

CHAPTER 309

**DOG CONTROL ORDINANCE**

Town of Yarmouth, Maine

Recodified: 1/15/98

Amended 1/20/98

Amended 3/20/03

Amended 7/25/06

Amended 10/18/07

Amended 1/17/08

**CHAPTER 309**

# DOG CONTROL ORDINANCE

## Table of Contents

<b>ARTICLE I</b> .....	1
<b>A. TITLE</b> .....	1
<b>B. PURPOSE</b> .....	1
<b>C. DEFINITIONS</b> .....	1
<b>D. REGULATIONS</b> .....	2
<b>ARTICLE II</b> .....	2
<b>A. LICENSES</b> .....	2
<b>ARTICLE III</b> .....	2
<b>A. IMPOUNDMENT</b> .....	2
<b>B. FEES AND BOARDING CHARGES</b> .....	3
<b>ARTICLE IV</b> .....	3
<b>A. DOGS NOT TO RUN AT LARGE</b> .....	3
<b>B. SANITATION</b> .....	3
<b>ARTICLE V</b> .....	4
<b>A. INTERFERENCE FORBIDDEN</b> .....	4
<b>ARTICLE VI</b> .....	4
<b>A. PENALTIES</b> .....	4
<b>B. PENALTIES FOR KEEPING A DANGEROUS DOG</b> .....	5

# DOG CONTROL ORDINANCE

## ARTICLE I

### A. TITLE

This ordinance shall be known and may be cited as the “Dog Control Ordinance of the Town of Yarmouth, Maine.”

### B. PURPOSE

The purpose of this Ordinance is to provide regulations in addition to those contained in Title 7, M.R.S.A. with respect to controlling dogs throughout the Town of Yarmouth in the interest of the health, safety and general welfare of its residents.

### C. DEFINITIONS

“**At Large**” means off the premises of the owner and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, which shall mean that the dog is under “Voice Control” at any time the dog is not on a leash or confined on the premises of the owner.

“**Owner**” means any person or persons, firms, association or corporation owning, keeping or harboring a dog.

“**Nuisance**” shall mean a dog which by loud, frequent, and habitual barking, howling or yelping, disturbs the peace.

“**Voice Control**” as used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keepers verbal command, whistle or hand signal. If a dog approaches or remains within 10 feet of any other person other than the owner or keeper, that dog is not under voice control and shall be deemed to be “at large”, unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner or keeper by spoken word or gesture that such person consents to the presence of the dog.

“**Dangerous Dog**” means 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 the purpose of this definition, “dog owner’s or keeper’s premises” means the residence or residences, including building and land and motor vehicle, belonging to the owner or keeper of the dog.

## **D. REGULATIONS**

1. An owner shall not permit a nuisance.
2. Dangerous dogs shall be confined in a secure enclosure or on a chain or leash controlled by the owner or custodian at all times.

## **ARTICLE II**

### **A. LICENSES**

1. Fees shall be paid to the Town Clerk for each license issued on spayed and unspayed females and neutered and unneutered males as prescribed by state law.
2. Each owner or keeper of a dog at the age of 6 months or over shall, on or before January 1<sup>st</sup>, annually, or at such time as such dog becomes 6 months old, cause such dog to be licensed in the Town Clerk's office in the Town where such dog is kept. No Town Clerk shall issue a license for any dog until the applicant has filed with such Clerk proof that such dog has been immunized against rabies.
3. Any person becoming the owner or keeper of a dog after the first day of January, not duly licensed as required, shall, within 10 days after he/she becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided.

## **ARTICLE III**

### **A. IMPOUNDMENT**

1. Unlicensed dogs, whether or not at large, and dogs found running at large, whether or not licensed, shall with or without complaint be taken up and impounded by a police officer or dog control officer in a shelter designated by the Town as the Town Animal Shelter and there confined in a humane manner for a period of not more than ten (10) days.
2. Any owner may regain possession of an impounded dog upon payment of the impoundment and boarding fees set forth herein. Any dog impounded under the provisions of this Ordinance and not reclaimed by the owner within said ten (10) days, shall be considered to be abandoned by the owner and the property of the Town Animal Shelter and may, after consultation with the Humane Society and/or the Animal Refuge League be humanely destroyed or given to the Humane Society and/or the Animal Refuge League, or any person deemed to be responsible and a suitable owner.

3. Where the ownership of any such dog is known, or can be reasonably ascertained by a police officer or dog control officer, such officer shall, if possible, notify the owner within three (3) days of such impoundment, but failure to give such notice shall in no way impose any liability upon the Town for the destruction or transfer to another of any dog so impounded and not reclaimed within said period of ten (10) days.

