

*Town of Amherst, New Hampshire
Office of the Board of Selectmen*

BE IT KNOWN that on the 1st day of June, 2005, at a meeting publicly noticed, the subject thereof being properly warned, the duly elected Board of Selectmen, following a motion duly made and seconded, *resolved* as follows:

Recitals

The Town of Amherst Board of Selectmen, have considered concerns regarding the presence of privately owned domestic animals in the public ways and on public commons and parks, which animals have, from time to time, interfered with traffic on public highways as well as having caused public inconvenience by being present on public commons and parks, and similar public gathering places.

The Selectmen are empowered, pursuant to *RSA 41:11* and *RSA 47:17, (VII)*, to ‘... *regulate all streets and public ways, ... and squares, and the use thereof, ... and the placing or leaving therein ... [of] ... any articles or materials, and the deposit of any waste or other thing whatever; the removal of any manure or other material therefrom; ... or any other act by which the public travel may be incommoded or the city subjected to expense thereby; ... to prohibit ... any ... amusement or practice having a tendency to annoy persons passing in the streets and sidewalks, ...*’.

The Selectmen are, further, empowered, pursuant to *RSA 41:11-a*, with the ‘... *authority to manage all real property owned by the town and to regulate its use, ...*’, and, moreover, *RSA 41:11-b* provides that, ‘... *Any person who violates a regulation established under RSA 41:11 or 41:11-a, ... shall be guilty of a violation. ...*’.

A *violation* is an offense cognizable in the District Courts of this state, and, pursuant to *RSA 651:2, (IV)*, upon conviction for an offense constituting a *violation*, ‘... *A fine may be imposed ... [which] ... may not exceed ...\$1,000 ...*’.

Wherefore, said Selectmen hereby adopt the following regulation:

1 *Control of Animals*

Any person owning or controlling any domestic animals shall exercise proper care and control of them so as to prevent them from engaging in any of the acts set forth below, on any public way, public common or park in the Town of Amherst.

2 *Prohibited Conduct*

Such conduct shall include the making of excessive, continuous or untimely noise, molesting passers-by, biting or attacking any person without provocation on one or more

occasions, chasing vehicles, attacking other domestic animals, or doing any act that causes damage to such public property.

3 *Domestic Animals*

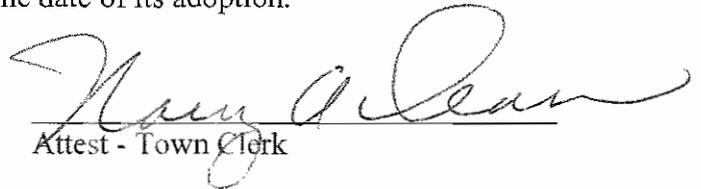
This ordinance shall apply to cattle, horses, sheep, goats or other domestic animals, including ducks, geese and other poultry.

4 *Violation Offense*

Any person owning or having in his/her possession or under his/her control any animal determined to have committed any act set forth in § (b), *above*, shall be guilty of a violation.

5 *Effective Date*

This ordinance shall become effective on the date of its adoption.


Attest - Town Clerk