

**TOWN COUNCIL AGENDA**  
**May 16, 2016**  
**7:00 P.M.**

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH. Regular meetings are cablecast live and videotaped for the convenience of our viewers at home. 7:00 PM

**A. CALL TO ORDER**

**B. PUBLIC COMMENT**

- 1.) The Recognition of Lt. Tim Jones  
**Presented by Chief Bill Hart**
- 2.) National Police Week Presentation  
**Presented by Chief Bill Hart**

**C. PUBLIC HEARING**

**D. OLD BUSINESS**

**E. NEW BUSINESS**

- 1.) Update on the Communications Infrastructure for Emergency Services  
**Presented by Battalion Chief McQuillen and Lieutenant Mague**
- 2.) Exit 4, FEIS Update, Approval for Next Phase  
**Presented by Janusz Czyzowski**
- 3.) **Ordinance #2016-03** – An Amendment to the Municipal Code, Title IV, Chapter XIV, Noise Regulations (**First Reading**)

**F. APPROVAL OF MINUTES**

Approval of May 2, 2016 Town Council Minutes

**G. OTHER BUSINESS**

1. Liaison Reports
2. Town Manager Report
3. Board/Committee Appointments/Reappointment

**H. ADJOURNMENT**

**I. MEETING SCHEDULE**

1. Town Council Meeting – **06/06/16** Moose Hill Council Chambers, 7:00 PM
2. Town Council Meeting – **06/20/16** Moose Hill Council Chambers, 7:00 PM
3. Town Council Meeting – **07/11/16** Moose Hill Council Chambers, 7:00 PM
4. Town Council Meeting – **08/15/16** Moose Hill Council Chambers, 7:00 PM

# DERRY-LONDONDERRY SUPPLEMENTAL DRAFT EIS AND FINAL EIS/ROD MAY 2016

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Presented by  
Christopher Bean, P.E.  
Project Manager, President



**DERRY-LONDONDERRY  
SUPPLEMENTAL DRAFT EIS  
AND FINAL EIS/ROD**

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Contract Amendment No. 7

# Background

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September 2014: Towns responded favorably to an offer from NHDOT to take over “administrative control.”

# Background

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January 2015: Towns and NHDOT signed Memorandum of Agreement

1. Defined financial responsibilities of all parties,
2. Towns agreed to continue funding EIS and construction up to (\$5M max. per Town),
3. NHDOT agreed to fund construction ,
4. NHDOT will take full charge of project after EIS when it moves to Final Design.

Amendment 6: FHWA determined “re-evaluation of EIS” was needed. Topical meetings held to define scope.

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- 12/15/15: Kickoff - Interstate Access Study, Westerly Access, Supplemental DEIS, Purpose and Need
- 1/7/16: Base Map, Cultural Resources, Hazardous Waste, Sensitive Plants and Wildlife
- 1/14/16: Traffic and Socio-Economic Data
- 1/21/16: Water Resources
- 1/28/16: Base Mapping, Wetlands, Vernal Pools and Streams

Amendment 6: FHWA determined “re-evaluation of EIS” was needed. Topical meetings held to define scope.

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- 2/4/16: Air Quality and Noise
- 2/11/16: Interstate Modification Request, Indirect and Cumulative Impacts
- 2/18/16: TMDL, Traffic, Vernal Pool Study, Mapping
- 3/17/16: Scope and Fee Negotiation Meeting
- 4/18/16: Submitted Finalized Revised Scope, Fee Proposal and Project Schedule



# Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

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- Myriad changes have occurred over time with respect to;
  - the baseline existing conditions of the area (development and natural resources),
  - traffic volumes in the area,
  - regulatory requirements over the 10 years from the original work,
  - changes in FHWA and resource agency expectations, accepted impact analysis methodologies.

# Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

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- The I-93 Widening Supplemental EIS and specification of permit conditions was completed.

# Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

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- Plans for nearby developments have moved forward. The anticipated combined effects of Exit 4A and these developments must be covered in the document.

# Why is a Supplemental Draft EIS Needed to Update the 2007 Draft EIS and 2010 Draft Final EIS?

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- FHWA has updated its interstate access modification policy and requirements, prompting the need for an updated Interstate Modification Report to validate the 1989 interstate access approval.

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# What Will Amendment 7 Provide?

