

Town of Machiasport Animal/Dog Control Ordinance

Section 1. Animal Control Officer

Animal Control Officer. The Town of Machiasport will appoint an Animal Control Officer who meets the qualifications and training required by law. His or her duties include but are not limited to the enforcement of the state law in accordance with the State of Maine Animal Welfare Laws and Regulations and to perform any other duties as the Town may require.

The Animal Control Officer must be certified in accordance with the State of Maine Animal Welfare Laws and Regulations.

Upon appointment of the Animal Control Officer, the Municipal Clerk shall notify the Commissioner of the name, address and telephone number of the Animal Control Officer within ten (10) business days. In the event the position is vacant upon termination or resignation of the animal control officer, the municipal clerk shall notify the commissioner within 10 business days of the vacancy.

Section 2. Dogs

- A. Licensing. Dogs shall be licensed in accordance with the State of Maine Animal Welfare Laws and Regulations of the State of Maine. No dog shall be kept within the limits of the Town of Machiasport, County of Washington, State of Maine, unless such dog has been licensed by its owner or keeper in accordance with the Statutes and this Ordinance.

- B. Dogs at large. It shall be unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting, in the Town of Machiasport.

“At large” means off the premises of the owner and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such an animal or fowl.

- C. License. Each owner or keeper of a dog, at age six (6) months or more, shall obtain a license by December 31st each year. If a dog reaches the age of six (6) months or more or a person becomes the owner or keeper of a dog aged six (6) months or more after January 1st, a license must be obtained within ten (10) days of the occurrence of either of these events. The license amount and late fees will be set by State Statute.

Exemption from fees. The municipal clerk shall issue a license upon application and without payment of a license fee for the following types of dogs: 1) A service

dog owned or kept by a person with a physical or mental disability; 2) a trained search and rescue dog recognized by the Department of Inland Fisheries and Wildlife (DIFW) or the statewide association of search and rescue that cooperates with the DIFW in developing standards for search and rescue or such a dog awaiting training; and 3) a dog certified by the State and used for law enforcement purposes.

- D. Vaccination. It shall be unlawful for the owner or keeper of any dog older than six (6) months, less one (1) day, to keep, maintain, or permit to run at large, such dog unless it has been vaccinated by a licensed veterinarian, with anti-rabies vaccine, within one (1) year preceding the date on which such dog is kept, maintained or permitted to run at large. Proof of a valid rabies vaccination is required before a license is issued.
- E. Barking Dog. No owner or keeper of a dog shall allow the dog to unnecessarily annoy or disturb any person by loud and repeated barking. Upon written complaint of the person disturbed, signed and sworn to, the Animal Control Officer or other law enforcement officer may investigate the allegations of the complaint. If the agent or officer finds that there are valid grounds for the complaint, the agent or officer shall serve a warning upon the owner or keeper, notifying the owner or keeper that such annoyance or disturbance must cease. Warning shall be served by delivering a copy of the warning to the owner or keeper, in hand, by leaving a copy with a person of suitable age and discretion at the premises where the dog is kept or where the owner or keeper resides; or by mailing a copy to the owner or keeper at his or her last known address. Any owner or keeper who allows such an annoyance or disturbance to continue after notice has been served commits a violation subject to the penalties set forth in this ordinance.

Exemption to the barking dog section. Dogs engaged in herding livestock or agricultural guard dogs engaged in protecting livestock, are exempt from the barking dog section of this Ordinance.

- F. Notification. The Town of Machiasport will provide written notification to all residents in the Town informing them that dogs must be licensed by December 31st or a late fee will be assessed after January 31. Notices will be placed in the Town Tax Bill. In addition the municipal clerk will post the dog licensing requirement and Ordinance in the municipal office on an annual basis at least twenty (20) days before January 1st.
- G. Seizing or Impounding a Dog. If the Animal Control Officer seizes and/or impounds a dog, the owner will pay a penalty to get the dog back. If a dog is taken to a shelter, the owner is responsible for all fees imposed by the shelter. If a dog is not licensed, the owner will be required to license the dog within 14 days of the seizure and/or impoundment. If the fee(s) are not paid within that time the Animal Control Officer may summon the owner to court.

Section 3. Domestic Animals

- A. Domestic Animals. No owner or keeper of domestic animals including but not limited to horse, cow, or beef cattle, swine, goat, sheep or other domestic animal shall loose or permit the same to go at large in any street or road or property of another.

“At large” means off the premises of the owner and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such an animal or fowl.

- B. Containment. Domestic animals shall be cared for in accordance with the State of Maine Animal Welfare Laws and Regulations. No owner or keeper of a domestic animal shall allow the animal to unnecessarily annoy or disturb any person. Upon written complaint of the person disturbed, signed and sworn to, the Animal Control Officer or other law enforcement officer may investigate the allegations of the complaint. If the agent or officer finds that there are valid grounds for the complaint, the agent or officer shall serve a warning upon the owner or keeper, notifying the owner or keeper that such annoyance or disturbance must cease. Warning shall be served by delivering a copy of the warning to the owner or keeper, in hand, by leaving a copy with a person of suitable age and discretion at the premises where the domestic animal is kept or where the owner or keeper resides; or by mailing a copy to the owner or keeper at his or her last known address. Any owner or keeper who allows such an annoyance or disturbance to continue after notice has been served commits a violation subject to the penalties set forth in this ordinance, and state statute.

Section 4. Animals not Included in this Ordinance

- A. Animals under the control of Fisheries and Wildlife are not included in this Ordinance. These animals include, but are not limited to, fowl, raccoon, skunk and wild animals

Section 5. Violations

- A. Violations. Any person who violates this Ordinance commits a civil violation for which a penalty shall be imposed by the Animal Control Officer according to State Statute.

Section 6. Separability of Provisions

- A. Separability of Provisions. It is the intention of the Town that a separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is furthers the intention of the Town that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

B. Effective Date; Duration. This Ordinance shall take effect immediately upon enactment by the Municipal Legislative Body unless otherwise provided, and should remain in effect unless and until it is amended or repealed.

Michael Murphy II

Margaret Flaherty

Burleigh Sprague

Certified by _____
Annemarie Davis, Town Clerk

Date

Public Hearing Date: April 12, 2012
Approved at Town Meeting: June 25, 2012