

**TOWN OF BENNINGTON
DOG CONTROL ORDINANCE**

Pursuant to our authority under New Hampshire RSA 31:39 and RSA 466:31, we hereby adopt the following Town Ordinance regulating the control of dogs in the Town of Bennington.

I. Definitions:

- A. "At Large" shall, as used within this Ordinance, mean off the premises of the owner or keeper and not under the control of the owner or keeper by means of a leash and personal presence and/or personal presence and attention as will reasonably control the conduct of such dog.
- B. "Nuisance" shall, as used within this Ordinance, mean any dog that:
 - 1) Barks for sustained periods of time or during the night hours as to disturb the peace and quiet of a neighborhood or area;
 - 2) Digs, scratches, or secretes, or causes waste or garbage to be scattered on property other than the owner or keeper;
 - 3) Runs after, chases, or pursues any vehicle having at least four wheels, on a public way or on private or public property not belonging to the dog's owner or keeper;
 - 4) Being female in season (heat) and not being confined as to prevent contact with a male dog except for intentional breeding purposes;
 - 5) Defecates or urinates on private property not belonging to the dog's owner or keeper and on public property where there is vehicle or pedestrian traffic (added November 20, 2001).
- C. "Menace" shall, as used within this Ordinance, mean any dog that:
 - 1) Runs after, chases, or pursues on bicycle, motorcycle, or any other vehicle having less than four wheels on a public way or on public or private property not belonging to the owner or keeper;
 - 2) Growls, snaps at, runs after, chases any person(s), or barks as to put any person(s) in fear.
- D. "Vicious" shall, as used within this Ordinance, mean any dog that along or in the company of another dog(s) bites, attacks, or preys on game animals, domestic animals, fowl, or human beings whether or private or public property.
- E. "First Violation" shall, as used within this Ordinance, means any single or multiple violation of the provisions of this Ordinance occurring during a single reported incident or company.
- F. "Second or Subsequent Violation" shall, as used within this Ordinance, mean any violation of the provisions of this Ordinance occurring separate and subsequent of the date and time of a "first violation".

II. Nuisance, Menace, or Vicious Dog

It shall be a violation of this Ordinance for any dog whether or not leashed, restrained, or otherwise controlled, to be a nuisance, menace, or vicious dog to person(s), property, or other animals or fowl.

III. Running “At Large”

It shall be a violation of this Ordinance for any dog to run “at large” at any time within the Town of Bennington.

IV. Impounding Dogs

- A. Any dog found to be running “at large”, or any dog being a nuisance, menace, or vicious, may, at the discretion of a Bennington Police Officer or Bennington Animal Control Officer, be impounded or otherwise restrained at the expense of the animal’s owner or keeper.
- B. The manner of restraint or the manner and location of impoundment will be at the discretion of the Bennington Police Officer or Bennington Animal Control Officer.
- C. Any dog found to be running “at large” or any dog being a nuisance, menace, or vicious and impounded and unclaimed by the owner or keeper may be disposed of in accordance with applicable laws, rules, and regulations at the expense of the owner or keeper.
 - Dog “at large”, nuisance or menace must be claimed within seven (7) days
 - Dog “vicious” must be claimed after ten (10) days impoundment

V. Owner or Keeper Responsibility

- A. The owner or keeper of a dog found in violation of any provisions of this ordinance shall be responsible for that animal’s conduct; even if the owner or keeper is not present with the dog (amended November 20, 2001).
- B. The owner or keeper of a dog found in violation of any provision of this ordinance shall be responsible for any and all incurred expenses as a result of that violation. Such expenses shall include, but not be limited to, civil forfeiture, fines, court fees, impoundment fees, veterinary expenses, restitution expenses, Town Clerk fees, and pick-up fees.
- C. The owner or keeper of a dog which defecates or urinates on private or public property where not permitted is required to clean the area (added November 20, 2001)

VI. Civil Forfeiture Fees

- A. Civil forfeitures shall be in the following amounts for violations of this Ordinance:
 - 1. Running “At Large” Offense - \$25.00
 - 2. Nuisance Offense - \$25.00
 - 3. Menace Offense - \$50.00
 - 4. Vicious Offense - \$100.00
 - 5. Pick-up/Shelter Fee - \$25.00 (added March 28, 2007)

VII. Conditional Summons for First Offense

- A. Any officer of the Bennington Police Department or the Bennington Animal Control Officer may issue to the owner or keeper of a dog found to be in violation of any provision of this Ordinance a conditional summons, if such violation constitutes a first violation as defined in paragraph I (E).
- B. The owner or keeper of any animal found in violation of any provision of this Ordinance and issued a conditional summons for a violation may choose to pay a civil forfeiture to the Town of Bennington in lieu of having the case heard in District Court.
- C. An owner or keeper choosing to pay civil forfeiture shall be deemed to have waived his or her right to have the case heard in District Court.
- D. Any owner or keeper who chooses not to pay the civil forfeiture in the amount specified in Paragraph VI (a) shall have the case heard in and disposed of in District Court.
- E. Civil forfeitures shall be paid to the Town Clerk of the Town of Bennington within 96 hours of the date and time the conditional summons was issued.
- F. Nothing in this provision shall required the issuance of a conditional summons for a first offense violation of this Ordinance should the investigating Officer determine, under the circumstances of the violation, that a court summons would be more appropriate.

VIII. Second and Subsequent Offenses

- A. A owner or keeper of a dog found to be in violation of this Ordinance for a second or subsequent time in a twelve month period shall be issued a court summons.

IX. Penalties

- A. Any owner or keeper found guilty in District Court of a “first violation” of a provision of this Ordinance shall be fined no more than one hundred and fifty dollars (\$150.00) for each individual violation involving a dog “At Large”, a “Nuisance” or “Menace” and not more than two hundred and fifty dollars (\$250.00) for each violation involving a vicious dog.
- B. Any owner or keeper found guilty in District Court of a “second or subsequent violation” of any provision of this Ordinance shall be fined no less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each individual violation.

X. Special Notice – Vicious Dog

- A. The Board of Selectmen may cause special service of an order to be made on the owner or keeper of a dog that has been found to be vicious under Paragraph I (D) of this Ordinance by requiring the dog be muzzled or restrained from running “at large”, by having a certified copy of the order to be delivered in hand, to the owner or keeper.
- B. If the owner or keeper refuses or neglects to comply with the order within 24 hours from time of service he or she shall be in violation of this Ordinance and, if found guilty of such violation in District Court shall be subject to a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for each twenty-four (24) hour period subsequent to the date and time of service.

Given our hands and seals on the 28th day of March, 2007.

Town of Bennington, New Hampshire Board of Selectmen

Philip R. Germain

Joseph C. Cuddemi

James E. Trow

History of Ordinance:

Approved by Town vote March 15, 1997

Officially adopted by Board of Selectmen July 23, 1997

Amended November 20, 2001

Amended March 28, 2007