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- Completion of NEPA clearance with a project that will be able to obtain permits because the scope is addressing the environmental challenges head on such as Total Maximum Daily Loading of Chlorides and the impact of ongoing developments in the area.
- A public meeting to explain the project and get input on the Supplemental Draft EIS and the proposed project layout.
- A project that will be ready to efficiently move into the final design process.
- Affirmation that the Project complies with FHWA's current Interstate Access Modification Policy.

# Amendment 7 Proposal

<b>I-93 Exit 4A Amendment 7 Proposal</b>	
<b>Supplemental Draft EIS and Final EIS/Record of Decision</b>	
<b>Task 1</b>	<b>Project Management and Coordination</b>
	Project Management
	Project Controls
	Document Control
	Administrative Record
	Quality Assurance/Quality Control (QA/QC)
	Coordination Meetings
	eNEPA Support

# Amendment 7 Proposal

<b>Task 2</b>	<b>Preliminary Engineering Updates</b>
	<b>Base Mapping</b>
	Data Collection
	Create Existing Conditions Base Map
	Incorporate I-93 Contract Proposed Design
	<b>Update Engineering Layouts for NEPA Process</b>
	Engineering Design
	Stream Crossings
	Coordination with Roadway Working Group and EISRT
	Estimates
	Provide Data and Support for Environmental Resource Assessments
	Deliverables
	<b>Survey and Right-of-Way Research</b>
	Existing Conditions/Topographic Survey
	<b>Survey - Existing Right-of-Way and Project Control</b>
	Right-of-Way Facilitation Meeting
	Records Research
	Survey
	Existing Right-of-Way Plan Review
	Develop Final Existing Right-of-Way Plan
	Final Existing Right-of-Way Plan incorporated into Proposed Layout Plan for Public Hearing
	Existing Conditions/Topographic Survey for Mitigation Site (if needed)



# Amendment 7 Proposal

<b>Task 2</b>	<b>Preliminary Engineering Updates</b>
	<b>Develop Conceptual Plans for Layout Public Hearing</b>
	Refine Alignments and Perform Engineering Calculations
	Develop Typical Sections
	Update Pavement Layout
	Develop Conceptual Engineering Model
	Hydrology/Stormwater
	Hydraulic Study
	Estimate
	Develop Hearing Plan
	Bridge Layout and Clearance Checks
	Coordination with Roadway Working Group
	Deliverables

# Amendment 7 Proposal

<b>Task 3</b>	<b>Technical Studies</b>
	<b>Chloride TMDL Compliance Report</b>
	Update Watershed Chloride Loading
	Determine Status of Current Chloride Loading
	Quantify the Proposed Project Chloride Loading Requirement
	Determine how the Proposed Project can be accommodated within the Existing Chloride Allocation
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with Chloride Working Group and EISRT
	Coordination with Chloride Working Group and Other Agencies
	Deliverables
	<b>Land Use Scenarios Technical Report</b>
	Data Collection and Review
	Land Use Interviews
	Case Studies
	Prepare Land Use Forecasts
	Coordination with EISRT
	Deliverables
	<b>Traffic and Transportation Technical Report</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

# Amendment 7 Proposal

<b>Task 3</b>	<b>Technical Studies</b>
	<b>Interstate Access Modification Report</b>
	Prepare IMR
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	<b>Simulation Modeling (TransModeler)</b>
	Study Area Definition
	Create an Existing Condition Model in TransModeler
	Develop the future 2040 No Build Condition Model Scenario in TransModeler
	Develop the future 2040 Build Condition Model Scenario in TransModeler
	Deliverables
	<b>Noise Technical Report</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

# Amendment 7 Proposal

<b>Task 3</b>	<b>Technical Studies</b>
	<b>Water Resources</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	<b>Groundwater</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	<b>Wetlands and Vernal Pools Technical Report</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

# Amendment 7 Proposal

<b>Task 3</b>	<b>Technical Studies</b>
	<b>Plant Communities and Wildlife</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	<b>Threatened and Endangered Species</b>
	Data Collection
	Contingency Bat Study
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

# Amendment 7 Proposal

<b>Task 3</b>	<b>Technical Studies</b>
	<b>Air Quality and Greenhouse Gas Emissions</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	<b>Cultural Resources</b>
	Historic Architectural Resources
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Archeological Resources
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Tribal Consultation

