

CHAPTER 309

ANIMAL CONTROL ORDINANCE

Town of Yarmouth, Maine

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ANIMAL CONTROL ORDINANCE

ARTICLE I

A. TITLE

This ordinance shall be known and may be cited as the “Animal Control Ordinance of the Town of Yarmouth, Maine.”

B. PURPOSE

The purpose of this Ordinance is to provide regulations in addition to those contained in Title 7, M.R.S.A. with respect to controlling animals throughout the Town of Yarmouth in the interest of the health, safety and general welfare of its residents.

C. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal: Every living, sentient creature not a human being.

At Large: Off the premises of the owner/keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, which shall mean that the dog is under “Voice Control” at any time the dog is not on a leash or confined on the premises of the owner.

Companion Animal: A cat or a dog.

Control: The power or ability to direct the proper and safe activity of an animal.

Dangerous Dog: Shall have the same meaning as defined by the State of Maine in Title 7, subsection 3907.12-D,

Dog: A member of the genus and species known as “canis familiaris” and/or a member of the genus and species known as “canis familiaris” or any canine, regardless of generation, resulting from the interbreeding of a member of “canis familiaris” with a wolf hybrid.

Keeper: A person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than dog or livestock, if the person feeds that animal for at least 10 consecutive days. If a companion animal is in violation of the restrictions of this chapter, the owner of the companion animal and the keeper are jointly and severally liable for the violation.

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For the purpose of this definition, "dog owner's or keeper's premises" means the residence or property, including building and land and motor vehicle, belonging to the owner or keeper of the dog.

Leash: A handheld device which can be used to restrain a companion animal if the companion animal fails to respond to voice commands. In cases where a leash is required by law or ordinance or by order of an Animal Control Officer or law enforcement officer, the owner or responsible party will be required to use a leash of 15 feet or less.

Nuisance Dog: Shall have the same meaning as defined by the State of Maine in Title 7, subsection 3907.20-A,

Owner: Any person or persons, firms, association or corporation owning, keeping or harboring a dog or other animal.

Trail Head: An area at any formal entry point to town owned, licensed, or maintained park or open space conservation parcel such as associated parking area, town road crossing, private roadway crossings or areas adjoining an active recreational field.

Voice Control: As used in this ordinance, the term "voice control" means that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keepers verbal command, whistle or hand signal. If a dog approaches or remains within 10 feet of any other person other than the owner or keeper, that dog is not under voice control and shall be deemed to be "at large", unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner or keeper by spoken word or gesture that such person consents to the presence of the dog.

ARTICLE II

A. LICENSES

1. Fees shall be paid to the Town Clerk for each license issued on spayed and unspayed females and neutered and unneutered males as prescribed by state law.
2. Each owner or keeper of a dog at the age of 6 months or over shall, on or before January 1st, annually, or at such time as such dog becomes 6 months old, cause such dog to be licensed in the Town Clerk's office in the Town where such dog is kept. No Town Clerk shall issue a license for any dog until the applicant has filed with such Clerk proof that such dog has been immunized against rabies.

3. Any person becoming the owner or keeper of a dog after the first day of January, not duly licensed as required, shall, within 10 days after becoming the owner or keeper of said dog, cause said dog to be described and licensed as provided.

ARTICLE III

A. IMPOUNDMENT

1. Unlicensed dogs, whether or not at large, and dogs found running at large, whether or not licensed, may with or without complaint be taken up and impounded by a Police Officer or Animal Control Officer in a shelter designated by the Town as the Designated Animal Shelter and there confined in a humane manner for a period of not more than six (6) days. After six days, ownership is determined by the State of Maine pursuant to Title 7, subsection 3913(4).
2. Any owner may regain possession of an impounded dog upon payment of the impoundment and boarding fees set forth herein. Any dog impounded under the provisions of this Ordinance and not reclaimed by the owner within said six (6) days, shall be considered to be abandoned by the owner and the property of the Designated Animal Shelter and may be humanely destroyed pursuant to Title 17 MRS Chapter 42 Subchapter 4 or given to any person deemed to be responsible and a suitable owner as determined by the Designated Animal Shelter.
3. Where the ownership of any such dog is known or can be reasonably ascertained by a Police Officer or Animal Control Officer, such officer should make a reasonable effort, to notify the owner of such impoundment. Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission and prior to transferring ownership of an unclaimed or abandoned animal. Failure to give such notice shall in no way impose any liability upon the Town or the Designated Animal Shelter for the destruction or transfer to another of any dog so impounded and not reclaimed within said period of six (6) days.

B. FEES AND BOARDING CHARGES

1. Prior to the release of an impounded dog, the owner shall pay the following to the Town Clerk, Animal Control Officer, or Designated Animal Shelter.
 - a. An impoundment fee of \$40.00 for each dog, except upon the second impoundment of the same dog, the fee shall be \$60.00, and upon the third and all subsequent impoundments of the same dog the fee shall be \$75.00

- b. An animal shelter daily boarding fee for each day or portion of a day that the dog is maintained in the shelter, and all reasonable expenses that may be required including, but not limited to, veterinary care received while at the shelter.
- c. It shall be the duty of a police officer or animal control officer to keep or cause to be kept any and all detailed records of the impoundment and disposition of all dogs coming into the custody of the Town.

