

ANIMAL CONTROL ORDINANCE
FOR THE
TOWN OF ETNA, MAINE

Adopted: March 3, 2007

Attested: Glennis A. McSorley
Glennis McSorley
Town Clerk

ANIMAL CONTROL ORDINANCE TOWN OF ETNA, MAINE

PREAMBLE

Whereas the inhabitants of the Town of Etna desire to establish standards controlling domestic animals running at large which may be a danger to life, health, property, and the public peace; and

Whereas, the inhabitants of Etna, Maine desire to make every effort to enforce the State statutes (Title 7, Section 3454 to 3458 and 3701 to 3704) regarding animal control; and

Now, therefore, the Town of Etna, Maine hereby ordains this Animal Control Regulation effective upon the date of its adoption by the Town of Etna, Maine.

ARTICLE 1: GENERAL

1.1 TITLE

This ordinance shall be known and may be cited as the "Animal Control Ordinance of the Town of Etna, Maine".

1.2 PURPOSE

The purpose of this ordinance is to domestic animals throughout the Town of Etna in the interest of the health, safety and general welfare of its residents and visitors by assuring the comfort, convenience, safety, health and public peace of the people.

1.3 EFFECTIVE DATE

These regulations shall be effective after the passage by the Town of Etna at Annual Town Meeting. The effective date of these regulations is March 3, 2007.

ARTICLE 2: APPOINTMENTS

2.1 ANIMAL CONTROL OFFICER

The Town Manager is responsible for appointing a suitable person who shall be known as and perform the duties of Animal Control Officer and setting his/her salary, subject to confirmation of the Selectmen. He/She shall have the same powers as a Police Officer and shall be under the supervision and direction of the Town Manager. He/She shall hold office for a term of one (1) to three (3) years, or as an employee at will, at the option of the Town Manager and with the approval by the Selectmen.

ARTICLE 3: AUTHORITY

3.1 DUTIES AND RESPONSIBILITIES

The A.C.O. shall be responsible for the control, regulation and enforcement of all laws related to dogs, cats, domesticated and undomesticated animals in accordance with Title 7 M.R.S.A. Chapter 725. The Animal Control Officer is hereby authorized and empowered to seize and impound any domestic animal found running at large. The Animal Control Officer is responsible for checking owners of unlicensed dogs.

ARTICLE 4: LICENSING AND CONTROL OF DOGS

4.1 DEFINITIONS

As used in this Ordinance, unless the context otherwise indicates:

- a. "AT LARGE" shall mean either off the premises of the owner, or not under the control of the owner or a member of his immediate family, by leash, cord, chain or otherwise restrained.
- b. "DANGEROUS DOG" shall mean a dog that has bitten or chased a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person acting in a reasonable manner outside the owner's premises, to be put in apprehension of eminent bodily harm or has been bitten or chased; or a dog who has damaged the property of any person.
- c. "DOG" shall mean both intact female and male and altered female and male.
- d. "DOMESTICATED ANIMAL" shall mean a mammal accustomed to home life, tamed for man's use, a typical household pet to include, but not limited to dogs, cats, ferrets, wildlife hybrids and livestock.

- e. "OWNER" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- f. "UNDOMESTICATED ANIMAL" a mammal considered to be wild by nature by the Department of Inland Fisheries and Wildlife.

4.2 LICENSE REQUIRED

All dogs kept, harbored or maintained by their respective owners in the Town of Etna shall be licensed and tagged in accordance with the appropriate laws of the State of Maine M.R.S.A. Title 7, section 3921.

4.3 RUNNING AT LARGE

No person shall cause or permit any dog owned or kept by him to run at large within the Town except when used for hunting purposes. Dogs while on any premises other than those of the owner or while on any public way or place, and those dogs being used for hunting shall be under the restraint, within the meaning of this Ordinance. If the dog is controlled by a leash or at "heel" beside a competent person and obedient to that person's commands or on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. Hunting dogs must be kept under voice control at all times. Nothing in the Ordinance shall be held to require the leashing of any dog while on the private premises of the owner.

4.4 BITCH IN HEAT

The owner of any bitch in heat shall keep it confined or restrained, such as being kenneled to prevent unwanted breeding or on a leash at all times and shall not permit such dog to be at large within the town limits or on any premises other than those of the owner. Every bitch found running at large in violation hereof is hereby declared a public nuisance and shall be impounded and the owner, keeper or person harboring such bitch shall be deemed guilty of a misdemeanor.

