


ANIMAL CONTROL ORDINANCE  
FOR THE  
TOWN OF BAILEYVILLE, MAINE

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ENACTED: July 31, 1999  
Date

CERTIFIED BY:   
Name Luke Lazure  
Town Manager  
Title

Affix Seal

**TOWN OF BAILEYVILLE  
ANIMAL CONTROL ORDINANCE**

**ARTICLE 1. DEFINITIONS**

**SEC. 1 Definitions.** The following words and phrases when used in this Ordinance shall for the purposes of this Ordinance have the meanings respectfully ascribed to them in this Article, unless additional definitions occur in other Articles. Whenever any words or phrases used herein are not defined herein, but are defined in the laws of Maine regulating animals, any such definition therein shall be deemed to apply to such words and phrases.

- (a) "Dog" shall be intended to mean both male and female of the domesticated canine species or wolf hybrid.
- (b) "Owner" shall be intended to mean any person or persons firm, association or corporation owning, keeping, or harboring an animal.
- (c) "Keeper" means a person in possession or control of an animal. A person becomes the keeper of a stray domesticated animal if that person feeds that animal for at least 10 consecutive days.
- (d) "At large" shall be intended to mean off the premises of the owner, or keeper and not under the control of the owner, keeper, or any person either by leash, or who's personal presence and attention would reasonably control the conduct of the animal.
- (e) "Pet Animal" shall mean any animal kept by a private individual, association, or corporation "Pet Animal" does not include an animal kept by a commercial farmer, boarding kennel, breeding kennel animal control shelter or pet shop.
- (f) "Leash" shall mean a cord, chain, rope, harness or any other material used to physically connect an animal to its owner or keeper, and of sufficient strength to resist breakage based on the size of the animal. A leash must be of a length short enough as to allow ample distance between an animal and a third person not wanting contact with such animal, but in no case to be of a length greater than 25 feet.

**ARTICLE 2. LICENSING**

**SEC. 1 License Required.**

Each owner or keeper of a dog at the age of 6 months or over, except dogs kept under a kennel license, shall, on or before January 1st, annually, or at such time as such dog becomes 6 months old, cause such dog to be licensed in the municipal clerk office. Such license shall state the breed, sex, color, and markings of such dogs and the name and address of the owner or keeper. Fees shall be paid to the

Town Clerk for each license issued, and shall of an amount prescribed by state law.

Dogs will be considered capable of producing young unless a certificate issued by the Commissioner of Agriculture and signed by a licensed veterinarian, or previous license record is presented stating that such animal was made incapable of producing young.

Any trained disability dog owned or kept by a handicapped person shall be licensed without payment of any fee required under this section. When any such dog is being presented for licensure, the Town Clerk to whom such application is being made shall require written evidence that the dog is trained and educated and intended in the fact to perform such guide service for such applicant, or a previous license indicating the dog is used for such purposes. Applicants unable to provide documentation that such dog is trained for the purposes of guide service, shall be licensed at the normal rate.

#### **SEC. 3 Town Clerk to Keep Records.**

Such license shall be made in triplicate, the original shall be mailed to the Commissioner of Agriculture along with the required fee, one copy given the person applying for the license and one copy retained by the Town Clerk.

#### **SEC. 4 Tag and Collar Required.**

A suitable tag showing the year such license is issued and bearing such other data as the Commissioner of Agriculture may prescribe shall be given to each licensee and must be securely attached to a leather, metal or fiber collar which must be worn at all times by the dog for which the license was issued, except when hunting, in training or when used in exhibitions. The rabies tag obtained from a veterinarian for immunization against rabies shall also be secured to the collar. It shall be unlawful for a person to remove such tags or to place either collar or tags on any dog not described or for which the license was not issued.

### **ARTICLE 3. CONTROL OF ANIMALS**

#### **SEC. 1 Running at Large.**

No person shall cause or permit any dog or domesticated ferret owned or kept by him to run at large within the Town. Nothing in this ordinance shall be held to require the leashing of any dog while on private premises of the owner or keeper.

Ferrets while on any premises other than that of the owner or keeper or while on any public way or place, shall be under restraint. For purposes of this paragraph, restraint shall mean, securely caged, collared, harnessed, or leashed and under the direct physical control of the owner or keeper.

**SEC. 2 Number of Dogs/Cats Limited.**

It shall be unlawful for any person or persons to keep or harbor within the Town more than three dogs over six months old in or about any premises, house, barn, or other building, or in or about all buildings on any premises occupied by any one family, and the keeping or harboring of dogs as aforesaid, on any one premises. This limitation shall not apply to any person, group or person or corporation licensed to do so under state law and/or town ordinance.

It shall be unlawful for any person or persons to keep or harbor within the Town more than six cats over three months old in or about any premises, house, barn, or other building, or in or about all buildings on any premises occupied by any one family, and the keeping or harboring of cats as aforesaid, on any one premises. This limitation shall not apply to any person, group or person or corporation licensed to do so under state law and/or town ordinance.

