

# **TOWN OF NEW CASTLE ORDINANCES**

The Town of New Castle ordains:

**MOTOR VEHICLES:** Anyone adjudged in violation of the following motor vehicle violations shall be subject to a fine of no more than one hundred dollars \$100.00 unless otherwise indicated.  
(Amended fee 7-5-05)

## **SECTION I: General**

1. There shall be no parking of any motor vehicle, trailer, boat, or other object, which is eligible for registration by the Department of Motor Vehicles, State of New Hampshire, on any town streets or other public property for any period greater than 72 hours. Said objects may be towed at the owner's expense. (10-11-88)
2. Frost Ban: The Highway Agent upon request of the Selectmen shall post load limits when it is deemed necessary to protect the roads from damage caused by heavy vehicular traffic. Signs shall be posted in conspicuous locations and shall be clearly legible and waterproof. Any person, firm, or corporation found in violation of these posted limits will be subject to a maximum fine of \$100.00 per violation. (2/16/87)
3. There shall be no parking on streets or highways at any time during snowstorms or snow removal; vehicles left upon a street or highway may be towed at owner's expense.
4. All vehicles shall stop or park with the right hand wheels of said vehicle parallel to the right hand side of the road unless said vehicle can be completely removed from the highway.
5. It shall be illegal to park any vehicle or cause same to be parked within 15 feet of a fire hydrant.
6. No vehicle shall park in the street within 20 feet of an intersection or corner.
7. Only Handicap Parking shall be permitted on the south side of Main Street between the Post Office driveway and the walkway to the Church Parish House.
8. All non-emergency vehicles shall be parked at least 75 feet from a working piece of fire apparatus.
9. Speed in the School Zone shall not exceed 20 mph during school sessions.
10. Parking along all one way streets shall be allowed on the right hand side of the traffic flow with the wheels of the parked vehicle parallel to the right hand side of the road and only in areas

where parking will not impede traffic.

11. One Way Traffic: Walbach and Piscataqua Streets. All vehicular traffic shall move in a northwesterly direction on Piscataqua Street and Walbach Street from its intersection with Wentworth Road to its intersection with Piscataqua Street. One way traffic shall continue in a northwesterly direction on Piscataqua Street to its intersection with Atkinson Street (two way traffic shall exist on Walbach Street between Cranfield Street and Atkinson Street).

12. There shall be no snow blowing, shoveling, pushing, or dumping of snow by anyone on town streets or highways including IB. There shall be no discharge of sump pumps, cellar drains, or any other water from private property onto town streets or highways. Violations shall be subject to a \$100.00 fine. (addendum 1-10-94)

13. One Way Traffic: Cranfield and Piscataqua Streets. All vehicular traffic shall be one way on Cranfield Street, westerly from Piscataqua to Main from May 1st to November 1st and two-way from November 1st to May 1st. Piscataqua Street will be one way only, northerly from Walbach to Atkinson Street year round. Piscataqua Street from Atkinson Street to Cranfield will be one way from November 1st to May 1st and will be one way northerly from May 1st to November 1st. Atkinson Street remains two ways 12 months a year (1997). (8-9-96)

## **SECTION II: Specific**

1. There shall be no parking on Wentworth Road between the junction of Wentworth Road and Main Street down to the entrance to the U.S. Coast Guard Station.

2. Parking on Piscataqua Street between Atkinson Street and Cranfield Street shall be restricted to the northeasterly side along the bank of the Piscataqua River.

3. Parking on Cranfield Street between Piscataqua Street and Main Street shall be restricted to the northwesterly side; i.e. the Piscataqua River side.

4. There shall be No Parking allowed in the roadway between Wentworth Road and the gated Main Entrance to the Great Island Common.

5. Parking at the Library/Recreation Building shall be restricted to designated areas and will be for the building use only, with the following exceptions: (See Amended Article 7-23-92)

1. Winter parking in the area of rifle range during snow removal only.
2. Permission by the Board of Selectmen or Chief of Police.

6. There shall be No Parking on the southeasterly side of Atkinson Street for 70 feet from the intersection with Main Street and for 50 feet from the intersection of Piscataqua Street. (1/10/83)

7. There shall be No Parking on either side of Wild Rose Lane between 174 Wild Rose Lane and the entrance at Fort Stark except for designated permit parking.

