

The Animal Control Ordinance for the Town of Bowdoin

I. TITLE:

This ordinance shall be known and cited as the Animal Control Ordinance of the Town of Bowdoin, Maine, and is referred to herein as "this ordinance".

II. AUTHORITY:

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the Provisions of Title 30-A, MRSA Section 3001 (Home Rule).

III. PURPOSE:

The purpose of this ordinance is to require that all animals in the Town of Bowdoin be kept under the control of their owners and/or keepers at all times so that they will not injure persons, damage property or create a nuisance.

The provisions which apply to the owners of an animal apply equally to any person having custody or possession of the animal

It is also a goal of this ordinance to prevent the spread of contagious diseases and viruses in relation to domesticated and undomesticated animals.

IV. DEFINITIONS:

1. Owner: Any person owning, keeping, or harboring a dog or other animal.
2. At large: Any animal off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
3. Dangerous Dog: A dog that bites an individual who is not trespassing on the dog owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and non-aggressive manner to fear bodily harm by attacking or threatening to attack that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement use. For purposes of this definition, "dog owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.
4. Law Enforcement Officer: The following shall have the authority to enforce this ordinance: Law Enforcement Officer/Constable - Any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State or Municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes or is limited to specific crimes. Animal Control Officer (ACO) - Any person acting in the capacity of Animal Control

~~Officer as defined by state statute and this ordinance, and who is appointed periodically by the Board of Selectmen pursuant to Title 7, M.R.S.A., Chapter 725.~~

5. Municipality: A city, town, or plantation.

6. Animal Shelter: A facility specifically constructed for the care and control of animals which is under contract with the Town of Bowdoin to provide basic services and medical attention for animals impounded by the Animal Control Officer or a Law Enforcement Officer/Constable.

7. Nuisance: The causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles, or other vehicles; and the entry onto school grounds while school is in session.

8. Leash: A hand held device no longer than six feet in length.

9. Pack: A dog in the company of three or more other dogs.

10. Animal: Includes all domesticated and undomesticated animals.

11. Rabies: A viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.

12. Confirmed Rabid Animal: An animal that has been confirmed by the Health and Testing Laboratory using the direct fluorescent antibody (DFA) test of nervous tissue.

13. Quarantine: Term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.

14. Currently Vaccinated: Domesticated animals are considered currently vaccinated for rabies if at least thirty days have elapsed since the initial vaccination and duration of vaccination has not exceeded the time period recommendation for that species based upon the type of vaccine used. A Maine "Certificate of Rabies Vaccination" or a form approved by the Commissioner of the Maine Department of Agriculture, Food and Rural Resources is proof of immunization.

15. Suspected Rabid Animal:

- a.) Any mammal, undomesticated or domesticated, showing signs of rabies.
- b.) Any undomesticated mammal which has potentially exposed, through bite or non-bite exposure, a human or domesticated animal to rabies.
- c.) Any domesticated mammal which has bitten a human or domesticated animal.

16. Undomesticated Animal: A mammal considered to be wild by nature by the Maine

Department of Inland Fisheries and Wildlife.

17. Domesticated Animal: 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.

18. Unvaccinated Animal: An animal with no previous rabies vaccination, an animal whose first vaccination was given within the last thirty days, an animal whose last vaccination has expired (per vaccine manufacturer's recommendation), or an animal for which no approved vaccine exists.

19. Wildlife Hybrid: The offspring of a breeding between a domesticated animal and a wild counterpart. This would include but is not limited to: coy dog, wild/domesticated cat hybrid and wolf/dog hybrids. These animals are considered domesticated but have no established quarantine or isolation period for the incubation of the rabies virus.

20. Control: To limit by reasonable means all unnecessary exposure for the suspect rabid animal to humans or to other animals.

21. Neglect: Failure to care for or give proper attention to an animal.

V. ANIMALS CREATING A NUISANCE BY NOISE:

Anyone owning, possessing or harboring any animal which barks, howls, or makes other sounds common to its species, continuously for twenty minutes or intermittently for one hour or more shall be deemed to have caused a nuisance. Violations shall be addressed, at officer's discretion, as such;

1) Upon 1st offense the ACO, or a law enforcement officer shall verbally warn owner of nuisance.

