

ANIMAL CONTROL ORDINANCE
LICENSING AND CONTROL OF DOMESTICATED ANIMALS
TOWN OF PHIPPSBURG, MAY 1999
Amended through May 4, 2010

1. **AUTHORITY:** This Ordinance is enacted in accordance with Title 7 Section 3950, and repeals in its entirety the "Animal Control Ordinance Licensing and Control of Dogs" dated May 16,1998.

2. **PURPOSE:** To require that all Domesticated Animals in the Town be kept under the control of their owners or owner's designee at all times so that they will not cause harm to persons, damage property, or create a nuisance.

3. **DEFINITIONS:** The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

At Large: shall mean off the premises of the animal's keeper and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

Keeper: means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least ten (10) consecutive days.

Owner: means a person owning, keeping or harboring a dog or other animal.

Domesticated Animals: shall mean any dog ,wolf hybrid, cat or ferret which resides on the keepers property.

Dangerous dog: shall mean a dog which has bitten a person who was not a trespasser with criminal intent on the keepers premises at the time of the incident; a dog which causes serious injury or death to another animal; or a dog which causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the keepers premises.

Nuisance: shall mean loud, frequent or habitual barking, howling or yelping; the causing of unreasonable noise continuously for twenty (20) minutes or intermittently for one (1) hour or more, smell, litter, or property damage; the chasing of automobiles, bicycles, or other vehicles; or the persistent or frequent entry on school ground while school is in session. Nuisance shall be a separate offense from running at large even though some the elements of the offense may be the same.

4. **REGISTRATION AND IDENTIFICATION:** A dog or wolf hybrid which is at least six (6) months old must be licensed by its owner and wear a collar or harness to which is attached a valid license tag.

5. **PROOF OF IMMUNIZATION:** All domesticated animals shall have rabies vaccinations in accordance with the regulations established by current veterinary practice and vaccine specifications. All owners or owner's designees shall, at the request of a

humane agent, animal control officer or a law enforcement officer, show a current certificate of rabies vaccination.

A. Exception: If an owner applying for a license declares that the dog is a wolf hybrid, the requirement of rabies immunization shall be waved and the dog shall be treated in accordance with Title 22, chapter 251, subchapter V.

6. **RUNNING AT LARGE:** A dog, wolf hybrid or ferret is not permitted to run at large. A dog, wolf hybrid or ferret which is off the premises of the keeper and is not on a leash is prima facie evidence of running at large.

A. Exception: A dog which is under the control of the keeper may run at large while engaged in field trials, training or legal hunting.

7. **IMPOUNDING:** The animal control officer shall apprehend any domesticated animal found running at large, in as defined in paragraph 6, and impound it in the animal shelter or other suitable place. At that time he/she shall register the breed, color, sex, license number, and name and address or telephone number of the owner, if known, in a book kept for that purpose.

8. **NOTICE AND RECLAMATION:** The Animal Control Officer shall notify the owner as soon as practical, if known, in person or by certified mail that the domesticated animal has been impounded, and the owner must claim it within six (6) days, or twenty-four (24) hours for cats, of the day of impound by licensing the animal, if unlicensed but required to be, providing proof of rabies vaccination, and paying the town the following fees:

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| (1) Cost of impounding and keeping the animal (1st offense) | \$30.00 |
| (2) Cost of keeping the animal (2nd & following offenses) | \$50.00 |
| (3) Cost of notice by mail or posting | \$2.00 |

9. **DISPOSITION OF UNCLAIMED ANIMALS:** The animal shelter shall keep all impounded animals for six (6) days, or twenty-four (24) hours for cats. If the owner or keeper has not reclaimed the animal within that time or if the owner or keeper is unknown and the Animal Control Officer is not able to place the animal, the Coastal Humane Society shall dispose of the animal as appropriate. The owner, if known, will be responsible for reimbursing the Town for the costs associated with the impoundment and disposal of the animal.

10. **BITCH IN HEAT:** The owner of any bitch in heat shall keep the dog confined or on a leash at all times and shall not permit the dog to be at large within the Town or on the premises other than those of the owner. Every bitch found running at large in violation of this ordinance, is declared to be a public nuisance and shall be impounded and the owner or keeper shall be deemed guilty of a misdemeanor.

