

TOWN OF NEW DURHAM

Large Animals/fowl running at large

TO.03.015

The following Ordinance has been enacted by the Selectmen of New Durham, NH pursuant to the powers granted them in RSA 47:11 and RSA 47:17 (VII).

RUNNING AT LARGE:

If any owner, keeper or any other person having charge or custody of any sheep, cattle, horses, swine or fowl shall willfully or negligently suffer or permit the same to wander at large out of the enclosure of such owner or keeper onto any public highway or road or in any public place in the Town of New Durham he shall be fined not less than \$25.00 nor more than \$100.00 payable to the Town of New Durham and shall also be liable to any party injured for the damage to person or property done by such domestic animal or fowl while going at large.

IMPOUNDING DOMESTIC ANIMALS:

Any police officer or Animal control officer of the Town of New Durham, upon finding any sheep, cattle, horses, swine or fowl running at large upon any public place or road in said Town, or upon receipt of a complaint from an inhabitant of the Town that such domestic animals or fowl are going at large in a public place in the Town, shall immediately capture and secure such animal or fowl and place the same with some reputable person to be kept until such time as the owner, keeper or custodian claims such animal or fowl or until disposed of in accordance with these by-laws.

LIABILITY:

Neither the Town nor the person to whom is intrusted the restrained domestic animal or fowl for boarding shall be liable for the death or injury to the same during the period of restraint when such injury or death shall occur without fault or negligence on the part of the Town or the person boarding such animal or fowl.

NOTIFICATION TO OWNER OR KEEPER:

The Selectmen of the Town, within twenty four hours after being notified by the police chief that such a domestic animal or fowl has be restrained for going at large, shall notify the owner thereof, who shall be entitled to reclaim his animals or fowl upon payment of all reasonable and proper charges for pasturage or board to the person entrusted with the care and keeping so such animal or fowl. In the event the owner is unknown, notice may be given to the keeper or person having charge or custody of the animal or fowl before said animal or fowl left the original enclosure.

UNCLAIMED ANIMALS OR FOWL:

In the event the owner or custodian of such unrestrained animal or fowl does not recover it within seven days from the time when such animal or fowl was captured, the Selectmen may sell said animal or fowl so restrained at public auction, giving notice of said sale as required, and from the proceeds of the sale, the Town may pay all costs of keeping and boarding said animal or fowl plus all costs and expenses incident to the sale.

NOTICE OF SALE:

Notice of such sale shall be given by posting notices thereof in two or more public places in New Durham fourteen days before the sale and by serving a similar notice of sale on the owner, keeper or person originally charged with the custody of the animal or fowl the same number of days before the sale, stating in writing the time and place of sale, the property to be sold and the amount of the expenses hereon to date.

DISPOSAL OF PROCEEDS:

The balance of the sales proceeds, after deducting the cost of board, pasturage, and expenses of the sale, shall be paid to the owner of such animal or fowl, if he is known. If the owner is not known or does not accept tender of the balance of the proceeds, said balance shall be paid to the Town of New Durham to be applied toward the general expenses of the Town.

New Durham Board of Selectmen

Paul A. [Signature]
Phillip J. [Signature]
[Signature]

Carol M. [Signature]
Town Clerk
May 1, 2003