

## CHAPTER 53

**[HISTORY: Adopted by the Annual Town Meeting of the Town of Pembroke as indicated in article histories. Amendments noted where applicable.]**

### **ARTICLE I Rabies Inoculation (§ 53-1 — § 53-3)**

**[Adopted 3-9-1965 Town Meeting Article No. 16]**

#### **§ 53-1 Rabies inoculation required.**

Every owner or keeper of a dog within the Town of Pembroke shall have such animal inoculated [sic] against rabies. *Editor's Note: For current statutory provisions regarding rabies inoculation, see RSA 436:100.*

#### **§ 53-2 (Reserved)**

*Editor's Note: Former § 53-2, Running at large prohibited, was superseded by ATM 3-9-1993, Art. 2, which adopts the statutory provisions regarding dogs running at large. See Art. II below.*

#### **§ 53-3 Violations and penalties.**

Any person, persons, firm or corporation violating any of the provisions of this Article shall, upon conviction, be fined not more than ten dollars (\$10.) for each such offense.

### **ARTICLE II Dogs Running at Large (§ 53-4)**

**[Adopted 3-9-1993 Town Meeting Article No. 2]**

#### **§ 53-4 Adoption of statutory provisions.**

The town is in favor of adopting the provisions of RSA 466:30-a

*Editor's Note: RSA 466:30-a reads as follows: "I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or training for such. For the purpose of this section, 'accompanied' means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, herding, or where training is being conducted or where trials are being held. Nothing herein provided shall mean that the dog must be within sight at all times. "II. In this section, 'at large' means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. "III. Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable laws. "IV. In addition to impounding a dog found at large or in violation of this section, any law enforcement officer may issue, in the name of the owner or keeper of such dog, a notice of violation. Such notice shall impose upon the owner or keeper of such a dog a forfeiture of \$10, which must be paid to the clerk of the town or city wherein such dog is owned or kept with 96 hours of the date and time notice is given, in full satisfaction of the assessed penalty. In the event such penalty is not paid to the town or city clerk within the time limitations specified, a summons shall be issued for appearance in district court or municipal court and any person found guilty of violating the provisions of this section shall be guilty of a violation. "V. The provisions of this section shall not be effective in any city or town unless adopted by a city or town pursuant to RSA 466:30-b."*

which make it unlawful for any dog to run at large, except when used for hunting, herding, supervised competition and exhibition or training for such.

### **ARTICLE III Dog Feces (§ 53-5)**

**[Adopted 3-14-1998 Town Meeting Article No. 13]**

#### **§ 53-5 Responsibility for removal; exceptions; violations and penalties.**

A. Definitions. For the purpose of this section, the following definitions shall apply:

**PROPERTY OF ANOTHER** - All property within Town boundaries which is not owned by the Town, including but not limited to all residential and commercial property, private streets and sidewalks and the grassy areas

located adjacent to such streets and sidewalks, rights-of-way and any common area of a condominium or cooperative.

**PUBLIC PROPERTY** - Any property owned, occupied or controlled by the Town of Pembroke, including but not limited to parks, streets, sidewalks and grassy areas adjacent to Town and State streets and sidewalks.

B. Owners and custodians to be responsible. Any person who owns a dog or has custody of a dog, which dog has caused its feces to be deposited upon any Town property or upon the property of another, shall immediately remove such feces or cause it to be removed and shall dispose of it in a sanitary manner. A person will be considered to have disposed of feces in a sanitary manner if such person places such material in a bag or wrapper made of paper, plastic or some similar material and places it in a refuse container which is regularly emptied by the Town of Pembroke Highway Department or some other refuse collector or otherwise disposes of such material on their own property.

C. Exemption.

(1) Nothing herein shall be construed to apply to the situation where a dog is on its owner's or custodian's property or where the dog owner or custodian has the permission of the owner.

(2) Any dog owned or used by the Pembroke Police Department for law enforcement purposes shall be exempt from the provisions of this section while engaged in law enforcement related activities.

(3) Any dog which serves as a guide dog shall be exempt from the provisions of this section while such dog is accompanying a blind person.

D. Penalty. Any person who violates this section shall be subject to a fine of fifty dollars (\$50.00).