

Animal Control Ordinance For the Town of Mt. Vernon

Adopted June 15, 2002

Dealing with animal control, animal keeping and animal welfare.

- I. Definitions. All words in this ordinance shall have the same meaning as defined in Maine Revised Statutes Titles 7, 12 and 17, Chapter 42, unless specifically defined as follows:

ANIMAL: Any live, vertebrate creature, domestic or wild.

CAT: Shall be intended to mean both male and female members of the species *Felix Domesticus*.

COMPLAINT: A written and signed statement claiming a violation of animal control ordinances or laws and regulations, with particulars sufficient for the Animal Control Officer to investigate and enforce ordinances.

DOG: Shall be intended to mean both male and female members of the species *Canis Familiaris*.

HUNTING DOGS: Dogs used in hunting shall include but not be limited to tracking, pursuing, pointing, retrieving game animals and birds in accordance with state law and the rules of the Dept. of Inland Fisheries and Wildlife, and shall include lawful training of such dogs.

OFFICER: Animal Control Officer.

OWNER: Shall be intended to mean any person or persons, firm, association, or corporation, owning, keeping, harboring or in possession of, or having control of any animal.

RUNNING-AT-LARGE: "Running-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 reasonable control the conduct of such animal.

- II. General. This Ordinance deals with animal control, keeping and welfare and is based upon Laws Related to Animal Welfare MRSA Title 17 Chapter 42 and Title 17A, Chapter 21, as well as Laws and Regulations Relation to disease Control of Domestic Animals and Poultry Title 7, as amended, and also Laws Relating to Dogs MRS Title 7, 12, 17, 30-A, and 33, as amended. Copies of these laws and regulations are kept in the Animal Control Files at the Town Office and are available for reference there.

- A. Animal Control Officer: As required by State law (Title 7 MRSA § 3947), a position of Animal Control Officer is created. The Officer shall be appointed by and serve at the pleasure of the Board of Selectmen for a term of one year, commencing July 1, which term may be renewed. The Animal Control Officer's duties shall be the diligent enforcement of the animal ordinances of the Town and the laws and regulations of the State of Maine, and he/she shall coordinate with, cooperate with, and assist Humane Agents of the State. The office of Animal Control Office shall include, but not be limited to, the following authorizations, duties and responsibilities:

- (1) Respond to complaints.
- (2) Assist State Humane Agents.
- (3) Investigate animal related problems.
- (4) Issue warnings and summons.

- (5) Impound animals as authorized in this Ordinance.
- (6) Post impoundment notices with dates at the Town Office.
- (7) File charges to bring suit against owners in violation of this Ordinance and state statutes.
- (8) Collect fees and fines as prescribed in this Ordinance and state statutes and deliver such to the Town Clerk.
- (9) Respond to third party reports of stricken, injured or dead animals found on the premises of its owner, or found in any public street, road, or private place. Take charge of the animal at the scene and proceed as follows:
 - (a) Notify promptly the owner of the animal if the owner is known by license tag or by hearsay.
 - (b) If the owner is unknown, or cannot be located promptly, and the animal is stricken or injured, transport the animal to a licensed veterinarian for medical care or humane disposal if deemed necessary by said veterinarian.
 - (c) If the animal is dead, and its owner is unknown or absent from town, dispose of the body as prescribed in this ordinance.
- (10) In all cases where any animal, which has bitten a person or causes an abrasion of the skin of any person, is slain by or caused to be slain by any Officer, whether by order of the court or otherwise, he/she shall immediately deliver the carcass and brain to the Health Officer (or to the proper state agency).
- (11) In all cases, the Animal Control Officer shall maintain written records of cases and their disposition with dates, circumstances, and description of the animal.

