

Town of North Yarmouth Animal Control Ordinance

I. Purpose and Authority

- A.** The purpose of this chapter is to require that all animals in the Town of North Yarmouth, be always kept under control of their owner/keeper so they will not injure persons or other animals, damage property, or create a public health threat or nuisance. "Under control," as defined below, means that the animal's proper and safe activity is directed by the owner/keeper. Control is achieved by proper use of a leash or voice control.
- B.** This chapter is enacted pursuant to the authority in 30-A M.R.S.A. §§ 2101 and 3001, and the purpose of this chapter is to provide regulations in addition to those contained in Title 7 of the Maine Revised Statutes Annotated with respect to controlling companion animals throughout the Town of North Yarmouth in the interest of the health, safety and general welfare of its residents.
- C.** North Yarmouth Parks are for the enjoyment of North Yarmouth citizens and their guest. It is the goal of North Yarmouth that citizens can bring domestic animals to our parks for their owners' enjoyment and their animals. Priority shall always be given to citizens, wildlife, and the parks themselves. Citizens are encouraged to address issues between themselves using the rules but may report complaints to the Animal Control Officer or Town Manager.

II. Definitions

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:

- A. Animal** - Every living, sentient creature, not a human being.
- B. At Large/Stray** - 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 companion animal. "Premises" includes residences, including land and buildings, and motor vehicles belonging to the owner or keeper of the companion animal.
- C. Companion Animal** - A cat or a dog.
- D. Control** - The power or ability to direct the proper and safe activity of an animal.
- E. Dog** - A member of the genus and species known as "canis familiaris" and or a member of the genus and species known as "canis familiaris" or any canine, regardless of generation, resulting from the interbreeding of a member of canis familiaris with a wolf hybrid.
- F. Keeper** - A person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than dog or livestock, if the person feeds that animal for at least ten (10) consecutive days. If a companion animal is in violation of the restrictions of this chapter, the owner of the companion animal and the keeper are jointly and severally liable for the violation.

Town of North Yarmouth Animal Control Ordinance

- G. **Leash** - A handheld device which can be used to restrain a companion animal if the companion animal fails to respond to voice commands. In cases where a leash is required by law or ordinance or by order of a law enforcement officer, the owner or responsible party will be required to use a leash of 15 feet or less.
- H. **Licensed Dog** - A dog whose owner or keeper has presented to Town officials, evidence that the dog has been vaccinated against rabies and has paid the annual registration fee for the dog, in compliance with Title 7, Chapter 721, § 3921, of the Maine Revised Statutes Annotated.
- I. **Owner** - A person owning, keeping, or harboring a dog or other animal.
- J. **Voice Control** - The dog returns immediately to and remains by the side of the owner/keeper in response to the owner/keeper's verbal command, whistle or hand signal. If a dog approaches or remains within 10 feet of any other person other than the owner/keeper, that dog is not under voice control and shall be deemed to be "at large," unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner/keeper by a spoken word or gesture that such person consents to the presence of the dog.

III. Dogs at Large

- A. It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner/keeper of any dog found at large shall be subject to the civil penalties provided in Title 7, Chapter 719, of the Maine Revised Statutes Annotated. Dogs on public property are also subject to the regulations set forth in this Code.

IV. Impoundment

- A. **Impoundment or Return of Companion Animals at Large** - All companion animals found at large/stray in violation to Title 7, Chapters 719 and 720, of the Maine Revised Statutes Annotated may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer.
- B. **Disposition of Impounded Animal** - An owner is entitled to resume possession of any impounded animal provided that all provisions of this chapter have been met and that all impoundment fees due under the provisions of this chapter have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal's owner may be subjected to all civil penalties authorized by Title 7 of the Maine Revised Statutes Annotated.
- C. **Impoundment and Boarding Fees** - An owner may reclaim an impounded companion animal at the animal shelter by paying to the Town of North Yarmouth a fee established by order of the Town for each companion animal, plus the boarding fee established by the shelter. The shelter will collect the Town's impound fee.

Town of North Yarmouth Animal Control Ordinance

V. Animal Noise

- A.** Except as provided in Subsections **B** and **C** below, no owner/keeper shall permit or allow any companion 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.
- B.** Subsection **A** shall not apply if any companion animal has legitimate cause for provocation.
- C.** Subsection **A** shall not apply to farm animals kept on a property located in North Yarmouth. For purposes of this exception, dogs are not farm animals, and kennels are not farms.

VI. Sanitation

It shall be unlawful for any person who owns, possesses, controls, or keeps a dog to fail to promptly remove and properly dispose of any feces left by his/her dog on any sidewalk, street, beach, or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property). This provision shall not apply to any working police dog while on duty or a disabled person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.

VII. Possession of Leash Required

An owner/keeper shall have a leash, as defined above, in his/her possession for each dog, which is off-leash, always, except when the dog or dogs are on the premises of the owner/keeper or other private property if permitted to be there. A leash shall not include an electronic control collar or other device.

