

TOWN OF ARUNDEL

ANIMAL CONTROL ORDINANCE

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History: **Adopted June 10, 1998**

§ 1. Purpose.

The purpose of this ordinance is to require that all animals in the Town of Arundel be kept under the control of their owners at all times so that they will not injure persons, damage property or create a nuisance.

The provisions which apply to the owners of an animals apply also to any person having its custody or possession, whether owner or not.

It is also the Town's responsibility to prevent the spread of contagious disease and virus in relation to domesticated and undomesticated animals.

§ 2. Definitions.

ANIMAL: Includes all domesticated and undomesticated animals.

AT LARGE: Any animal which is found to be off the premises of the owner and not under the control of the owner or any other authorized person by means of leash or other commonly accepted method of restraint, including the owner's personal presence if it will reasonably control the conduct of said animal.

CONTROL: To limit by reasonable means, all unnecessary exposure for the suspected rabid animal to humans or to other animals.

CURRENTLY VACCINATED: Domesticated animals are considered currently vaccinated for rabies if at least 30 days has elapsed since the initial vaccination and duration of vaccination has not

exceeded the time period recommendation for that species based upon the type of vaccine used. A Maine "Certificate of Rabies Vaccination" or a form approved by the Commissioner of the Department of Agriculture, Food and Rural Resources is proof of immunization.

DANGEROUS DOG: A dog which has bitten a person or animal not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.

DOMESTICATED ANIMAL: A mammal accustomed to home life; tamed for man's use: a typical household pet to include, but not limited to: dogs, cats. Ferrets and livestock.

KENNEL: A facility where three or more dogs, cats, or other household pets are kept for commercial purposes.

LAW ENFORCEMENT OFFICER: Any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this state or municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes, or is limited to specific crimes.

LEASH: A lead or other hand-held device used to attach to an animal for restraining the animal, which shall not exceed 6 feet in length.

MUNICIPALITY: A city, town or plantation.

NUISANCE: The causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles, or other vehicles; and the entry on to private property or school grounds while school is in session.

OWNER: Any person, firm, organization, partnership, association or corporation, which owns, possesses, or has custody of an animal.

QUARANTINE: Term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.

RABIES: a viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.

SUSPECTED RABID ANIMAL

- 1) Any mammal undomesticated or domesticated, showing signs of rabies
- 2) Any undomesticated mammal which has potentially exposed, through bite or non-bite exposure, a human or domesticated animal to rabies.
- 3) Any domesticated mammal which has bitten a human or domesticated animal.

UNDOMESTICATED ANIMAL: A mammal considered to be wild by nature by the Department of Inland Fisheries and Wildlife.

§ 3. Animals creating a nuisance by noise.

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 a nuisance.

§ 4. Running at large.

It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned animal roaming at large shall be impounded by the Animal Control Officer and taken to a shelter. Any dog leaving the property of its owner or custodian must be on a leash of suitable strength, except when used for hunting. Any animal in violation may be impounded by the A.C.O. Any animal so impounded may be destroyed if it is not claimed within 8 days following impoundment. The A.C.O., his designee or other law enforcement officer may take the animal to its owner, if known. However, the offender will be subject to a charge of \$20.00 for services rendered, payable to the Town.

§ 5. Confinement of certain dogs.

Dogs of fierce, dangerous or vicious propensities or which have not been neutered or which are in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or unneutered dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the A.C.O., and only if all provisions of Section entitled "Impoundment Fees" have been met.

§ 6. Animal Control Officer (A.C.O.).

A suitable person shall be employed by the selectmen who shall be known as and perform the duties of Animal Control Officer. He shall have all the same powers entrusted to him by statute and shall be under the supervision and direction of the Town Manager. He shall hold his office for such time as the Selectmen may direct and shall receive as compensation an amount as may from time to time be prescribed by the Selectmen. The A.C.O. shall be responsible for the control, regulation and enforcement of all laws related to dogs, cats, domesticated and undomesticated animals in accordance with Title 7 MRSA Section 3947.

§ 7. License required.

All dogs kept, harbored or maintained by their respective owners in the Town of Arundel shall be licensed and tagged in accordance with the appropriate laws of the State of Maine. (Title 7 M.R.S.A. § 3921)

§ 8. Licensing Fees.

Beginning January 1 and no later than April 1, all dogs over the age of 6 months must be licensed in the Town of Arundel by registering the dog(s) at the Town Clerk's office. Proof of a current rabies vaccination must be shown to obtain a license.

§ 9. Registry and Notification of Impoundment.

When impounding any animal, the A.C.O., or any law enforcement officer, shall at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the animal as can be reasonably ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instructions setting forth conditions under which the animal may be released. When any animal is impounded under the provisions of this article, the person who has control of the Shelter shall, when possible, contact the owner within 48 hours, report to the Town Clerk a description of the animal and its place of impoundment.

§ 10. Impoundment Fees.

Owners may reclaim their animal by first licensing, if applicable, according to Town Regulation, and by paying to the Town a fee of \$20.00 for each offense. Owner(s) will also be responsible for any additional costs incurred by the animal at the Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the Shelter prior to the release of an animal. All fees to be deposited in the separate account as required by Title 7 MRSA Section 3945.

§ 11. Disposition of animals which have bitten humans and/or have been exposed to a contagious disease or viral disease.

The owner or keeper of an animal, which has bitten a human or may have been exposed to a contagious or viral disease, shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least 10 days, 45 days, or 6 months or as ordered. The owner or keeper must observe and obey all written instructions and procedures included in the quarantine notice. Failure to comply with this section may result in fines or penalties described in section 13. Further, failure to comply with this section may result in a court-ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All related expenses shall be paid by the owner or keeper.

§ 12. Animals creating a public health threat.

The municipal health officer or his/her designee shall order the removal of animals and abatement of conditions posing a public health threat when there is a reasonable cause to suspect the presence of a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

§13. Violations.

Any person found in violation of any provision contained in section 3, 4, 5, 7, 8 or 10 shall be subject to a fine of not less than \$25.00 and not more than \$100.00 for each offense. Any person found in violation of Section 11, and/or 12 shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00 for each offense. Any fine collected shall be recovered to the use of the Town of Arundel and deposited in the separate account as required by Title 7 MRSA Section 3945 (Use & License Fees Retained by Municipalities).

§14. Severability Clause.

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.