ARTICLE IV

A. DOGS NOT TO RUN AT LARGE

1. It shall be unlawful for any dog, licensed or unlicensed, to run at large, except as follows:
 - a. When used for hunting,
 - b. During field trials of formal obedience, agility, or similar training periods when the dog is accompanied by its owner or keeper.
 - c. When the dog is in a securely fenced, specifically designated dog park or dog exercise area established by a government agency, a homeowner's association, or a community organization, where the fencing is designed to prevent a dog from escaping.
 - d. When the dog is a service animal whose handler, because of disability, is unable to use a harness, leash, or other tether, or the use of such a device would interfere with the service dog's safe and effective performance of work or tasks, provided that the service dog is otherwise under the handler's control through voice control, signals, or other effective means.
 - e. During search and rescue or law enforcement activity using canine resources, and similar public service training when the dog is accompanied by its owner or keeper, or by a qualified handler, provided the owner, keeper, or handler has the express permission of the owner or occupant of the property on which the dog(s) is being trained.
 - f. When the dog is a working farm dog that is either guarding or herding cows, fowl, goats, sheep, swine, or other domestic animals normally raised on a farm.
2. Possession of leash required. An owner/keeper shall have a leash, as defined above, in his/her possession for each dog which is off leash at all times except when the dog or dogs are on the premises of the owner/keeper or other private property if permitted to be there. A leash shall not include an electronic control collar or other device. An owner/keeper is allowed a maximum of five (5) dogs in their control at any time.

B. SANITATION

It shall be unlawful for any person who owns, possesses or controls a dog to fail to promptly remove and dispose of any feces left by such dog on any sidewalk, street, beach, or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on such property).

It shall be unlawful for any person who owns, possesses or controls a horse to fail to promptly remove and dispose of any feces left by such horse on any sidewalk, street, beach, or public owned property or private property (other than the property of the owner of the horse or of a person who has consented to the presence of the horse on their property). It is strongly recommended that horses in any of the previous mentioned spaces be equipped with a 'manure hamper' or similar manure catching device.

1. This provision shall not apply to an assistance dog accompanying a disabled person who, by reason of a disability, is unable to remove and properly dispose of the feces.

C. SPECIAL RULES FOR DOGS IN ROYAL RIVER PARK (Limitation to "Voice Control" as an acceptable means to prevent a dog from being deemed "At Large")

1. All dogs must be on a leash at all times in Royal River Park except as referenced in Section 1.a below:
 - a. Dogs may only be allowed off-leash in the designated area of the Royal River Park known as "Picnic Point" so-called, an area generally described as all lands lying northerly easterly of a river sluiceway in the northeasterly end of Royal River Park and bordered on the North and East by the Royal River and the dam at East Elm St and on the West by East Elm Street. It shall be the responsibility of the owner or keeper of a dog using the off-leash area to control the dog's behavior and location within the designated area.

D. SPECIAL RULES FOR DOGS AT SANDY POINT BEACH

1. No dogs are permitted at Sandy Point Beach between April 1 and October 31, inclusive.

E. SPECIAL RULES FOR DOGS ON A PORTION OF THE WEST SIDE TRAIL (Limitation to "Voice Control" as an acceptable means to prevent a dog from being deemed "At Large")

1. No dogs shall be allowed off-leash at any time on the pedestrian and bicycle trail (known as the West Side Trail located in the CMP transmission line corridor licensed to the Town of Yarmouth for trail development and maintenance) along that portion of the trail and transmission corridor lands running between Drinkwater Point Road southerly and easterly to the Cousins Island Bridge.
2. All dogs must be on leash at all times in all areas of the West Side Trail, within 300 feet (100 yards) of parking lots and trailheads and street crossings.

F. SPECIAL RULES FOR DOGS AT PRATT'S BROOK PARK (Limitation to "Voice Control" as an acceptable means to prevent a dog from being deemed "At Large")

1. All dogs must be on leash at all times in all areas of Pratt's Brook Park within 300 feet (100 yards) of parking lots and trailheads and street crossings.

ARTICLE V

A. INTERFERENCE FORBIDDEN

No person shall interfere with, hinder or molest any Police Officer or Animal Control Officer in the performance of any duty of such officer, or seek release of any dog in the custody of a Police Officer or Animal Control Officer, except as herein provided.

ARTICLE VI

A. ANIMAL NOISE

Animal Noise: No owner/keeper shall permit or allow any companion animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more.

1. **Exceptions:**
 - a. This shall not apply if any companion animal has legitimate cause for provocation.
 - b. This shall not apply to farm animals kept on a property located in the Town of Yarmouth. For purposes of this exception, dogs are not farm animals and kennels are not farms.

ARTICE VII

A. PENALTIES

1. Penalties for violations regarding dangerous or nuisance dogs shall be as defined as in Title 7, Subsection 3952-A.
2. Penalties for violations of Article IV or V.
 - a. Any person convicted of violation any provisions of this ordinance shall be subject to a fine of not less than \$50.00 nor more than \$100.00 plus costs for the first violation. For subsequent violations, the fines shall be not less than \$100.00 nor more than \$500.00, to be recovered by complaint for the use of the Town of Yarmouth. In addition, the Court may make such further order regarding the destruction, restraint, or disposition of the offending dog as the Court deems appropriate.
 - b. A person, not previously convicted of a violation under this ordinance, may elect to pay the minimum penalty of \$50 specified above in lieu of appearing in court to answer the citation. Such payment must be received by the office of the Town Clerk within seven (7) business days from the date the citation was issued. Upon receipt of such payment by the Town Clerk, the Animal Control Officer or Police Officer shall cause the citation to be dismissed. If a person elects to pay the minimum penalty in lieu of appearing in court to answer the citation, and if the person is cited for a subsequent violation, the civil penalty for the subsequent violation shall not be less than \$100.00 nor more than \$500.00.