III. Licensing and Inspections:

- A. Licensing Dogs: No dog shall be kept within the limits of the Town of Mt. Vernon unless such dog shall have been licensed by its owner with Town Clerk, after showing proof of rabies vaccination, in accordance with the statutes of the State of Maine, either individually or through a kennel license, pet shop license, or boarding kennel license. Anyone possessing, on the first day of January, a dog which must be licensed under the statutes of the State of Maine, and which has not been licensed prior to the first day of April, shall pay an officer's fee of \$4.00 in addition to the license fee.. The provisions of this section shall not apply to any dog owned by a person not a resident of Mt. Vernon, visiting with the Town of Mt. Vernon, without the intention of becoming a resident, provided said dog is properly and currently licensed in the town and state of the visitor's residence. The non-resident dog owner shall however comply with all other provisions of this Ordinance.
- B. All dogs are required to wear their dog license tags.
- C. Inspections of Kennels/Pet Shops/Boarding Kennels: It shall be a condition of the issuance of any kennel license, pet shop license, or boarding kennel license that the Town of Mt. Vernon shall be permitted to inspect all animals and the premises where animals are kept at any time between the hours of 8am and 5pm Monday through Friday and shall, if permission for such inspection is refused, revoke the license of the refusing owner.

IV. Running-At-Large and Trespass:

- A. Dogs Running At-Large Prohibited: No owner shall permit a dog under his care to run at large, except when lawfully used for hunting or training. A dog on the premises of its owner, led on a leash of reasonable length, or under effective verbal control of any person is not considered to be at-large.
- B. Livestock-At-Large Prohibited: No owner or person having charge of any livestock, including but not limited to horses, cows, oxen, beef cattle, swine,

goats, sheep or other grazing animals, shall turn loose or permit the same to go at-large in any street or property of another.

- C. Trespass: If an animal enters on the property of another after it has made a previous incursion on said property, and the animal owner has received a written warning of said previous incursion, then the animal is in trespass and the animal owner has committed a civil violation. Further, the District Court can order restitution and punitive damages for damages determined to have been caused by such animal in its trespass.
- D. Damage By Animals: When a dog or other animal does damage to a person or his property or to livestock, poultry or domestic rabbits, such animal's owner shall forfeit to the person injured the amount of the damage done, providing that the said damage was not occasioned through the fault of the person injured, to be recovered by a civil action, per 7 MRSA Chapter 729. In addition, the owner of any dog or other animal that kills or injures any livestock, poultry or domestic rabbits commits a civil violation.
- V. Nuisances:
 - A. Vicious Animals: Any animal which makes unprovoked attacks upon persons or other animals is declared a vicious animal, a public nuisance, and dangerous. It shall be unlawful for any person to own or keep any animal known to be vicious or dangerous unless such animal is so confined and/or otherwise securely and physically restrained as to reasonably provide for the protection of people and other animals. A written warning from any Officer, Constable, or Selectman to the Owner that his animal has made an unprovoked attack will be prima facie evidence that said animal is known to the owner to be a vicious or dangerous animal.
 - B. Noise: It shall be unlawful for any owner or person having custody of any dog to allow such dog to become a public nuisance by unnecessarily or unreasonably annoying or disturbing the Town peace and quiet by prolonged and repetitive barking, howling, whining or other loud noises, provided that the dog is not being harassed or intruded upon by a person, vehicle or another animal. Upon written complaint, signed and sworn to by the aggrieved party the Officer shall investigate. A written warning to the owner from any Officer, Constable, Animal Control Officer, or Selectman that an animal is a public nuisance due to noise shall be prima facie evidence that said animal is known to the owner to be a public nuisance.
- VI. Disposal of Dead, Ill, or Injured Animals in Public Areas: No person shall deposit, place, or throw any dead, mortally ill, or injured animal or part thereof in any public or private place.
- VII. Disposal of Dead, Ill, or Injured Animals by Officer: When any animal is found dead, dying, or injured on the land or premises of any person not the owner or is so found in any public street or place, any person having knowledge of the matter shall report the facts immediately to the Officer or State Humane Agent. The Officer shall take charge of the animal forthwith. If, by license or otherwise, the owner of the animal is known to the Officer, the Officer shall notify the owner at once and the owner shall immediately cause such animal to be treated or disposed of by a veterinarian, or, in the instance of a dead animal, to cause the body to be buried in a sanitary manner. If the owner is unknown, cannot be located, or declines to act, in the event of an ill or injured animal, the Officer shall transport

the animal to a veterinarian for treatment or humane disposal. In the case of a dead animal carcass where the owner's name is unknown, the Officer shall dispose of the body by transporting it forthwith to the Town disposal area or other location for burial or cremation where such disposal can be accomplished in a neat and sanitary manner.

