

Town of Northport Animal Control Ordinance

SECTION 1: AUTHORITY.

This Ordinance is adopted under the general authority of municipalities to enact ordinances under the Home Rule Amendment of the Constitution of the State of Maine, Article VIII, Part Second, Section 1; 30-A M.R.S.A. § 3001; and specific authority pursuant to 7 M.R.S.A. § 3950.

SECTION 2: PURPOSE.

The purpose of this Ordinance is to establish and enact a regulatory basis for ensuring that all domesticated animals residing in the Town are kept under the control of their owners, keepers, or custodians at all times so that they will not injure persons, damage property, or create a nuisance, and also that all dogs residing in the Town are licensed and immunized.

SECTION 3: DEFINITIONS.

- A. Animal.** Animal shall mean any domesticated animal, including but not limited to dogs, cats, rabbits, cows, horses, pigs, sheep, goats, chickens, and other fowl or livestock 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.
- B. Animal Control Officer.** An Animal Control Officer (ACO) is appointed by the Municipal Officers of the Town in accordance with 7 M.R.S.A. § 3947. The ACO shall have all of the powers provided under this Ordinance and the Ordinances of the Town and the laws of the State of Maine.
- C. Animal Shelter.** An animal shelter is a licensed facility that includes a physical structure or part of a physical structure that provides a temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.
- D. At Large.** At large shall mean off the premises of the owner and not under the control of any person by means of personal presence and attention or ability to manipulate and command the conduct of the animal.
- E. Control or Voice Control.** Control or voice control means that the animal returns immediately to and remains by the side of the person responsible in response to verbal command from the responsible party. If the animal approaches or remains within ten (10) feet of any person other than the responsible party, then the animal is not considered under control or voice control and a violation of this Ordinance occurs unless such person (or in case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the animal.
- F. Dangerous Dog.** Dangerous dog means a dog that:
 - (1). Bites a person or an animal who is not trespassing on the dog owner's or keeper's premises at the time of the bite; or

- (2). Causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and who is acting in a reasonable and non-aggressive manner to fear imminent bodily harm or is put in apprehension of imminent bodily harm.

Dangerous dog does not include a dog certified by the State and used for law enforcement purposes. It does not include a dog that bites or threatens to assault an individual or animal 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. Dog.** Dog shall mean any of a large and varied group of domesticated animals, whether male or female and whether neutered or not, and is a member of the genus and species canis familiaris.
- H. Nuisance.** Nuisance shall mean a situation when an animal:
- (1). Annoys or disturbs any reasonable person by causing unreasonable noise, smell, litter, or other effect which unreasonably disturbs the peace of another.
 - (2). Creates litter off the premises of the owner unless the owner immediately removes and disposes of such litter, including feces, in a safe and healthful manner.
 - (3). Causes damage to property other than the owner's.
 - (4). Chases automobiles, motorcycles, bicycles, or other vehicles.
 - (5). Runs at large.
- I. Owner.** Owner shall mean any person, association, corporation, or other entity which owns, keeps, harbors, or has custody or possession and control of an animal.
- J. Town.** Town shall mean the Town of Northport.
- K. Definitions Generally.** The definitions set forth in 7 M.R.S.A. § 3907 are incorporated herein by reference, and as may be applicable.

SECTION 4: LICENSE, REGISTRATION, AND IDENTIFICATION.

- A. Licensing.** Each resident of the Town who is an owner or keeper of a dog that is six (6) months of age or over shall on or before January 1 of each year, or at such time as such dog becomes six (6) months old, cause such dog to be licensed with the Town Clerk in accordance with State requirements. Dogs kept in licensed facilities shall require dog licenses in accordance with the provisions of 7 M.R.S.A. § 3939. Dogs covered under a kennel license shall comply with the tag requirements of 7 M.R.S.A. § 3923-C (4), including the kennel operator's contact number.
- B. Tags.** The Town Clerk shall provide, with each new license issued to a dog, a tag indicating the year the license was issued and such other information as may be required under 7 M.R.S.A. § 3923-B. The tag shall remain with the dog for as long as the dog is kept within the Town. The owner shall make sure that the tag is securely attached to a collar of leather, metal, or other material of comparable

strength, and that the collar is worn at all times by the dog for which the license was issued, except when hunting, training, or in an exhibition. If the dog is hunting, training, or in an exhibition, its owner shall produce proof of licensure within twenty-four (24) hours upon request by the Animal Control Officer. If a tag is lost, the owner shall obtain a new tag from the Town Clerk as soon as practicable.