8. Resident Parking Only shall apply in the following areas. All vehicles not displaying a current year Resident sticker shall be deemed in violation.

a. A minimum of four (4) Resident Parking Spaces will be provided on Bridge Street.

b. Parking on Wentworth Road beyond the U.S. Coast Guard entrance and on Walbach Street between Wentworth Road and Piscataqua Street shall be restricted to Residents.

c. Parking on the Public Landing south and east of the intersection of Wentworth Road and Walbach Street shall not only be limited to Residents but shall further be restricted to daylight hours only.

e. Parking shall be allowed on the Northeast side of Ocean Street in designated areas. There shall be No Parking in either the Southwest side of Ocean Street or at the turning area at the Southeast end of Ocean Street.

## 9. Emergency Lanes (Aug. 3rd, 1992)

### a. General Locations

For places of public assembly, or any non-residential structure with a gross first floor area of over three thousand (3000) square feet, or any building containing more than seven (7) dwelling units or other areas, buildings, or facilities, the Fire Chief and Police Chief, upon joint determination that a hazardous or potentially hazardous condition exists or may exist, any request the Board of Selectmen to establish by ordinance emergency lanes within thirty (30) feet of the above described buildings. These provisions shall apply to both new and existing areas/buildings/facilities and may be changed by the Fire Chief and Police Chief if a lesser or greater distance is reasonably required or feasible for the provision of access by emergency vehicles.

### b. Owner's Responsibilities

Within established emergency lanes prohibiting parking, the Fire Chief and Police Chief may require words "No Parking - Fire Lane" to be painted and maintained by the owner on the macadam of the way or lot in standard traffic-safety size letters. In conjunction with the painting, the Fire Chief and Police Chief may require the owner to install and maintain signs reading "No Parking - Fire Lane - Tow Zone" in conspicuous places but at

a distance of no closer than every fifty (50) feet. Such markings and sign installations shall be accomplished not later than sixty (60) days of written notification by the Fire Chief that they are required and the specifications, which are to be followed.

c. Prohibitions

No motor vehicle may be left unattended in any established emergency lane.

d. Penalties

(1) Any vehicle left unattended in a duly marked emergency lane may be removed at the direction of the Chief of Police and or Fire Department Command. Removal of any vehicle shall be at the expense and risk of the owner thereof.

(2) Notwithstanding any other provision of this section, any person, firm or corporation violating any provision of this section shall forfeit to the Town of New Castle the sum of one hundred (\$100) dollars which may be collected in the manner of a parking ticket or in any other manner permitted by law.

(amended fee 7-5-05)

e. Specific Locations

(1) North side of the fire station in front of the overhead doors out 70 feet north, parallel to the town hall to the end of the pavement at the church's parking lot.

(2) The paved entrance (30 feet wide) parallel from the northside of the Town Hall running from Rte. 1-B to the where it intersects with (1) above.

(3) North entrance to the Wentworth Marina Cafe/Ship off of Route 1-B, 43 feet wide to a cul-de-sac with a radius of 45 feet.

(4) South entrance to the Wentworth Marina off of Morgan's Way, circular drive surrounding the parking lot being 15 feet wide; entrance to Marina Pier off of the circular drive being 42 feet wide and 69 feet length.

(5) There shall be no parking on the west side of Cranfield Street between 110 feet north and 5 feet south of PSNH poll #63 when such street is one way, (May 1st to November 1<sup>st</sup>).

10. Vehicles. Vehicles with more than four wheels with a gross vehicle weight in excess of 8000 pounds are prohibited from overnight parking on all town streets.

This ordinance does not include delivery vehicles, construction vehicles, or emergency vehicles performing normal duties.

Any deviations from this ordinance require prior approval of the Board of Selectmen.  
Violation of this ordinance is subject to a one hundred dollar (\$100.00) fine. (5-3-93)  
(amended fee 7-5-05)

### **SECTION III: Public Gatherings**

1. The organizer or host of any public or private gatherings of 75 people or more shall be required to have a uniformed officer in attendance to direct traffic and keep the peace. Violators shall be subject to a two hundred dollar \$200.00 fine.  
(amended fee 7-5-05)