# Amendment 7 Proposal

<b>Task 3</b>	<b>Technical Studies</b>
	<b>Socioeconomics Technical Report</b>
	Data Collection/Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	<b>Petroleum, Hazardous Material, and Solid Waste Sites</b>
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables

# Amendment 7 Proposal

Task 3	Technical Studies
	<b>Indirect and Cumulative Effects Analysis</b>
	Indirect Effects
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	Cumulative Impacts
	Data Collection
	Update Existing Conditions
	Update Impact Assessment
	Update Mitigation
	Coordination with EISRT
	Coordination with Other Agencies
	Deliverables
	<b>Other SDEIS Topics</b>
	Land Use
	Visual Resources
	Soils
	Floodplains
	Parks, Recreation, and Conservation Lands
	Section 4(f) Resources



# Amendment 7 Proposal

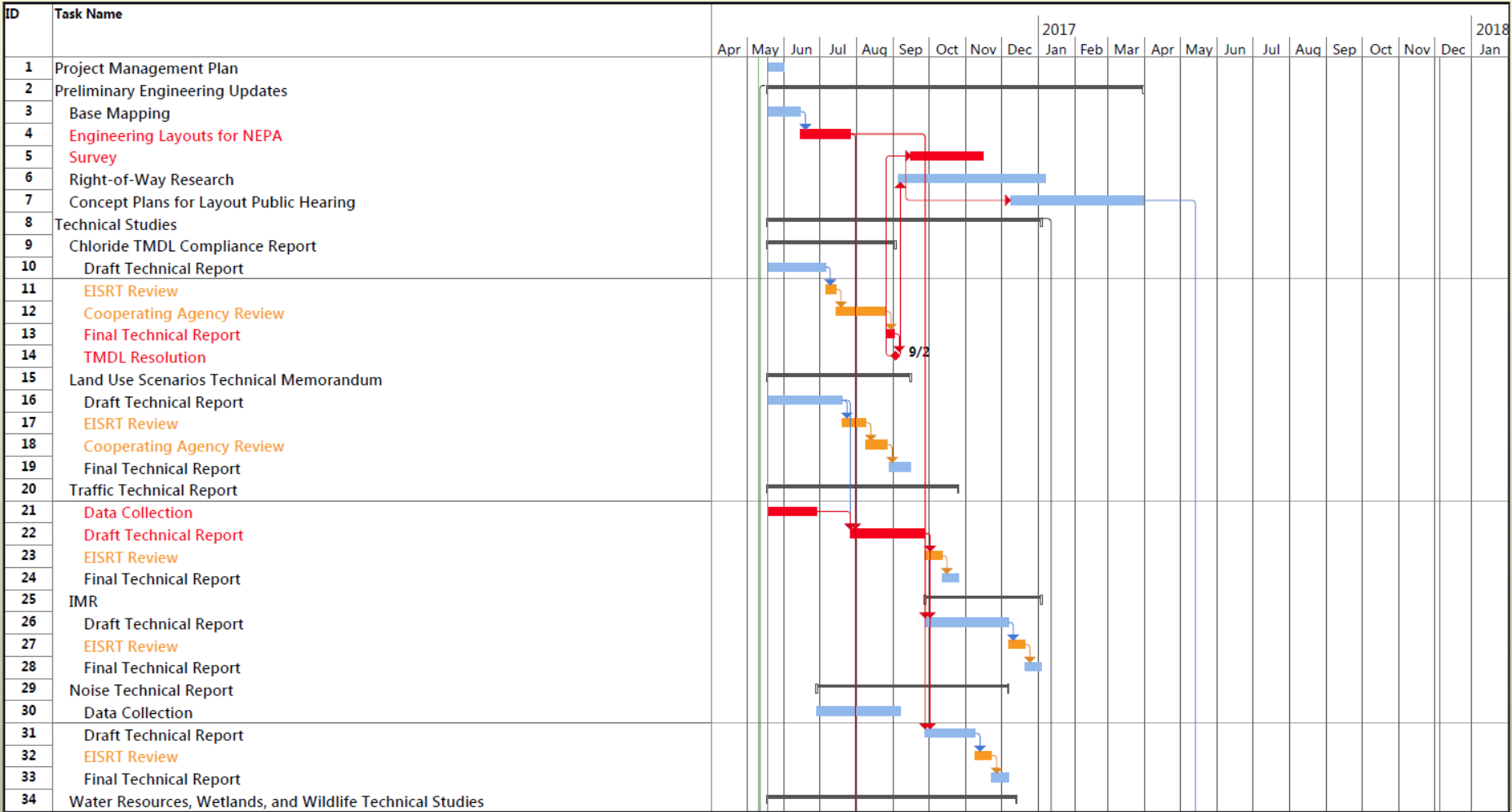
<b>Task 4</b>	<b>Prepare SDEIS</b>
	Notice of Intent
	Preliminary Administrative SDEIS
	EISRT Review 1 and SDEIS Revisions
	Revised Administrative SDEIS and EISRT Review 2
	Cooperating Agency Review and Comment Resolution
	Finalize and Publish SDEIS
	Project Website
<b>Task 5</b>	<b>SDEIS Public Hearing and Response to Comments</b>
	Public Hearing
	Response to Comments
<b>Task 6</b>	<b>Final EIS/ROD</b>