- C. Rabies Tags.** Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal, or other material of comparable strength, and must be worn by the dog for which the tag was issued, except when hunting, training, in an exhibition, or on the premises of the owner, as required under 7 M.R.S.A. § 3923-B(2-A). If the dog is hunting, training, or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request by the Animal Control Officer.

SECTION 5: CONTROL OF DOGS.

When off the premises of the owner, a dog shall be under the control of a person responsible for the dog's behavior except as follows:

- (1). Dogs used during hunting.
- (2). Dogs used for law enforcement.
- (3). Service dogs.
- (4). Dogs on private property with the property owner's permission.

SECTION 6: PROHIBITIONS AND VIOLATIONS.

- A. Noise / Barking Dogs.** No person shall keep or maintain a dog which continuously or repeatedly barks, howls, makes other loud or unusual noises, or in any manner creates a nuisance as that term is defined in this Ordinance, and disturbs neighborhoods and other persons through such unreasonable and objectionable noise. Barking noise or other nuisance activities shall not be permitted or allowed where the dog barks, howls, or makes other sounds common to its species which occur in a steady, rapid succession for twenty (20) or more minutes or occur intermittently for one (1) hour or more. This Section shall not apply to farm animals kept on a property located in the Town, trained working dogs (while working), certified guard dogs, and other dogs that are performing their assigned duties (i.e., service dogs, livestock guardian dogs).
- B. Animals Running At Large.** An owner or keeper of an animal shall not allow that animal, whether licensed or unlicensed, to run at large except a dog used for hunting purposes.
- C. Trespass.** An owner or keeper of an animal shall not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer or a Law Enforcement Officer that the animal was found on the property of another. The owner or keeper of the animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer may, at the owner's expense, remove and control the animal if the

owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing or the animal is in immediate danger to itself, to person(s), or to another's property.

- D. Dogs in Heat.** An owner or keeper of any female dog in heat shall keep the dog confined or on a leash if not on the property of the owner or keeper.
- E. Public Health Threats.** The owner or keeper of an animal that may have been exposed to a contagious or viral disease may be served with a quarantine notice. The owner or keeper shall confine and control the animal in accordance with the instructions in the notice. Failure to comply with the notice will be considered a violation of this Ordinance and may result in court-ordered seizure of the quarantined animal and may subject the owner or keeper to the penalties in Section 12 below.

SECTION 7: BITING DOGS.

- A. Disposition.** The owner of a dog who knows or has been advised that the dog has bitten a person or animal shall confine the dog or have it confined by itself in a secure enclosure for at least ten (10) consecutive days and shall notify the Animal Control Officer immediately of the time, place, and reason for confinement. During the period of confinement, the owner shall not destroy the dog or allow it to be destroyed.
- B. Examination.** The Animal Control Officer or other Law Enforcement 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 confinement period, the Health Officer shall determine whether to employ such expert assistance as may be necessary. The Health Officer may order to keep the animal confined for longer than the prescribed period if necessary. If the dog is found to be rabid, the Health Officer shall notify the owner and person bitten, and shall have the dog destroyed immediately, and not shot in the head, so that the brain remains intact, following any procedure recommended by Health and Welfare. The animal shall be destroyed by a licensed or qualified person (e.g., veterinarian). If the dog is not rabid, the owner shall thereafter muzzle the dog or keep it confined, as instructed by the Animal Control Officer. All expenses incurred by the Town in carrying out the procedure provided by this Section shall be paid by the owner of the dog.

SECTION 8: SANITATION REQUIREMENTS.

An owner or keeper must remove and dispose of any feces left by the animal on any street, public property, or private property (other than the property of the owner of animal or the person who has consented to the presence of the animal on his/her property), and dispose of such feces into an appropriate litter receptacle. An owner whose animal is present on any property from which the animal feces is required to be removed pursuant to this Section, must have in his or her possession a plastic bag or similar container for collecting and removing the feces. If the animal gets into or opens any garbage bags, bins, or other containers and/or causes garbage to spill,

the owner or keeper of the animal shall be obligated to properly clean up the spilled garbage. This Section does not apply to the property of the animal's owner or to a dog accompanying any handicapped person, who by reason of his/her handicap is physically unable to comply with the requirements of this section.

