

# **2018 Amendments to the Town of Readfield**

## **ANIMAL CONTROL ORDINANCE**

### **Town of Readfield, Maine**

“Readfield Dog & Cat Ordinance: Adopted at Town Meeting on June 11, 1985

“Animal Trespass Ordinance” Adopted at Town Meeting on March 11, 1978

“Animal Ordinance”: Adopted at Town Meeting on June 13, 1992

“Animal Ordinance”: Adopted at Town Meeting on June 9, 2011

“Animal Ordinance”: Adopted at Town Meeting on June 12, 2018

# ANIMAL CONTROL ORDINANCE

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### ARTICLE I

#### A. TITLE

This ordinance shall be known and may be cited as the “Animal Control Ordinance of the Town of Readfield, Maine.”

#### B. PURPOSE

The purpose of this Ordinance is to provide regulations in addition to those contained in State Law with respect to controlling dogs and other animals throughout the Town of Readfield in the interest of the health, safety and general welfare of its residents.

#### C. DEFINITIONS

**“Animal Control Officer (ACO)/Alternate Animal Control Officer”** means qualified persons who are employed by the Town of Readfield and ~~shall be known as, and~~ appointed to perform the duties of , Animal Control. The ACO or Alt. ACO, shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals and ~~also to~~ undomesticated animals.

**“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 animal. ~~, which shall mean that the animal is under “Voice Control” at any time the animal is not on a leash or confined on the premises of the owner.~~

**“Owner”** means any person or persons, firms, partnership, association or corporation owning, keeping or harboring a dog or animal.

**“Nuisance”**~~“Barking Dog”~~ shall mean an animal which by loud, frequent, and habitual barking, howling, yelping or any continuous sound that disturbs the peace of any person ~~or persons anytime day or night.~~

**“Voice Control”** as used in this ordinance, the term “voice control” means that the animal returns immediately to and remains by the side of the owner or keeper in response to the owner or keeper’s verbal command, whistle or hand signal. If an animal approaches or remains within 10 feet of any other person other than the owner or keeper, that animal is not under voice control and shall be deemed to be “at large”, unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner or keeper by spoken word or gesture that such person consents to the presence of the animal.

**“Dangerous Dog”** means a dog that bites an individual 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 non-aggressive manner to fear bodily harm by attacking or threatening to attack that individual or individual’s domestic animal. “Dangerous dog” does not include a dog certified by the State and used for law enforcement use.

For the purpose of this definition, “dog owner’s or keeper’s premises” means the residence or residences, including building and land and motor vehicle, belonging to the owner or keeper of the dog.

**“Domesticated”** means any animal ~~domesticated or livestock that you are an owner or keeper of including owned or kept by an Owner, including~~ but not limited to dogs, cats, cows/cattle, horses, chickens, swine, sheep, ~~lama llama~~ etc.

## D. REGULATIONS

- ~~1. An owner shall not permit a nuisance.~~ **Barking Dog.** No owner or keeper shall keep or harbor any animal with the legal limits of the Town of Readfield, which by loud, frequent, or habitual barking, howling, yelping or ~~continuous~~ sound that, through its frequency or duration, unreasonably disturbs the peace of any person or persons anytime day or night.

Any person who observes a dog acting in violation of the ordinance may file and sign a written complaint. This complaint may be filed at the Town Office or with the Animal Control Officer or Local Law Enforcement. This complaint must specify the objectionable conduct of the dog(s), the date and time thereof, a description of the dog(s), and the name and residence of the owner or other person harboring said dog(s) in known. Upon written complaint by the person disturbed, which has been signed and sworn to, any constable, duly qualified law enforcement official, animal control officer or duly appointed alternate animal control officer may investigate and may give written notice to the owner or keeper of such animal that such annoyance or disturbance must cease. The warning shall be made part of the complaint. Thereafter, upon continuance of such annoyance or disturbance, such owner shall be guilty of civil violation and upon conviction there of shall be punished by fees and penalties set in Article VI-A-1 & 2.

- ~~2. Dogs deemed “Dangerous” by local law enforcement or the Animal Control Officer by issuing a civil violation summons for keeping a dangerous dog shall confine the dog in a secure enclosure. For the purposes of this paragraph, “secure enclosure” means a fence or structure of at least 6 feet in height forming or making an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering the dangerous dog. The secure enclosure must be locked, be designed with secure top, bottom and sides and be designed to prevent the animal from escaping from the enclosure.~~

## ARTICLE II

## A. LICENSES WILL BE IN ACCORDANCE TO STATE LAW

1. ~~Fees shall be paid to the Town Clerk for each license issued on spayed ~~altered~~ and ~~not altered~~ unspayed females and neutered and unneutered males dogs as prescribed by state law.~~
2. ~~Each owner or keeper of a dog at the age of 6 months or over shall, on or before January 1<sup>st</sup>, annually, or at such time as such dog becomes 6 months old, cause such dog to be licensed in the Town Clerk's office in the Town where such dog is kept. No Town Clerk shall issue a license for any dog until the applicant ~~owner or keeper~~ has filed with such Clerk proof that such dog has been immunized against rabies.~~
3. ~~Any person becoming the owner or keeper of a dog after the first day of January, not duly licensed as required, shall, within 10 days after he/she becomes the owner of keeper of said dog, cause said dog to be described and licensed as provided.~~

## ARTICLE III

### A. ENFORCEMENT

1. Animal Control Officer. The Town Manager shall appoint an Animal Control Officer and Alternate Animal Control Officers for the purpose of enforcement of the provisions of this Ordinance and State Law relating to animals.