### **SECTION IV: Excessive Noise Prohibition**

1. Notwithstanding any provision to the contrary, no person shall be permitted to cause a radio, television, phonograph, or other machine capable of sound to operate at an unreasonably loud volume. The above items are listed by way of illustration rather than limitation. The test of reasonableness shall be applied and factors such as the nature and duration of the sound, the time of day or night the sound occurs, and whether other persons have been disturbed by the excessive noise are material considerations. Any person refusing to abate said noise after request by law enforcement officer shall be liable for arrest for disturbing the peace. Violations shall be subject to a maximum of \$100.00 fine. (amended fee 7-5-05)
2. No person shall operate a motor vehicle, motorcycle, motor scooter, moped, snowmobile, or OHRV, on the public streets or any other public place in the Town of New Castle so that the said vehicle makes an unnecessary and excessively loud noise, including but not limited to such noises as:
  - a. The squealing of tires by too rapid acceleration of the vehicle, commonly referred to as "peeling rubber";
  - b. By use of horns and other warning devices;
  - c. The defective or altered condition of the engine system and other moving parts.
3. No person, company, contractor, or their employee shall engage in exterior onstruction that results in excessive noise except after 7am and one half hour (1/2) before sunset.  
(Addendum 3-16-98)

Exterior construction shall include but not limited to:

- a. Excavation
- b. Heavy equipment operation
- c. Blasting

d. Exterior carpentry

The Board of Selectmen may allow a waiver of this section under special circumstances as determined by the Board. State and Local government are exempt from this section. Violation will be subject to an order to abate the noise source and be subject to a \$100.00 fine.

**SECTION V: New Castle Beach Ordinances** (Aug. 3rd, 1992)

1. There shall be no public gatherings on any public beaches within the town limits after 9pm
2. There shall be no littering of cans, bottles, or trash of any type permitted on the beach at any time. The use of glass bottles or containers shall be prohibited at all times.
3. There shall be no alcoholic beverages sold or consumed on the beach.
4. Horses shall not be allowed on the beach at any time. Leashed dogs under proper supervision shall be allowed except during the following period or circumstance:
  - a. No dogs shall be allowed on the beach between the period May 15 through September 15th (Amended 8-3-92)
5. There shall be no wheeled vehicle permitted on the beach with the exception of baby carriages.
6. There shall be no fires except when a permit has been obtained from the Fire Chief stating the hours of the fire and name of the person in charge, registration number of some of the vehicles, and number of persons in attendance. Fires shall be completely extinguished with water and the area cleaned before leaving site.
7. Violations of the foregoing regulations shall be subject to a maximum fine of \$100.00
8. No Boats on Public Beach (July 16, 1992)
  - a. There will be no boat launchings or boat landings by any boats except boats propelled by oars or paddles on the New Castle Town Beach.
  - b. Definitions:
    1. BOAT - For the purpose of this ordinance the term boat will include motorboats, sailboats, surf boards, sailboards, and any type of jet skis.
    2. TOWN BEACH - The Town Beach area will be from Ocean Street to the Common.
    3. Violation of the ordinance is subject to a fifty dollar (\$50.00) fine.  
(Amended fee 7-5-05)

## **SECTION VI: Ordinances for the Great Island Common General.**

Residents of the Town of New Castle shall be entitled to free use of the Common as are the guests of said residents when accompanied by their resident host. Non-Residents may enjoy the use of the Common at the discretion of the Board of Selectmen. Further, Non-Residents may obtain a Non-Resident certification valid for one year upon payment of an Annual Fee, annually determined by the Board of Selectmen.

1. The Common is normally open to the public for day use only; special events may be authorized during other periods.
2. Auto traffic must obey posted signs, not exceed 10 mph, and park in designated areas.
3. No open fires are permitted (except charcoal) without the permission of the Fire Chief.
4. All dogs and other pets must be kept on leash while in the common.
  - a. No domestic animals will be allowed in the Town Common Park from May 15 to September 15.
5. Alcoholic beverages or firearms are not permitted on the Great Island Common.
6. Ball playing, horseshoes and other similar games are permitted only in designated areas.
7. No person shall be permitted to disrobe within the Great Island Common.
8. All conduct or activity prohibited by the criminal statutes of the State of New Hampshire is prohibited on Great Island Common.
9. Removal of or damage to any structure, plant, shellfish, periwinkle or natural feature of the Common is prohibited.

Persons found guilty of violating any of the above rules and ordinances shall be evicted from the Common, and fined a maximum of (\$100.00) dollars.

## **SECTION VII: Littering**

Persons littering will be fined \$276.00 or as subsequently revised under RSA 265:102.

## **SECTION VIII: Prohibition of Alcoholic Beverages**

No person shall consume any liquor or beverage or possess any open container there, as defined by RSA 175:1 while in any vehicle upon a public highway, or while upon any public property

within town limits. Violations shall be subject to a minimum fine of \$100.00.

