

ANIMAL CONTROL ORDINANCE

4-141 Definition of Terms

As used in this ordinance, unless the context otherwise indicates,

- a) "Dog" shall be intended to mean both male and female.
- b) "Exotic Animal" shall be intended to mean, but not limited to snake, lizard, or spider
- c) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- d) "Keeper" shall be intended to mean a person in possession or control of the animal or other animal.
- e) "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner, keeper, either by leash, or otherwise.
- f) "Animal" shall be intended to mean any living sentient creature that is not a human being.
- g) "Dangerous Dog" shall mean:
 - a. any dog, that, without provocation, or, upon being incited by. its owner or any other person in control of the dog, assaults an individual or domesticated animal, or public or private property; or
 - b. any dog that, by attacking or threatening to attack an individual or an individual's domesticated animal, causes a reasonably prudent person, acting in a reasonable and non-aggressive manner, to fear bodily harm.

4-142 Animal Control Officer

The City shall appoint one or more animal control officers in accordance with Title 7, M.R.S.A. Section 3947, as amended. Said animal control officers shall have all of the powers provided under this ordinance and the laws of the State of Maine.

In addition to the regular duties of animal control officers delineated by state law and this Ordinance, the animal control officer is hereby authorized to enforce the provisions of any other law regarding animals and found in Title 7, Maine Revised Statutes, Chapters 719 (Uncontrolled Dogs), 720 (Rabies Prevention), 721 (Dog Licenses), 723 (Licenses for Kennels, Boarding Kennels, and Pet Shops), 727 (Dangerous Dogs), 729 (Damage by Dogs), 730 (Ferrets), 731 (Mistreatment of Animals), 733 (Transportation of Animals), 737 (Calf and Pig Scrambles), 729 (Cruelty to Animals), 741 (Animal Trespass), Enforcement of these additional provisions shall be according to state law and procedure.

4-143 License and Registration Required

All dogs kept, harbored or maintained by their owners in the City of Calais shall be licensed and registered in accordance with the appropriate laws of the State of Maine.

4-144 Tag and Collar

All dogs shall be provided with a suitable collar to which the license tag shall be attached as required by appropriate State of Maine law.

4-145 Running at Large Prohibited

No owner or keeper of any dog shall permit such dog to run at large at any time. This section shall not be construed however, to prevent the use of dogs for lawful hunting purposes or for the use of dogs on a farm for any lawful purposes.

4-146 Public Nuisance & Dangerous Dogs

1. No owner or keeper of any dog or animal kept within the legal limits of the City of Calais shall allow such dog or animal to unnecessarily annoy or disturb any person by continued or repeated barking, howling or other loud or unusual noises anytime day or night.
2. No person shall allow any dog or animal owned by him/her or under his/her control to defecate upon a public street, road, sidewalk, park, or other public property within the City of Calais, or upon private property (except for that property owned by the owner or keeper of the dog) unless defecation is immediately bagged and removed and properly and adequately disposed of in a sanitary manner in a proper waste receptacle by said owner or keeper of the dog. This paragraph shall not apply to any dog trained for the purpose of aiding sight-impaired person and engaged in that function or to any person with a handicap who, by the reason of that handicap, is physically unable. This paragraph shall not apply to any dog trained to assist in law enforcement activities.
3. Dangerous Dog
 - a. It shall be a violation of this ordinance to own, keep, possess or harbor a dangerous dog;
 - b. The minimum financial penalty for a violation of this section is five hundred dollars (\$500.00) for the first offense, seven hundred and fifty dollars (\$750.00) for the second offense and one thousand dollars (\$1000.00) for the third offense. This penalty shall not be waived nor shall any portion of it be suspended by the court. These penalties shall be calculated and assessed on an owner regardless of whether the dangerous dog is the same dog in each violation.
 - c. In addition to the financial penalty imposed by the subsection (b), after hearing a court of competent jurisdiction shall order:

- i. That the dangerous dog be muzzled, restrained, confined to the premises of its owner in a secure enclosure or any other reasonable measure to be imposed to protect the safety, health and welfare of the City's inhabitants; or
 - ii. that the dog be euthanized if it has injured a person or domesticated animal or if it has a history of a prior assault.
The cost of seizure and euthanasia of the dog shall be assessed to the owner of the dangerous dog.
- d. Owner to pay restitution. Where the victim of a dangerous dog has incurred medical expenses, veterinary expenses or any other direct financial loss, the owner of said dangerous dog shall be ordered to pay restitution to the victim in accordance with the criteria set forth in 17 M.R.S.A. 1325.
- e. Dogs presenting immediate threat to public. 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 sheriff local law enforcement officer or animal control officer may apply to District Court, 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.
- f. Ex parte. An order may be entered ex parte upon findings by a court or justice of the peace when:
 - i. The dog has inflicted a serious bodily injury as defined in title 17-A, section 2, subsection 23; or
 - ii. There is reasonable likelihood that the dog is dangerous or vicious and:
 - 1. Its owner has failed to muzzle, restrain or confine the dog; and
 - 2. That failure poses an immediate threat of harm to the public.
- g. Modify Order. An order may be modified by the court
 - i. Upon two (2) days' notice or a shorter period the court may prescribe, the owner whose animal has been possessed pursuant to an ex parte order may appear in the District Court or Superior Court and move the dissolution or modification of the ex parte order.
 - ii. The Court shall hear and determine the motion as expeditiously as possible.

- iii. The owner shall submit an affidavit setting forth specific facts to substantiate the modification or dissolution of the order. The applicant has the burden of presenting evidence to substantiate the original findings.
- h. Recovery of Cost/Liens. The owner of the dog shall be assessed any cost incurred by the City under this section. The City or any person taking possession of a dog as provided in this section has a lien on that dog in accordance with Title 17, Section 1021, subsection 6.
- i. Treble damages. If a dog whose owner or keeper refuses or neglects to comply with the order, wounds any person by a sudden assault or wounds or kills any domestic animal, the owner or keeper shall pay the person injured treble damages and cost to be recovered by a civil action.

4-147 No person shall publicly display an exotic animal.

4-148 Penalties

Any person who violates any provision of this Ordinance commits a civil violation. The penalty for this violation is a fine of not less than \$25.00 nor more than \$250.00, plus the costs and expenses of prosecution including but not limited to the City Solicitor's fees and expenses, and the salaries and wages of City personnel involved in the investigating, preparing, and prosecution such violation, medical cost incurred by the designated shelter. All such fines, fees, costs, and expenses shall be paid to the City of Calais. This section is in addition to those penalties set out in section 4-146.

Each day of violation shall constitute a separate offense, each subject to the penalty set forth herein.

4-149 Repealing Provision

All previous Animal or Dog Control Ordinances in conflict with this ordinance are hereby repealed.

4-150 Severability.

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Adopted:

Amended: April 28, 2005

Amended: August 14, 2014

Repealed: