



## ORDINANCE

### AMENDING NRO 93 ANIMALS

### *CITY OF NASHUA*

*In the Year Two Thousand and Nineteen*

*The City of Nashua ordains* that Part II “General Legislation”, Chapter 93 “Animals”, of the Nashua Revised Ordinances, as amended, be hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

**“§ 93-5. Dogs running at large.**

It shall be unlawful for any dog to run at large. The term “at large” means off the premises of the owner or keeper, and not under leash or other physical restraint of the owner or a responsible person, or not within the confines of the fenced area of an off-leash dog park approved by the City of Nashua and ~~animal control officer~~ Animal Control Officer (ACO).

**§ 93-6. Impoundment of dogs, cats, ferrets and chickens ~~found at large.~~**

A. The ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person shall take into custody and impound:

- (1) Any dog “at large” as defined in section 93-5 ~~off the premises of its owner which the Dog Officer or other authorized person has reason to believe is a stray dog;~~
- (2) Any dog which the Animal Control Officer (ACO) or other authorized person has reason to believe is a stray;
- (~~2~~3) Any dog off the premises of the owner of the dog without a current registration tag on his collar;
- (~~3~~4) Any female dog in heat and off the premises of the owner; ~~and~~
- (~~4~~5) Any chicken off the premises of the owner; ~~-~~
- (6) Any cat or ferret which is off the premises of the owner and either a) a nuisance or b) suspected of being or which is diseased or injured; and

(7) Any cat or ferret which the Animal Control Officer (ACO) or other authorized person has reason to believe is a stray.

B. If any dog, cat, or ferret seized wears a collar or harness to which is attached a registration tag, or if the owner is otherwise known, the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person shall forthwith serve on the owner a notice in writing stating that the dog, cat, or ferret has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the serving of notice. Notice may be served either by giving it to such person or by leaving it at the person's usual or last known place of abode, as determined by the registration tag or other available information.

C. No dog, cat, or ferret shall be released or removed from confinement until the owner has provided proof that the dog, cat, or ferret is currently vaccinated against rabies, and all applicable license, board, and care fees have been paid. If the owner does not have proof that the dog, cat, or ferret is currently vaccinated against rabies, then the owner may post a \$25 cash bond with the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person to secure the release of the dog, cat, or ferret in order for the owner to obtain a rabies vaccination for the dog, cat, or ferret. If, within 72 hours of the dog, cat, or ferret's release the owner provides proof to the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person of obtaining a rabies vaccination for the dog, cat, or ferret, then the owner shall be refunded the full bond amount.

D. When a seized dog, cat, or ferret has been detained for seven days after seizure, with due notice given as prescribed, and the owner has not claimed the dog, cat, or ferret, provided proof that the dog, cat, or ferret is currently vaccinated against rabies, procured a current license or exhibited evidence of a current license if necessary, and paid all applicable license, board, and care fees, the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person may cause the dog, cat, or ferret to be destroyed in the least painful manner possible.

E. The ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person may keep or cause to be kept in confinement any dog, cat, or ferret which, in that person's opinion, may be valuable or acceptable to new ownership, and see that such dog, cat, or ferret is placed in a new home. In order to expedite this alternative, the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person shall make available to the public, monthly, a list by number and other reference of dogs, cats, and ferrets available. Those persons desiring to procure said dogs, cats, or ferrets may do so by application to the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person and payment of applicable adoption and licensing fees.

F. No dog, cat, or ferret which the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person has taken into custody for a second offense shall be released unless the person to whom the dog, cat, or ferret is released pays a penalty of \$25, as allowed by RSA 466:39, in addition to meeting all other requirements of this section. If said penalty is not paid within seven days after the dog, cat, or ferret is taken into custody, the dog, cat, or ferret may be destroyed in the least painful manner possible.

G. Chickens.

(1) If any chicken seized has owner identification, a band or tag, or if the owner is otherwise known, the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person shall forthwith serve on the owner a notice in writing stating that the chicken has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the serving of notice. Notice may be served either by giving it to such person or by leaving it at the person's usual or last known place of abode, as determined by the identification or other available information.

(2) ...

(3) When a seized chicken has been detained for seven days after seizure, with due notice given as prescribed in this Subsection G, and the owner has not claimed the chicken and paid all applicable fees, the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person may cause the chicken to be destroyed in the least painful manner possible.

(4) The ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person may keep or cause to be kept in confinement any chicken which, in that person's opinion, may be valuable or acceptable to new ownership, and see that such chicken is placed in a new home. In order to expedite this alternative, the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person shall make available to the public, monthly, a list by number and other reference of chickens available. Those persons desiring to procure said chickens may do so by application to the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person and payment of applicable adoption fees.

(5) No chicken which the ~~Dog Officer~~ Animal Control Officer (ACO) or other authorized person has taken into custody for a second offense shall be released unless the person to whom the chicken is released pays a penalty of \$25, as allowed by RSA 466:39, in addition to meeting all other requirements of this section. If said penalty is not paid within seven days after the chicken is taken into custody, the chicken may be destroyed in the least painful manner possible or placed in a new home as described in this Subsection G.

**§ 93-7. Method of confinement.**

The Mayor, with the assistance and cooperation of the ~~Dog Officer~~ Animal Control Officer (ACO), shall select a suitable place of confinement for impounded animals and those held under suspicion of rabies and after biting.

**§ 93-9. Interference with ~~Dog Officer~~ Animal Control Officer (ACO).**

No person shall hinder, interfere with or molest the ~~Dog Officer~~ Animal Control Officer (ACO) or such other persons as may be appointed as agents in the performance of any duty enjoined by this article.”

This ordinance shall become effective upon passage.