

## TOWN OF DAMARISCOTTA

### DOG CONTROL ORDINANCE

**PURPOSE.** The purpose of this ordinance is to require that all dogs in the Town of Damariscotta be kept under the control of their owners at all times so that they will not injure persons, damage property, cause unreasonable noise or otherwise create a nuisance.

The provisions which apply to the owner of a dog shall apply equally to any person having its custody or possession.

**1. Dogs to be licensed in accordance with the statutes of the State of Maine.** No dog shall be kept within the limits of the Town of Damariscotta, County of Lincoln, State of Maine, unless such dog shall have been licensed by its owner in accordance with the statutes of the State of Maine.

"Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.

**2. Dogs not to be permitted to run at large.** It shall be unlawful for the owner of any dog, licensed or unlicensed, to permit such dog to run at large. "At Large" shall be intended to mean off the premise of the owner and not under the control of any person by means of a chain, rope or cord of sufficient strength to control the action of such dog (or such other personal presence and attention as will reasonably control the conduct of such dog).

**3. Animals creating a nuisance by noise.** Anyone owning, possessing or harboring any dog which barks, howls, or makes other sounds common to its species, continuously for 20 minutes, or intermittently for one hour or more, shall be deemed to constitute a nuisance.

**EXCEPTIONS:** Dogs barking at trespassers or threatening a trespasser on private property on which dog is situated; or any legitimate cause for provocation.

Any person found violating this provision shall be subject to a fine of not less than \$25 and not more than \$100 for each offense.

**4. Duties of Police Officers, Animal Control Officers and persons having control of impounding.** Any police officer, animal control officer or other duly authorized person within the Town of Damariscotta, shall seize, impound or restrain any dog kept in violation of Section 1, and any dog running at large, and deliver such dog to the person who is duly authorized to have control of impounding. If the owner of such dog is known or can be located with reasonable diligence, then the person who has control of impounding shall personally notify the owner within three days of the receipt of such dog. If the owner of such dog is not known and cannot be located with reasonable

*Warren D. Hatch*

ATTESTED 3/23/99 WARREN D. HATCH, TOWN CLERK

DAMARISCOTTA DOG CONTROL ORDINANCE ADOPTED 3/23/99

diligence, then the person who has control of impounding shall post, within forty-eight hours of the time such person shall have taken such dog into his possession, written notices in three public places in the municipality, giving a description of the dog, stating where it is impounded and the conditions for its release. If the owner within seven days after receiving notice, or within seven days after notice has been posted, does not claim such dog, then the person having control of impounding shall dispose of the dog by sale or otherwise, in a proper and humane manner.

The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. Such record shall include (a) a description which identifies the dog with reasonable certainty (b) the manner of disposing of the dog, and (c) if the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his name, address and the date of delivery or receipt of the dog.

**5. Conditions of release.** Section 2, provides that the person giving notice shall with such notice give the conditions for the release of the impounded dog. Before such dog may be transferred to another person, (a) such dog shall be vaccinated with anti-rabies vaccine, or the transferee shall show proof of vaccination within the previous year, (b) such dog must be licensed in accordance with the statutes of the State of Maine, and (c) the transferee shall pay to the municipal treasurer the sum of \$5.00, the sum of \$5.00 for vaccination, and the sum of \$1.50 per day for each day, or part thereof, the dog has been impounded.

**6. Penalties.** Instead of seizing and impounding the dog, the Town of Damariscotta, may prosecute the owner of any dog running at large, and any person upon conviction thereof shall be fined not less than \$10.00 no more then \$25.00, plus the costs of prosecution.

**7. Vaccination.** It shall be unlawful for the owner of any dog older than four months, less one day, to keep, maintain, or permit to run at large, such dog, unless it has been vaccinated by veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which such dog is kept, maintained or permitted to run at large. Any person found violating this provision shall be fined not less than \$10.00, nor more than \$25.00, plus costs of prosecution.

**8. Repeal of Conflicting ordinances.** All existing ordinances of the Town of Damariscotta are hereby repealed insofar as they may be inconsistence with the provision of this ordinance.

**9. Separability of provisions.** It is the intention of the municipality that each provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the municipality that if any provision of this ordinance be declared invalid all other provisions thereof shall remain valid and enforceable.

**10. Effective date.** This ordinance shall be in full force and effect thirty days from its passage, approval and publication.



ATTESTED 3/23/99 WARREN D. HATCH, TOWN CLERK