# I-93 Exit 4A Amendment 7 Proposal

Task	Description	Work Hours Total
1	Project Management and Coordination	2,000
2	Preliminary Engineering Updates	6,394
3	Technical Studies	8,464
4	Prepare SDEIS	1,274
5	SDEIS Public Hearing and Response to Comments	896
6	Final EIS/ROD	400

Total Task Hours	19,428
Total Labor & Expenses Estimate	\$2,333,197.08
Total Cost Per Town	\$1,166,598.54

# Amendment 7 Progress Schedule

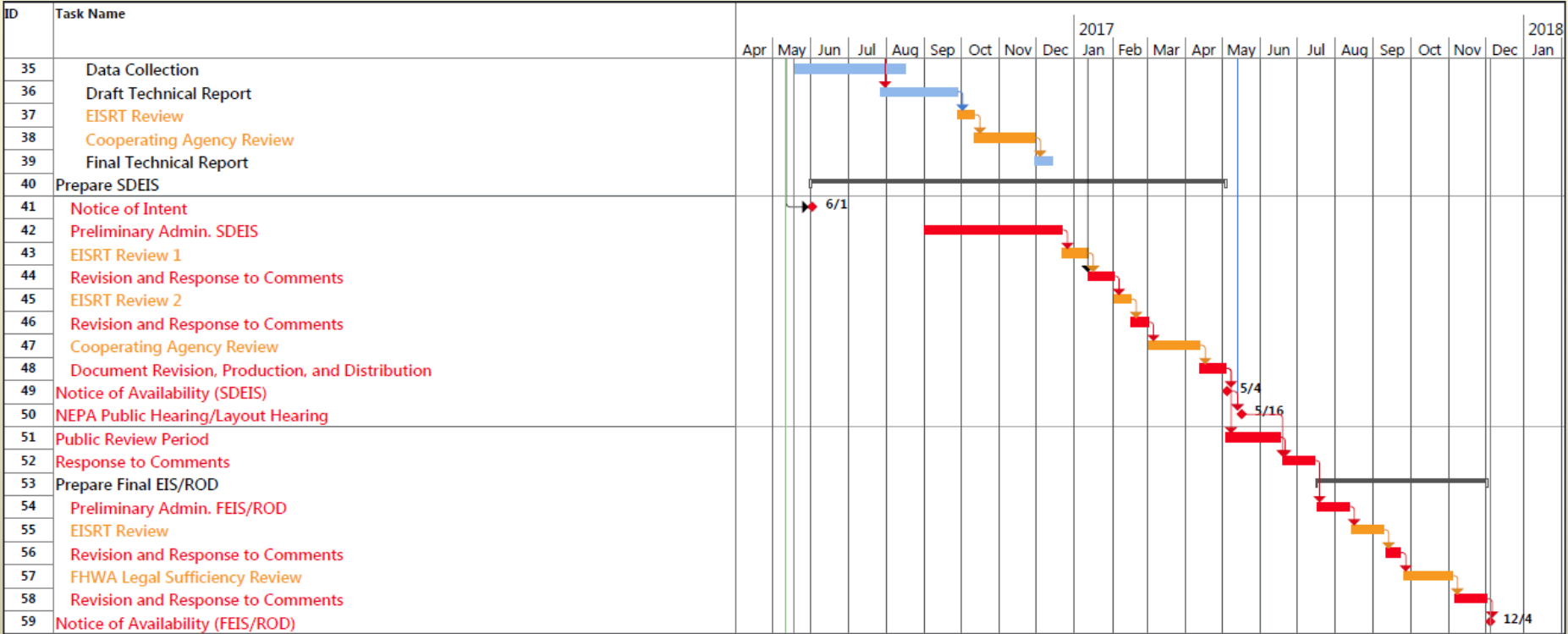


Exit 4A Amend 7 Schedule  
Date: Wed 5/11/16

Task

Critical Path (External)
  Critical Path (Consultant Team)
  Summary

# Amendment 7 Progress Schedule



Exit 4A Amend 7 Schedule  
Date: Wed 5/11/16

Task

█ Critical Path (External)

█ Critical Path (Consultant Team)

█ Summary

█

First Reading: 05/16/16  
Second Reading/Public Hearing: 06/06/16  
Adopted: 06/06/16

**ORDINANCE #2016-03**  
***AN AMENDMENT TO THE MUNICIPAL CODE,  
TITLE IV, CHAPTER XIV, NOISE REGULATIONS***

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*WHEREAS* The Town of Londonderry shall regulate noise and promote safety, welfare, prosperity, peace and quiet in the Town of Londonderry; and

*WHEREAS* it shall be unlawful for any person, firm or corporation to make, create, maintain or simulate any excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time and place; and

*WHEREAS* this shall include, but is not limited to, any such loud, unnecessary or unusual noises during the hours of 10:00 p.m. to 7:00 a.m., seven days per week, unless such noise is exempt;

*NOW THEREFORE BE IT ORDAINED* by the Town Council of the Town of Londonderry that the Town Municipal Code be amended to reflect a new Title and Chapter: Noise Regulations, which will become effective upon passage of this ordinance.

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John Farrell - Chairman  
Town Council

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Sharon Farrell  
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:  
06/06/16

## **CHAPTER XIV – Noise Regulations**

### **SECTION I           PURPOSE**

- A. The purpose of this Chapter is to regulate noise and to provide for the promotion of public health, comfort, convenience, safety, welfare, prosperity and the peace and quiet of the Town of Londonderry and its citizens within the geographical limits of the Town of Londonderry, NH (hereinafter referred to as the Town).

