

**Town of Northport**  
**Dog Control Ordinance**

**Section 1. Purpose & Administration**

This ordinance is adopted under municipal home rule powers granted in the Maine Constitution and pursuant to 30-A M.R.S.A Section 3001

The purpose of this ordinance is to:

- (1) Provide for the health, safety, and security of the Citizens of the Town of Northport.
- (2) Provide for the humane treatment of dogs.
- (3) Hold owners responsible for the conduct of their dogs.

Dangerous dogs, dogs running at large, and habitual barking dogs are hereby declared to be a public nuisance.

The Town of Northport Animal Control Officer shall enforce this ordinance. Any officer as designated by the Selectman, Game Wardens or other State Official charged with animal control duties may enforce this ordinance in the absence of the ACO.

**Section 2 Definitions.**

In general, all words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms are described below.

- A. "Town" means Town of Northport, Maine
- B. "Animal Control Officer" and "ACO" mean the municipal official appointed by the select board of the town whose duties are as follows:
  1. Enforcing the Maine Animal Welfare Laws, 7 M.R.S.A. ss3911, 3912, 3916, 3921. 3924, 3943, 3948, 3950, 3950-A, 3952, 3966 through 3970, 4041. and 17 M.R.S.A section 1023. and any other State Laws imposing duties upon the ACO.
  2. Responding to reports of animals suspected of having rabies in accordance with 22 M.R.S.A. ss 1313 and 1313-A and performing other duties relating to rabies imposed on ACO's by state law.
  3. Performing other duties to control animals as required by the municipal job description or by legislative action.

- C. "Attack", "attacks", and "attacking" mean an unprovoked actual biting or an action of imminent physical harm to a person, a domestic pet, or farm animal.
- D. "Dog" includes both male and female canines.
- E. "Owner" means a person owning, keeping or harboring a dog or other animal.
- F. "Dangerous dog" means a dog that bites an individual or a domesticated animal 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 nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement use. "Dangerous dog" does not include a dog that bites or threatens to assault an individual who is on the dog owner's or keeper's premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.
- G. "At large" means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
- H. "Domestic animals" shall include, but not limited to, dogs, cats, cows, horses, pigs, sheep, goats, and chickens and other fowl being kept for domestic purposes. For the purpose of this ordinance, this term does not include birds of prey or any animal normally considered as wild, but held in captivity for any purpose.
- I. "Abandoned dog" means a dog that has been deserted by its owner or keeper.
- J. "Public nuisance" means a use of property or a course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.
- K. "Under restraint" means physically capable of controlling the dog by a leash, cord, chain, or by voice command control to which the dog is obedient.
- L. "Abused" means to treat an animal in any manner that violates any section or subsection of Title 7 M.R.S.A., Chapter 739. "Cruelty to Animals".

### **Section 3. Sick or Injured Dogs**

Any person finding a running at large, stray, and sick, injured or abused dog within the Town in an emergency situation should first contact the ACO, who shall take responsibility for the dog. If the ACO is unavailable, this person shall contact the selectman or other public official.

### **Section 4. Running at Large**

- A. No owner of a dog shall cause or permit that dog to run at large within the Town.

- B. A dog shall be deemed under restraint within the meaning of this ordinance if it is controlled by a leash, cord, chain, or otherwise under control of a person an obedient to that person's voice command.
- C. An owner accompanying a dog on municipal property shall collect feces or vomit deposited by the dog and dispose of it in a lawful and sanitary manner.
- D. Owners and users of seeing-eye dogs are exempt from this section.
- E. Nothing in this section shall require the leashing or restraint of any dog, other than a dangerous dog, while on the owner's premises.
- F. Any dog found to be running at large, found to be sick or injured, or apparently abandoned, may be seized and impounded by the town ACO or designated official. That animal's owner shall be liable for all related costs, in addition to any other fees or fines that may be assessed. Costs of impoundment and fees may be recovered by the town in a civil action.

### **Section 5. Attacks by Dangerous Dogs**

- A. An owner who is given written notice by the town's ACO, or other officer that their dog has bitten or is reasonably believed to have in any way seriously injured any person, domestic pet, or farm animal shall not, without further written authorization by an officer or official, sell, give, or otherwise convey ownership or possession of that dog, or permit that dog to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, the ACO, or a law enforcement officer.
- B. An owner receiving written notice shall immediately place the dog under confinement for a period of at least 10 days and shall promptly obey all rabies detection and control directions of the ACO, veterinarian, law enforcement officer, or other state official concerning that dog.
- C. An owner receiving written notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Health & Human Services and their authorized agents in matters of rabies detection and control.
- D. Dangerous dogs shall be handled in accordance with 7 M.R.S.A. ss3951-3953 and remain designated as dangerous until the court orders otherwise.

