

MINUTES OF THE VICIOUS DOG HEARING RE: "SPIKE"
DECEMBER 13, 2001
PORTSMOUTH POLICE DEPARTMENT

A public hearing was conducted on Thursday, December 13, 2001 at 2:00 PM at the Portsmouth Police Department to determine if "Spike", a Pitbull owned by Shawn Richer, is vicious according to City Ordinance 6.710 of the City of Portsmouth, NH.

Committee Members Present:

- ?? Chair: Bradley J. Russ, Chief of Police
- ?? Robert Sullivan, City Attorney
- ?? Mort Schmidt, DVM
- ?? Marion "Mimi" Clark, Resident of Portsmouth/Appointed by the Mayor

Others in Attendance:

- ?? Austin Wallace, Animal Control Officer, Portsmouth Police Department
- ?? Shawn Richer, 85 Woodworth Avenue, Portsmouth, NH, owner of Spike
- ?? Ray Richer, 85 Woodworth Avenue, Portsmouth, NH
- ?? Rene LaVallee, 47 Wear Road, Seabrook, NH owner of the horse who was attacked
- ?? Michelle Firmbach, reporter for the Portsmouth Herald
- ?? Carol Bryant, Executive Assistant, Portsmouth Police Department

The chairman called the hearing to order at 2:00 PM and briefly outlined the procedure for the hearing. Members of the committee, Mr. Richer and Animal Control Officer Austin Wallace were given copies of the police report.

- ?? Animal Control Officer Austin Wallace presented his case in regards to the attack by Spike. Additional photographs of the horse were presented for review by the committee. Mr. Wallace noted that after this incident Mr. Richer plead guilty in Portsmouth District Court to having a menace, nuisance or vicious dog under RSA 466:31 and was fined \$250.00. The judge could not impose further penalties, which is why the hearing is being held today to insure that the dog is restrained on a leash, muzzled and kept in a proper enclosure.
- ?? Shawn Richer and Ray Richer spoke on behalf of the dog Spike. Shawn stated that they are in complete agreement with the restrictions of keeping the dog in an enclosure when on their property and keeping him muzzled and on a leash when he is off the property. Shawn and Ray Richer indicated they are familiar with the dog ordinance and that all aspects of what the committee would impose if they found the dog vicious were acceptable to them.
- ?? Renee LaVallee spoke about the viciousness of the attack on her horse. Renee stated that she is an animal lover and is not out to get the dog, but the attack was a terrifying incident that has changed her life. The horse developed a severe infection from the attack and died three months later. It was noted that the distance between the Richer's property and the horse farm

is approximately ½ mile. It was also noted that the black dog belonging to the owner of the horse farm has been leashed since this incident.

Ms. Clark moved that based upon the report by the Animal Control Officer and with no objection from the dog's owners that the Pitbull "Spike" be deemed a vicious dog pursuant to City ordinance.

Seconded by Dr. Schmidt.

On a Roll Call Vote: Ms. Clark, Dr. Schmidt and Chief Russ each voted yes.

Chief Russ requested that Animal Control Officer Austin Wallace work with the Richer's to insure that all aspects of the ordinance are adhered to. Specific items noted include a padlock on the gate to the fence, signs on the fence noting that a vicious dog is on the property, if the dog is outside the enclosure (even on the Richer's property) it must be on a leash with a muzzle at all times. Chief Russ noted for the record that the Richer's have been given a copy of the case file along with a copy of the City ordinance and if they have any questions, please call the Animal Control Officer at any time.

Dr. Schmidt moved to adjourn the meeting at 2:25 PM.

Seconded by Ms. Clark

On a Roll Call Vote: Dr. Schmidt, Ms. Clark and Chief Russ each voted yes.

(One cassette tape documenting this hearing is on file for reference.)

Respectfully submitted by Carol L. Bryant, Executive Assistant