

# Town of Stonington, Maine

## Animal Control Ordinance

### Part 1 General Provisions

#### **Section 101.** Purposes and Policies.

The purpose of this ordinance is to:

1. Provide for the health, safety, and security of the Citizens of the Town of Stonington.
2. Provide for the proper treatment and protection of domestic animals within the Town of Stonington.
3. Hold owners responsible for the conduct of their domestic animals within the Town of Stonington.

#### **Section 102.** Authority.

This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3001 and 7 M.R.S.A. §3901 *et seq.*

#### **Section 103.** Effective Date.

This Ordinance is effective upon an affirmative vote at a Town Meeting.

#### **Section 104.** Severability.

If any provision or section of this Ordinance is held void or invalid, such invalidity shall not affect other provisions of this Ordinance that can be given effect in whole or in part without the invalid provision.

#### **Section 105.** Repeal.

The "Dog Ordinance of the Town of Stonington, Maine", adopted July 31, 2002 is hereby repealed.

### Part 2 Definitions

In general, all words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms are described below:

- A. "Abandoned animal" shall mean an animal that has been deserted by its owner.
- B. "Abuse" shall mean treatment of an animal in any manner that violates any section or subsection of Title 7 M.R.S.A., Chapter 739. "Cruelty to Animals".
- C. "Animal Control Officer" and "ACO" shall be intended to mean the municipal official appointed by the Board of Selectmen of the town of Stonington.
- D. "At large" shall mean off the premises of the owner and not under the control of any person whose presence and attention would reasonably control the conduct of the animal.
- E. "Attack", "attacks", and "attacking" shall mean an unprovoked actual bite or an action of imminent physical harm to a person, a domestic pet or a farm animal.
- F. "Dangerous dog" shall mean a dog that has bitten an individual who was not a trespasser with criminal intent on the owner's premises at the time of the incident; a dog that causes serious injury or death to another animal; or a dog that causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner's premises.
- G. "Dog" shall mean male or female of the canine species.

- H. "Domestic animals" shall include, but not be limited to, dogs, cats, cows, horses, pigs, sheep, goats, and chickens and other fowl being kept for domestic purposes.
- I. "Keeper" shall mean an adult person in possession or control of a dog or other animal.
- J. "Neglect" shall mean a domestic animal kept in such a manner that it does not have access to the very basics necessary for its comfort and/or survival, namely-proper amounts of food, fresh water, adequate shelter for the weather conditions and proper medical attention.
- K. "Nuisance" shall mean the causing of unreasonable noise, smell, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles "Public nuisance" shall mean the use of a property or a course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.
- L. "Owner" shall mean an adult person, persons, firm, association, or corporation owning, keeping, or harboring an animal or animals.
- M. "Town" shall be intended to mean Town of Stonington, Maine.
- N. "Under restraint" shall mean physically capable of controlling a dog by a leash, cord, chain, or by voice command control to which the dog is obedient.

### **Part 3 Municipal Rights and Duties**

#### **Section 301. Animal Control Officer.**

The Board of Selectmen of the Town of Stonington shall appoint an Animal Control Officer pursuant to 7 M.R.S.A. §3947.

It shall be a violation of this ordinance to interfere with, hinder, or molest any Animal Control Officer in the performance of his or her duties.

The Animal Control Officer shall be responsible for Animal Control in the Town of Stonington. His or her duties shall include, but are not limited to:

- A. Enforcing this Ordinance and all applicable State Laws.
- B. Attending proceedings at the District or Superior Court as necessary.
- C. Attending ACO training/recertification training as necessary.
- D. Attending all required safety trainings as determined by the Town of Stonington.
- E. Assisting the Stonington Volunteer Fire Department, Health Officer, County Sheriff's Department, Marine Patrol, Game Wardens and/or State Police whenever called upon by such departments with respect to Animal Control.
- F. Performing other duties to control animals as required by the municipal job description or by legislative action.
- G. Any officer as designated by the Selectmen, Game Wardens or other State Official charged with animal control duties may enforce this ordinance in the absence of the ACO.

#### **Section 302. Animal Control Shelter.**

The Town of Stonington shall designate one or more Animal Shelters as the Stonington Animal Control Shelter. The Board of Selectmen shall enter into a contract with the designated shelter pursuant to 7 M.R. S. A. §3949.

**Section 303.** Town Property.

It shall be the right of the Board of Selectmen to post Town Property as "No Pets Allowed" or to restrict/allow pet access to on/off leash, certain times of the day or certain periods of the year.