VIII. Interference Forbidden

No person shall interfere with, hinder or molest any Police Officer or Animal Control Officer in the performance of any duty of such officer, or seek release of any dog in the custody of a Police Officer or Animal Control Officer, except as herein provided.

IX. Commercial Businesses

Groups or organized groups (profit or non-profit) must obtain permission from the Town Manager for use. **FEE SHALL APPLY.**

X. Dogs Prohibited During Certain Events

When proper notice has been provided, dogs shall be prohibited. Proper notice shall consist of conspicuously placed signs at the entrances of and shall also consist of notice, posted at least 24 hours prior to the event, on the Town's website.

Town of North Yarmouth Animal Control Ordinance

XI. Grazing Animals

The grazing of animals is not allowed unless the Town Manager grants permission.

XII. Violations and Penalties

- A.** Any person(s) found in violation of this ordinance shall be subject to a civil penalty of not less than \$50 and not more than \$250 for the first violation and not less than \$100 nor more than \$500 for each subsequent offense.
- B.** All civil penalties collected pursuant to this chapter shall be recovered for the use of the Town of North Yarmouth and deposited in the separate account required by Title 7 of the Maine Revised Statutes Annotated.
- C.** The fine for failure to obtain a dog license shall be \$100.
- D.** A person, not previously convicted of or having paid a waiver fee for a violation under this chapter, may elect to pay a waiver fee of the minimum penalty of \$50 specified above in lieu of appearing in court to answer the citation. Such payment must be received by the office of the Town Clerk within seven (7) business days from the date the citation was issued. Upon receipt of such payment by the Town Clerk, the Animal Control Officer or Police Officer shall cause the citation to be dismissed. A person, having been previously convicted of or having paid a waiver fee for a single violation of this chapter, may elect to pay a penalty of \$100 in lieu of appearing in court to answer the citation. If a person elects to pay the minimum penalties above in lieu of appearing in court to answer the citation, and if the person is cited for a third or subsequent violation, the civil penalty for the subsequent violation shall not be less than \$100 nor more than \$500 and must be referred to court.
- E.** Domestic animals that pose a risk to citizens, other domestic animals, wildlife, or the park infrastructure may be barred from North Yarmouth parks at the Town Manager's discretion. Progressive restrictions may not be warranted.
- F.** Citizen(s) and or guest(s) of North Yarmouth found in violation of this ordinance may be barred from the use of North Yarmouth parks. Citizens may appeal ordinance enforcement restrictions to the Select Board, through the Town Manager.

ENACTED: ____/____/____

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

**ACTION AT ANNUAL TOWN MEETING APRIL 11, 2020, WOULD BE TO
REPEAL THIS ORDINANCE.**

I. PURPOSE

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. Part 9, Chapter 725, 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

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:

- A. CONTROL:** The power or ability to direct the proper and safe activity of an animal.
- B. DOG:** Any of large and varied groups of domesticated animals in the canine family.
- C. KEEPER:** A person in possession or control of an animal.
- D. NUISANCE COMPANION ANIMAL:** 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.
- E. OWNER:** Any person, firm, association or corporation owning, keeping or harboring an animal.
- F. RESPONSIBLE PARTY:** 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

- A.** Except as provided in paragraphs (B) and (C) 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 twenty (20) minutes or more or recur intermittently for one (1) hour or more.
- B.** Section 3-A shall not apply if any dog has legitimate cause for provocation.
- C.** Section 3-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

- A. Written Notice** - Upon written complaint the Animal Control Officer (ACO) of the Town of North Yarmouth or any duly qualified State or Country law

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

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.

- B. Second Notice** - If the problem persists, the Officer shall issue a second warning to the owner or keeper. The Officer shall submit a written report to the Town Manager of findings and recommendations relating to the complaint. Upon receipt of such report and examination of the complainant the Town Manager may request an order concerning the restraint of such dog as may be deemed necessary. If the Town Manager fails to act within fourteen (14) days of receipt of said report the order is automatically vacated.
- C. Continued Disturbance** - Upon continuance of an annoyance or disturbance ordered ceased by the Town Manager, such owner shall be guilty of a civil violation and upon conviction thereof in District Court, shall be fined as identified in the Town of North Yarmouth's Fee Schedule. All fines so assessed shall be recovered for the use of the Town of North Yarmouth through District Court. Each day a violation continues to exist after notice shall constitute a separate offense.
- D. Removal of Order** - 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 Animal Control Officer or duly appointed Officer that the order be vacated, and after investigation by the Officer, said Officer may vacate such order if after investigation and review it is warranted. The Officer shall submit a written report of his/her investigation, recommendations, and action to Town Manager.

IV. SEVERABILITY

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 affect or impair the remaining provision of this ordinance.

ADOPTED: March 11, 1983

AMENDED: June 12, 2010

AMENDED: June 16, 2012

AMENDED: April 28, 2018