

## Chapter 18

### ANIMALS

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| § 18-1. Authority.   | § 18-7. Impoundment and violation notice. |
| § 18-2. Definitions.   | § 18-8. Animal care.                      |
| § 18-3. (Reserved)   | § 18-9. Animal waste.                     |
| § 18-4. Licensing.   | § 18-10. Public beaches.                  |
| § 18-5. Permits for commercial animal establishments or animal shelters. | § 18-11. Violations and penalties.        |
| § 18-6. Restraint.   | § 18-12. When effective.                  |

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-9-1994 (Ch. 1 of the Code of Ordinances). Amendments noted where applicable.]

#### GENERAL REFERENCES

Beaches and parks — See Ch. 35.

Noise — See Ch. 328.

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#### § 18-1. Authority.

At a general Town Meeting on the ninth day of March 1994, the Town of Hampton, New Hampshire, enacted the following chapter in accordance with RSA 31:39 and any other applicable chapters or amendments thereto of the New Hampshire Revised Statutes Annotated 1955.

#### § 18-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ANIMAL** — Every nonhuman species of animal, both domestic and wild.

**ANIMAL CONTROL OFFICER** — Any person designated by the State of New Hampshire, Town of Hampton, or humane society as a person who is qualified to perform such duties under the laws of this state and this chapter.

**ANIMAL SHELTER** — Any facility operated by a humane society, Town agency or its authorized agents for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.<sup>1</sup>

**DOMESTIC ANIMAL** — Any horses, cattle, hogs, sheep or any animal used for work or food production.

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1. Editor's Note: The definition of "cattery," which immediately followed this definition, was repealed by Art. 26 of the Town Meeting of March 12, 2013, ballot vote: Yes 1801, No 331.

**GROOMING SHOP** — A commercial establishment where animals are bathed, clipped, or otherwise groomed.

**KENNEL** — Any premises where three or more dogs, 10 weeks in age or older, are boarded, bred, raised, trained, or kept.

**OWNER** — Any person, partnership, or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

**PET ANIMAL** — Any animal kept for pleasure and companionship.

**PET SHOP** — Any person, partnership or corporation, whether operated separately or in connection with another business (except for a licensed kennel), that buys, sells, or boards any species of animal.

**PUBLIC NUISANCE** — Any animal or animals deemed to be a public nuisance, a menace, or vicious, in that they unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal:

- A. If it barks for sustained periods of time or during the night hours so as to disturb the peace and quiet of a neighborhood or area.
- B. If it digs, scratches, or excretes or causes waste or garbage to be scattered on property other than its owner's.
- C. 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 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.
- D. If it growls, snaps at, runs after or chases any person or persons.
- E. 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.
- F. If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

**RESTRAINT** — Any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands or within the real property limits of the owner.

**SECURE ENCLOSURE** — A fence or like enclosure, properly constructed of strong material, which is not likely to fail and which is well maintained to prevent the escape of the animal or entry by an unauthorized person. The enclosure shall display proper and reasonable signs that warn persons in the immediate vicinity of the danger that exists within the enclosure.

VETERINARY HOSPITAL — Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

VICIOUS ANIMAL — Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

WILD ANIMALS — Any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs, domestic cats, farm animals, rodents, and species of common cage birds.

**§ 18-3. (Reserved) <sup>2</sup>**

**§ 18-4. Licensing.**

- A. Any person owning, keeping, harboring, or having custody of any dog over three months of age within the Town of Hampton shall obtain a license as herein provided. **[Amended 3-10-2009 by Art. 32]**
- B. Written application for licenses shall include the name and address of the applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or veterinary hospital and shall be made to the Hampton Town Clerk.
- C. Application for a license shall be made within 30 days after obtaining a dog over three months of age or within 30 days of moving into a residence within the Town of Hampton with a dog over three months of age. **[Amended 3-10-2009 by Art. 32]**
- D. License fees shall not be required for certified Seeing Eye dogs, hearing dogs, government dogs, or other certified dogs that are trained to assist the physically handicapped.
- E. Upon acceptance of the license application and fee, the Hampton Town Clerk shall issue a durable tag, identification collar, or ear tag stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness or safely attached to the ear.
- F. Dogs must wear identification tags or collars at all times when off the premises of the owner. **[Amended 3-10-2009 by Art. 32]**
- G. Licenses for the keeping of dogs shall be for a period of one year, provided that they are not revoked. **[Amended 3-10-2009 by Art. 32]**
- H. The animal control officer shall maintain a record of the identifying numbers of all the tags issued and shall make this record available to the public.

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2. Editor's Note: Former § 18-3, Animal Control Commission, was repealed by Art. 26 of the Town Meeting of March 12, 2013, ballot vote: Yes 1801, No 331.

- I. Every owner shall apply for said license on or before April 30, which shall run for one year from the ensuing May 1. Persons applying for first licenses during the licensing year shall be required to pay the full fee as listed in Subsection K.
- J. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine of \$10.
- K. A license shall be issued after payment of the licensing fee, which for dogs is set by RSA 466:4. **[Amended 3-10-2009 by Art. 32<sup>3</sup>]**
- L. A duplicate license may be obtained upon payment of a one-dollar replacement fee.
- M. No person may use any license for any animal other than the animal for which it was issued.
- N. The owner of five or more dogs shall annually by April 30 pay the required fee and obtain a group license authorizing him to keep the spayed and neutered dogs upon the premises described in the license, or off the premises while under his control. Such owner or keeper shall be required to obtain a commercial kennel permit for unspayed and unneutered dogs. The fee for dogs shall be set by RSA 466:6. **[Amended 3-10-2009 by Art. 32]**

**§ 18-5. Permits for commercial animal establishments or animal shelters.**

- A. No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.
- B. The licensing authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.
- C. When a permit applicant has shown that he is willing and able to comply with the regulations promulgated by the licensing authority, a permit shall be issued upon the payment of the applicable fee.
- D. If the applicant has withheld or falsified any information on the application, the licensing authority shall be issued a permit or license.
- E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- F. Any person having been denied a license or permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a ten-dollar fee.