- VIII. Animal Care: No owner shall fail to provide his animals with sufficient wholesome food and water, as well as proper shelter and protection from the weather, and medical care to prevent suffering, and humane care and treatment. No owner shall abandon an animal or cruelly ill-treat, beat, torment, overwork or otherwise abuse such animal.
- IX. Impounding, Reclaiming and Penalties:
- A. The Officer shall have the authority to impound an animal under the following circumstances at the owner's expense, including an Officer's fee: (1) a dog found running-at-large; (2) livestock found running-at-large when the owner is unknown; (3) livestock found running-at-large when the owner has previously received a first written warning from the Officer; (4) any other animals that are apparent strays or are the victims of cruelty, torment or torture.
- B. The Officer is further empowered to require the confinement for ten days for rabies observation of any animal in any case where an animal has bitten a person or caused an abrasion of the skin of any person. In the event the owner of the animal is known, the Officer shall direct the owner to securely confine the animal. In the event the owner of the animal is unknown or the owner has failed to confine the animal as prescribed by law, the Officer shall impound the animal.
- C. Any dog which has been impounded shall be turned over to the humane society serving the Town and said dog may be given away, sold, or otherwise humanely disposed of, if it is not reclaimed and all fees paid within six days following impoundment.
- D. Any cat which has been impounded shall be turned over to the humane society serving the Town and said cat may be given away, sold, or otherwise humanely disposed of if it is not reclaimed and all fees paid in accordance with the policies of the humane society.
- E. Any animal other than a dog or cat which has been impounded and not reclaimed and all fees paid by its owner within six days shall become the property of the Town or its designated humane society and may be given away, sold, or otherwise humanely disposed of.
- F. Fees: In order to reclaim any animal the owner shall pay all necessary license fees, immunization fees, boarding fees, and the Town's impoundment fee of \$20.00.
- G. In lieu of impounding an animal found running-at-large the Officer may in consideration of circumstances issue to the known owner of such animal a written notice of ordinance violation and release the animal to the owner upon payment to the Officer of a penalty of \$20.00.
- X. Civil Remedies. Any person violating any provision of this Ordinance excepting section IX, shall be subject to a civil penalty of not less than \$50.00 and not more than \$500.00 for each offense, and shall pay to the Town its court costs, and reasonable attorney's fees, if any, incurred in the prosecution of the violator. A separate offense shall be deemed committed on each day during or on which a

violation occurs or continues. Additionally, the Town may request injunctive relief to prohibit continuation of any violation of this Ordinance.

- XI. Enforcement: The Officer is hereby empowered to enforce the provisions of this Ordinance. Upon a complaint by any person actually disturbed, the Animal Control Officer or any duly qualified law enforcement officer may investigate the disturbance and, if satisfied that a violation of this Section has occurred, may give written notice to the owner of such animal of the violation and that further violation must cease. If, after the written notice has been given to the owner, such owner again violates this section, the Animal Control Officer shall seek appropriate remedies under this Ordinance by the issuance of a summons and complaint to be served upon the owner and filed in the Maine District Court in the City of Waterville.
- XII. Disposition of Fines and Fees:
- A. As provided in MRSA Title 7, chapter 725, license fees for spayed and neutered dogs shall be retained by the Town and deposited in a separate town Animal Control Account.
 - B. All fines and fees collected through this Ordinance shall be remitted to the Town Clerk to be deposited in the Animal Control Account, with the exception of dog license fees for dogs capable of producing young, kennel, pet shop, and boarding kennel license fees, and Town Clerk's recording fee.
 - C. The Animal Control Account shall be used exclusively for costs and salaries for animal control and enforcement. The Animal Control Account shall not lapse but shall be carried forward from year to year.
- XIII. Savings Clause: The invalidity of any section or provision of this Ordinance if so found shall not invalidate any other section or provision thereof.

ATTESTED BY: ROBIN L. LINT
TOWN CLERK OF MOUNT VERNON



TO BE A TRUE COPY OF THE ANIMAL CONTROL ORDINANCE ADOPTED JUN 15, 2002