### **SECTION II           UNNECESSARY NOISE**

- A. It shall be unlawful for any person, firm or corporation to make, create, maintain or simulate any excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect, and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town. This prohibition shall include, but is not limited to, any such loud, unnecessary or unusual noises made during the hours of 10:00 p.m. to 7:00 a.m., seven days per week, unless such noise is exempt below.

### **SECTION III           EXEMPTED NOISE**

- A. This prohibition specifically exempts persons operating vehicles, machinery, or equipment while engaged in snow clearance or snow removal operations, so long as such operations are performed within 3 days of the cessation of a winter storm resulting in the accumulation of at least three (3) inches of snow within the Town's limits.
- B. This prohibition also exempts municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- C. This prohibition further exempts noise resulting from activities of a temporary duration permitted by law and for which a special permit therefore has been granted in advance by the Town.
- D. Public Works and Public Safety equipment required for the effective delivery of public services shall be exempt from the provisions of this Section

### **SECTION IV           PROHIBITED NOISE**

- A. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the ordinance, but said numeration shall not be deemed to be exclusive or limited, namely:

- 1.) Radios, Stereos, etc.: The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing the sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such between the hours of ten (10:00) o'clock PM and seven (7:00) o'clock AM in such a manner as to be plainly audible beyond the noisemaker's premises, building, structure or vehicle, as applicable and which is unreasonable and offensive as above described shall be prima facie evidence for a violation of this Section.
- 2.) Loud Speakers, Amplifiers, Public Address Systems and etc., for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, without a permit and only between the hours of 8 AM and 7 PM.
- 3.) Yelling, Shouting, etc.: Yelling, shouting, hooting, whistling or singing on the public streets between the hours of ten (10:00) PM and seven (7:00) AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- 4.) Exhausts and Unloading: Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers between the hours of ten (10:00) PM and seven (7:00) AM. Open Exhausts: The discharge into the open air of any un-muffled exhaust from any engine, mobile or stationary or any compressor unit that emits a noise level at a distance of 50 feet or greater.