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3. Editor's Note: Article 32 also deleted original Subsection L of this section, which immediately followed this subsection.

**§ 18-6. Restraint.**

- A. It shall be unlawful for the owner or person having custody of a dog to permit a dog to run at large without a leash and under restraint from the owner or person in custody of the dog, except upon his own property or while hunting under the control of his owner or person having custody.
- B. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- C. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding.
- D. Every vicious animal, as determined by the licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner.
- E. Any person owning or possessing any domestic animal in this Town shall at all times keep such domestic animal in a safe and suitable enclosure so that it may not run at large.

**§ 18-7. Impoundment and violation notice.**

- A. Unrestrained dogs and nuisance animals found on public property, or on private property upon the complaint of the private property owner, shall be taken by the police or animal control officer, impounded in an animal shelter and there confined in a humane manner.
- B. Impounded dogs and cats shall be kept for not fewer than seven days, unless by a license tag or other means the owner of an impounded animal can be identified. If the animal is identified, a police officer or animal control officer shall immediately upon impoundment notify the owner by telephone or certified mail.
- C. An owner reclaiming an impounded cat shall pay a fee of \$10 and the current kennel fee for each day the animal was impounded.
- D. An owner reclaiming an impounded dog shall pay a fee of \$10 and the current kennel fee for each day the animal was impounded.
- E. Any animal not reclaimed by its owner within seven days shall become the property of the local government or humane society and shall be placed for adoption in a suitable home or humanely euthanized.
- F. No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and specified date in contract for pups or kittens.
- G. In addition to or in lieu of impounding an animal found at large, the police officer or animal control officer may issue to the known owner of such animal a conditional court summons for the ordinance violation. Such notice of violation shall impose upon the owner a penalty not to exceed \$100 that may be paid to the Town Clerk within 96 hours

of the date and time notice is given to the police officer or animal control officer. In the event that such penalty is not paid within the time period prescribed, the person shall have the case disposed of in Hampton District Court.

- H. The owner of an impounded animal may also be proceeded against for any other violation of this chapter.
- I. The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve-month period.
- J. The police or animal control officer shall notify the owner of any domestic animal found at large in violation of this chapter if the domestic animal is found on public property or upon complaint of the owner or lessee of any other land upon which such domestic animal is found. Upon notice of a domestic animal being at large, the owner or keeper of such domestic animal shall immediately return such animal to a safe and suitable enclosure.

#### **§ 18-8. Animal care.**

- A. No owner shall fail to provide his animals with sufficient, wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, and veterinary care when needed to prevent suffering.
- B. No owner of an animal shall abandon such animal.

#### **§ 18-9. Animal waste.**

- A. An owner or person having custody of any animal(s), with the exception of Town-owned animals, shall not permit said animal to defecate on any public property, including public streets, beaches, alleys, sidewalks, parks, or any other public grounds, within the Town unless said defecation is removed immediately.
- B. An owner or person having custody of any animal, with the exception of Town-owned animals, shall not permit said animal to defecate on any private property unless the defecation is removed immediately, other than the premises of the owner or person having custody of said dog.
- C. Any person who violates the provisions of this section shall be fined not more than \$50 for the first violation and not more than \$100 for subsequent violations in the given year.

#### **§ 18-10. Public beaches.**

- A. Animals will be permitted on the Town of Hampton beaches from Labor Day to Memorial Day any time. However, § 18-9 will apply and will be enforced throughout the year.
- B. Animals will be allowed on the Town of Hampton beaches from Memorial Day to Labor Day only after 6:00 p.m. in the evening and before 8:00 a.m. in the morning.

**§ 18-11. Violations and penalties.**

- A. Any person who violates the provisions of § 18-6, 18-7 or 18-8 shall be fined not more than \$50 for the first violation and not more than \$100 for subsequent violations in a given year.
- B. Any person who violates any provision of this chapter shall be deemed guilty of a violation and be punished by a fine of not less than \$10 and not more than \$100.
- C. Any person who violates this chapter by owning or keeping an animal deemed to be a public nuisance shall be liable for a civil forfeiture, which shall be paid to the Hampton Town Clerk within 96 hours of the date and time notice is given by the law enforcement officer or animal control officer to the owner or keeper in violation. If 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:
  - (1) Twenty-five dollars for a nuisance offense as defined in Subsection A, B or C of the definition of "public nuisance" in § 18-2.
  - (2) Fifty dollars for a nuisance offense as defined in Subsection D or E of the definition of "public nuisance" in § 18-2.
  - (3) One hundred dollars for a nuisance offense as defined in Subsection F of the definition of "public nuisance" in § 18-2.
- D. Any person who does not pay the civil forfeiture specified above shall have the case disposed of in District Court.

**§ 18-12. When effective.**

This chapter shall take effect upon its passage.