**Part 4. Dogs**

**Section 401.** License Required.

Each owner/keeper of a dog that is six months of age or over shall on or before January 1, annually, or at such time a dog becomes six months old, cause such dog to be licensed with the Town Clerk.

After January 31, the Animal Control Officer shall notify all owners of unlicensed dogs that they are subject to a late fee pursuant to 7 M.R.S.A. § 3923-A (4), as may be amended from time to time, and an administrative fee in such amount as the Board of Selectmen may from time to time establish by the Board of Selectmen order, and that their dogs must be licensed by July 31 or they shall face court action.

The municipal clerk(s) may not issue a license for a dog until the applicant has filed with the clerk proof that the dog has been immunized against rabies.

**Section 402.** Running at large.

- A. It shall be unlawful for any dog to run at large except when engaged in field trials, training or legal hunting.
- B. A dog shall be deemed under restraint within the meaning of this ordinance if it is controlled by a leash, cord, chain, or otherwise under control of a person if obedient to that person's voice command.
- C. Any dog found to be running at large may be seized and impounded by the ACO or designated official. The owner of the dog shall be held liable for all related costs, in addition to any other fees or fines that may be assessed. Costs of impoundment and fees may be recovered by the Town in a civil action.

**Section 403.** Public Nuisance.

- A. Any owner or keeper of a dog or animal that damages property located within the Town of Stonington and belonging to another, said damage occurring while the dog or animal is not on the property of the owner or keeper constitutes a violation of this ordinance.
- B. Any owner or keeper of a dog shall not cause or permit such dog to disturb the peace of any person. Any owner or keeper causing or permitting a dog to bark, howl, or make other loud or unusual noises continuously for one (1) hour or intermittently for three (3) hours or more (unless professionally trained working dogs) shall be in violation of this section.

**Section 404.** Dangerous Dogs.

- A. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domestic animal may file a written complaint with the Animal Control Officer, which may prompt further investigation by the Animal Control Officer.
- B. An owner who is given written notice by the Town's Animal Control Officer, or other officer that their dog has bitten or is reasonably believed to have in any way seriously injured any person, domestic pet, or farm animal shall not, without further written authorization by an officer or official, sell, give, or otherwise convey ownership or possession of that dog, or permit that dog to be moved beyond the

boundaries of the Town, except to or under the care of a licensed veterinarian, a certified animal behaviorist and/or trainer, the ACO or a law enforcement officer.

- C. An owner receiving written notice shall immediately place the dog under confinement for a period of at least ten (10) days, at the owner's expense, and shall promptly obey all rabies detection and control directions of the ACO, veterinarian, law enforcement officer, or other state official concerning that dog. During the period of confinement, the owner shall not destroy the dog nor allow it to be destroyed.
- D. An owner of a dangerous dog shall ensure that the dog, when out of doors on the owner's premises, is either contained within a secure enclosure or is fastened with a secure latch to a well-maintained reinforced restraint.
- E. Dangerous dogs shall wear a muzzle or similar device, a proper collar attached to which must be current town license, rabies and identification tags (with owner's accurate address/phone number) and a leash of no longer than six (6) feet in length, accompanied by its owner or other adult person, when off the owner's premises within the boundaries of the Town of Stonington.

#### **Section 405. Impoundment.**

- A. The Board of Selectmen shall post the name, location and contact information of the Town of Stonington Animal Shelter within 30 (thirty) days of entering into a contract with such shelter.
- B. The Animal Control Officer may seize, impound, or restrain any dog violating this ordinance or state law
  - a. It shall be a violation of this ordinance to release, or seek release of, any dog in the custody of the Animal Control Officer except as provided under this ordinance.
- C. When the owner of any such impounded dog is known or can be reasonably ascertained by the Animal Control Officer, the owner shall be notified immediately of such impoundment
  - a. Failure to provide such notice shall in no way impose any liability upon the Animal Control Officer or the Town of Stonington for destruction or transfer to another person of any dog.
- D. Any animal which has been bitten, scratched or otherwise injured by another animal, wild or domestic, having or suspected of having rabies, shall be immediately impounded for observation as provided in Sections 404.B and C of this ordinance.
- E. An owner of any animal confined due to the possibility of rabies shall allow periodic examinations of the dog during confinement by the Town of Stonington ACO and/or a veterinarian, at the owner's expense.
- F. If any licensed dog is seized or impounded as a first violation of Section 402, the Animal Control Officer may, at his or her discretion, return the dog to its owner and issue a verbal warning only.
- G. When a dog of known ownership is found in violation of Section 402 three (3) or more times in a six (6) month period, the ACO or person acting in that capacity may take the dog to the animal shelter and notify the owner in accordance with Section 405, §B.
- H. Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and by paying to the Town a fee of thirty dollars (\$30), any and all Ordinance violation fines, any and all impound fees, including those which may accrue at the contractual shelter. Fees must be paid in full and a receipt of same presented to the shelter prior to release of the dog.
- I. It shall be unlawful for an owner/keeper to fail or refuse to reclaim his/her animal and pay the costs required under various sections of the Town of Stonington, Maine, Animal Control Ordinance.

