

# TOWN OF SUMNER DOG CONTROL ORDINANCE

## Section I

Definitions<sup>1</sup> as used in this ordinance, unless the context otherwise indicates:

- A. *Dog* - shall mean both male and female dogs.
- B. *Owner* - shall mean any person or persons, firm, association or corporation owning or keeping, harboring, or in possession of, or having the control of a dog.
- C. *At Large* - shall mean off the premises of the "owner" and not under the control of the "owner" or member of his/her immediate family or person left in charge, either by leash, cord, chain, voice or otherwise.
- D. *Kennel* - shall mean 5 or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.
- E. *Family* - shall mean any and all persons related or unrelated, living at one address, apartment, home, or other residence.
- F. *Under Restraint* - shall mean a dog is controlled by a leash or within a vehicle being driven or parked on the streets of Sumner or under voice command of the owner or keeper, or in a pen reasonably designed to protect children and other members of the public.
- G. *ACO* - shall mean Animal Control Officer
- H. *Dangerous Dog* - shall mean 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 imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal.

## Section II

Issuance of License<sup>2</sup> Each owner or keeper of a dog 6 months of age, on or before January 1<sup>st</sup> of each year, shall obtain a license by presenting proof of rabies immunization and paying the licensing fee established in Title 7, Chapter 721, subsection 3923-A.

## Section III

Running at Large<sup>3</sup> No person shall cause or permit any dog owned or kept by him/her to run at large, except when used for hunting. The owner or keeper of any dog found at large is subject to the penalties provided in Section 7. A dog, while on any public way or place, shall be considered under restraint within the meaning of this Ordinance, if controlled by a leash, or on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. Nothing in this Ordinance shall be held to require the leashing of any dog while on the owner's premises or while the dog is under voice command of the owner or keeper.

#### **Section IV**

Dog in Heat It shall be unlawful for the owner of a female dog to cause or permit such dog to be beyond the owner's premises at any time she is in heat unless such dog is restrained by a leash, cord or chain, which shall not be more than eight feet long, by the owner or a member of his/her immediate family or person left in charge, or unless the dog is within a vehicle being driven or parked on the streets or highway.

#### **Section V**

Barking or Howling Dog No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace and quiet of any person.

Noise Control It is unlawful for any person to cause, or for any person in possession of real or personal property to allow to originate from the property frequent, repetitive, or continuous howling, barking, or other noises made by a dog which unreasonably disturbs or interferes with the peace, comfort, and repose of any property owner or possessor. It is unlawful for any person, firm, or corporation being the owner or custodian of any dog to permit such dog to bark, bay, cry, howl, or make any other noise continuously for a period of ten minutes or more or bark intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated on property under the control of the owner or custodian of the dog; provided, however, that it is an affirmative defense under this subsection that the dog was intentionally provoked to bark or make any other noise by the injured person or any other person; provided that enactment of this provision shall in no way abrogate any other provision of this code concerning animal noise.

An exception to this section is provided to dogs which are engaged in protecting livestock, warning of danger to livestock, herding livestock, or engaged in legal hunting.

#### **Section VI**

Habitual Chasing, Biting Dog No person shall keep or maintain a dog which creates a nuisance by habitually chasing, biting, jumping or in any other manner causing fear to any other person.

#### **Section VII**

##### Impoundments

- A. Dogs found running 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 less than eight days unless beforehand claimed by the owner. If unclaimed at the end of eight days the dog may be disposed of in a humane manner or the Town or its duly authorized agent may transfer title of said dog.

- B. 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 cite the owners of such dogs to appear in court to answer charges of violation of this Ordinance.
- C. The owner shall be entitled to resume possession of any impounded dog upon the payment of impoundment fees as set forth herein, unless charges of cruelty to animals, M.R.S.A. Title 7, Section 4011, have been filed against the owner for cruelty to any animal within the preceding three years. In this event the dog shall stay in the custody of the impounding shelter until such time that a court judgment has been made. In this event the owner will be responsible for all impoundment and board fees as well as any other fees assessed during the period of impoundment.

### **Section VIII**

Impoundment and Release Fees Any animal impounded hereunder, except as provided in Section 7, Paragraph C, may be reclaimed as herein provided upon payment by the owner of the following fees:

- A. Release Fee: For each animal picked up by the ACO or the Town's duly authorized agent, whether impounded or otherwise returned to its owner, the owner must first show proof of current dog licensing, then pay a release fee of \$15.00 for each animal being released, except that upon the second impoundment the fee shall be \$20.00 and on the third and all subsequent impoundments of the same animal the fee shall be \$25.00, to be paid to the Animal Control Officer.
- B. Impoundment Fee: Impoundment fees of \$15.00 for each animal, to be paid to the designated shelter.
- C. Board Fee: Board fees in the amount of \$25.00 per day for each dog, to be paid to the designated shelter.
- D. Any additional fees such as medical, legal, and others, incurred (or assessed) by the Town or its designated shelter.
- E. When any animal has been impounded and the owner fails to reclaim the animal, the animal will be, at the end of eight days from the date of impoundment, disposed of in a humane manner or the Town or its duly authorized agent may transfer title of said animal. Also in this event, the owner will be responsible for all fees in this section as well as disposition fees if so incurred.

