

AN ORDINANCE REGULATING THE  
CONTROL OF BARKING DOGS IN  
THE TOWN OF NORTH YARMOUTH

**I. PURPOSE** [Amended 06/16/12]

The purpose of this ordinance is to establish control of barking dogs in the Town of North Yarmouth by their owner or keeper at all times.

This Ordinance is enacted pursuant to the authority in Title 30A M.R.S.A., Sections 2101 and 3001 and the purpose of this Ordinance is to provide regulations in addition to those contained in Title 7 M.R.S.A., with respect to controlling barking dogs throughout the Town of North Yarmouth in the interest of the health, safety and general welfare of its residents.

**II. DEFINITIONS** [Amended 06/16/12]

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

1. **CONTROL:** the power or ability to direct the proper and safe activity of an animal.
2. **DOG:** any of large and varied groups of domesticated animals in the canine family.
3. **KEEPER:** means a person in possession or control of an animal.
4. **NUISANCE COMPANION ANIMAL:** means a dog, which by loud, frequent and continual barking, howling, or other loud or unusual noises, unnecessarily annoys or disturbs any person at any time.
5. **OWNER:** means any person, firm, association or corporation owning, keeping or harboring an animal.
6. **RESPONSIBLE PARTY:** As used in this ordinance, the term “responsible party” means any person who has possession or custody of a companion animal. If a companion animal is in violation of the restrictions of this Ordinance, the owner of the companion animal and the responsible party are jointly and severally liable for the violation.

**III. ANIMAL NOISE** [Amended 06/16/12]

- A. Except as provided in subparagraph (B) and (C) below, no owner, or responsible party, shall permit or allow any dog 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.
- B. Section III (A) shall not apply if any dog has legitimate cause for provocation.

- C. Section III (A) shall not apply to farm animals kept on a property located in the Town of North Yarmouth. For purposes of this exception, dogs are not “farm animals” and kennels are not “farms.”

**IV. ENFORCEMENT:** [Amended 06/16/12]

Upon written complaint, signed and sworn to, the Animal Control Officer of the Town of North Yarmouth or any duly qualified State or Country law enforcement official shall investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. The warning shall be made part of the complaint.

If the problem persists, the Officer shall submit a written report to the Board of Selectmen of findings and recommendations, together with a written complaint. The Officer, after investigation, may issue an interim order that such dog be restrained for a period not to exceed fourteen days to enable the Board of Selectmen to issue its order following receipt of the report of the Officer. Upon receipt of such report and examination of the complainant under oath, the Board of Selectmen may make such order concerning the restraint of such dog as may be deemed necessary. If the Board of Selectmen fails to act during the period of an interim order, upon expiration of the period, the order is automatically vacated.

Upon continuance of an annoyance or disturbance ordered ceased by the Board of Selectmen, such owner shall be guilty of a civil violation and upon conviction hereof in District Court, shall be punished by a fine as specified in the Town of North Yarmouth Application, License and Permit Fees Ordinance. All fines so assessed shall be recovered for use of the Town of North Yarmouth through District Court. Each day a violation continues to exist after notice shall constitute a separate offense. Following two convictions, the District Court may order that an animal be taken from its owner. [Amended 06/12/10]

The owner or keeper of any dog that has been ordered to be restrained under this ordinance may file a request in writing with the Dog Officer or duly appointed Law Officer that the order be vacated, and after investigation by the Officer, said Officer may vacate such order if the order was imposed by him/her. If the order was imposed by the Board of Selectmen, the Officer shall submit a written report of his/her investigation with recommendations to the Board of Selectmen, who may vacate the order.

The provisions of this ordinance are severable, and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not effect or impair the remaining provision of this ordinance.

ADOPTED: March 11, 1983

CODIFIED: June 12, 2010

AMENDED: June 12, 2010

AMENDED: June 16, 2012