

# ANIMAL CONTROL ORDINANCE TOWN OF MONMOUTH

*Adopted April 11, 2007*

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## ARTICLE I. IN GENERAL

### Section 1. Definitions

For the purposes of this ordinance, the following terms, phrases and words used herein shall be interpreted to read as follows; and any words not herein defined shall be construed in the context used in Title 7 M.R.S.A. Chapters 717 through 739 or Title 17 M.R.S.A. Chapter 42 and by ordinary interpretation, and not as word of art:

*Animal* means every living, sentient creature, not a human being.

*Animal control facility* means any facility owned, approved, and/or contracted by the Town of Monmouth for the purposes of housing, impounding, quarantine, medical treatment, or euthanasia of animals.

*Animal control officer (ACO)* means the person or persons, including but not limited to the appointed ACO and the members of the Town's Police Department, in accordance with Title 7, M.R.S.A., Section 3947. Duties of the ACO are the enforcement of Title 7, M.R.S.A. (Animal Welfare Laws & Regulations), Sections 3911, 3912, 3916, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952 and 4041 and Title 17, M.R.S.A., Section 1023 responding to reports of animals suspected of having rabies in accordance with Title 22, M.R.S.A., Section 1313 and 1313-A and such other duties to control animals as the Town may require.

*Animal control shall include the following:*

1. *Control.* The Town shall control dogs at large.
2. *Medical attention.* The ACO shall take a stray animal to its owner, if known, or, if the owner is unknown, to an animal shelter and ensure that any injured animal that is at large or in a public way is given proper medical attention.
3. *Domesticated and undomesticated animals.* The Town shall control domesticated animals that are a cause of complaint in the community. The Town shall control animals that pose a threat to public health or safety. The Town may control undomesticated animals in matters on which no other department is charged by law to regulate.

*At-large* refers to dogs and other domestic animals which are legally in compliance with all local, state and federal laws, rules and regulations, other than a domestic cat, that is on any public right-of-way or publicly owned land unless controlled by a leash of not more than sixteen feet (16) feet in length as provided for in Section 34 of this Ordinance.

A domestic cat shall be considered at-large when not located on the premises owned or controlled by its owner and not otherwise under immediate effective control.

*Dangerous animal* means any animal which demonstrates behavior and/or possesses the vicious propensity to inflict serious bodily injury or death upon human beings and/or other animals and constitutes a danger to human life or other animals; or any animal which has behave in such a manner that the owner thereof knows, or reasonable should know, that the animal is possessed of tendencies to commit unprovoked attacks or to injure human beings or other animals; or any animal certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human beings or animals; or any animal, without provocation, that assaults an individual or animal; or any animal that commits an unprovoked act that causes a person, acting in a reasonable and non-aggressive manner, to reasonably believe that the animal will attack and cause bodily injury to that person or animal.

*Dog* means both male and female canines.

*Domestic animal* means any animal whose physiology has been determined or manipulated through selective breeding, and which does not occur naturally in the wild, and which may be vaccinated against rabies with an approved rabies vaccine, and has an established rabies quarantine observation period.

*Guard dog* means a dog trained and used by law enforcement, private security, or in protective functions where the dog is responsive to control by its owner or handler and used only for protective functions.

*Guide dog* means a dog trained to assist a physically challenged person.

*Immediate effective control* means the confinement of an animal to the premises of its owner by a fence of sufficient strength and height to prevent an animal from escaping therefrom; or contained inside a house or other enclosure; or secured on the premises by a leash of sufficient strength to prevent the animal from escaping from said premises and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction. An animal shall also be considered under immediate effective control when used to assist a physically challenged person or when the animal is under the immediate control of a person by means of a cage, leash, or effective restraint to control said animal. The term “effective restraint” as used herein shall include, but not be limited to, training, employing audible and/or visual commands, remote control devices, and/or other means to control the animal.

*Kennel* means any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, boards and/or trains dogs and/or cats or other animals, which may legally be present in such facilities, for profit. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the Town and all state statutes and regulations of the State of Maine.

*Livestock* shall mean, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep or swine.

*Owner* means any person, partnership, corporation or association that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of a household of any premises where an animal remains for 24 hours or more shall be presumed to be the owner of such animal for the purposes of this ordinance.

