

TOWN OF KINGFIELD

DOG CONTROL ORDINANCE

Section I.

Definitions, as used in this ordinance, unless the context otherwise indicates.

- A. Dog – shall mean both male and female dog.
- 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” (B), and not under the control of the “owner” or member of his immediate family or person left in charge, either by leash, cord, chain, voice or otherwise.
- D. Kennel - shall mean one pack or collection of dogs kept under one ownership in a single premises for breeding, hunting, show, training, field trials and exhibition purposes.
- D. Family – shall mean any and all persons, related or unrelated, Living at one address, apartment, home, or other residence.

Section II.

Running at large: No person shall cause or permit any dog owned or kept by him to run at large within the town limits. Dogs while on any public way or place shall be under restraint within the meaning of this ordinance, if he is 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 owner’s premises or while the dog is under voice command of the owner or keeper. A leash shall not be more than eight feet long. Maine law requires dogs to be on a leash at all times while out.

§3911 – It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner or keeper of any dog found at large is subject to the penalties provided in this chapter. [1999, c. 254, §3 (AMD).]

Section IIA.

Disposal of Dog Waste:

- A. It shall be a violation of this ordinance for any person who owns a dog, or anyone having a dog under his or her control, to fail to immediately remove and lawfully dispose of any feces left by the dog on any street, sidewalk, publicly owned property, or private house of another.

B. Failure to immediately remove and lawfully dispose of any dog feces left upon any street, sidewalk, publicly owned property, or private property of another is a civil violation for which a forfeiture of not less than fifty dollars (\$50.00) for a first offense, one hundred dollars (\$100.00) for a second or subsequent offense imposed, none of which may be suspended.

Section III.

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 the 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 immediate family or person left in charge, unless the dog is within a vehicle being driven or parked on the streets or highway.

Section IV.

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. A person who keeps or maintains a dog whose barking or howling can be heard at or beyond the boundary of the property of which the dog is located violates this section.

Section V.

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 VI.

Impoundment: 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 its 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.

When dogs are found running at large and their ownership is known, such dogs need not be impounded but the town and 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 said impounded dog.

Any animal impounded under the provisions of this bylaw and not reclaimed by its owner within eight days, may be humanely destroyed or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this bylaw.

Section VII.

Impoundment and release fees: Any animal impounded hereunder 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 duly authorized agent, whether impounded or otherwise returned

To its owner, must 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 the third and all subsequent impoundments of the same animal the fee shall be \$25.00, to be paid to the Town Clerk's Office to be used in a manner stated in M/R/S/A/ Title 7, Section 3945.

- B. The impoundment fee for each animal to be paid to the designated shelter.
- C. Boarding costs per day for each dog, to be paid to the designated shelter.
- D. Any additional fees such as medical, legal, and others, produced by the town or its designated shelter.
- E. When any animal has been impounded and the owner knows of its Whereabouts and fails to reclaim his 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 produced.

Section VIII.

Number of dogs limited: It shall be unlawful for any person or persons to keep or harbor within the town limits more than five dogs over six months of age on April first in or about any premises occupied by any one family and the keeping or harboring of dogs as aforesaid in hereby declared to be a nuisance.

The payment of a license or licenses on dogs shall not be construed to allow the keeping of more than five dogs, as aforesaid, on any one premises, unless a municipal kennel license is obtained.

The limitation of five dogs shall not apply to any person, group of persons, or corporations engaged in the commercial business, or hobby kennel business, of breeding, buying, selling, racing, hunting, boarding of dogs, operating an animal shelter, or operation a veterinary hospital.

Proper State and Local permits and licenses must be held by the above mentioned commercial and hobby purposes.

Section IX.

Rabies: Upon positive diagnosis of rabies in any dog 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.

During such 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, or held thirty days under quarantine by the owner in the same manner as other animals are quarantined.

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 if any dead animal exposed to rabies shall upon demand be surrendered to the Health Officer.

The Health 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 Health Officer.

Section X

When dogs may be killed: If any dangerous, fierce, or vicious dogs cannot be safely taken up and impounded, such dog may be slain by any policeman or duly authorized Animal Control Officer. In all cases, where any dog has bitten a person or caused an abrasion of the skin of any person, if slain by any policeman, 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 policeman slaying said dog to forthwith deliver the carcass and brain to the Chief of Police who shall forward the brain intact to the Health Officer.

Section XI

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 intentions 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 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 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 this section commits a civil violation for which a civil penalty of not less than \$50.00 and not more than \$500.00 shall be assessed. Upon 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, give away or sell the dog or dogs.

All fines recovered shall be for the use and benefit of the inhabitants of the Town of Kingfield.

Section XIII

Kennels located in the Town of Kingfield's Growth District are excluded from this ordinance as they are subject to the Department of Agriculture rules and regulations.

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