

## **Chapter 22**

### **City of Ellsworth Animal Control Ordinance**

- Sec. 22-1 Definitions.**
- Sec. 22-2 Animal control officer.**
- Sec. 22-3 Penalty for violation of article**
- Sec. 22-4 Licensing.**
- Sec. 22-5 Roaming at large; leash requirements.**
- Sec. 22-6 Impoundment.**
- Sec. 22-7 Impoundment fees.**
- Sec. 22-8 Public nuisance.**
- Sec. 22-9 Disposition of dogs that have bitten persons.**
- Sec. 22-10 Rabies; quarantine**
- Sec. 22-11 Duty to dispose of feces.**
- Sec. 22-12 Fines and fees.**

State law reference 7 M.R.S.A. SS 1

Previous Chapter 22 to be replaced and repealed with this version per Council Meeting 4/18/2005.

## **Sec. 22-1. Definitions**

As used in this Ordinance, unless the context indicates otherwise:

“**Animal**” shall be intended to mean any living, sentient creature that is not a human being.

“**Public or City-Owned Property**” includes, but is not limited to, streets, sidewalks, parking lots, lawns and grounds of public buildings, parks, athletic fields and facilities, trails, walkways, public rights-of-way or easements and driveways.

“**Dog**” shall be intended to mean both males and females.

“**Keeper**” shall be intended to mean a person in possession or control of a dog or other animal.

“**Owner**” shall be intended to mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog or animal.

“**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 dog.

## **Sec 22-2 Animal Control Officer**

The City Council shall appoint one or more animal control officers in accordance with Title 7, M.R.S.A., Section 3947, as amended. Said animal control officers shall have all of the powers provided under this Ordinance and the laws of the State of Maine.

In addition to the regular duties of animal control officers delineated by the state law and this Ordinance, the animal control officer is hereby authorized to enforce the provisions of any other law regarding animals and found in Title 7, Maine Revised Statutes,

Chapter 719 Uncontrolled Dogs

Chapter 720 Rabies Prevention

Chapter 721 Dog Licenses

Chapter 723 Licenses for Kennels, Boarding Kennels, and Pet Shops

Chapter 727 Dangerous Dogs

Previous Chapter 22 to be replaced and repealed with this version per Council Meeting 4/18/2005.

- Chapter 729 Damage by Dogs
- Chapter 730 Ferrets
- Chapter 731 Mistreatment of Animals
- Chapter 733 Transportation of Animals
- Chapter 737 Calf and Pig Scrambles
- Chapter 741 Animal Trespass
- Title 17 Crimes 1011 through 1046

**Sec. 22-3 Penalty for violation of article.**

Whoever keeps a dog contrary to the provisions of this article shall be punished in accordance with section 22-12 of this article and Title 7 M.R.S.A.

**Sec. 22-4 Licensing.**

A suitable tag showing the year the dog license was issued in accordance with the state statutes and bearing such other data as the commissioner of agriculture may prescribe shall be securely attached to a collar which must be worn at all times by the dog for which the license was issued. It shall be unlawful for any person to remove such tag or to place either a collar or tag on any dog not described or for which the license was not issued.

**Sec. 22-5 Roaming at large; leash requirements.**

- (a) It shall be unlawful for the owner or keeper of any dog, whether licensed or unlicensed, to permit such dog to run at large, except when used for hunting.
- (b) Any dog shall be controlled by a leash of not more than eight feet in length in the following areas within the City of Ellsworth:
  - (1) All properties, public ways, and sidewalks located within the commercial district and downtown.
  - (2) All school and library properties.

Previous Chapter 22 to be replaced and repealed with this version per Council Meeting 4/18/2005.