## **B. FEES AND BOARDING CHARGES**

1. Prior to the release of an impounded dog, the owner shall pay the following to the Town Clerk or Animal Control Officer.
  - a. The per diem and mileage cost of the officer who impounds the dog and a \$25.00 flat fee.
  - b. An impoundment fee of \$25.00 for each dog, except upon the second impoundment of the same dog, the fee shall be \$50.00, and upon the third and all subsequent impoundments of the same dog the fee shall be \$75.00
  - c. It shall be the duty of a police officer or dog control officer to keep or cause to be kept any and all detailed records of the impoundment and disposition of all dogs coming into his/her custody.

## **ARTICLE IV**

### **DOGS NOT TO RUN AT LARGE**

#### **A.**

It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting.

#### **B. SANITATION**

It shall be unlawful for any person who owns, possesses or controls a dog to fail to promptly remove and dispose of any feces left by his/her dog on any sidewalk, street, beach, or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property).

1. This provision shall not apply to an assistance dog accompanying a handicapped person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.

#### **C. SPECIAL RULES FOR DOGS IN ROYAL RIVER PARK**

1. All dogs must be kept on a leash or tether held or controlled by the owner or keeper of the dog at all times while at Royal River Park except at follows:
  - a. Dogs may be allowed off leash between sunrise and 9:00AM, and from 6:00 PM until park closing from April 15 until November 15, inclusive and between sunrise and 9:00 AM and from 3:00PM until park closing from November 16 until April 14, inclusive. Provided, however, that the dog shall remain under the control of a person by means of personal presence and attention as will reasonably control the conduct of such dog. All dogs must be on leash whenever on the paved Royal River Park Pathway running along the Royal River between Elm Street and Bridge Street. In addition, dogs must be kept on a leash or tether in all locations within Royal River Park, excluding the off-leash area hereinafter described, whenever a scheduled public event, track meet, concert or other gathering is declared. Such event, meet, concert or gathering shall be declared only by and through Yarmouth Community Services and shall be publicly noticed by signs or banners prominently displayed where Royal River Park users are likely to take notice including locations near the parking lot at East Elm St., near the walker's path in the vicinity of Rowe School, and at the park entrance area beyond the northerly end of Mill Street
  - b. Dogs may be allowed off-leash in a designated area of the Royal River Park at any time the Park is open for public use, daily, provided that the dog shall remain under the control of a person by means of personal presence and attention as will reasonably control the conduct of such dog. Such designated area shall be an area generally described as an area known as "Picnic Point" so-called, an area generally described as all lands lying northerly easterly of a river sluiceway in the northeasterly end of Royal River Park and bordered on the North and East by the Royal River and the dam at East Elm St and on the West by East Elm Street. It shall be the responsibility of the owner or keeper of a dog using the off-leash area to control the dog's behavior and location within the designated area.

## **ARTICLE V**

### **A. INTERFERENCE FORBIDDEN**

No person shall interfere with, hinder or molest any police officer or dog control officer in the performance of any duty of such officer, or seek release of any dog in the custody of a police officer or dog control officer, except as herein provided.

## **ARTICLE VI**

### **A. PENALTIES**

For violation of Articles I.D, or IV, or V.

1. Any person convicted of violation any provisions of this ordinance shall be subject to a fine of not less than \$50.00 nor more than \$100.00 plus costs for the first violation. For subsequent violations, the fines shall be not less than \$100.00 nor more than \$500.00, to be recovered by complaint for the use of the Town of Yarmouth. In addition the Court may make such further order regarding the destruction, restraint, or disposition of the offending dog as the Court deems appropriate.
2. A person, not previously convicted of a violation under this ordinance, may elect to pay the minimum penalty of \$50 specified above in lieu of appearing in court to answer the citation. Such payment must be received by the office of the Town Clerk within seven (7) business days from the date the citation was issued. Upon receipt of such payment by the Town Clerk, the Animal Control or Police Officer shall cause the citation to be dismissed. If a person elects to pay the minimum penalty in lieu of appearing in court to answer the citation, and if the person is cited for a subsequent violation, the civil penalty for the subsequent violation shall not be less than \$100.00 nor more than \$500.00.
3. The court may order that any person convicted of permitting a dog to be at large in the Royal River Park or permitting a dangerous dog in Royal River Park shall be restrained from any future use or entry to Royal River Park with a dog for a period not to exceed two (2) years.

#### **B. PENALTIES FOR KEEPING A DANGEROUS DOG**

1. Any person convicted of keeping a dangerous dog shall be punished by a penalty of not less than \$500 nor more than \$1,000 for the first offense.
2. Any person convicted of keeping a dangerous dog on a second offense shall be punished by a fine of not less than \$750 nor more than \$1,000.
3. Any person convicted of keeping a dangerous dog on a third or subsequent offense shall be punished by a fine of \$1,000.
4. In addition, the court may make such further order regarding the destruction, restraint or other disposition of the offending dog as the court deems appropriate.