

September 26,1996: “Revised Proposed” Town of Limerick Dog Ordinance. PASSED

Town of Limerick Dog Control Ordinance

Sec. 1. Title.

This ordinance shall be known as the Town of Limerick Dog Control Ordinance.

Sec. 2. Authority.

This ordinance is enacted pursuant to the authority granted in 7 M.R.S.A. s3950 and 30-M.R.S.A.s3001.

Sec. 3. Effective date.

This ordinance shall become effective when enacted by the voters of the Town of Limerick at a duly called Town meeting.

Sec. 4. Severability.

The invalidity of any section of this ordinance shall not render the entire ordinance invalid.

Sec. 5 Conflict with other laws.

This ordinance shall not effect the requirement to comply with any other law, ordinance rule or regulation. When this ordinance imposes a greater restriction on dogs than the provisions of any other law, ordinance, rule or regulation, the provisions of this ordinance shall control.

Sec. 6. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large shall mean off the premises of the owner or person charged with the responsibility of control of a dog and not under the control of any person whose personal presence and attention would reasonably control the dog.

Dangerous dog shall mean a dog which has a bitten person who was not a trespasser with criminal intent on the owner’s premises at the time of the incident, a dog which causes serious injury or death to another animal; or a dog which causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner’s premises.

Nuisance shall mean the causing of unreasonable noise, smell, litter, or property damage, the chasing of automobiles, motorcycles, bicycles, or other vehicles; or the persistent or frequent entry on school grounds while school is in session, or the continued or repeated barking or howling.

Owner shall mean any person or organization, which owns, possesses, or has custody of a dog.

Continued or repeated barking and howling shall mean owning, possessing, or harboring any dog, which frequently or for continued duration, makes sounds, which create a noise disturbance across a residential real property boundary. For the purpose of this Ordinance, a barking dog shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and /or incessantly for a period of 10 minutes, or barks intermittently for ½ hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property, provided, however, that the dog shall not be deemed a “barking dog” for the purposes of this Ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which caused or provoked the dog.

Sec. 7. Purpose.

The purpose of this article is to require that all dogs in the town be kept under the control of their owners at all times so that they will not injure persons, damage property, or create a nuisance.

Sec. 8. Application to owner, custodian.

The provisions of this article, which apply to the owner of a dog, apply equally to any person having its custody or possession.

Sec. 9. Registration and identification.

A dog which is at least six (6) months old must be licensed by its owner in accordance with 7 M.R.S.A. s3921 et seq.

Sec. 10. Running at large.

A dog is not permitted to run at large. A dog, which is off the premises of the owner or the premises of a person having its custody, is prima facie running at large. A dog which is under the owners control may run at large while engage in field trials, training or legal hunting.

Sec. 11. Impounding.

The animal control officer shall apprehend any dog found running at large and shall impound it in the animal shelter or other suitable place. At that time the animal control officer shall register the breed, color, sex, license number, and name and address or telephone number of the owner in a book kept for that purpose. If ownership cannot be established, such animals may be handled as strays for the purpose of acceptance by an approved shelter.

Sec. 12. Disposition of dogs, which have bitten persons.

The owner of a dog who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least fourteen (14) consecutive days and shall notify the health officer immediately of the time, place and reason for the confinement. During the period of confinement, the owner shall not destroy the dog nor allow it to be destroyed.

Sec. 13. Examination of confined dogs.

The animal control officer shall have a dog, which has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the fourteen-day period of confinement, the health officer shall determine whether the dog is infected with rabies. In making this determination he shall employ such expert assistance as may be necessary. If he deems it necessary to keep the animal confined for longer than the fourteen-day period, he shall order it done. If the dog is found to be rabid, he shall notify the owner and person bitten, and shall have the dog destroyed immediately, following any procedure recommended by health and welfare. If the dog is not rabid, the owner shall thereafter muzzle the dog or keep it confined. All expenses incurred by the town in carrying out the procedure provided by this section shall be paid for by the owner of the dog.

Sec. 14. Penalties.

The following civil penalties apply to the violation of this article:

- (1) A written warning will be issued for a first offense, except in the case of a dangerous dog (see section #5).

- (2) **Running at large.** The owner of a dog, which is found running at large, shall be punished by a civil penalty of not more than fifty dollars (50.00) for the first offense. For the second and subsequent offenses, the owner shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).
- (3) **Running at large after causing nuisance.** The owner of a dog which is found running at large who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his premises or under his control or under the control of a person in charge with that responsibility shall, for the first offense, be punished by a civil penalty of not more than fifty dollars (\$50.00). For the second and subsequent offenses, the owner shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).
- (4) **Disturbing the peace.** The owner of a dog which disturbs the peace of any person by frequently and habitually barking, howling, or creating other noise shall be punished, on the first offense, by a civil penalty of not more than fifty dollars (\$50.00). For the second and subsequent offenses, he shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).
- (5) **Dangerous dog.** The owner of a dangerous dog which is unconfined without a muzzle shall be punished by a civil penalty of not more than one hundred dollars (\$100.00) and the animal control officer may request the court for an order for the euthanasia of the dog.
- (6) **Refusing to reclaim dog.** A person who fails or refuses to reclaim his dog and pay the cost required by section 12 within one (1) week after receiving oral or written notice of its impoundment shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).

- (7) General penalty. A person who violates any other provision of this ordinance shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).**
- (8) Waiver; civil penalty to Town. A person may waive court appearance by paying the specified civil penalty to the Town. All civil penalties assessed by the court shall insure to the benefit of the Town.**

Sec. 15. Unlicensed dogs; warrant.

The Board of Selectman shall annually, between January first and April thirtieth, issue a warrant to the animal control officer, returnable on the following July first, directing him to proceed forthwith to enter a complaint and summons to court the owner or keeper of any unlicensed dog named therein. Before entering the complaint, the animal control officer shall officially notify the owner or keeper by sending a notice of violation by certified mail, return receipt requested, to the last known address of the owner or keeper or call on the owner or keeper of the dog and demand that he conform with the law and obtain a license from the clerk within seven (7) days from the day of demand, paying to the clerk in addition, to the license fee, a late fee of three dollars (\$3.00) for each dog that is licensed. If the license fee is remitted after the 7-day period, the owner or keeper shall remit a late fee of ten dollars (\$10.00) for each dog that is licensed. The fee shall be paid to the town.

Sec. 16. Enforcement.

Except for the provisions required to be enforced by the health officer, the animal control officer shall enforce this article and shall notify the health officer of all incidents of rabies.