2) Upon 2nd offense the ACO, or a law enforcement officer shall provide a written warning informing owner of nuisance.

3) Upon a 3rd offense, the ACO, or other law enforcement officer shall issue a citation, and the person owning, possessing, or harboring the animal in question shall be subject to the civil penalty as set forth in Section XVI of this ordinance.

4) For each subsequent violation, the civil penalty called for under Section XVI shall increase in \$30.00 increments.

VI. RUNNING AT LARGE:

It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned animal roaming at large shall be impounded by the Animal Control Officer (ACO) and taken to a shelter. Any dog leaving the property of its owner or custodian must be on a leash. Any animal in violation may be impounded by the ACO or a law enforcement officer. Any animal so impounded may be destroyed if it

is not claimed within eight days following impoundment. The ACO or other law enforcement officer may take the animal to its owner, if known. However, the offender will be subject to a charge of \$50.00 for services rendered, payable to the Town of Bowdoin.

VII. CONFINEMENT OF CERTAIN DOGS:

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the ACO or other law enforcement officer and only if all provisions of the Section entitled "Impoundment Fees" have been met.

VIII. ANIMAL CONTROL OFFICER (ACO):

The Board of Selectmen shall appoint a suitable individual to perform the duties of Animal Control Officer as described by State statute and this ordinance. The Animal Control Officer 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.

IX. LICENSE REQUIRED:

All dogs kept, harbored or maintained by their respective owners in the Town of Bowdoin shall be licensed and tagged in accordance with the appropriate laws of the State of Maine. (Title 7, Section 3921)

X. LICENSING FEES:

Beginning January 1st and no later than April 1st, all dogs over the age of six (6) months must be licensed in the Town of Bowdoin by registering the dog(s) at the Town Clerk's Office. Proof of a current rabies vaccination must be shown to obtain a license.

XI. REGISTRY AND NOTIFICATION OF IMPOUNDMENT:

When impounding an animal the ACO or other law enforcement officer shall at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the animal as can be reasonably ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instructions setting forth the conditions under which the animal may be released. When any animal is impounded under the provisions of this article, the person who has control of the Shelter shall, when possible, contact the owner within forty-eight (48) hours and report to the Town Clerk a description of the animal and its place of impoundment. If the owner does not claim said animal, then the Shelter shall dispose of the animal by adoption or otherwise in a

proper and humane manner consistent with the applicable state laws.

XII. IMPOUNDMENT FEE:

All owners may reclaim their animal by first licensing, if applicable, according to this ordinance, and by paying to the Town of Bowdoin an Impoundment Fee of fifty dollars (\$50.00) for each offense. The owner will also be responsible for any additional costs incurred on behalf of the animal at the Animal Shelter prior to reclamation. Fees must be paid at the Town Clerk's Office and a receipt of same presented to the Animal Shelter prior to the release of the animal.

XIII. DISPOSITION OF ANIMALS WHICH HAVE BITTEN HUMANS AND/OR HAVE BEEN EXPOSED TO A CONTAGIOUS DISEASE OF VIRAL DISEASE:

The owner or keeper of an animal which has bitten a human or may have been exposed to a contagious or viral disease shall be served a quarantine notice by the Animal Control Officer or law enforcement officer. The owner or keeper shall confine and control the animal for at least ten (10) days, forty-five (45) days, or six (6) months or as ordered by the Animal Control Officer or law enforcement officer. The owner or keeper must observe and obey all written instructions and procedures included in the quarantine notice. Failure to comply with this section may result in fines or penalties described in the section entitled "Violations". Further, failure to comply with this section may result in a court ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All related expenses shall be paid by the owner or keeper.

XIV. ANIMALS CREATING A PUBLIC HEALTH THREAT:

The municipal Health Officer shall order the suppression and removal of animals and conditions posing a public health threat when there is a reasonable cause to suspect the presence of a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

XV. VIOLATIONS:

Any person found in violation of any provision contained in Section V, VI, VII, and/or VIII shall be subject to a civil penalty of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) for each offense. All civil penalties shall inure to the benefit of the Town and shall be paid at the Town Clerk's Office. The ACO may cause the initiation of legal proceedings to prosecute any violation of this ordinance.

XVI. 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.

*A True Copy
Attested
Jan. 16, 2006
Molawie R. Stano*