## **SECTION IX: Dog Ordinances**

### Section 1 Definition of Terms

- A) Dog shall be intended to mean both male and female, neutered or spayed, and including puppies, so called.
- B) Owner shall be intended to mean any person or persons, corporation, business, firm or association keeping, harboring, owning, feeding, or allowing to remain on their property or premises, or acting as caretaker or custodian of a dog for another person.
- C) At large shall be intended to mean off the premises or property of the owner/ keeper and not under the control of a responsible person and obedient to that person's commands, or on a leash, cord, chain, or led not over (8) feet in length, or confined within a vehicle, or within the real property limits of the owner or keeper. At no time, without the property owner's permission, shall any dog be permitted on the private property of another person.
- D) Torture, cruelty, or neglect shall be intended to mean any act or deed or the omission of any act that any animal, wild, domestic, or tamed, shall be tormented, suffer, caused pain or die from lack of shelter, food, care, or neglected to the extent that suffering, pain, or death is caused.
- E) Animal control officer shall be intended to mean the Chief of Police of the Town of New Castle or any other person the selectmen shall appoint to enforce the terms of this ordinance.

### Section 2. License, Registration, and Vaccination Required

All dogs kept, harbored or maintained within the Town of New Castle shall be licensed, registered and rabies vaccinated as required in the Revised Statutes Annotated of NH.

### Section 3. Confinement of Certain Dogs

It shall be unlawful to permit any female dog in season (heat) to run at large or be off the premises of the owner or keeper during such period and such dog shall be confined within a building or enclosure in such a manner that she will not be in contact (except for intentional breeding purposes) with another dog.

### Section 4. Appointment of Animal Control Officer and Assistants.

The Selectmen may appoint from time to time and for such terms as expedient an Animal Control Officer and such assistants as may be necessary and required, whose duty it shall be to



enforce, as practical, the Revised Statutes of NH pertaining to animals, and the provisions of this ordinance.

The Animal Control Officer, his assistants, or any police officer may take into custody and impound:

- A) Any dog off the premises of the owner or keeper “running at large.”
- B) Any dog at any time off or on the premises of the owner or keeper not licensed and rabies vaccinated as required by the Revised Statutes Annotated of New Hampshire.
- C) Any female dog at any time in violation of this ordinance.
- D) Any dog at any time on or off the premises of the owner or keeper if the owner or keeper fails to cooperate and/or assist the Animal Control Officer or police officer in the case of a dog bite, investigation of a dog bite.
- E) In case of a dog bite, the Animal Control Officer or any police officer, may, after collection of sufficient evidence that the property, safety, health or welfare of other persons is in jeopardy or fear, order in writing, for the owner or keeper to deliver up said animal or to remove the animal from the premises to a veterinary kennel, impounding area, boarding facility or other agreed upon place of confinement or restraint. Such restraint or confinement shall continue until the Animal Control Officer, the selectmen or their representative releases the animal from custody. The decision to confine or restrain the animal may be changed, modified or overruled by the Judge of a District Court. The Owner shall be liable for the expense of confinement or boarding.

If the owner or keeper fails, refuses or neglects to deliver up said animal as ordered, or to comply with the order to restrain or confine said animal, he shall be subject to the maximum penalty of this ordinance and each day in violation shall constitute a separate offense.

If any dog seized as provided in this ordinance wears a collar or harness to which is attached a registration tag or the owner of the dog is otherwise known, the Animal Control Officer shall serve said owner forthwith a notice in writing stating that the dog has been seized and impounded and will be liable to be disposed of or destroyed if not claimed within (10) days from the time of impounding and/or service of such notice. Such notice may be served by mailing to, delivering in hand or leaving at last known place of abode of said owner as determined by the registration tag or other available information.

When any dog seized in accordance with the ordinance has been detained for ten (10) days, with notice given to the owner in the manner prescribed, and if the owner has not

claimed such dog and paid all expenses including maintenance and has not produced a current dog license, then the Animal Control Officer shall cause the dog to be destroyed in the least painful and humane manner possible.

However, the Animal Control officer is authorized to keep or cause to be kept in the Town Shelter any dog which in his opinion may be amenable to new ownership or valuable and see that such dog is placed in a new home. In order to expedite this alternative, the Dog Officer shall keep a list of such dogs by number, description, and other references. A list of prospective owners and those desiring to place dogs of their own in new homes shall also be kept. The said lists may be made public by posting the same at Town Hall.

