

## HARPSWELL ANIMAL CONTROL ORDINANCE

Enacted March 16, 1985 Article 25  
Amended March 28, 1987 Article 34  
Amended March 12, 1994 Article 61  
Amended March 20, 2010 Article 4  
Amended March 12, 2011 Article 17

### SEC. 101 PURPOSE

The purpose of this Ordinance is to require, in accordance with Title 7 M.R.S.A. Part 9, that all dogs in the Town of Harpswell be kept under the control of their owners at all times so that they will not injure persons, damage property, or create a nuisance.

### SEC. 102 CONSTRUCTION

The provisions that apply to the owner of a dog apply equally to any person having its custody or possession.

### SEC. 103 DEFINITIONS

- 103.1 “Owner” means any person or organization that owns, possesses, or has custody of a dog.
- 103.2 “At large” means off the premises of the owner or person charged with the responsibility of control.
- 103.3 “Nuisance” means the causing of unreasonable noise, smell, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles; the persistent or frequent entry on school grounds while school is in session.
- 103.4 “Dangerous dog” means a dog that has bitten a person who was not a trespasser with criminal intent on the owner’s premises at the time of the incident; a dog that causes serious injury or death to another animal; or a dog that causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner’s premises.
- 103.5 “Owner’s control” means that the dog is within 100 yards of its owner or that the owner can demonstrate command of the dog to an enforcement officer if requested.

### SEC. 104 REGISTRATION AND IDENTIFICATION

Each owner or keeper of a dog that is six months of age or over, except dogs kept under a kennel license as provided by Title 7 M.R.S.A. Part 9, shall on or before January 1, annually, or at such time as such dog becomes six months old, cause such dog to be licensed with the Town Clerk. A dog that is at least two months old must wear a collar or harness to which is attached an identification tag with the owner’s name and address or telephone number.

After January 31, the Animal Control Officer shall notify all owners of unlicensed dogs that they are subject to a late fee pursuant to 7 M.R.S.A. § 3923-A (4), as may be amended from time to time, and an administrative fee in such amount as the Board of Selectmen may from time to time establish by Board of Selectmen order, and that their dogs must be licensed by July 31 or they shall face court action.

**SEC. 105 RUNNING AT LARGE**

A dog is not permitted to run at large. A dog that is off the premises of the owner or the premises of a person having its custody and is not on a leash, or is on a leash exceeding twelve feet in length, is prima-facie evidence of the unlawful running at large of such dog.

105.1 Exception. A dog that is under owner's control or is engaged in field trials, training or legal hunting may run at large.

**SEC. 106 DANGEROUS DOG**

It shall be unlawful to own or possess a dangerous dog as defined in Section 103, except when such dangerous dog is confined or muzzled.

**SEC. 107 NUISANCE DOG**

It shall be unlawful to own or possess a dog creating a nuisance as defined under Section 103.

**SEC. 108 IMPOUNDING**

The Animal Control Officer shall apprehend any dog found running at large and impound it in the humane society or other suitable place. As soon thereafter as practical, he or she shall provide to the humane society and the Town Clerk's Office the following information, if known: breed, color, sex, license number, and name and address or telephone number of the owner.

**SEC. 109 REFUSING TO RECLAIM DOG**

It is unlawful for a person to fail or refuse to reclaim his dog and pay the cost required by Section 110 within one week after receiving oral or written notice of its impoundment.

**SEC. 110 NOTICE AND RECLAMATION**

The Animal Control Officer shall immediately notify the owner, by telephone or by certified mail that the dog has been impounded, and that he or she may reclaim it by licensing the dog if it is unlicensed, and by paying the Town the following fee:

110.1 Impoundment fee in such amount as the Board of Selectmen may from time to time establish by Board of Selectmen order.

### SEC. 111 DISPOSITION OF UNCLAIMED DOG

All impounded dogs shall be kept at the humane society shelter for six days. If the owner has not reclaimed the dog within that time, and if it has not been placed with another owner, the humane society shall become the owner of the dog. .

### SEC. 112 DISPOSITION OF DOGS THAT HAVE BITTEN PERSONS

The owner of a dog who knows or has been advised that their dog has bitten a person shall be notified by the Animal Control Officer that the dog must be confined at home or at the humane society, at the owner's expense, for at least ten consecutive days. The Animal Control Officer shall notify the Health Officer immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the dog nor allow it to be destroyed.

### SEC. 113 EXAMINATION OF CONFINED DOGS

The Animal Control Officer shall have a dog that has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the 10-day period of confinement, the Animal Control Officer shall determine whether the dog is infected with rabies. In making this determination, he or she shall employ such expert assistance as may be necessary. If he or she deems it necessary to keep the animal confined for longer than the 10-day period, he or she shall order it done. If the dog is found to be rabid, he or she shall notify the owner and the person bitten, and shall have the dog destroyed immediately, following any procedure recommended by the Department of Human Services. If the dog is not rabid, the owner shall thereafter muzzle the dog or keep it confined. All expenses incurred by the Town in carrying out the procedure provided by this section shall be paid for by the owner of the dog.

### SEC. 114 PENALTIES

The following penalties apply:

- 114.1 Running at Large. The owner of a dog that is found running at large shall be punished by a fine consistent with 7 M.R.S.A. § 3915, as may be amended from time to time. For the second and subsequent offenses, the owner shall be punished by a fine consistent with 7 M.R.S.A. § 3915, as may be amended from time to time.
- 114.2 Running at Large After Causing Nuisance. The owner of a dog that is found running at large who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his premises or under his control or under the control of a person charged with the responsibility, shall, for the first offense, be punished by a fine as provided under Section 114.1. For second and subsequent offenses, the owner shall be punished by a fine as provided under Section 114.1.
- 114.3 Disturbing the Peace/Barking Dog. The owner of a dog that disturbs the peace of any person by frequently and habitually barking, howling, or

creating other noise shall be punished, on the first offense, by a fine in such amount as the Board of Selectmen may from time to time establish by Board of Selectmen order. For second and subsequent offenses, the owner shall be punished by a fine in such amount as the Board of Selectmen may from time to time establish by Board of Selectmen order.

114.4 Dangerous Dogs. If a dog that is required to be muzzled under Section 106 is allowed to go unconfined without a muzzle, the owner shall be punished by a fine consistent with 7 M.R.S.A. § 3952, as may be amended from time to time.

114.5 Nuisance Dog. The owner of a dog that is found to be a nuisance shall be punished, on a first offense, by a fine in such amount as the Board of Selectmen may establish. For second and subsequent offenses, the owner shall be punished by a fine in such amount as the Board of Selectmen may from time to time establish by Board of Selectmen order.

114.6 General Penalty. A person who violates any provision of this Ordinance other than those set forth in Section 110 and Section 114.1 through 114.5 shall be punished by a fine in such amount as the Board of Selectmen may from time to time establish by Board of Selectmen order.

#### SEC. 115 USE OF FEES AND FINES

The Town shall keep the portions of fees and fines retained by it in a separate dedicated account that must be used for the salaries and costs of animal control, licensing, law enforcement, care of injured or abandoned stray animals and the support of one or more approved animal shelters. Any money remaining in the account at the end of the Town's fiscal year does not lapse, but shall be carried over to the next fiscal year.

#### SEC. 116 ENFORCEMENT

Except for the provisions required to be enforced by the Health Officer, the Animal Control Officer shall enforce this Ordinance.

#### SEC. 117 SEVERABILITY

To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Ordinance shall remain valid.