### B. IMPOUNDMENT

1. ~~Unlicensed Stray dogs, whether or not at large, and dogs, and cats and other small domesticated animals found running at large, shall be taken to its owner if known or if owner is not known, shall be taken to the animal shelter designated by the municipality in which the animal was found for the period set forth in whether or not licensed, shall with or without complaint be taken up and impounded by Animal Control Officer in a shelter designated by the Town as the Town Animal Shelter and there confined in a humane manner for a period of not more than ten (10) ~~six (6)~~ days or current Maine State Law.~~
2. Any owner may regain possession of an impounded dog or cat upon payment of the impoundment fee set by the Readfield Select Board and boarding fees set by the Animal Shelter; as well as any other penalties provided by Maine law. ~~Any dog or cat impounded under the provisions of this Ordinance and not reclaimed by the owner within said ten (10) ~~six (6)~~ days or current Maine State Law, shall be considered to be abandoned by the owner and the property of the Town's designated Animal Shelter and may, after consultation with the Humane Society and/or the Animal Refuge League be humanely destroyed or given to the Humane Society and/or the Animal Refuge League, or any person deemed to be responsible and a suitable owner.~~
3. Where the ownership of any such dog or cat is known, or can be reasonably ascertained by the Animal Control Officer, such officer shall, if possible, notify the owner within three (3) days of such impoundment, but failure to give such notice shall in no way impose any liability upon the Town for the destruction or transfer to another of any dog or cat so impounded and not reclaimed within ~~said period of ten (10) ~~8~~ days or current~~ applicable periods under current Maine State Law.

## ARTICLE IV

### A. ANIMALS NOT TO RUN AT LARGE

It shall be unlawful for any domesticated animal or livestock, licensed or unlicensed, to run at large on any highway, street, roadway on public owned property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his/her property), except when used for hunting during the appropriate season.

### B. SANITATION

It shall be unlawful for any person who owns, possesses or controls an animal to fail to promptly remove and dispose of any feces left by his/her animal on any sidewalk, street, or public owned property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his/her property).

1. This provision shall not apply to an assistance dog accompanying a handicapped person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.

### C. PROHIBITED PROPERTY

All domestic~~ated~~ animals are prohibited on the grounds of any town cemeteries and the Town's beach property.

## ARTICLE V

### A. INTERFERENCE FORBIDDEN

No person shall interfere with, hinder or molest any Animal Control Officer in the performance of any duty of such officer, or seek release of any animal in the custody of an Animal Control Officer, except as herein provided.

## ARTICLE VI

### A. PENALTIES

For violation of Articles I.D, or IV, or V.

1. Any person convicted of violation any provisions of this ordinance shall be subject to a ~~court determined~~ fine of not less than \$50.00 no more than ~~\$100.00~~ 250.00 plus ~~attorney fees and~~ costs for the first violation. For subsequent violations, the fines shall be not less than \$100.00 no more than \$500.00., ~~to be recovered by complaint for the use of the Town of Readfield.~~ All fines so assessed by the court and attorney fees and cost to the Town shall be recovered for the use of the Town of Readfield through District Court. In addition the Court may make such further order regarding the destruction, restraint, or disposition of the offending animal as the Court deems appropriate.
- ~~2. A person, not previously convicted of a violation under this ordinance, may elect to pay the minimum penalty of \$50 specified above in lieu of appearing in court to answer the citation. Such payment must be received by the office of the Town Clerk within seven (7) business days from the date the citation was issued. Upon receipt of such payment by the Town Clerk, the Animal Control Officer shall cause the citation to be dismissed. If the Animal Control Officer agrees, a person may elects to pay the minimum penalty of \$50.00 in lieu of appearing in court to answer the first citation, and if the person is cited for a subsequent violations, the civil penalty for the each subsequent violation shall not be a fixed increase of \$50.00 for each additional violation with a maximum of not less than \$100.00 nor more than \$500.00.~~

### ~~B. PENALTIES FOR KEEPING A DANGEROUS DOG~~

- ~~1. Any person convicted of keeping a dangerous dog without or not within a secure enclosure shall be punished by a penalty of not less than \$500 nor more than \$1,000 for the first offense.~~
- ~~2. Any person convicted of keeping a dangerous dog on a second offense shall be punished by a fine of not less than \$750 nor not more than \$1,000.~~
- ~~3. Any person convicted of keeping a dangerous dog on a third or subsequent offense shall be punished by a fine of \$1,000.~~

4. In addition, the court may make such further order regarding the destruction, restraint or other disposition of the offending animal as the court deems appropriate.