**SECTION V**

**APPLICATION FOR SPECIAL PERMIT**

- A. Application for a permit for relief from the noise prohibition set forth in the Section entitled prohibited noises of this Ordinance, for a special circumstance of temporary duration, may be made to the Building Inspector, Code Enforcement Officer or Town Administrator. The Code Enforcement officer shall upon granting a permit under this ordinance notify the Office of the Town Manager, the Fire Chief/designee, the Chief of Police/designee and the Director Of Public Works/designee of his/her action. Any permit granted by an authorized Town official shall set forth all conditions pertaining to the specified noise and circumstance, and shall specify a reasonable time limit for its abatement. Application for a special permit as contemplated in this section of this Ordinance, shall under no circumstances be granted for a Sunday, at any time.

**SECTION VI**

**PENALTIES**

- A. Any person convicted of a violation of this Ordinance shall be subject to the following penalties as permitted by RSA 676:17, with a maximum penalty not to exceed \$1,000.00:
  - 1) First offense: \$100.00
  - 2) Second offense : \$200.00
  - 3) Third or subsequent offense within a 12 month period: \$500.00.

# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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1  
2 **May 2, 2016**

3  
4 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry,  
5 NH.

6  
7 Present: Chairman John Farrell; Vice Chairman Tom Freda; Councilors Joe Green and Tom Dolan; Town Manager Kevin  
8 Smith; Executive Assistant Kirby Wade; Absent; Councilor Jim Butler

9  
10 **CALL TO ORDER**

11  
12 Chairman Farrell opened the meeting with the Pledge of Allegiance. This was followed by a moment of silence for all the  
13 men and women who serve us here and abroad and all first responders and the men and women who serve us here and  
14 abroad.

15  
16 **PUBLIC COMMENT**

17  
18 There was no public comment.

19  
20 Town Manager Kevin Smith invited up Finance Director Doug Smith and Scott Eagen of Plodzik and Sanderson to give an  
21 overview to the Council of the auditor's report. Eagen stated that he is presenting the June 30<sup>th</sup> 2015 fiscal year. Eagen stated  
22 that the opinion the Council is receiving is an unmodified opinion on all opinion units. It is a clean opinion stating that all the  
23 financial statements as presented here are based on the results of the audit. Eagen went over the report with the Council.  
24 Eagen stated that the town had an estimated revenue budget of \$28 million in the general fund. Actual revenues came in  
25 higher at \$31,900,508. Eagen went over what caused it. [See attached for full audit report]. The Council Thanked Eagen for  
26 his presentation.

27  
28 **PUBLIC HEARING**

29  
30 Chairman Farrell introduced Ordinance #2016-02, an amendment to the Municipal Code, Title I, Chapter XXIX, Dogs. This is  
31 a continued Public Hearing. Chief William Hart presented the changes made to the Ordinance based on the discussion that  
32 occurred on April 18<sup>th</sup>. Chief Hart stated that the red marks are the changes made to the original Ordinance on April 18<sup>th</sup> and  
33 the blue marks are the changes made based on last month's meeting and the newest Ordinance for today. [See attached].  
34 Councilor Green asked Steve Cotton if the new dog signs could be posted by August 1<sup>st</sup>. Cotton stated that they will be. Motion  
35 to approve Ordinance #2016-02 as amended made by Councilor Green and second by Vice Chair Tom Freda.

36 Chair votes 4-0-0.

37  
38 Town Manager Smith introduced Resolution #2016-14, a Resolution relative to the amendment of the adoption of Energy  
39 System Exceptions (solar and wind-powered). Town Manager Smith stated that this is a very minor amendment. It has to do  
40 with solar and wind projects residents install for energy savings. Motion to approve Resolution #2016-14 made by Councilor  
41 Dolan and second by Councilor Green. Chair votes 4-0-0.

42  
43 Motion to close the Public Hearing made by Councilor Dolan and second by Councilor Green. Chair votes 4-0-0.  
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# LONDONDERRY TOWN COUNCIL MEETING MINUTES

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## OLD BUSINESS

Chairman Farrell introduced Russ Lagueux to give a brief update on the groundwater baseline study and air quality testing which is related to PFOA.

Town Manager Smith gave an update to the Council regarding senior transportation in the Town of Londonderry. Smith shared what surrounding town's do for transportation.

