

TOWN OF WOOLWICH

ANIMAL CONTROL ORDINANCE

I. TITLE:

This ordinance shall be known and cited as the Animal Control Ordinance of the Town of Woolwich, Maine, and is referred to herein as "this ordinance".

II. AUTHORITY:

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the Provisions of Title 30-A, MRSA Section 3001 (Home Rule).

III. RELATION TO OTHER ORDINANCE:

This ordinance cancels and supersedes the "Dogs Disturbing the Peace" Ordinance which was enacted March 3, 1984.

IV. PURPOSE:

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

The provisions which apply to the owners of an animal apply equally to any person having its custody or possession.

It is also the Town's responsibility to prevent the spread of contagious disease and virus in relation to domesticated and undomesticated animals.

V. DEFINITIONS:

1. Owner: Any person owning, keeping or harboring a dog or other animal.
2. At Large: Any animal off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
3. Dangerous Dog: Any dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.
4. Law Enforcement Officer: Any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State or Municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes or is limited to specific crimes.
5. Municipality: A city, town or plantation.
6. Nuisance: The causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles, or other vehicles; and the entry on to school grounds while school is in session.

7. Leash: A hand held device no longer than six feet in length.
8. Pack: A dog in the company of three or more other dogs.
9. Animal: Includes all domesticated and undomesticated animals.
10. Rabies: A viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.
11. Confirmed Rabid Animal: An animal that has been confirmed by the Health and Testing Laboratory using the direct fluorescent antibody (DFA) test of nervous tissue.
12. Quarantine: Term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.
13. Currently Vaccinated: Domesticated animals are considered currently vaccinated for rabies if at least thirty days have elapsed since the initial vaccination and duration of vaccination has not exceeded the time period recommendation for that species based upon the type of vaccine used. A Maine "Certificate of Rabies Vaccination" or a form approved by the Commissioner of the Maine Department of Agriculture, Food and Rural Resources is proof of immunization.
14. Suspected Rabid Animal:
 - a. Any mammal, undomesticated or domesticated, showing signs of rabies.
 - b. Any undomesticated mammal which has potentially exposed, through bite or non-bite exposure, a human or domesticated animal to rabies.
 - c. Any domesticated mammal which has bitten a human or domesticated animal.
15. Undomesticated Animal: A mammal considered to be wild by nature by the Maine Department of Inland Fisheries and Wildlife.
16. Domesticated Animal: A mammal accustomed to home life: tamed for man's use: a typical household pet to include, but not limited to: dogs, cats, ferrets, wildlife hybrids and livestock.
17. Unvaccinated Animal: An animal with no previous rabies vaccination, an animal whose first vaccination was given within the last thirty days, an animal whose last vaccination has expired (per vaccine manufacturer's recommendation), or an animal for which no approved vaccine exists.
18. Wildlife Hybrid: The offspring of a breeding between a domesticated animal and a wild counterpart. This would include but is not limited to: coydog, wild/domesticated cat hybrid and wolf/dog hybrids. These animals are considered domesticated but have no established quarantine or isolation period for the incubation of the rabies virus.
19. Control: To limit by reasonable means all unnecessary exposure for the suspected rabid animal to humans or to other animals.

VI. ANIMALS CREATING A NUISANCE BY NOISE:

Anyone owning, possessing or harboring any animal which barks, howls or makes other sounds common to its species, continuously for twenty minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. EXCEPTIONS: Dogs barking at trespassers or threatening trespasser on private property on which dog is situated or any legitimate cause for

provocation.

VII. RUNNING AT LARGE:

It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned animal roaming at large shall be impounded by the Animal Control Officer (ACO) and taken to a shelter. Any dog or ferret leaving the property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and verbal control of its master. Any animal in violation may be impounded by the ACO. Any animal so impounded may be destroyed if it is not claimed within eight days following impoundment. The ACO, or his designee or other law enforcement officer, may take the animal to its owner, if known. However, the offender will be subject to a charge of \$10.00 for services rendered, payable to the Town of Woolwich.

VIII. CONFINEMENT OF CERTAIN DOGS.

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the ACO or other law enforcement officer and only if all provisions of the Section entitled "Impoundment Fees" have been met.

IX. ANIMAL CONTROL OFFICER (ACO):

A suitable person shall be employed by the Town of Woolwich who shall be known as and perform the duties of Animal Control Officer. He shall have the powers of a constable and shall be under the supervision and direction of the Board of Selectmen. He shall hold his office for such time as the Selectmen may direct and shall receive as compensation an amount as may from time to time be authorized at Town Meeting. The ACO shall be responsible for the control, regulation and enforcement of all laws related to dogs, cats, domesticated and undomesticated animals in accordance with Title 7 MRSA Chapter 725.

X. LICENSE REQUIRED:

All dogs kept, harbored or maintained by their respective owners in the Town of Woolwich shall be licensed and tagged in accordance with the appropriate laws of the State of Maine. (MRSA Section 3921)

XI. LICENSING FEES:

Beginning January 1 and no later than April 1, all dogs over the age of six months must be licensed in the Town of Woolwich by registering the dog(s) at the Town Clerk's office. Proof of a rabies vaccination must be shown to obtain a license.

XII. REGISTRY AND NOTIFICATION OF IMPOUNDMENT:

When impounding any animal, the ACO or other law enforcement officer shall at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the animal as can be reasonably ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instructions setting forth the conditions under which the animal may be released. When any animal is impounded under the provisions of this article, the person who has control of the

Shelter shall, when possible, contact the owner within forty-eight hours and report to the Town Clerk a description of the animal and its place of impoundment. If the owner does not claim said animal, then the Animal Shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with applicable state laws.

XIII. IMPOUNDMENT FEES:

All owners may reclaim their animal by first licensing, if applicable, according to this ordinance, and by paying to the Town of Woolwich a fee of \$30.00 for each offense. The owner will also be responsible for any additional costs incurred by the animal at the Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the Shelter prior to the release of an animal.

XIV. DISPOSITION OF ANIMALS WHICH HAVE BITTEN HUMANS AND/OR HAVE BEEN EXPOSED TO A CONTAGIOUS DISEASE OR VIRAL DISEASE:

The owner or keeper of an animal which has bitten a human or may have been exposed to a contagious or viral disease shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least ten days, forty-five days, or six months or as ordered. The owner or keeper must observe and obey all written instructions and procedures included in the quarantine notice. Failure to comply with this section may result in fines or penalties described in the section entitled "Violations". Further, failure to comply with this section may result in a court ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All related expenses shall be paid by the owner or keeper.

XV. ANIMALS CREATING A PUBLIC HEALTH THREAT:

The municipal health officer or his/her designee shall order suppression and removal of animals and conditions posing a public health threat when there is a reasonable cause to suspect the presence of a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

XVI. VIOLATIONS:

Any person found in violation of any provision contained in Section VI, VII, VIII, and XIII shall be subject to a fine of not less than \$25.00 and not more than \$100.00 for each offense. Any person found in violation of Section XIV and/or XV shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00 for each offense. Any fine collected shall be recovered to the use of the Town of Woolwich. In addition to the civil penalties, the person violating shall pay the Town's attorney's fee for the prosecution of the legal action. Finally, the town may seek appropriate legal and equitable relief in a court of competent jurisdiction to enforce the provisions of the Ordinance.

XVII. SEVERABILITY CLAUSE:

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

As amended at a Special town Meeting on May 8, 2003.