

## ORDINANCE #18

### ORDINANCE RELATING TO ANIMALS, FOWL AND REPTILES

#### **Section 1. Animal Control Officer.**

The Town Manager shall appoint an animal Control Officer for the purpose of enforcing the provisions of this ordinance and Title, 7M.R.S.A, § 3911, 3912, 3921, 3924, 3943, 3948, 3950, 3950-A, and Title 22, § 1313 and 1313-A.

#### **Section 2. Authority to impound animals**

Any police officer, duly authorized animal control officer or person exercising police power under the provisions of this ordinance shall have the authority to impound animals, that are in violation of this ordinance.

#### **Section 3. Definitions.**

Unless the context otherwise indicates, the following definitions shall apply in the interpretation and enforcement of this ordinance.

***Dog*** shall mean either a male or female 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.

***At large*** shall mean off the premises of the owner, and not under the control of the owner or any other person whose personal presence and attention would reasonably control the conduct of the animal, either by leash, cord, chain or otherwise.

***Dangerous dog*** shall mean a dog that causes a reasonable and prudent person who is acting in a reasonable and nonaggressive 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 purposes.

***Domesticated animal*** shall include but not be limited to dogs, cats, ferrets, reptiles, fowl, wildlife hybrids or livestock.

***Kennel*** shall mean one pack or collection of dogs kept under one ownership in a single premise for breeding, hunting, show, training, field trials and exhibition purposes. "One pack or collection" could be one to ten dogs.

**Owner** shall mean any person or persons, firm, association or corporation owning, keeping, harboring or in possession of or having control of a domesticated animal.

**Under restraint** shall mean that a dog is controlled by a leash, cord, chain 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.

#### **Section 4. Licensing of Dogs.**

- (a) The owner of any dog at the age of six months or over, except dogs under a Kennel License, shall, on or before January first, annually, or at such time as such dog becomes six months old cause such dog to be licensed in accordance with Title 7, M.R.S.A., §3922.
- (b) Any person becoming the owner of a dog aged six months or more after the first day of January, not duly licensed as required, shall, within (10) days after he/she becomes the owner of such dog, cause said dog to be licensed in accordance with Title 7, M.R.S.A., § 3922.
- (c) A suitable tag showing the year such license is issued, and bearing such other data as may be required shall be given with each license and must be worn at all times by the dog for which the license was issued as provided in Title 7 M.R.S.A. § 3923-B.
- (d) The owner of any unlicensed dog may be summoned to court for a civil violation as provided in Title 7, M.R.S.A., § 3924.

#### **Section 5. Reclaiming impounded animals.**

Any animal, impounded under the provisions of this ordinance may be reclaimed by the owner upon payment of the impoundment fees required in section 6 and any required license fees. To reclaim a domesticated animal, the owner must also comply with any applicable license provisions of state law, in accordance with Title 7, M.R.S.A. § 3922.

#### **Section 6. Impoundment Fees.**

Any animal impounded pursuant to this ordinance may be reclaimed as provided by section 5 upon payment, by the owner, of the following fees:

- (a) For each animal, first impoundment ..... \$ 10.00
- (b) For each animal, second impoundment ..... 20.00

(c) For each animal, third and all subsequent impoundment's.....30.00

Boarding of such domesticated animals shall be charged in accordance with the fees of the animal shelter currently designated by the town to receive impounded animals.

**Section 7. Town authorized to transfer title to animals detained.**

The Town or its duly authorized agent may transfer title of all animals held by it at its designated animal shelter after the legal detention period established in section 8 has expired and the animal has not been claimed by its owner.

**Section 8. Impounded animals may be destroyed, given away.**

Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within the period of time established by state law may be humanely destroyed or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this ordinance.

**Section 9. Disposition of rabid animals.**

The Town's health officer, duly authorized animal control officer or a police officer shall direct the disposition of any animal determined to be infected with rabies.

