

ANIMAL CONTROL ORDINANCE

TOWN OF LEBANON

ARTICLE 20 ... REVISED 1988

SECTION 101 PURPOSE

The purpose of these Ordinances is to require that all dogs in the Town of Lebanon be kept under the control of their owners at all times so that they will not injure persons, damage property, or create a nuisance.

SECTION 102 CONSTRUCTION

The provisions which apply to the owners of a dog apply equally to any person having its custody or possession. A dog in company with 3 or more dogs is deemed to be in a pack.

SECTION 103 ... DEFINITIONS

- 1) **Owner** means: any person, firm, organization, partnership, association or corporation which owns, possesses, or has custody of a dog.
- 2) **At Large** means: off the premises of owner and not under the control of any person by means of personal presence and detention as will reasonably control the conduct of such dog.
- 3) **Dangerous Dog** means: a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.
- 4) **Law Enforcement Officer** means: any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State or Municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes, or is limited to specific crimes.
- 5) **Municipality** means: a city, town or plantation.
- 6) **Nuisance** means: the causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles, or other vehicles; and the entry on school grounds while school is in session.
- 7) **Leash** means: a leash should be a maximum of 3' in length.

SECTION 104 REGISTRATION AND IDENTIFICATION

A dog which is at least 6-months old must be licensed by its owner in accordance with State Law. A dog which is at least 2months old must wear a collar or harness to which is attached an Identification Tag with the owner's Name and Address, or Telephone Number.

SECTION 105 RUNNING OR ROAMING AT LARGE

A dog is not permitted to run, or roam, at large. A dog which is off the premises of the owner or the premises of a person having its custody and is not on a leash, is prima facie running at large.

- 1) **Exception.** A dog which is under the owner's control and is engaged in field training, trials, or legal hunting may run at large.

SECTION 106 DANGEROUS DOG

It shall be unlawful to own or possess a dangerous dog as defined in Section 103.3 ... except when such dog is confined, or muzzled.

SECTION 107 NUISANCE DOG

It shall be unlawful to own or possess a dog creating a nuisance as defined under Section 103.6.

SECTION 108 PROHIBITED NOISE/DISTURBING THE PEACE

Owning, possessing, or harboring any dog which frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this Ordinance, a barking dog shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of 10-minutes, or barks intermittently for ½-hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for the purposes of this Ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which caused or provoked the dog.

SECTION 109 ... IMPOUNDING

The Animal Control Officer shall apprehend any dog found running at large and impound it in the dog pound, or other suitable place. At the time the Animal Control Officer shall register the breed, color, sex, license number, and name and address, or telephone number, of the owner in a book kept for this purpose.

SECTION 110 ... NOTICE AND RECLAMATION

The Animal Control Officer shall immediately notify the owner by telephone, if possible, or by regular mail, that the dog has been impounded, and that the owner may reclaim it by licensing the dog (if it is unlicensed) and by paying to the Town the following fees:

- 1) Fine for dog running or roaming at large,
- 2) Cost of keeping the dog at the dog pound, or other suitable place.

If the owner of the dog is unknown, or cannot be found, the Animal Control Officer shall immediately post the notice on the Bulletin Board in the entrance of the Police Department.

SECTION 111 DISPOSITION OF UNCLAIMED DOGS

The Animal Control Officer, or his representative, shall keep all impounded dogs for 8-days at the Town Pound or other suitable place. If, at the end of 8-days, the dog is not reclaimed, the Animal Control Officer, or his representative, shall place the dog with a Humane Society or another owner, or, if these two alternatives are not possible, the dog will be humanely disposed of.

SECTION 112 ... DISPOSITION OF DOGS WHICH HAVE BITTEN PERSON(S)

The owner of a dog who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least 14-consecutive days, and if not already reported shall notify the Lebanon Police Department immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the dog, nor allow it to be destroyed.

SECTION 113 EXAMINATION OF CONFINED DOGS

The Lebanon Police Department shall have a dog which has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the 14-day period of confinement, the Lebanon Police Department shall determine whether the dog is infected with rabies. In making this determination, he shall employ such expert assistance as may be necessary. If he deems it necessary to keep the animal confined for longer than a 14-day period, he shall order it done. If the dog is found to be rabid, he shall notify the owner, and the person bitten, and shall have the

dog destroyed, following any procedure recommended by the State Department of Health and Welfare. If the dog is not rabid, the owner shall thereafter muzzle the dog, or keep it confined. All expenses incurred by the Town in carrying out the procedure provided by this Section shall be paid for by the owner of the dog.

SECTION 114 PENALTIES

- A) Running or roaming at large-** A person who violates this Article by permitting his dog to run or roam at large as required by Section 105 shall be punished by a fine of not more than fifty dollars (\$50).
- B) Dog in heat-** The owner of any female dog in heat shall keep the same confined or on a leash at all times under the care of the owner, and shall not permit such dog to be at large within the Town on any premises other than those of the owner. Every female dog found running at large hereof is declared to be a public nuisance. The owner of a dog in heat which is found running or roaming at large shall be punished by a fine of not more than one hundred dollars (\$100).
- C) Traveling in packs.** The owner of a dog traveling in a pack shall be punished by a fine of not more than fifty dollars (\$50) on first offense. For the second offense and subsequent offenses the owner shall be punished by a fine of not more than one hundred dollars (\$100).
- D) Running or roaming at large after causing a nuisance-** The owner of a dog which is found running at large, who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his/her premises or under his/her control or under the control of a person charged with that responsibility shall, for the first offense, be punished by a fine of not more than fifty dollars (\$50). For a second offense and subsequent offenses, the owner shall be punished by a fine of not more than one hundred dollars (\$100).
- E) Disturbing the peace-** The owner of a dog which disturbs the peace of any person by frequently and habitually barking, howling, or creating other noise as required by Section 108, shall be punished on the first offense by a fine of not more than twenty-five dollars (\$25). For the second offense, he/she shall be punished by a fine of not more than fifty dollars (\$50). For the third and subsequent offenses, he/she shall be punished by a fine of not more than one hundred dollars (\$100).
- F) Dangerous dog-** The owner of a dangerous dog which is unconfined without a muzzle shall be punished by a fine of not more than one hundred dollars (\$100) and the court can order the Animal Control Officer to destroy the dog if it has killed, maimed, or inflicted serious bodily injury upon a person, or has a history of assault.
- G) Refusing to reclaim a dog-** A person who fails or refuses to reclaim his/her dog and pay the cost required by Section 110 within 1-week (7-days) after receiving oral or written notice of its impoundment shall be punished by a fine of not more than one hundred dollars (\$100).
- I) Unlicensed dogs:** The Board of Selectmen shall annually, between January 1st and April 30th, issue a warrant, returnable on October 15th following, to the Lebanon Police Department directing the Police Department to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The Police Department shall before entering such complaint and obtaining said summons, call on the owner or keeper of said dog and demand that he/she conform with the law and obtain a license from the Town Clerk within 7-days from the date of demand, paying to the Town Clerk the license fee.

SECTION 115 ... ENFORCEMENT

The Police Department of the Town of Lebanon shall enforce this Ordinance.

SECTION 116 ... VALIDITY AND CONFLICT OF ORDINANCES

All Ordinances and Bylaws inconsistent with or contrary to the provisions of this Article are hereby repealed.

If any part of parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Historical Note: This Ordinance was originally adopted by Town Meeting vote March 12, 1988.