4.5 IMPOUNDMENT

Unlicensed dog(s) running at large, shall be taken up and impounded in the shelter designated by the town, and there confined in a humane manner for a period of not less than six (6) days; and may thereafter be disposed of in a humane manner, if not claimed by its owner.

The Town or its duly authorized agents may transfer title on all animals held by it at its animal shelter after the legal detention period has expired and its owner has not claimed the animal.

When such dogs are found running at large, and their ownership is known, such dogs need not be impounded, but the town, through its duly authorized agents may, at its discretion, cite the owners of such dogs to appear in court to answer the charges of violation of this Ordinance.

The owner shall be entitled to resume possession of any impounded dog upon compliance with the license provisions of MRSA, Title 7, Section 3451 and the payment of impoundment fees set forth herein.

Any animal impounded under the provisions of this Ordinance and not reclaimed by its owner within six (6) days, may be humanely destroyed or placed in the custody of some person deemed to be responsible and suitable owner, who will agree to comply with the provisions of this Ordinance.

4.6 IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and State law and by paying to the Town a fee of thirty dollars (\$30.00) for each offense. The owner will also be responsible for any additional costs incurred by the animal shelter, e.g., boarding fees, the cost of any medical expenses along with transportation of the animal for medical reasons prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of the dog. All fees, except for a \$1 recording fee is to be collected and processed into a separate account as required by M.R.S.A. Title 7, Section 3945. Any animal impounded hereunder may be reclaimed during Bangor Humane Society business hours Monday through Friday, as herein provided upon payment by the owner to the Town of the following fees:

- \$ 30.00 Basic Impoundment
- \$ 50.00 Each offense

- \$ 60.00 Second Impoundment within twelve months of initial impoundment
- \$100.00 Third impoundment within twelve months of second impoundment and each impoundment thereafter

4.7 DANGEROUS DOGS

Any such dog is hereby declared to be a nuisance. The owner of any dangerous dog shall keep the same confined in a secure enclosure or on a chain or leash controlled by the owner or his agent at all times and shall not permit such dog to run at large within the Town.

4.8 DISPOSITION OF DOGS WHICH HAVE BITTEN PERSONS

It shall be unlawful for the owner or persons keeping, or harboring any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the town, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least ten (10) days, or to deliver such dog to the Penobscot Sheriff's Department. The person in charge of the death of any dog while under confinement shall notify the director of Public Health immediately. The ultimate disposition of impounded dogs shall be according to M.R.S.A. Title 7, Sections 3912, 3913, and 3952 depending upon which category the dangerous dog or dog in heat, meets.

4.9 BARKING AND HOWLING DOGS

No person shall own, keep or harbor any dog which by loud, frequent or habitual barking, howling or yelping shall disturb the peace of any person or persons. It shall be a violation of this ordinance for an owner of a dog to cause or permit such dog to bark, howl, and yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more at any time of day. EXCEPTIONS: dogs barking at trespassers or threatening trespasser on private property on which dog is situated: or any legitimate cause for provocation.

4.10 LICENSE FEES

The following fees are charged for licensing dogs in the Town.

- \$ 6.00 For a neutered male or spayed female dog
- \$ 10.00 For a male or female dog

ARTICLE 5: LATE FEES

The following fees will be charged for dogs not licensed prior to January 31 annually.

- \$ 15.00 Late fee for all dogs not licensed by January 31st
- \$ 25.00 Late fee for all dogs found unlicensed by the ACO after January 31st
- \$ 35.00 Fine for all dogs not licensed within seven days of notification by the ACO

ARTICLE 6: VIOLATIONS

6.1 FINES

Any owner found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation. Upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) to be recovered by a complaint before the Maine District Court, Penobscot County for the first violation and not less than one hundred (\$100) nor more than five hundred (\$500) for two or more violations.

The owner shall also be responsible for the Town's attorney fees and court costs. All fines collected shall be recovered to the use of the Town of Etna and deposited in a separate account as required by 7 M.R.S.A., Section 3945.

ARTICLE 7: SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

ARTICLE 8: AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.