

**AGENDA
LEBANON CITY COUNCIL
JULY 1, 2020**

9. NEW BUSINESS:

9.A – WARRANT FOR CIVIL FORFEITURE NOTICE

BACKGROUND

Per NH State Statute, dogs are required to be licensed annually by April 30th. To procure a dog license, a current rabies vaccination must be on file with the City Clerk's Office. The month of May is a grace period which allows dog owners to follow up on expired rabies vaccinations in order to obtain a license. Any dog that remains unlicensed as of June 1st is assessed with a \$25.00 Civil Forfeiture fine and \$1.00 late fees which accumulates each month that the dog remains unlicensed.

ACTION

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby issues a warrant to City Clerk, Kristin Kenniston, authorizing the issuance of a civil forfeiture for each dog which remains unlicensed at the close of business on Monday, August 31, 2020 pursuant to New Hampshire Governor Sununu's Emergency Order #23.

Included in this Section:

1. June 9, 2020 Memo from Kristin Kenniston, City Clerk re: Warrant for Civil Forfeiture Notice

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MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Kristin M. Kenniston, City Clerk

DATE: June 9, 2020

RE: Warrant for Civil Forfeiture Notice

COVID 19 is presenting many challenges to the services provided by the City Clerk's Office and dog licensing is no exception. Under current statute, municipalities do not have discretion to waive either the requirements of dog licensing or the Civil Forfeiture fines and penalties. This has caused concern with residents.

RSA 466:14 (attached) says that the City Clerk "shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog."

To help address the concerns of our residents and mitigate the number of owners fined, the City Clerk's office mailed a second reminder letter on May 26, 2020 to 479 owners whose dogs remained unlicensed.

The letter provided a deadline of June 17th to avoid the assessment of fees and fines for unlicensed dogs. Historically, our office has started fines within the first week of June. However, due to the challenges and obstacles faced by our residents from COVID 19, I propose we extend our deadline through the close of business on Friday July 10, 2020. This will allow more time for our residents to have their dogs inoculated and licensed while keeping the City in compliance with NH State law.

Attached to this memo is a list of relevant dog statutes. Due to the confidential nature of dog licensing, the list of dog owners is not included in the agenda materials as it is not available to the public.

466:1 Procuring License; Tag. – Every owner or keeper of a dog 4 months old or over shall annually, cause it to be registered, numbered, described, and licensed for one year in the office of the clerk of the city or town in which the dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: the name of the city or town, year of issue of license and its registered number. The tag and license shall be furnished by the clerk at the expense of the city or town. Regardless of when the license is obtained, the license shall be effective from May 1 of each year to April 30 of the subsequent year.

Source. 1891, 60:1. 1925, 96:1. PL 150:6. RL 180:6. RSA 466:1. 1957, 217:1. 1995, 298:1. 1996, 67:1. 1997, 273:1, eff. Jan. 1, 1998.

466:11 Records. –

I. Clerks of towns and cities shall keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions of all such dogs. Clerks of towns and cities shall furnish yearly to the local governing body a list of those owners who have failed to renew their license for use in preparing the warrant of unlicensed dogs.

II. With the owner's consent, a veterinarian may report the euthanizing or death during treatment of a licensed dog to the town or city clerk in order to have the record reflect that the dog was euthanized or died. A veterinarian providing such a report may also provide the town or city clerk with the mailing and street addresses of the owner of the dog. Written reports, if any, shall be destroyed after receipt by the town or city clerk, and any resulting record reflecting the dog's death shall not specify the manner or cause of death.

Source. 1891, 60:5. PL 150:13. RL 180:13. RSA 466:11. 1994, 353:5, eff. Jan. 1, 1995. 2008, 42:1, eff. July 11, 2008.

466:13 Forfeiture. – Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case may be disposed of in a district court as a violation with a fine not to exceed \$50, notwithstanding the provisions of RSA 651:2, IV. A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.

Source. 1891, 60:8. PL 150:15. RL 180:15. RSA 466:13. 1994, 353:6. 1995, 298:9. 1996, 67:4.

Unlicensed Dogs

Section 466:14

466:14 Warrants; Proceedings. – The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

Source. RS 127:5. CS 133:5. GS 105:5. GL 115:7. PS 118:8. 1891, 60:11. PL 150:18. RL 180:18. RSA 466:14. 1965, 325:2. 1967, 150:1. 1977, 559:1. 1983, 198:1. 1987, 91:1. 1994, 353:7. 1995, 298:10. 1996, 67:5. 2000, 128:1. 2001, 274:7, eff. July 16, 2001. 2014, 178:1, eff. July 1, 2014.

466:16 Returns. – Each local law enforcement officer to whom the warrant named in RSA 466:14 is issued shall return the warrant, on or before August 31, to the local governing body issuing it and, shall state in the return the number of owners who received and paid the civil forfeiture, the number of dogs in the city or town which have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture pursuant to RSA 466:13 or to license the dog pursuant to RSA 466:1.

Source. 1891, 60:12. PL 150:20. RL 180:20. RSA 466:16. 1994, 353:8. 2000, 128:2, eff. Jan. 1, 2001.

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