Those persons desiring to procure Town owned dogs in this manner may do so on application to the Animal Control Officer, and may pay an acquisition fee for title to the dog of not less than \$3.00 not more than \$10.00 at the determination of the Animal Control Officer. Board and care afforded such dog may be considered by the Animal Control Officer in the determination of the acquisition fee.

#### Section 5. Interference with Officers

Any person or persons who hinders, interferes with, molests, obstructs or uses abusive or profane language against the Animal Control Officer or his assistants when such persons are in the performance of any duty under the terms of this ordinance shall be subject to a fine of not more than one hundred dollars \$100.00.

#### Section 6. Method of Impounding

The Selectmen, with the assistance and cooperation of the Animal Control Officer, may select a suitable place of confinement for impounded animals and those held under suspicion of rabies and after biting.

#### Section 7. Duties of Animal Control Officer

It is a requirement that the Animal Control Officer or appointee shall be a special police officer and that he shall report directly to the Selectmen. Special consideration shall be given to the qualifications of the officer who must display an ability to deal with the public in a satisfactory manner as well as have acquired an ability to handle animals and care for them in a recognized humane method. Specific duties beyond the work function of the performance of his work as Animal Control Officer may be delegated by the Selectmen to him in line with improving his efficiency and service to the taxpayers of the Town of New Castle.

#### Section 8. Penalties

Any owner or keeper found in violation of any provision of this ordinance shall be guilty of a

misdeemeanor and upon conviction thereof may be punished by a fine of not more than one hundred dollars (\$100.00) and each day in violation shall constitute as a separate offense.

(Amended fee 7-5-05)

#### Section 9. Alternative Procedures to Issuance of Summons/Warrant

In addition to or in lieu of impounding a dog found "At Large, or in violation of this ordinance," the Animal Control Officer or any police officer may issue in the name of the owner or keeper of such dog a Notice of Ordinance Violation. Such notice shall impose on the owner or keeper of such dog a penalty of ten dollars (\$10.00) or other fee as determined by the Selectmen which must be paid to the Town Clerk of New Castle, New Hampshire, within ninety six (96) hours of date and time notice is given, in full satisfaction of the assessed penalty.

In the event such penalty is not paid to the Town Clerk within the time limitations specified, a Summons or Warrant of Arrest may be served for appearance in District Court and upon conviction of a violation of this ordinance, the owner or keeper may be punished as prescribed in this ordinance.

#### Section 10. Restraint of Dogs

Dogs while confined to the premises of the owner shall be kept so confined in a humane and safe manner so that said dogs shall have the maximum freedom and shall in no way permit undue hardship or neglect to the animal and shall provide the animals with water and adequate shelter from the weather. Any infraction or report found to be true, when duly filed, shall subject the owner to the maximum penalty of this ordinance.

#### Section 11. Abandonment of Animals

Any owner of a dog, cat, domestic animal or fowl who abandons such animals or who leaves it to die in a street, road, public place or upon the property of another or on any waterway, or who leaves such animal if it becomes disabled or dead and who has knowledge of such fact shall be guilty of a misdemeanor.

It shall be unlawful for any person who, while operating a motor vehicle on any public way in the city strikes and injures or kills any dog, cat or domestic animal, to continue on without stopping such vehicle at the scene as soon as possible to render aid and assistance to such animal. If by reason of absence or removal from the place of the accident, the owner is unable to receive such information required hereunder such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a policeman at the nearest police station.

#### Section 12. Separability of Provisions

It is the intention of the Selectmen that any separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Selectmen that if any provisions there be found to be invalid, all others shall remain valid and enforceable.

### Section 13. Conflict with State Statutes

It is the intention of the Selectmen to include in this ordinance not only those State Statutes specifically referred to by title or number, but embrace also those others made a part of the law and they are hereby included under this section by reference.

### Section 14. Failure to Claim Impounded Animal

It shall be unlawful for any person who owns or keeps an animal, and has been notified as required by Town Ordinance that said animal has been impounded, to refuse or neglect to claim said animal from the holding facility, or authorize in writing to the holding facility the disposition of said animal within ninety six (96) hours from time and date of notice of impoundment.

Such refusal or neglect to claim said animal, upon conviction, shall make the owner or keeper guilty of a misdemeanor, and the owner or keeper may be punished by a fine of not more than fifty dollars (\$50.00) plus expenses to the Town of Newcastle for disposition of said animal and all rights of ownership shall be forfeited.

### Section 15.

All domestic animals must be leashed when in all town parks or on other town property with the exception of the town owned park located on Wentworth Road (former USCG land) commonly known as "Town Landing" during the hours of 8pm and 8am daily.