## NEW BUSINESS

Chairman Farrell introduced Order #2016-06, the expenditure of Maintenance Trust Fund for various projects. Steve Cotton presented. This was for a mixing valve at North Fire and a boiler repair at the Police Department. Motion to approve Order #2016-06 made by Councilor Dolan and second by Councilor Green. Chair votes 4-0-0.

## APPROVAL OF MINUTES

Motion to approve the Town Council minutes from April 4th (amended) and April 18th made by Councilor Green and second by Councilor Dolan. Chair votes 4-0-0.

## ADJOURNMENT

Motion to adjourn made by Councilor Dolan and second by Vice Chair Freda. Chair votes 4-0-0.

Notes and Tapes by:	Kirby Wade	Date: 05/02/2016
Minutes Typed by:	Kirby Wade	Date: 05/09/2016
Approved by:	Town Council	Date: 05/16/2016

**CHAPTER VIII - ANIMAL CONTROL**

**SECTION I DEFINITIONS**

- A. “Dog” shall mean both male and female, altered or not.
- B. “Owner” shall mean any person owning, keeping, harboring, or assuming the care of a dog.
- C. “Running at Large” ~~shall mean off the premises of owner or keeper and not under the control of the owner or a responsible person.~~ is defined as a dog in, on, or being walked upon, a public street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, or in a public street, sidewalk or right-of-way adjacent to a public place and is not secured by a leash or chain or within a carrier which is in the possession of a person of sufficient strength and age to effectively restrain the dog or under the direct control of its handler by means of personal presence and attention as will reasonably control the conduct of such dog.
- D. Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, if the dog is securely confined in an vehicle or is under the direct control of its handler. Evidence that the dog accosted, jumped on or otherwise bothered a person not its owner or handler shall be evidence that the dog was not under the direct control of its owner.
- E. “Service dog” is a type of assistance dog specifically trained to help people who have disabilities, such as visual impairment, hearing impairments, mental illnesses (such as but not limited to posttraumatic stress disorder (PTSD)), seizure disorders, mobility impairment, and diabetes.
- F. However in no case shall any dog be un-leashed on the Londonderry Rail-Trial or on the Londonderry Town Common, included the forested area adjacent to the Town Common and commonly referred to as the Town Forrest.

**SECTION II LICENSING AND REGISTRATION**

- A. All dogs kept, harbored or maintained by their owners in the Town shall be licensed and registered as specified in RSA 466 and as it may be amended, of the

State of New Hampshire

- B. Any person found to be keeping, harboring or maintaining an unlicensed dog shall be required to license the dog at the office of the Town Clerk within ten (10) days of notice and at the time of registration, pay to the Town an additional fee of ten dollars (\$10).
  
- C. Failure to register the dog and pay the fee shall require the person to be summonsed to court for the violation of RSA 466 and to receive the punishment thereof.

**CHAPTER VIII - ANIMAL CONTROL (Cont'd)**

**SECTION III            RUNNING AT LARGE**

- A.            The Town Council shall provide for the rigid enforcement of RSA 466 and take such steps as they may deem necessary to ensure compliance with its provisions by residents of the Town.
- B.            In accordance with the provisions of RSA 466:30-A, it shall be unlawful for an owner of any dog licensed or unlicensed to permit the dog to run at large, except when accompanied by the owner or custodian and/or when used for hunting, herding, supervised competition and exhibition or training for such.
- C.            ~~With the exception of service dogs, no dogs shall be permitted within the confines of any cemetery owned and managed by the Town of Londonderry.~~

**SECTION IV            DOG FOULING PROHIBITION**

~~It shall be unlawful for any person owning, possessing, or controlling a dog on street, park, parkway, cemetery, town forest, trail-way or other public place in the Town of Londonderry, any public street, sidewalk or right-of-way adjacent to a public place, or on any private property neither owned nor occupied by said person to:~~

- ~~i.    Fail to remove and dispose of any feces left by the dog in or on such public or private property.~~

**SECTION V            NOISE REGULATION**

~~It shall be unlawful to keep any animal, including a bird, in a manner that causes frequent or long continued noise that disturbs the comfort or repose of any person in the vicinity. dog that barks for sustained periods of time, or during the night so as to disturb the peace and quiet of the neighborhood or area~~

**SECTION VI            ENFORCEMENT**

The Londonderry Animal Control Officer and/or the Londonderry Police Department may seize, impound or restrain any dog ~~in violation of this chapter,~~ **running at large** and deliver said dog to an authorized boarding shelter for dogs. Such dogs shall be handled ~~as strays or abandoned dogs~~ pursuant to applicable laws.