SECTION 9: ADMINISTRATION AND ENFORCEMENT.

- A.** The Animal Control Officer (ACO) shall enforce this Ordinance.
- B.** The ACO shall apprehend any animal at large and:
 - (1). Shall record its breed, color, sex, license number (if applicable), and the name and address or telephone number of its owner.
 - (2). Shall attempt to locate and return the animal to the owner.
 - (3). If the ACO cannot readily locate the owner, the ACO may transfer the animal to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees established by the Animal Shelter.
 - (4). Shall assess the penalties set forth in Section 12 below and, if it is an unlicensed dog, require that it be licensed.
- C.** The ACO shall respond to and investigate reports of dogs barking or creating a nuisance and:
 - (1). Shall attempt to locate the owner;
 - (2). If the ACO cannot locate the owner within 12 hours and 24 hours have expired the ACO will post notice on the property and demand contact by owner immediately.
 - (3). Shall assess the penalties set forth in Section 12 below, order that the nuisance be remedied and, if the dog is unlicensed, require that it be licensed.
- D.** The ACO shall respond to and investigate reports of dangerous dogs not properly confined or muzzled and:
 - (1). Shall attempt to locate the owner;
 - (2). If the ACO cannot locate the owner immediately, the ACO may transfer the dog (if at large) to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees assessed by the Animal Shelter and Town;
 - (3). Shall assess the penalties set forth in Section 12 below, require that the dog be confined or muzzled at all times and, if the dog is unlicensed, require that it be licensed.

SECTION 10: IMPOUNDING.

- A. Authority.** The Animal Control Officer (ACO) shall apprehend any animal found at large and impound it in the Animal Shelter. The ACO may impound a nuisance animal when the owner of the animal cannot be located.

The ACO may apprehend and impound any dangerous dog in the Animal Shelter.

At the time of impoundment, the ACO shall register the breed, color, sex, license number (if applicable), and name, address, or telephone number of the owner in a book kept for that purpose.

- B. Notice and Reclamation.** The ACO shall immediately notify the owner by telephone that the ACO has impounded the animal in the Animal Shelter and that the owner may reclaim it by licensing the animal if it is unlicensed and paying all costs required or imposed by the Animal Shelter and reimburse the Town for any costs assessed by the Animal Shelter to the Town.

If the owner of the animal is unknown or cannot be found, the ACO shall immediately notify the Town Office staff and post the notice at the Town Office and any other place reasonably calculated to notify the owner.

- C. Disposition of Unclaimed Animals.** The ACO shall place the animal with the Animal Shelter that the Town has a contract with for the current year and if the animal is not reclaimed by the owner within six (6) days then the animal shall be put up for adoption or destroyed.

SECTION 11: PROHIBITED AREAS.

Animals shall be prohibited from all Town cemeteries, including Saturday Cove Cemetery (Beech Hill Road), Beech Ridge Cemetery (Nebraska Road), and East Side Cemetery (Horse Jockey Lane). The Animal Control Officer shall have the authority to apprehend, remove, and if necessary impound any animal found within a Town cemetery. The Selectmen shall have the authority to include other public areas where animals may be excluded, after notice and a public hearing.

SECTION 12: PENALTIES.

The following penalties, which shall inure to the benefit of the Town, shall apply:

- A. Running at Large.** The owner of an animal which is found running at large may be fined \$50.00 or issued a written warning for the first offense. For the second offense within a one (1) year period, the owner shall be fined \$100.00, and \$150.00 for a third or subsequent offense(s) within a one (1) year period.
- B. Running at Large Without Tags.** The owner of a dog which has no tags and is found running at large may be fined \$50.00 or issued a written warning for the first offense. For the second offense within a one (1) year period, the owner shall be fined \$100.00, and \$150.00 for a third or subsequent offense(s) within a one (1) year period.