#### **Section 406. Disposition of Unclaimed Dogs.**

- A. An unclaimed dog shall be held for 6 days at the contractual shelter for the Town of Stonington. During or at the end of this time period, the Town of Stonington, through information provided by the

Animal Control Officer, may place the dog for adoption, may transfer ownership to another animal shelter or may authorize the contractual shelter to humanely euthanize the dog. If an owner of the dog becomes known through investigation of the Animal Control Officer, the Board of Selectmen may pursue action to recover costs associated with impound, medical treatment, Town fees and humane euthanasia and cremation fees charged by the contractual shelter.

- B. If the contractual shelter for the Town of Stonington has an existing policy for number of days it will hold an unclaimed dog, its policy shall supersede Section 406.A.

## **Part 5. Other domestic Animals**

### **Section 501. Public Nuisance.**

- A. Owners of other domestic animals, including but not limited to cats, horses, cows, sheep, goats, fowl, and rabbits shall not allow the animal to unnecessarily annoy or disturb any person by loud, unusual and/or repeated noises. Disturbances that are continuous for one (1) hour or intermittently for three (3) hours or more shall prompt an investigation by the Animal Control Agent. The ACO, after thorough investigation, may cite the owner for violating this Ordinance.

## **Part 6. Treatment of Animals**

### **Section 601. Necessary Sustenance.**

All owners or keepers of domestic animals within the Town of Stonington shall supply animals with sufficient food and water.

- A. Food shall be of sufficient quantity and quality to maintain all animals in good health.
- B. Potable water must be provided daily and in sufficient quantities for the health of the animals if it is not accessible to the animal at all times. Snow or ice is not an adequate source of water.

### **Section 602. Shelter.**

All owners or keepers of domestic animals within the Town of Stonington shall provide the animal with proper shelter, protection from the weather, and humanely clean conditions.

- A. The ambient temperature of indoor shelters shall be compatible with the health of the animal and the shelter must be adequately ventilated by natural or mechanical means to provide for the health of the animal/animals at all times.
- B. Any owner of any animal housed in an outdoor shelter must provide sufficient shade by natural or artificial means to protect the animal from direct sunlight. An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions and for the species and breed of the animal must be provided as necessary for the health of the animal.
- C. Housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal/animals. The shelter shall be of sufficient height and size to provide each animal adequate freedom of movement.

- D. To minimize health hazards, minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt, and trash.

**Section 603. Medical Attention.**

All owners or keepers of animals must supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury or disease.

**Section 604. Cruelty, Abuse, Neglect.**

No person shall harm in any way, any animal on an owner's premises or under the control of the owner. No person shall cause harm to animals in their care be it by them or anyone residing or visiting on a person's premises. Animals shall not be used in contests or races for the benefit of the owner, handler or group. A suspected or reported case of cruelty, abuse or neglect shall be thoroughly investigated by the Animal Control Officer and as necessary other law enforcement officials. Investigation may include surveillance, video or other recording devices, witness and owner testimony, copies of veterinary records, visits to the property and impoundment of the animal.

**Part 7. Penalties**

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and liable to punishment by a fine not to exceed fifty dollars (\$50) for the first offense. A second or subsequent offense shall result in a fine of one hundred dollars (\$100) to the owner or keeper of the animal. Upon notification to the owner and/or keeper and the persistence of the violation, each day shall constitute a separate offense and subject the owner/keeper to the fine stipulated for a second or subsequent offense for each day the violation exists. Fines must be paid within ten (10) days of violation notice. Associated legal, court, clerk, impoundment and investigation fees shall be levied against the violator.

All fines or fees collected shall be kept in a separate account and used exclusively for animal control expenditures.

Adopted March 2, 2015 by vote of Annual Town Meeting



Lucretia Bradshaw, Town Clerk