Chapter VIII Page 1 of 3  
**CHAPTER VIII - ANIMAL CONTROL (Cont'd)**

**SECTION VII        IMPOUNDING**

It shall be the duty of the Animal Control Officer to apprehend any dog found running at large, **as defined or running at large** without a collar and valid license tag. Any injury or death of the animal caused in the effort of its apprehension shall be the responsibility of the owner and no liability shall be found with the Animal Control Officer or his assistants. **The Animal Control Officer shall have the responsibility to investigate violations of Section IV and Section V of this Chapter and take action consistent with this Chapter.**

**SECTION VIII        METHOD OF CONFINEMENT**

The Town Council, with the assistance and cooperation of the Animal Control Officer, shall select a suitable place of confinement for impounded dogs. Suitable **place of confinement** shall include good food and care.

**SECTION IX        NOTICE TO OWNERS, REDEMPTION**

- A. If the dog has upon it the name or address of the owner or such name or address is otherwise known or obtainable, then the Police Department or the Animal Control Officer shall notify the owner within twenty four (24) hours after seizure of the dog.
- B. Notice of impoundment shall be in writing by registered mail, postage prepaid, and shall be construed as having been given at the time of posting thereof.
- C. If the dog impounded does not have the name or address of the owner, and if the owner is not otherwise known, then no notice shall be necessary.
- D. The owner of any dog so impounded may reclaim the dog upon payment of the sum of ten dollars (\$10) for the first twenty four hour (24 hr) period or any part thereof that the dog is held and three dollars (\$3) for each twenty four hour (24 hr) period or any part thereof that the dog is held thereafter; provided, however, that before release to any person, if the dog is not licensed, a license as required by the

Town shall be secured.

**SECTION X FEES**

The sum collected pursuant to the provisions of the Ordinance shall be accounted for and paid over to the Londonderry Town Clerk.

**SECTION XI DISPOSITION OF UNCLAIMED DOGS**

- A. Any properly collared and tagged dog which has been impounded and has not been redeemed by the owner shall be turned over to the nearest Animal Rescue League provided that any such dog shall be held for at least ten (10) days after impounding.
- B. In those cases where it is required that notice be given the owner, the ten (10) days shall commence from the date the owner is notified.
- C. In the event the Animal Rescue League is unwilling or unable to accept custody of the dog, the dog shall be disposed of as directed by the Town Council
- D. Any uncollared, untagged dog whose owner cannot be identified shall be held for a minimum of ten (10) days and after such time, if the owner cannot be determined, the dog shall be disposed of in the manner prescribed by the Town Council.

**SECTION XII DOG OFFICER APPOINTED**

- A. The Town Manager shall appoint an Animal Control Officer and shall determine the amount of his pay.
- B. The Officer shall be selected from candidates having knowledge of animals and their care.
- C. It shall be the duty of the Animal Control Officer to enforce the provisions of his Ordinance and perform such other duties in respect thereto as the Town Council shall determine.

~~D. The Animal Control Officer shall be appointed as a Special Patrolman.~~

**SECTION X            PENALTY**

~~Any person found violating any of the provisions of this Ordinance shall be found guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10) nor more than twenty dollars (\$20) for such offense.~~

**SECTION XIII – VIOLATION AND PENALTIES**

In addition to impounding a dog found at large or in violation of this chapter, the Londonderry Animal Control officer and/or Londonderry Police Department may issue in the name of the owner, possessor, controller, or keeper of such dog a notice of violation. Such notice shall impose upon the owner, possessor, controller, or keeper of such a dog a forfeiture of Twenty-Five Dollars (\$25.00) which must be paid to the Londonderry Town Clerk within 96 hours of the date and time notice is given, in full satisfaction of the assessed penalty. In the event that such penalty is not paid to the Londonderry Town Clerk within the time limitation specified, a summons shall be issued for appearance in Derry District Court, and any person found guilty of violating the provisions of this section shall be guilty of a violation.

*~~End of Chapter~~*  
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