

REGULATIONS: DOGS ON TOWN PROPERTY:

SECTION I : AUTHORITY:

These Regulations have been enacted pursuant to the authority granted the Board of Selectmen of the Town of Windham by NH RSA 41:11-a (Town Property), which allows the Board of Selectmen of the Town to adopt regulations to regulate the use of Town owned property.

SECTION II : PURPOSE:

The purpose of this document is to supplement the Town's 1978 adoption of the "Dog Control Law" (NH RSA 466:30-a), and to provide for regulations pertaining to the presence of dogs on property owned or leased by the Town of Windham and the related responsibilities of their owners.

SECTION III : DEFINITIONS:

- A) ANIMAL CONTROL OFFICER - The Windham Animal Control Officer, his Deputy, or any other persons or entities which the Board of Selectmen has authorized to enforce the provisions of these Regulations and/or NH RSA 466:30-a as adopted by the Town.
- B) ANIMAL CONTROL FACILITY - A suitable place or places in Windham or other neighboring community as designated by the Animal Control Officer, in which dogs taken in to custody pursuant to these Regulations and/or NH RSA 466:30-a are impounded.
- C) AT LARGE – For the purposes of these Regulations shall mean not physically controlled by a human being by means of a leash or lead held by the human being.
- D) DOG - Any animal of the canine species.
- E) LEASH OR LEAD - A thong, cord, rope, chain or similar tether which holds a dog in restraint and which is not more than eight (8) feet in length.
- F) OWNER - Any person having control or purporting to have control over a dog, the person named in the licensing records of any dog as the owner, 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, even if the dog was in the possession of or under the control of a keeper at the time of the offense.
- G) RESTRAINED - Under the physical control of an owner via a leash or lead.

SECTION IV : LEASH REQUIREMENTS:

- A) No person shall exercise or walk a dog on property owned or leased by the Town of Windham without benefit of a substantial leash with proper handhold of no more than eight feet (8') in length. Said dog is to be in the charge of a person competent to keep such dog under control so as to prevent the dog from wrongfully harming or damaging, or threatening to harm or damage any person or public or private property.

SECTION V : PROHIBITIONS/PERMISSIONS :

- A) Dogs, both restrained and unrestrained, are strictly prohibited from the defined athletic fields and courts on the following properties:
 - 1. Nashua Road Complex
 - 2. Rogers Memorial Field
 - 3. Tokanel Field
 - 4. Searles Soccer Field
 - 5. Griffin Park
- B) Dogs, both restrained and unrestrained, are strictly prohibited from the Town Beach and related parking area.
- C) Dogs, both restrained and 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 (ie. Police Station) or one chosen to host the Town's Annual Rabies Clinic (ie. Fire Station).
- D) Properly restrained animals are permitted on the common areas of Town-owned or leased parks or similar non-athletic recreational areas, subject to the provisions of Section VI of these Regulations.

SECTION VI : CLEAN-UP AND DISPOSAL:

- A) It shall be prohibited for any person to permit a dog to be on Town-owned or leased 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-owned or leased 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 VII : EXCEPTIONS:

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

- A) Dogs used to assist the physically or mentally challenged.
- B) A dog assisting law enforcement officers or being trained for this specifically enumerated pursuit.

- C) Dog(s) enrolled in an organized training program hosted by a Windham resident or non-profit organization may be exempted from the leash requirements of these Regulations, provided that:
1. Annually, on or before April 1, the trainer/instructor must apply for and obtain a permit to conduct training operations from the Board of Selectmen. Applicant must submit supporting documents for review, outlining the training program.
 2. Training will not be conducted within the fenced athletic fields, or during periods of heavy or scheduled usage.
 3. Temporary signage shall be placed in area(s) visible to other park users indicating that a training session is in progress. Trainers/instructors are also encouraged to provide the dog(s) vests to indicate their participation in training activities.
 4. It shall be the responsibility of the trainer/instructor to ensure that all other provisions of these Regulations are adhered to, including clean-up and disposal operations.
- D) Any Town-owned or leased property under the management and oversight of the Conservation Commission.
- E) Town-owned rights-of-way and roadways.

SECTION VIII : ENFORCEMENT:

- A) *Enforcement Personnel:* These Regulations are enforceable by the Animal Control Officer, his Deputy, and/or the Windham Police Department.
- B) In addition to the penalties provided in Section IX, enforcement personnel may impound dogs on Town-owned or leased property in violation of the above provisions. In such cases, owners shall be subject to payment of any and all expenses incurred at the animal control facility, including but not limited to shelter, food, and any other expenses as may be required for the care of the dog during confinement.

SECTION IX : PENALTIES:

Any person who violates the provisions of these Regulations shall be guilty of a violation as provided in RSA 41:11-b, and shall be subject to the penalties as provided under New Hampshire law, including, but not limited to a fine not exceeding \$1,000. *See, RSA 651:2.*

SECTION X : WAIVERS:

The Windham Board of Selectmen reserves the right, for cause shown, to make special exceptions and/or waive any portion of the regulations.

SECTION XI : 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 - AMENDMENTS:

These Regulations shall be adopted, and subsequent amendments shall be adopted from time to time 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, or published in a newspaper of general circulation not less than ten (10) days prior to the public hearing.

SECTION XII - ADOPTION:

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

Approved by the Board of Selectmen this 1st day of November, 2004.

Alan Carpenter

Christopher Doyle

Bruce Breton

Roger Hohenberger

Galen Stearns
Board of Selectmen