**Section 10. Disposition of animals bitten by rabid animals during quarantine.**

During the period of time when a rabies quarantine invoked pursuant to this ordinance is in effect, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian, or held under quarantine pursuant to quarantine provisions of state law.

**Section 11. Duty to surrender animals for quarantine or destruction upon demand.**

No person shall fail or refuse to surrender any animal for quarantine or destruction as required by this ordinance when demand is made therefor by the Town's health officer, duly authorized animal control officer, or a police officer.

**Section 12. Surrender of carcass of animal exposed to rabies.**

The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the health officer, duly authorized animal control officer or a police officer.

**Section 13. Animals not permitted in streets during quarantine.**

Upon the invoking of quarantine pursuant to this ordinance, no animal shall be taken into the streets or be permitted to be on the streets during such period of quarantine.

**Section 14. Depositing dead, sick or injured animals.**

No person shall deposit, place or throw any dead or fatally sick or injured animal, or part thereof, on any public or private place.

**Section 15. Disposal of dead animals required.**

When any animal dies on the premises of the owner or person in charge of such animal, he shall dispose of such animal immediately in accordance with Title 22 M.R.S.A. § 1562.

**Section 16. Duty to report dead, sick or dying animals; disposition.**

When any animal is found dead, sick or dying on the private premises of any person not the owner of such animal shall report it to the police department, and the police department shall be responsible for its removal forthwith. If by license or otherwise the owner of the animal is known to the police department, the department shall notify at once such owner, who shall be responsible for the immediate removal of the body or veterinary care of the sick or dying animal.

**Section 17. Permitting of animals to run at large prohibited.**

No owner of any horse, cow, ox, swine, goat or other grazing animals shall turn or permit the same to go at large in any street or public place within the Town.

**Section 18. Dogs running at large.**

- (a) No owner of a dog, whether licensed or unlicensed shall permit such dog to run at large within the Town limits. Any dog found to be running at large shall be picked up and impounded either at the police department or at the animal shelter currently designated by the town to receive impounded animals.

- (b) The owner of any dog found to be running at large shall pay to the Town of Winthrop a pickup fee in accordance with Section 6 of this ordinance.
- (c) Pick-up fees as required by this section shall be paid at the Winthrop Police Department and proof that the dog is licensed shall be required prior to the return of such dog to the owner.
- (d) Pick-up fee shall be waived provided the owner of the dog has, prior to pick-up, reported to the Police Department that his or her dog is missing.
- (e) In addition to other fees, the owner of any dog found running at large may be subject to the penalties provided in M.R.S.A., Title 7 Section 3915.
- (f) Dogs while on any public way or place shall be under restraint. A dog leash shall not be more than eight (8) feet in length
- (g) Nothing in this section shall require the leashing of any dog while on private premises.

#### **Section 19. Impoundment of domesticated animal bitten by possible rabid animal.**

Any domesticated animal that has been bitten by an animal having or suspected of having rabies shall be immediately quarantined for observation in the manner provided for under state law.

#### **Section 20. Disposition of domesticated animals which have bitten persons.**

- (a) It shall be unlawful for the owner of any domesticated animal, when notified that such animal has bitten or has injured any person so as to cause abrasion of the skin, to sell, give away, or to permit or allow such animal to be taken beyond the limits of the Town, except under the care of a licensed veterinarian.
- (b) It shall be the duty of such owner, upon receiving notice of the character aforesaid, to immediately place such animal under confinement for a period established by state law or to deliver such animal to the police department or animal control officer or an approved impoundment facility.
- (c) It shall be unlawful for the owner, when notified that such animal has bitten any person or has so injured any person so as to cause abrasion of the skin, to destroy such animal without permission of the health officer, duly authorized animal control officer or a police officer.

#### **Section 21. Duty to give notice upon death of confined domesticated animal.**

The authorized animal control officer or police officer shall be notified immediately by the person in charge of the death of any dog confined as required by section 20.

