

Bill – Yes, the BOS has the authority to increase the penalty in Section 152-14 but it should not be increased beyond \$50.

While RSA 466 is a comprehensive statutory scheme governing the licensing of dogs, etc., town governing bodies have the express authority there under to make additional bylaws and regulations concerning the “licensing and restraining of dogs as it deems reasonable” (as the Town has done pursuant to Chapter 152 of the Town Code) and may also “affix penalties **not exceeding \$50** for breach thereof”. See RSA 466:39. The BOS’s authority to act in this context is consistent with Section C-41 of the Town Charter which states that the authority to enact ordinances, bylaws and regulations shall be by warrant article at a Town Meeting but which also excepts from that mandate “ordinances, bylaws and regulations that by State Law may . . . also be enacted by the board of selectmen . . .” Here, as indicated above, State statute gives express authority to the BOS to adopt bylaws and regulations concerning the licensing and restraining of dogs and may affix penalties not exceeding \$50 for a breach thereof. We recommend you treat it as regular agenda item and notice the same in accordance with your general practice.

Let me know if you have any questions.

Best,

Justin