### **Section 6. Special Restraint of Dangerous Dogs**

- A. An owner of a dog that has been determined to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of the owner or to take the dog out of Town with the knowledge and written consent of the ACO or to the custody of the ACO or other law enforcement officer.

- B. The owner of a dangerous dog shall ensure that the dog, when out of doors on the owner's premises, is either contained within a secure enclosure or is fastened with a secure latch to a well maintained reinforced restraint.
  - 1. The length of any secure restraint must keep the dog more than three (3) feet away from any mail receptacle, entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of a lawn, property boundary or public sidewalk, or home fill pipe or utility meter.

## **Section 7. Barking Dogs**

- A. No owner or keeper of a dog within the legal limits of the Town shall keep or maintain a dog which continuously or repeatedly barks, howls, makes other loud or unusually noises, or in any other manner unreasonably disturbs the peace of any person.
- B. Any person who keeps or maintains a dog which continuously or repeatedly barks, howls, or makes other loud or unusual noises, that are either:
  - a. Sustained for one (1) hour or
  - b. Intermittently for three (3) continuous hours or more

For four (4) consecutive days and which can be heard unreasonably disturbing the peace of any neighbors within 500 feet of the boundary of the property on which the dog is located is in violation of this ordinance.

- C. Professionally trained working dogs (including certified guard dogs and sheep dogs) performing their duties are exempt from this section.

## **Section 8. Procedures on Violations**

### **A. Investigation**

- 1. The ACO shall quickly and fully investigate all known or suspected violations of this ordinance received from any citizen and keep a written record.
- 2. On a first complaint, the ACO, in his or her judgment, may issue a verbal warning. All subsequent warnings must be in writing.
- 3. The ACO shall report all complaints and findings to the select board.
- 4. The ACO is required to maintain a public file, located in the Town Office, of all complaints and findings.
- 5. Nothing in this ordinance is intended to bar or limit the right of individuals to make written complaints concerning dangerous dogs pursuant to State Law, or bar or limit any law enforcement officer from proceeding to act upon such a written complaint in accordance with State Law.

### **B. Prosecution**

1. The ACO may issue summons for violation of this ordinance.
2. Alternatively, the municipal officers may have the Town Attorney prosecute the alleged violation.

**C. Complaint for Dogs Presenting Immediate Threat to Public**

1. After issuing a summons and before hearing, if the dog poses an immediate or continuing threat to the public, a sheriff, local law enforcement officer or animal control officer shall order the owner or keeper of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog confined at the owner's expense at a place determined by the sheriff, local law enforcement officer or animal control officer. If the owner or keeper fails to comply, the officer may apply to District Court or Superior Court or a justice of the peace for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public and turn the dog over to the applicant or other suitable person.
2. The officer or ACO may prescribe the degree of restraint or confinement.
3. Failure to comply constitutes a violation of this ordinance.
4. The court in its final order shall include an order to the owner to pay this expense in a stated amount.

**D. Order of the Court**

1. If, upon hearing, the court determines that the ordinance has been violated, the court may impose an appropriate penalty.
2. If the court determines that a dog is a dangerous dog, the court may order the owner to muzzle the dog, and to restrain it, and confine it to the owner's premises.
3. If the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks then the court may order the dog to be euthanized. Such euthanasia shall be at the owner's expense.

**E. Failure to Abide By a Court Order**

1. An owner's failure to comply with an order issued pursuant to this section constitutes a violation of this ordinance. This may be punishable by a new summons or as contempt following issuance of a show cause order on affidavit of a law enforcement officer.
2. If an order of euthanasia is not complied with by the time set by the court, the court may, upon application by the ACO or other person, and upon notice to the owner, issue a warrant to the ACO to destroy the dog and make return of the warrant to the court within 14 days from the date of the warrant.
3. The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by the time stated in the order of the court constitutes a distinct violation of this ordinance. This

may also be punished on proceedings for contempt after issuance of a show cause order.

### **Section 10 Penalties**

- A. For a first violation of this ordinance, the owner shall be ordered to pay a penalty of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) plus any associated court ordered fees and costs.
- B. All penalties awarded shall accrue to the town.
- C. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court order and shall pay court costs.
- D. The penalties provided under this ordinance shall be in addition to any penalties provided by state or federal law.

### **Section 11 Legal Provisions**

- A. **Effective Date:** This ordinance shall take effect upon adoption at the special town meeting May 4, 2010
- B. **Interpretation:** Interpretation of this ordinance shall be according to the purpose of the ordinance.
- C. **Conflict with other ordinances:** Whenever the regulations of this ordinance conflict with another ordinance, the stricter shall apply.
- D. **Severability:** Should any portion of this ordinance be found invalid for any reason by a court of law, then all portions not found invalid shall remain unaffected and continue in full force.
- E. **Repeal:** This ordinance shall supersede the Town of Northport Barking Dog ordinance adopted at town meeting September 13, 2004 which is hereby repealed from and after the effective date of this ordinance.