**Section 22. Bites by domesticated animals.**

The authorized animal control officer or police officer shall investigate all bites by domesticated animals.

**Section 23. Authority to kill dangerous, fierce, vicious dogs.**

If any dangerous, fierce or vicious dog cannot be safely taken up and impounded; such dog may be slain by any police officer or duly authorized animal-control officer.

**Section 24. Duty of police department to deliver carcass of slain dog.**

In all cases where a dog has bitten or caused an abrasion on the skin on any person, and is slain by a police officer, whether by order of the court or otherwise, and a period of less than fifteen (15) days has elapsed since the day on which the dog bit or caused an abrasion of the skin of someone, the Winthrop Police Department shall deliver the carcass of the dog to the Health & Environmental Testing Laboratory in accordance with state law.

**Section 25. Barking, howling dogs.**

- (a) No person shall own, keep or harbor any dog which by loud, frequent or habitual barking, howling or yelping shall unnecessarily annoy or disturb the peace of any person.
- (b) Upon receiving a complaint of a barking or howling dog the authorized animal control officer or police officer shall investigate the allegation and upon probable cause may give notice to the owner of such dog that such annoyance and disturbance must cease.
- (c) Thereafter, upon continuation of such annoyance or disturbance such owner or keeper shall be subject to a fine of \$25.00 for the first offense, \$50.00 for the second offense, \$100.00 for the third offense and \$250.00 for each subsequent offense.

**Section 26. Dangerous dogs a nuisance; owner's responsibility.**

- (a) A dangerous dog is hereby declared to be a nuisance. In addition to all other applicable requirements of law, any dog determined to be dangerous within the

meaning of this section shall be kept muzzled and/or confined within a secure enclosure whenever outside. The muzzle and/or enclosure must be sufficient to protect people, especially children, from said dog.

- (b) Upon receiving a complaint or receipt of a petition signed by at least five (5) owners or occupants of property located within five hundred (500) feet of the property on which the dog in question is kept, the authorized animal control officer or police officer shall investigate the allegation and upon probable cause may give notice to the owner of such dog shall be kept muzzled and/or confined within a secure enclosure whenever outside pending a court determination. A court of competent jurisdiction shall determine whether the dog is dangerous within the meaning of this section. The animal control officer or a police officer is authorized to impound such dog pending the outcome of the court's determination.
- (c) The Chief of Police or his/her designee and the corporation counsel is authorized to seek appropriate legal and equitable relief in a court of competent jurisdiction to enforce the terms of this section. In addition to any equitable relief, a fine of one hundred dollars (\$100.00) a day shall be imposed for each and every day that the violation continues.

#### **Section 27. Reptiles; Not to create nuisance; disposition.**

- (a) No person shall keep or display any reptile in such a manner so as to constitute a public nuisance or cause an affront or alarm to any member of the general public.
- (b) It shall be unlawful for any owner or keeper of any reptile to allow such reptile to be on a public way or in a public place so as to be visible by any member of the general public. Any owner transporting a reptile shall do so with the reptile enclosed in an escape proof enclosure.
- (c) The exhibition of any reptile at any licensed event by the promoters of such an event where the general public pays a fee or enters an enclosed area for the purpose of viewing any reptile shall be exempt from this section.
- (d) Nothing in this section shall prevent the legitimate sale or exhibition of reptiles for educational purposes.

#### **Section 28. Penalty; action in lieu of penalty.**

Except as specifically provided in section 25 above, whoever keeps a domesticated animal contrary to the provisions of this ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00) to be recovered by complaint before any district court in

the county where such owner resides. In addition or in lieu of such fine, the court may order such owner or keeper within twenty-four (24) hours thereafter to kill, dispose of or confine the animal, or remove and keep the animal beyond the Town limits.

### **Section 29. Validity of Ordinance**

Should any section or part thereof of this Ordinance be held by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Adopted: December 6, 1999 (Previous Ordinance #18 Repealed)  
Effective Date: January 7, 2000