### **Section IX**

#### Rabies

- A. Upon positive diagnosis of rabies in any animal within the Town, the Animal Control Officer shall proclaim and invoke a town-wide quarantine for a period of thirty days, and upon the invoking of such quarantine no animal shall be taken into the streets or be permitted to be in the streets during the period of quarantine.

- B. During a period of rabies quarantine as herein described, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian, and held thirty days under quarantine by the owner under the supervision of a licensed veterinarian.
- C. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of the quarantine may be extended by the Animal Control Officer for an additional six months. The carcass of any dead animal suspected of having been exposed to rabies shall upon demand be surrendered to the Animal Control Officer. The Animal Control Officer shall direct the disposition of any animal found to be infected by rabies. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the ACO.

## **Section X**

Killing for Assault Permitted<sup>4</sup> Any person may lawfully kill a dog if necessary to protect that person, another person or a domesticated animal during the course of a sudden, unprovoked assault. If any dangerous, fierce, or vicious dogs cannot be safely taken up and impounded, such dogs may be slain by any policeman or duly authorized Animal Control Officer or any person who feels he or others are in danger of immediate attack by the animal. In all cases, where any dog has bitten a person or caused an abrasion of the skin of any person, if slain, whether by order of the court or otherwise, and a period of less than fifteen days has elapsed since the day on which such dog bit any person, it shall be the duty of the person slaying said dog to forthwith deliver the carcass and brain to the ACO who shall forward the brain intact to the State Veterinarian's Office.

## **Section XI**

Keeping a Dangerous Dog<sup>5</sup> A person who owns or keeps a dangerous dog commits a civil violation for which the court shall adjudge a fine of not less than \$250.00 and not more than \$1000.00, plus costs, none of which may be suspended.

## **Section XII**

Penalty Every person convicted of a violation of any provision of this ordinance shall be punishable by a fine of not less than \$50.00 nor more than \$500.00 per incident, plus all court costs borne by the Municipality, to be recovered, by a complaint before the District Court, subject, however, to the rights of exception and appeal as are provided by law.

Additional Penalty for Sections IV and V Any person who violates these sections commits a civil violation for which a civil penalty of not less than \$50.00 nor more than \$500.00 per incident shall be assessed. Upon a finding of more than one violation involving the same dog or dogs, the court may order the dog or dogs forthwith removed beyond town limits or, in the alternative, order the Town to humanely dispose of the dog or dogs. All fines recovered shall be deposited in the Town's Animal Control Account. For the first violation of Section V., a warning will be issued by the ACO.

### **Section XIII**

Validity It is the intention of the Municipality that each separate section of this Ordinance shall be deemed independent of all other sections herein, and it is further the intention of the Municipality that if any provisions of the Ordinance be declared invalid by the courts, all other sections thereof shall remain valid and enforceable.

### **Section XIV**

Enforcement: This Ordinance shall be enforced by the Animal Control Officer in conjunction with the Selectmen.

Footnotes:

<sup>1</sup>Title 7, Animal Welfare Act; Chapter 717, subsection 3907

<sup>2</sup>Title 7, Chapter 721, subsection 3922

<sup>3</sup>Title 7, Chapter 719, subsection 3911

<sup>4</sup>Title 7, Chapter 727, subsection 3951

<sup>5</sup>Title 7, Chapter 727, subsection 3952

*This ordinance replaces the Dog Ordinance for the Town of Sumner adopted on September 5, 1989*

Adopted by vote of Annual Town Meeting on August 14, 2006.

Filed with the Town Clerk on August 15, 2006.

***CERTIFICATION OF TOWN OF SUMNER DOG CONTROL ORDINANCE***

We, the Selectpersons of the Town of Sumner, do hereby certify that the attached ordinance “Town of Sumner Dog Control Ordinance” is a true copy of the proposed ordinance to be posted with the Annual Town Meeting Warrant and submitted to the voters of the Town of Sumner for their approval.

This proposed ordinance was submitted by the Sumner Selectpersons after a public hearing on February 28, 2006, 7:00 PM, at the Sumner Town Office.

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Thomas A. Standard                      Date

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Mark Silber                                      Date

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Clifford S. McNeil                      Date

***ATTESTATION OF TOWN OF SUMNER DOG CONTROL ORDINANCE***

**Attest:** A true copy of an ordinance entitled "Town Of Sumner Dog Control Ordinance" as certified to me by the municipal officers of Sumner on the 13<sup>th</sup> day of July, 2006.

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Susan C. Runes, Clerk

August 15, 2006