- C. Running at Large After Causing a Nuisance.** The owner of an animal which is found running at large who knows or has been advised that the animal has caused a nuisance and has failed to keep the animal on his premises or under his control or under the control of a person charged with that responsibility shall, for the first offense, be fined \$50.00. For the second offense within a one (1) year period, the owner shall be fined \$100.00 and \$300.00 for a third or subsequent offense(s) within a one (1) year period.
- D. Nuisance.** The owner of a dog which disturbs the peace of any person by frequently and habitually barking, howling, or creating other noise as defined in Section 6 shall be fined \$100.00 for the first offense, \$150.00 for the second offense within a one (1) year period, and \$200.00 for a third or subsequent offense(s) within a one (1) year period.
- E. Animal Trespass.** The owner of an animal which enters onto the property of another after the owner has been warned by the Animal Control Officer or a Law Enforcement Officer that the animal was found on the property of another shall be fined \$50.00 for the first offense, \$100.00 for the second offense within a one (1) year period, and \$150.00 for a third or subsequent offense(s) within a one (1) year period.
- F. Dangerous Dogs.** The owner of a dangerous dog which is unconfined without a muzzle shall be fined \$250.00, and the Court may order the dog be destroyed immediately.
- G. Unlicensed Dogs.** An owner or keeper who fails or refuses to license their dog, or to provide proof of licensing, as described in Section 4 of this Ordinance, shall be fined \$50.00 for the first offense, \$100.00 for the second offense within a one (1) year period, and \$150.00 for a third or subsequent offense(s) within a one (1) year period. This fine is in addition to any fines imposed by state law.
- H. Missing Proof of Rabies Vaccination.** An owner or keeper who fails or refuses to vaccinate their dog against rabies, or to provide proof of such vaccination, as described in Section 4 of this Ordinance, shall be fined \$50.00 for the first offense, \$100.00 for the second offense within a one (1) year period, and \$150.00 for a third or subsequent offense(s) within a one (1) year period. This fine is in addition to any fines imposed by state law.
- I. General Penalty.** A person who violates any other provision of the Ordinance/Title 7 Maine Animal Law shall be fined \$150.00 for the first offense, \$200.00 for the second offense within a one (1) year period, and \$300.00 for a third or subsequent offense(s) within a one (1) year period.
- J. Waiver Penalties.** Any person, firm, corporation, or other entity accused of a violation of the provisions of this Ordinance may voluntarily waive their right to appear and defend the violation before any court or judicial tribunal of competent jurisdiction, by paying to the Town, in accordance with the following penalty schedule:

SECTION	VIOLATION	WAIVER FEES
A.	Running at Large	1st \$25 2nd \$100 3rd \$150
B.	Running at Large Without Tags	1st \$50 2nd \$100 3rd \$150
C.	Running at Large After Causing a	1st \$50 2nd \$100 3rd \$300

	Nuisance	
D.	Nuisance Animal	1st \$100 2nd \$150 3rd \$200
E.	Animal Trespass	1st \$50 2nd \$100 3rd \$150
F.	Unlicensed Dog	1st \$50 2nd \$100 3rd \$150
G.	Missing Proof of Rabies Vaccination	1st \$50 2nd \$100 3rd \$150
H.	General/Title 7 Violations	1st \$150 2nd \$200 3rd \$300

NOTE: Waiver fees for second, third, or subsequent offenses are for violations that occur within a one (1) year period.

- K. The ACO may, in their discretion, issue a written warning for a first offense in a calendar year.

SECTION 13: AMENDMENTS.

This Ordinance may be amended by a vote of the citizens of the Town at a special or an annual town meeting.

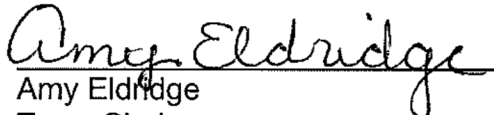
SECTION 14: SEVERABILITY; EFFECTIVE DATE.

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This Ordinance shall be in full force and effect at the adjournment of the town meeting at which the Ordinance or any amendment thereto has been approved.

Enacted May 4, 2010
Amended June 2, 2014
Amended June 6, 2022

A true copy attest of the Town of Northport Animal Control Ordinance approved at Annual Town Meeting on June 6, 2022.


Amy Eldridge
Town Clerk