**SEC. 3 Disturbing the Peace Prohibited**

It shall be unlawful for the owner or keeper of a pet animal to cause or permit such animal to disturb the peace of any person through barking, howling, or any type of animal noise. It shall also be unlawful for the owner or keeper of a pet animal to cause or permit such animal to damage or destroy property of any person. It shall also be unlawful for the owner or keeper of a dog to cause or permit such animal to defecate on public or private property, not owned by the animals owner or keeper.

**SEC. 4 Cats to be Immunized**

An owner or keeper of a cat over 3 months of age shall have that cat vaccinated against rabies, as outlined in state law. An animal control or law enforcement officer may ask the owner or keeper of a cat to present proof of vaccination against rabies. The Chairman of the Town Council, may invoke additional rules regulating cats within the Town. Such rules may be town-wide or localized depending on necessity or problem identification.

**ARTICLE 3. ADMINISTRATION**

**SEC. 1 Impoundment.**

Abandoned, stray, or at large dogs, may be taken up and impounded in the shelter designated by the Town as the Town Animal Shelter, and there confined in a humane manner for a period of not less than 7 days; The owner or keeper shall be entitled to resume possession of any impounded dog at any time prior to 7 days upon compliance with the provisions of this ordinance and the payment of impoundment fees as set forth herein. Upon the eighth day of impoundment ownership shall be transferred to the Town and may thereafter be disposed of in a humane manner, or transfer ownership of the dogs to some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of

this ordinance. When dogs are found running at large, and their ownership is known, such dogs need not be impounded, but the Town through duly authorized agents may, at its discretion, cite the owners of such dogs to appear in court to answer charges of violation of this ordinance.

#### **SEC. 2 Impoundment Fees.**

Any animal impounded thereunder may be reclaimed during the Town Business hours, Monday through Friday, as herein provided upon payment by the owner to the Town of Baileyville of the following fees: IMPOUNDMENT fee of \$5.00 for each animal except that upon the third and subsequent impoundment the fee shall be \$10.00. Any animal impounded thereunder may be reclaimed after business hours, on weekends, or holidays, upon payment by the owner to the Animal Control Officer, the impoundment and boarding fees due on each animal.

#### **SEC. 3 Disposition of Dogs Which Have Bitten Persons.**

It shall be unlawful for the owner or keeper of any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the Town, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least 10 days, or to deliver such dog to the Animal Control Officer. The Maine Bureau of Health shall be notified immediately by the person in charge of the death of any dog while under confinement.

Any dog having been bitten by another animal having or suspected of having rabies shall be immediately impounded for observations as provided in this section.

It shall be unlawful for the owner or keeper of any dog when notified that such dog has bitten or injured any person as to cause abrasion of the skin to destroy such animal without the permission from the Animal Control Officer or Maine Bureau of Health.

Any animal impounded in the Town's shelter under this Section shall be subject to the fees outlined in Section 2 of this Article.

#### **SEC. 4 Rabies.**

Upon positive diagnosis of rabies in any animal within the Town, the Chairman of the Town Council may proclaim and invoke a town-wide quarantine, no animal shall be taken into the streets or be permitted to be in the streets during such period or 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 owners

expense and option, held up to six months at the direction of the Animal Control Officer 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 quarantine may be extended by the Chairman of the Town Council for an additional six months.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Maine Bureau of Health. The Bureau shall direct the disposition of any animal found to be infected with 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 Maine Bureau of Health.

**SEC. 5 When Dogs May Be Killed.**

If any dangerous, fierce, or vicious dog has bitten a person or caused an abrasion, and cannot be safely taken up and impounded, such dog may be slain by any duly authorized animal control, or law enforcement officer. In all case where any dog, which has bitten a person or caused an abrasion of the skin of any person, is slain by any animal control or law enforcement officer whether by order of the court or otherwise and a period of less than 15 days has elapsed since the exposure it shall be the duty of the Animal Control Officer to forthwith deliver the head intact to the Maine Bureau of Public Health.

**SEC. 6 Penalties:**

Any owner or keeper found in violation of any provision of this Ordinance shall be guilty of a civil violation; and upon conviction thereof; shall be fined not less than \$50 for the first and second violations; shall be fined not less than \$75 nor more than \$150 for the third and subsequent violations. Parents or legal guardians shall be responsible for any violations of this Ordinance, that occur as a result of their juvenile children being the owners or keepers of an animal. All fines so assessed shall be recovered for use of the Town of Baileyville through the District Court.

**SEC. 7 Repeal of Conflicting Ordinances.**

All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

**SEC. 8 Validity.**

Should any section or part of a section or any provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than so declared to be unconstitutional or invalid.

**SEC. 9 Enforcement:**

It shall be the duty of all municipal police officers to enforce all the provisions of this ordinance. Further, there shall be an appointed "Animal Control Officer" who shall have the prime responsibility of enforcing this ordinance. Said Animal Control Officer(s) shall be appointed by the Town Manager, under the direction and supervision of the Chief of Police. Nothing in this ordinance shall be construed to prohibit or limit the municipal officials from their duties or abilities under state law.

Introduced June, 7, 1999

First Reading June, 21, 1999

Second Reading \_\_\_\_\_

Public Hearing July 13, 1999

Accepted July 26, 1999