No domestic animals will be allowed at anytime in any town cemeteries including Oceanside (on the Common).

Adopted January 3, 2005

Amended April 14, 2005

EFFECTIVE DATE: June 1, 1973

Any and all prior Dog Ordinances passed by the Selectmen of the Town of New Castle are hereby repealed.

1. The essence of the RSA's and Ordinance is that any person who considers a dog to be a

nuisance, menace, or vicious to person, property, or other animals must make a complaint in writing to any enforcement officer, conservation officer, or selectman who in turn within 3 days must investigate and act if the complaint is sustained.

2. Further the Town Meeting of May 1, 1979 adopted Warrant Article 10: The adoption of RSA 466:30 -- also known as the Dog Control Law or the so-called Leash Law.

3. It shall be unlawful for the owner or person in control of any dog to appear in any public place or upon the property of any other person unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; no shall said owner or person in control fail to expeditiously remove any such excrement deposited by said dog in any such place. This ordinance shall not apply to a blind person while walking his or her guide dog. Any person violating any provision of this ordinance shall be subject to a fine or penalty in the amount of fifty dollars \$50.00.

This ordinance was adopted by vote of the town at the Town Meeting held May 8, 1990.

The foregoing ordinances were approved at the selectmen's meeting of June 4, 1990, and by this action the Selectmen have rescinded all previous ordinances on these specific subjects.

The following ordinances were approved by the residents of the Town of New Castle at the Town Meeting so indicated:

#### **SECTION X: Discharge of Rifles**

Be it enacted by the Senate and House of Representative in General Court convened:

123:1 Town of New Castle. No person shall within the limits of said town, fire, or discharge any pistol or rifle loaded with fire ammunition with except:

1. For the protection of person or property.

No shotgun loaded with live ammunition shall be fired or discharged in the Town of New Castle with the following exceptions:

1. For hunting purposes along the water edges of the Town where the gun is discharged over the water.

2. By a property owner on his own land in such a manner that the shot falls either on his own land or in the water surrounding the Town.

3. By others on private land where the user of the gun has obtained and has on his person the written permission of the owner of said land, and under the same condition as noted in the above paragraph.

123:2 Limitation. The provisions of this act shall not apply to police or other enforcement officials when engaged in official duties nor to the use of firearms on any federal property situated within the limits of said town.

123:3 Penalty. Whoever violates any of the provisions of this act shall be fined fifty (\$50.00) dollars for the use of the Town.

123:4 Takes effect. This act shall take effect May 18, 1961.

**SECTION XI: Protection of Clams and Oysters**

Clams and oysters within the Town limits shall be regulated by the Director of the Fish and Game Department of the State of New Hampshire. (Article 8 - March 11, 1985)

**SECTION XII: Ordinances for Bicyclists and Joggers (Sept. 9, 1991)**

General: All ordinances concerning bicycles shall apply to all non-motorized wheeled means of motion for transportation and or recreational purposes, this includes but is not limited to bicycles, tricycles, skate boards, roller blades, roller skates, scooters, etc.

1. Persons operating a bicycle or jogging shall not ride or run two or more abreast.
2. A person operating a bicycle shall stay to the right side of the roadway.
3. A person jogging shall stay to the left side of the roadway.
4. A person operating a bicycle or jogging shall display on their bicycle and/or on their person, reflective equipment, vest, clothing, tape, or facsimile that is deemed safe and reasonable between: 1/2 hour before sunset and 1/2 hour after sunrise

Violations will be subject to a fine of \$25.00 with the exceptions of RSA 265:144, paragraph IX and VIII, under these provisions the fine imposed would be fifty dollars (\$50.00).

## **NEW CASTLE DOG ORDINANCES - September 23,1991**

- 1) All dogs over 3 months old must be licensed for the current year: between Jan. 1 and April 30.

Dogs of owners aged 65 and over - \$2.00  
All altered dogs - \$4.50  
All other dogs - \$7.00  
Late fee - \$1.00 per mo.  
Fine for an unlicensed dog - \$15.00  
RSA 466

- 2) Owners are required to restrain their dogs from running at large within the town. Violations subject to a fine of:

First offence - \$25.00  
Second " - \$50.00  
Third " - \$75.00  
RSA 466.30

- 3) All dogs and other pets must be kept on a leash while in the Great Island Common, violators to be evicted and subject to a:

Fine of up to - \$100.00  
MINUTES OF SELECTMAN'S MEETING 09-23-91

- 4) No dogs allowed on the beach, \* which includes the town beach to the front of Ocean Street from May 15 to September 15.

