

# Town of Dayton Animal Control Ordinance

## 1) **Purpose**

The purpose of this ordinance is to regulate dogs in the Town of Dayton, to mitigate the problems, including property damage, caused by dangerous dogs, dogs running at large and barking dogs, and for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the Town. This ordinance seeks to achieve its purposes without unreasonably restricting owners and their dogs in their normal activities, while holding owners responsible for their dogs.

## 2) **Authority**

This ordinance is enacted pursuant to Title 30-A, M.R.S.A., Section 3001.

## 3) **Definitions**

As used in this ordinance, unless the text clearly indicates otherwise, the following words and phrases have the following meanings.

**“Abandoned Animal”** an animal that has been deserted by its owner or keeper.

**“Dog”** includes both male and female dogs.

**“Owner”** means any person or persons, firm, association, or corporation, or other legal entity amenable to civil process, owning, keeping, or harboring, or in possession of, or having the control of a dog; and includes the parent or parents, or guardian, of a minor who owns, keeps, harbors, or is in possession, or control of a dog.

**“Keeper”** means a person in possession or control of a dog.

**“Running at Large”** means off the premises of the dog’s owner and not under the control of an owner or keeper of the dog who is physically capable of controlling and restraining the dog by a leash, cord, or chain, or by “at heel” or other voice or other command control to which the dog is obedient.

**“Voice Command”** means dog control by voice or other command where the dog is obedient and responsive.

**“Town”** means the Town of Dayton.

#### 4) **Barking Dogs**

Anyone owning, possessing or harboring any animal 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 trespassers on private property on which the dog is situated or any legitimate cause for provocation. Upon a signed and sworn written complaint of the person disturbed, any animal control officer or other law enforcement officer may investigate the allegations of the complaint. If the officer finds that there are valid grounds for the complaint, the officer shall serve a written warning upon the Owner or Keeper, notifying them that such annoyance or disturbance must cease. Said written warning shall be served by:

- a) Delivering a copy of the warning to the Owner or Keeper, in hand;
- b) Leaving a copy with a person of suitable age and discretion at the premises where the dog is kept or where the owner or keeper resides; or
- c) Mailing a copy to the owner or keeper at the address shown on the license application for that dog or animal.

Any Owner or Keeper who allows such annoyance or disturbance to continue after notice has been served commits a violation, subject to the penalties set forth in this ordinance.

#### 5) **Running at Large Prohibited**

A. No person shall cause or permit any dog owned or kept to run at large within the Town. And specifically, when on any public way, or municipal property, including but not limited to the Town's parks, and recreational and athletic fields, or upon the property of another person without the consent of another person. All Owners or Keepers of a dog shall ensure that their dog is:

- i) On a leash or tether at all times; or
- ii) Is accompanied by an owner or keeper who is physically or by effective voice or other command able to control and restrain the dog from attacking, who at all times tends the leash or tether or otherwise maintains effective control of their dog, and who does not permit the dog to run at large. Nothing in this ordinance shall be held to require the Owner or Keeper of a dog to leash their dog while on their private premises.

B. The Owner or Keeper of any dog found running at large in violation of Paragraph A of this section of this ordinance shall be entitled to warnings on the first two alleged violations. On the third and any subsequent alleged violations, the Owner or Keeper of any such dog shall be cited to appear in Court to answer the charge of violating this Ordinance, or another appropriate charge.

## 6) **Impounding Dogs**

Unlicensed dogs, or dogs found roaming at large, shall be taken up and impounded in a shelter designated by the Town, and there confined in a humane manner for a period of not more than ten days. Any dog impounded under the provisions of this article and not reclaimed by its owner within ten days may be humanely destroyed or placed in the custody of another person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article. The Town, or its duly authorized agent, may transfer title of all animals held by it at an animal shelter after the legal detention period has expired and the animal has not been claimed by its owner. The owner or keeper shall be responsible for all fees associated with the impoundment.

When 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 Owner or Keeper of such dogs to appear in court to answer for their alleged violations of this ordinance.

## 7) **Tags**

No dog shall be kept within the limits of the Town of Dayton unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S.A. §3922-B. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure within twenty-four hours upon request by the Animal Control Officer.

If a tag is lost, the owner shall obtain a new license and tag. The Town Clerk shall issue another license tag upon presentation of the original license and payment of one dollar.

## 8) **Late Fees**

An owner or keeper required to license a dog under section 3922 subsection 1 or section 3923-C, subsection 1 and applying for a license for that dog after January 31st shall pay to the municipal clerk or dog recorder a late fee, in addition to the annual license fee paid in accordance with subsection 1 or 2 and section 3923-C, subsection 1. The clerk or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

## 9) Rabies Tags

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four hours upon request for the Animal Control Officer.

## 10) Penalty and Enforcement

Any person who violates, disobeys, refuses to comply with, or resists the enforcement of any provision of this ordinance shall upon conviction, be fined not less than Twenty Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00) for each offense. Each violation shall be deemed a separate offense. In addition, pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 6-A, Chapter 187, Subchapter 5 (30-A M.R.S.A. § 4452), the Town may recover all costs of enforcement of this ordinance, including reasonable attorneys fees.

This ordinance shall be enforced by the Town's Animal Control Officer(s) appointed by the Town, or by any other duly appointed agents of the Town. In addition to any other penalty provided by law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the Town seeking an injunction to prohibit further and continued violation thereof.

## 11) Separability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Specifically, this ordinance is in addition to, but does not in any way replace the responsibilities of Owners or Keepers pursuant to, the *Maine Animal Control Act*, Maine Revised Statutes Title 7, Part 9 (7 M.R.S.A. § 3901, *et seq.*), or other Maine law.

## 12) Miscellaneous Provisions

A) This ordinance, as amended, is adopted pursuant to the Maine Revised Statutes, Title 30- A, Part 2, Subpart 4, Chapter 141 (30-A M.R.S.A. § 3001, *et seq.*), and Title 7, Part 9, Chapter 725, § 3950 (7 M.R.S.A. § 3950).

B) This ordinance shall become effective upon the date of adoption.

## STATE LAWS

- 1) **7 § 3921. License necessary**
  - a) A dog may not be kept within the limits of the State, unless the dog has been licensed by its owner or keeper in accordance with the laws of this State.
  - b) Each owner or keeper of a dog at the age of 6 months or more shall obtain a license.
  - c) Proof of immunization against rabies must be provided at the time of licensing.
- 2) **7 § 3923-B. Tags**
  - a) License and Rabies tags must be attached to a collar and worn at all times, except when hunting or on the owner's property.
- 3) **7 § 3924. Violation**
  - a) Civil violation. Any person who violates any section of this chapter commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.
- 4) **7 § 4011. Cruelty to animals**
  - a) Improper food, insufficient shelter, lack of medical attention, improper tethering, can result in cruelty charges. Leaving an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health can result in charges.
- 5) **7 § 4016. Violation**
  - a) A minimum fine of not less than \$500 and up to \$2,500 for the first violation, none of which may be suspended, and a fine of not less than \$1,000 or more than \$5,000 for a 2nd or subsequent violation, none of which may be suspended.