## **Sec. 22-6 Impoundment**

- (a) Unlicensed dogs, or dogs found roaming at large, shall be taken up and impounded in a shelter designated by the city, and there confined in a humane manner for a period of not more than ten days. Any animal impounded under the provisions of this article and not reclaimed by its owner within ten day may be humanely destroyed or placed in the custody of another person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article.
- (b) The city or its duly authorized agent may transfer title of all animals held by it at an animal shelter after the legal detention period has expired and the animal has not been claimed by its owner.
- (c) When dogs are found running at large and their ownership is known, such dogs need not be impounded, but the city through its duly authorized agents may, at its discretion, cite the owners of such dogs to appear in court to answer violations of this article.
- (d) The owner shall be entitled to resume possession of any impounded dog upon compliance with the license provisions of section 22-4 and the payment of impoundment fees as set forth in this article. Any other animal impounded under the provisions of this article may be reclaimed by the owner upon payment of the impoundment fees as set forth in this article.

## **Sec. 22-7 Impoundment fees.**

Any animal impounded under this article may be reclaimed as provided in this article upon payment by the owner of the currently required impoundment fees, as described in 22-12

## **Sec. 22-8 Public nuisance.**

- (a) Any owner or keeper of a dog or animal that damages property located within the City of Ellsworth and belonging to another, said damage occurring while the dog or animal is not on the property of the owner or keeper commits a civil violation subject to the penalties set forth in this ordinance.
- (b) No owner or keeper of a dog or animal shall allow the dog or animal to unnecessarily annoy or disturb any person by loud and repeated barking or other noises. Upon written complaint of the person disturbed, signed and sworn to, any 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 written warning upon the owner or keeper, notifying the owner or

Previous Chapter 22 to be replaced and repealed with this version per Council Meeting 4/18/2005.

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 the address shown on the license application for that dog or animal. Any owner or keeper who allows such annoyance or disturbance to continue after notice has been served commits a violation subject to the penalties set forth in this ordinance.

### **Sec. 22-9 Disposition of dogs that have bitten persons.**

(a) It shall be unlawful for the owner or keeper, when notified that such dog has bitten any person or has so injured any persons as to cause abrasion of the skin, to sell or give away such dog or permit or allow such dog to be taken beyond the city limits, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper, upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least fourteen days, or deliver such dog to the police department to be quarantined at the owners expense at a location of the departments choosing. The city police department shall be notified immediately upon the death of any dog while under confinement.

(b) Any dog which has been bitten by another dog having or suspected of having rabies shall be immediately impounded for observation as provided in this section.

### **Sec. 22-10 Rabies quarantine**

(a) Upon positive diagnosis of rabies in any dog within the city, the health officer may proclaim and invoke a citywide quarantine for a period of thirty days, and upon invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine.

(b) During a period of rabies quarantine as described in this section, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owners expense and option, shall be treated for rabies infection by a licensed veterinarian, or held thirty days under quarantine by the owner in the same manner as other animals are quarantined.

(c) In the event there are additional positive cases of rabies occurring during a period of quarantine, such period of quarantine may be extended by the health officer for a period of six months.

(d) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the health officer.

- (e) The health officer shall direct the disposition of any animal found to be infected with rabies.
- (f) No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this section when demand is made therefore by the health or animal control officer.

**Sec. 22-11 Duty to dispose of feces.**

It shall be a violation of this section for any person who owns, possesses, or controls a dog to fail to immediately remove and dispose of any feces left by his or her dog on any street, sidewalk, or publicly or privately owned property of another.

This section will not apply 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.

**Sec. 22-12 Fines and fees.**

Any person who violates any provision of this ordinance commits a civil violation. The penalty for this violation is a fine of not less than fifty dollars (\$50.00) or more than two hundred fifty dollars (\$250.00) per violation. Each day that a violation continues constitutes a separate violation. If the city is a prevailing party in an action to enforce any provision of this ordinance, it must be awarded its reasonable attorney's fees, expert witness fees, and costs, unless extraordinary circumstances make the award of these fees unjust.

The owner of any impounded animal in the City of Ellsworth shall pay a twenty-five dollar (\$25.00) impound fee to the Police Department before being allowed to take possession of said animal from its place of confinement. A receipt will be given to the owner or keeper to show proof of payment in order to retrieve their animal. This fee is in addition to fees accumulated at the animal's place of confinement.