Fine of up to - \$100.00  
MINUTES OF SELECTMAN'S MEETING 09-23-91

\*MINUTES OF SELECTMAN'S MEETING 7-27-92 AMENDED

- 5) Anyone responsible for a dog on public property or the property of any other person must carry a device for the removal of the dog's excrement and must remove any of said excrement deposited on any of the above said property.

Fine of up to -\$25.00  
MINUTES OF SELECTMAN'S MEETING 05-08-90

- 6) State Statues provide for:

Fine for a nuisance -\$25.00  
Fine for a menace - \$50.00

Fine for a vicious dog - \$100.00  
RSA 466.31

\*\* NUMBERS 4&5 do not apply to blind persons.

(Minutes of the Selectmen's Meeting 07-27-92 amended)

**DOG REGISTRATION PROCESS**  
**HOUSE BILL 1422**  
**Effective Jan. 1, 1995**

**Intent:** The intent of the House Bill 1422 is to increase the compliance rate for licensure of dogs by making everyone involved - the dog owner, the town or city clerk, the local governing body and the local law enforcement body more responsible and more accountable to the process. The process identified below is only meant as a guide and will need to be adapted to fit your own particular situation. As clerks implement the changes in HB 1422 variations to the process may be in order.

**Step 1 Receipt of Rabies Verification from Veterinarians**

Town and city clerks will start receiving the replicate copy of the rabies vaccination for dogs and cats directly from New Hampshire veterinarians for those dogs or cats whose owner resides in their community.

**Step 2 Clerks Responsibility Upon Receipt of Rabies Vaccination**

Upon receipt of a rabies certificate for a dog, the clerk shall compare the information relative to the dog with their list of licensed dogs. They shall send a written notice to the owner of any unlicensed dog informing them of the licensing requirements and giving them a time period to come in and license their dog. Although the Statute does not specify a time for compliance, two weeks would seem to be an appropriate amount of time. (See form #1) If the owner fails to license the dog in a timely manner, the town or city clerk shall notify the local law enforcement officer of a violation. (See form #2) See the end of the process for options available upon receipt of a rabies certificate.

**Step 3 Authorization to Issue Licenses -Local Law Enforcement Officers.**

The clerk may authorize a local law enforcement officer to issue licenses and collect license fees. A local law enforcement officer means the local police department, the dog officer or the humane society who performs animal control functions as may be designated by the local governing body.  
The clerk shall determine the criteria for the receipt of funds and record keeping. This option is at the sole discretion of the clerk.



#### **Step 4 Clerk to Issue Licenses**

Clerks shall issue dog licenses, receive the license fees and turn the money over to their treasuries. They shall retain for their own use \$1.00 for each license submit \$.50 for each license to the Department of Agriculture and submitting \$2.00 for each license (excluding the group licenses and the first dog for a senior citizen) to the pet over- population fund. The \$.50 to the Department of Agriculture shall be paid once a year upon receipt of a billing support from the Department of Agriculture. The \$2.00 pet over-population fee shall be paid quarterly upon receipt of a billing support from the Department of Agriculture. Clerks are not permitted to collect the \$25.00 civil forfeiture fee without giving notice to unlicensed dog owners. See step 6.

#### **Step 5 Clerks to Maintain Lists**

Clerks shall keep a record of all licenses issued by them, with the name of the keepers or owners of dogs licensed, and the names, license numbers and description of all such dogs.

#### **Step 6 Warrant for Unlicensed Dogs**

The clerk shall annually between June 1 and June 20, prepare a list of owners who have not renewed their dog licenses by May 31 for the local governing body (Selectman, Manager, Mayor).

The local governing body shall, within 20 days from June 20, issue a warrant (form #3) to a local law enforcement officer directing the officer to issue civil forfeitures (form #4) for each unlicensed dog or seize any unlicensed dog and board it in a holding facility for a period of 7 days.

#### **Step 7 Civil Forfeitures**

The local law enforcement officer shall personally deliver civil forfeitures to each owner of an unlicensed Dog. \* The owner receives the original notice and the law enforcement officer delivers the carbon copy to the town or city clerk. The forfeiture notice indicates that the owner of the dog has 96 hours to license their dog or a summons to District or Municipal Court will be issued by the Police Department. There is a \$25.00 forfeiture fee. The dog owner is also liable for the license fee and any monthly late fine. Then the dog owner has come in and paid the fine the Clerk should indicate the date said and informs the law enforcement officer. It would be the responsibility of the law enforcement officer to issue a summons to District or Municipal Court.

