

ARTICLE 1 DOMESTIC ANIMAL CONTROL ORDINANCE DRAFT

SEC. 1-101 Purpose

1. This ordinance is adopted in the exercise of home rule powers under Maine Constitution and 30-A M.R.S.A, Section 3001. The purpose of this ordinance is to require that all domesticated animals in the **Town of Pittston** be kept under control of their owner or keeper at all times so they will not injure persons or other animals, damage property, or create a public health threat; without unreasonable restricting owners and their animals in their normal activities, while holding owners responsible, where it is appropriate to do so, for the deleterious conduct of their animals.
2. The provisions of this ordinance that apply to the owner of a domesticated animal apply equally to any person keeping, or having control, custody, or possession of that animal.

SEC. 2-201 Definitions

1. Abandoned Animal. an animal that has been deserted by its owner or keeper.
2. Animal. every living, sentient creature not a human being.
3. Animal Control. control of dogs, cats, and domesticated animals.
4. Animal Control Officer. any person appointed by the Town of Pittston to enforce animal control laws.
5. Animal Shelter. a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals.
6. At – Large. 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 dog.
7. Dog. any animal in the canine family.
8. Domestic Animal. an animal, such as a horse, cat or dog, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.
9. Leash. a hand-held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed.
10. Owner. any person or persons, firm, association, or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
11. Responsible Party. As used in this ordinance, the term “responsible party” means any person who has possession or custody of a dog. If a dog is in violation of the restrictions of this Ordinance, the owner of the dog and the responsible party are jointly and severally liable for the violation.

12. Voice Control. As used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party’s verbal command. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and a violation of this Ordinance occurs, unless such person **(or in the 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 dog.

Sec 3-301 Animal Control Officer

A qualified person shall be employed by the Town of Pittston who shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats and other domesticated animals. The Animal Control Officer shall be trained and certified in accordance with Title 7, M.R.S.A., Section 3906-B.

Sec. 4-401 At-Large Dogs

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the civil penalties provided in this ordinance.

Sec. 5-501 Impoundment or Return of At-Large Dogs

All dogs found at-large in violation to Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter at the discretion of the Animal Control Officer.

Sec. 5-502 Disposition of Impounded Animal

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after 7 days may be classified as an abandoned animal, and the animal’s owner may be subjected to all civil penalties authorized by this ordinance.

Sec. 5-503 Impoundment Fee

An owner may reclaim an impounded animal by first paying to the animal shelter, contracted by the Town of Pittston all set impoundment fees as set by said animal shelter. Proof that all tags and licenses are up to date is required before the shelter will release an animal.

Sec. 5-504 Animal Noise

1. Except as provided in subparagraph (2) and (3) below, no owner shall permit or allow any domesticated animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more. Upon written complaint by the person disturbed, the Animal Control Officer may investigate and may give written notice to the owner or keeper of such an animal that such annoyance or disturbance must cease. Thereafter, upon continuance of such annoyance or disturbance, such owner shall be subject to the penalties for violation pursuant to Sec. 5-504(2)

2. Sec. 5-504(1) shall not apply if any animal is situated near or by a legitimate cause for provocation.
3. Sec. 5-504(1) shall not apply to farm animals kept on a property located in the Town of Pittston. For purposes of this exception, dogs are not “farm animals” and kennels are not “farms.”

Sec. 5-505 Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty (30) days of the assault, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog. The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. §3952. After issuing the citation and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner’s premises or to have the dog, at the owner’s expense, at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. §3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Sec. 5-506 Trespass

1. An owner of an animal may 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.
2. The owner of an 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:
 - A. the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or
 - B. the animal is an immediate danger to itself, to persons, or to another’s property.
 - C. Any animal so removed shall be subject to the provisions of Sections V, VI, and VII in the same manner as an at-large dog.

Sec. 5-507 Tags and Stickers

No dog shall be kept within the limits of the Town of Pittston unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S.A. §3922-B.

Sec. 5-508 Rabies Tags

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training, or in an exhibition or on the premises of the owner. When the dog is hunting,

in training, or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request of the Animal Control Officer.

Sec. 5-509 Violations/Penalties

1. Any persons who violate Sec.5-504, Animal Noise, shall be subject to civil penalties for each violation, as established by the Board of Selectmen.
2. Any person who violates any other section of this Ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$500.00 plus costs for each offense.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Pittston and recorded in a separate account as required by 7 M.R.S.A. Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

Sec. 5-510 Impoundment Fee

An owner may reclaim an impounded animal by first paying to the Kennebec Valley Humane Society (KVHS) or any other approved animal shelter contracted by appointed by the Select Board an impoundment fee as determined by said animal shelter.

Sec. 5-511 Fee and Fines

Any fees and fines may be reviewed and revised. The impoundment fee is subject to revision by KVHS or any other appointed animal shelter at any time without notice. Fees and fines may be reviewed and revised at any time by a majority vote of the Select Board.

Sec. 5-512 Severability Clause

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

Effective Date:

Revised: Sept 21, 2016