11. **NUMBER OF DOGS LIMITED:** It shall be unlawful for any person or persons to keep or harbor within the Town more than four (4) dogs over six (6) months old on April 1st unless a kennel license is issued. This limitation shall not apply to any persons or

corporation engaged in the commercial business of breeding, buying, selling or boarding of dogs, or operating a veterinary hospital.

12. **DISPOSITION OF DOMESTICATED ANIMALS WHICH HAVE BITTEN PEOPLE:** All apparently healthy domesticated animals, regardless of vaccination status which bite humans, must be quarantined for ten (10) days, thereby separating the animal from humans and other animals, for the purpose of observing for signs of rabies and preventing the animal from spreading the disease. During the quarantine period, the keeper shall not destroy the animal nor allow it to be destroyed.

A. Exception: If a wolf hybrid or stray domesticated animal bites a person or domesticated animal, it will be euthanized at the Owner's expense and tested at the Health and Environmental Testing Laboratory for rabies as soon as possible.

13. **WHEN ANIMALS MAY BE KILLED:** If any dangerous, fierce or vicious animal cannot be safely taken in and impounded, such animal may be slain by any Police Officer or duly authorized Animal Control Officer. In all cases where any animal which has bitten a person or caused abrasion of the skin of any person, is slain by an authorized person (whether by order of the court or otherwise) and the period of less than ten (10) days has elapsed, it shall be the duty of the authorized person to deliver the carcass and brain, intact, to the Chief of Police or the Animal Control Officer who shall forward the head to the Health and Environmental Testing Laboratory and properly dispose of the carcass.

14. **EXAMINATION OF QUARANTINED ANIMALS:** The Animal Control Officer shall make periodic observations for symptoms of rabies. Any signs of illness in the animal will be reported to the Animal Control Officer and the animal will be transported, at owner's expense, to the veterinarian of the owner's choice for examination. At the end of the ten (10) day quarantine period the animal shall be examined by a veterinarian before release from quarantine. The keeper of the animal will provide the Animal Control Officer with a copy of the Veterinarians clearance at which time the Animal Control Officer will notify the person exposed.

15. **DANGEROUS DOG:** The keeper of a dangerous dog will not allow the dog to be outside without being on a leash or some form of controlling device or off their property without a leash of no more than six (6) feet in length which shall be attached to the dogs collar or harness at all times.

16. **NUISANCE:** No animal shall be permitted by a keeper to cause a nuisance.

A. Exception: Dogs barking at trespassers or threatening trespassers on private property on which the dog is situated or properly restrained to, or any threat or provocation by a person not on the property.

17. **PENALTIES:** Any person who is found to have violated any provision of this Ordinance shall pay a civil penalty of not more than twenty five dollars (\$25.00) for the first offense; not more than two hundred dollars (\$200.00) for the second offense; and not

more than five hundred dollars (\$500.00) for the third and subsequent offenses. Each day of violation shall constitute a separate offense. All civil penalties shall be paid to the Town. In addition to the civil penalties, the person violating this ordinance shall pay the Town's attorney's fees for the prosecution of the action. Finally, the Town may seek appropriate legal and equitable relief in a court of competent jurisdiction to enforce the provisions of the Ordinance.

18. **ENFORCEMENT:** All portions of this ordinance shall be enforced by the Animal Control Officer or Chief of Police in his/her absence. The Animal Control Officer shall inform the Chief of Police concerning any case of rabies or animal bites.

19. **EFFECTIVE DATE:** This Ordinance shall become effective after it's adoption at the May 18/19 1999 Town Meeting and will stay in effect until repealed or replaced. Any other Ordinance concerning "Domestic Animal Control" or "Control of Dogs" is hereby repealed.

20. **SEPARABILITY:** If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

Amendment Summary

<u>Date</u>	<u>Section</u>	<u>Summary</u>
May 2001	8. NOTICE & REC.....	Replaced section
May 2002	3. DEFINITIONS	Redefined "Nuisance" for barking
May 2002	8. NOTICE & REC.....	Amended claim & rabies vac. proof
May 2002	9. DISPOSITION OF	Changed impoundment time frames
May 2002	16. NUISANCE	Added exception
May 2002	18. WARRANT	Changed procedure
May 2010	18. WARRANT	Deleted section as per change in State Law and renumbered subsequent paragraphs

Attest to be a true copy: John M. Young
Deputy Town Clerk
Town of Phippsburg