pursuant to the authority granted the Board of Selectmen of the Town of Ossipee by New Hampshire RSA 31:39.¹

SECTION II: PURPOSE AND SCOPE.

The purpose of this ordinance is to regulate the presence of dogs on Town Property and the related responsibilities of dog owners.

SECTION III: DEFINITIONS.

- A. Animal Control Officer. The Ossipee Animal Control Officer, his or her Deputy, or any other person or entity the Board of Selectmen authorizes to enforce the provisions of these Regulations.
- B. Animal Control Facility. A suitable place or places in Ossipee or other neighboring community as designated by the Animal Control Officer, in which dogs taken in to custody pursuant to these Regulations are impounded.
- C. At Large. Not under control by a person by means of a leash held by the person or by voice or other command.
- D. Dog. Any animal of the canine species.
- E. Enforcement Personnel. The Animal Control Officer and/or the Ossipee Police Department.
- F. Leash. A cord, rope, chain, lead or similar tether which holds a dog in restraint.
- G. Owner. An Owner includes all of the following: (1) Any person having control or purporting to have control over a dog; (2) the person named in the licensing records of any dog as the owner; (3) the occupant of the premises where the dog is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any dog to remain about their premises for a period of three (3) consecutive days or more. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner as defined herein. If a dog has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner under these Regulations.
- H. Restrained. Under control of an owner.

¹ **RSA 31:39. Purpose and Penalties**

I. Towns may make bylaws for:

(a) The care, protection, preservation and use of the public cemeteries, parks, commons, libraries and other public institutions of the town...

- I. Town Property. Property owned or leased by the Town of Ossipee

SECTION IV: PROHIBITION/PERMISSION.

- A. All Dogs, whether restrained or unrestrained, are strictly prohibited from the following town owned properties:
1. Cemeteries, ballfields, tennis courts, skate park, **town owned beaches**, and town meetings (held in town hall)
- B. All dogs, whether restrained or unrestrained, are strictly prohibited from within the confines of any Town-owned or leased building, except in those facilities where their temporary containment may be necessary (i.e. Police Station).

SECTION V: CLEAN-UP AND DISPOSAL.

- A. It shall be prohibited for any person to permit a dog to be on Town Property unless such person has, in his or her immediate possession, an appropriate means of removing animal excreta.
- B. No person owning or having custody or control of any dog shall knowingly, or through failure to exercise due care or control, permit such dog to defecate or commit any other nuisance and allow such nuisance to remain thereafter on any Town Property. A person shall not be considered in violation of this Section if the person has necessary equipment, i.e., shovel, bag, etc., readily available and does take immediate and necessary action to accomplish the lawful and sanitary removal and disposal of such nuisance.

SECTION VI: EXCEPTIONS.

The following shall be exempt from the requirements of these Regulations:

- A. A dog used to assist a person with a physical or mental impairment. Such a dog is sometimes referred to as a “service dog” or “service animal.”
- B. A dog assisting law enforcement officers or being trained for law enforcement pursuits.
- C. Town rights-of-ways and roadways.
- D. Constitution Park and areas not specified in section IV.
- E. Town Clerk’s Office.

SECTION VII: ENFORCEMENT.

- A. In addition to the penalties provided in Section IX, enforcement personnel may impound dogs on Town Property in violation of these Regulations. In such instance, the owner shall be liable for payment of all expenses incurred at the Animal Control Facility, including but not limited to shelter, food, and all other expenses as may be required for the care of the dog during confinement.

SECTION VIII: PENALTIES.

Any person who violates the provisions of these Regulations shall be subject to a penalty not exceeding \$1,000.²

- 1st offense - Warning
- 2nd offense - \$50.00 fine
- 3rd offense - \$250.00 fine
- 4th offense - Up to \$1,000.00

SECTION IX: WAIVER.

The Ossipee Board of Selectmen reserves the right, for cause shown, to make special exceptions and/or waive any portion of the regulations. No waiver shall be valid unless in writing signed by at least one authorized selectman or town administrator or town manager.

SECTION X: SEVERABILITY.

If any provision of these Regulations is held to be invalid, other provisions and sections shall not be affected, and to this end, the provisions and sections hereof are declared to be severable.

SECTION XI: ADOPTION AND AMENDMENT.

These Regulations shall be adopted in accordance with New Hampshire Law. Following adoption, these Regulations may be amended by the Board of Selectmen, following the conduct of a public hearing, notice of which shall be posted in two (2) or more public places, and/or published in a newspaper of general circulation not less than ten (10) days prior to the public hearing.

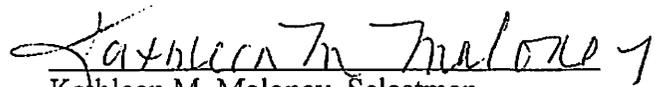
SECTION XII: EFFECTIVE DATE.

These Regulations shall take effect immediately upon adoption of the Board of Selectmen.

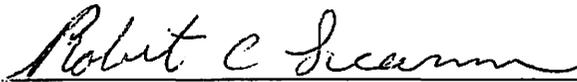
Approved by the Board of Selectmen this 6th day of June 2012.

² **RSA 31:39, III.** Towns may enforce the observance of the bylaws by suitable penalties not exceeding \$1,000 for each offense to enure to such uses as the town may direct.

TOWN OF OSSIPPEE
BOARD OF SELECTMEN


Kathleen M. Maloney, Selectman


Harry C. Merrow, Selectman


Robert C. Freeman, Selectman