\* The pet overpopulation is currently seeking a legal option on whether civil forfeitures can be mailed to dog owners

## **Step 8 Responsibility for Local Law Enforcement Officer**

On or before July 30, each local law enforcement officer who receives the warrant, shall provide to the local governing body a statement containing the number of owners who received and paid the civil forfeiture, the number of dogs which were seized and the number of owners who received a summons to a district or municipal court for failure to pay the civil forfeiture or license the dog.

### **Note: Receipt of Cat Rabies Verification from Veterinarians**

Upon receipt of a rabies certificate for a cat there are two options available for the clerk, including:

1. Turn over the certificate to the health officer or the police department to be used in case of animal exposure incidents from cats.
2. Use them to license cats pursuant to SB 586

### **Form #1**

#### **Dog Licensing - Notice to Pet Owner**

(Dog owners name and address)

(Date)

Dear Dog Owner:

Please be advised that this office has received from your veterinarian that your (dog or cat), (dog or cat's name), has recently received a rabies vaccination. In comparing this notification with the list of licensed (dogs or cats) on file with this office, it appears that your (dog or cat) is not licensed as required by State Law.

This letter is your official notice that it is important that your (dog or cat) be licensed at your earliest convenience. As we already have verification of the rabies inoculation on file, you will only need to bring in a copy of the spaying or neutering certificate, if applicable, when you come into the office. The license fees are as follows:

Male/Female	
Spayed/Neutered animal	
1st Animal owned by a Senior Citizen	\$2.00

If you would care to license your pet by mail, you may return this notice along with your check made payable to the (municipality). Please indicate your date of birth for verification of the senior citizen discount.

If we have not licensed your pet by (give a date) we will be obligated to inform the Police Department of a violation of RSA 466:1 A civil forfeiture will be issued which carries with it a \$25.00 fine.

We would appreciate your prompt attention to this matter.

Sincerely,  
Town or City Clerk

**Form # 2**  
**Notice to Local Law Enforcement Officer**

(Date)

To: Local Law Enforcement Officer  
From: Town or City Clerk  
Subject: Civil Forfeiture - Unlicensed Dog

Please be advised that the following dog owner has not responded to my request that they license their dog, (name of dog) by (deadline indicated on the letter to dog owner). Please issue and deliver a civil forfeiture notice to the dog owner at the above address.

**Form #3**  
**Warrant for Unlicensed Dogs**

(Date)

To:                Local Law Enforcement Personnel

Subject:        Warrant for Unlicensed dogs

Pursuant to New Hampshire RSA 466:14 entitled "Warrants, Proceedings," you are hereby directed to proceed forthwith either to collect the fees due the (name of town), to be turned over to the town or city clerk, or seize any unlicensed dog for holding in an appropriate holding facility.

Pursuant to New Hampshire RSA 466:16 entitled "Returns," you have until July 30 to return this warrant with a statement as to whether all the unlicensed dogs in the (municipality) have been seized and held under the provisions of this chapter and whether complaints have been entered against all the persons who have failed to comply with the provisions.

Local Governing Body

**Form #4**  
**Civil Forfeiture**

Local Law Enforcement Body  
Town or City  
Animal Control

Name\_\_\_\_\_

DOB

Address

Expired License No.\_\_\_\_\_

Phone #

Rabies Expiration Date

Our Records indicate that you own a dog(s) which has not been licensed as required by RSA 466:1. Pursuant to RSA 466:13 you are hereby required to pay a civil forfeiture, to the (town or city clerk) within 96 hours of the date and time notice is given. Any person who fails to pay the forfeiture within the allotted time will be issued a summons to District of Municipal Court.

At the time that the forfeiture is paid you will also be required to obtain a license for the dog(s). Pursuant to RSA 466:1-a and 466:4 a current rabies vaccination and either a spaying or neutering certificates, if appropriate, will be required. Documentation regarding the above can be obtained through your veterinarian.

The (town or city clerk's) hours are:

Fee Schedule

\$	Male or female
\$	Neutered Male or Spayed Female
\$	Owner over 65 years of age
\$1.00	per month late charge after June 1
\$25.00	civil forfeiture

To be paid on or before.

☐ Served in hand

☐ Left at last known residence

Officer\_\_\_\_\_ Date

Distribution:

Original to dog owner, 1st copy to town or city clerk, 2nd copy to local law enforcement officer