*Pet* means any animal which may be legally owned in accordance with the provisions of this ordinance, normally kept for pleasure rather than utility, excluding livestock, and is in the owner’s possession and for which it can be reasonably demonstrated that the care of said pet is the responsibility of a given individual or individuals.

*Pet shop* means any business or establishment, other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that buys and sells dogs, cats, and/or other species of pet for profit. Pet stores or shops must be established, maintained and operated in compliance with all applicable zoning and land use regulations and all other applicable laws and rules of the Town and the State of Maine.

*Public auction* means any place or facility where animals are sold to the highest bidder.

This definition does not apply to individual sales of animals by private owners to other private owners.

*Public nuisance* means the following:

- (1) An owner's failure to control, restrain or otherwise allow, either by conduct or condition, any animal to:
  - a. Engage in conduct which establishes such an animal as a "dangerous animal"; or
  - b. Be at-large; or
  - c. Cause a disturbance by excessive barking or noise-making near the private residence or business of another or of any government or public facility; or
  - d. Produces maggots, flies, odors, or unclean conditions sufficient to annoy or endanger adjacent property owners, residents or other individuals who may be reasonable exposed to such conditions; or
  - e. Chase vehicles or molest, attack or interfere with other persons and animals on public or private property.
  
- (2) Any animal normally found in the wild that has entered onto any public or private property and by its presence is a threat to public health and safety or is generally interrupting the tranquility of the location.

*Restraint* means to control an animal by physical means, such as a cage, leash, rope or confinement within enclosed space or by training or employing audible and/or visual commands, remote control devices, and/or other means to control the animal.

*Stray* means an animal that is improperly restrained and that wanders upon a public place, roadway, street, highway, or property of another person.

*Town* means the Town of Monmouth.

*Vaccination* means the inoculation of an animal with a rabies vaccine or other medicine that is licensed by the United States Department of Agriculture for use in that species, and which is administered by a licensed veterinarian for the purpose of immunizing the animal against rabies or other diseases.

*Veterinary hospital* means any establishment that is maintained and operated by a licensed veterinarian for the diagnosis, treatment or surgery of injuries and diseases to animals.

*Wild animal* means any animal not normally considered domesticated and which is now or historically has been found in the wild, or in the wild state, including but not limited to the following: Reptiles of any type; or fish; or birds, including migratory waterfowl; or mammals, large and small; or any species of animal illegal to own under federal, state or local law.

## **Section 2. Penalties**

Any person violating any provision of this ordinance shall pay a fine of no less than \$75.00, unless otherwise specified in this ordinance, for each of the first and second violations. The minimum penalty for any subsequent violation of this ordinance shall be \$250.00, unless otherwise specified in this ordinance, for each offense. In no case shall the court assess a fine that is less than those defined in state statute if the ordinance minimums are less. Violators of this ordinance must pay for all costs associated with any action taken by the ACO involving the impoundment, treatment or

humane euthanasia by a licensed veterinarian relating to animals of which they are owners. Where financial hardship is demonstrated, a violator of this ordinance may perform community service in lieu of financial penalty if such a program is available through the Town.

**Section 3. Enforcement.**

(a) The ACO shall be responsible for enforcement of this ordinance except as may be provided herein. Enforcement may be by the filing of a criminal complaint in District or Superior Court; by civil proceedings to enjoin nuisances; or in any other manner authorized by federal, state or local law, rule or ordinance.

(b) It shall be unlawful for any person being issued a citation to District Court or any civil proceeding to intentionally or knowingly fail to give the ACO their true name and address or to intentionally or knowingly fail to appear in accordance with the terms of a citation or civil process issued by the ACO.

(c) If the individual who is to receive the citation is not present, the ACO may send the citation to the alleged offender by certified or registered return receipt mail. If said citation should come back unclaimed, the citation shall be sent regular mail. If this regular mailing is returned as unclaimed, the service shall then be deemed as completed.

**Section 4. Exemption.**

This ordinance shall not apply to any animal accompanying a physically challenged person who, by reason of his/her handicap, is physically unable to comply with the requirements of this ordinance.

**Section 5. Severability Clause.**

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

**Section 6. Repealed.**

All other applicable ordinances are repealed.

**ARTICLE II. ANIMAL CARE – GENERAL**

**Section 7. Care of Animal(s).**

Animals shall be provided humane care, treated and transported in a humane manner and not in violation of any federal, state or local law, rule or ordinance.

**Section 8. Prohibited Actions.**

A person commits an offense if:

(1) A person fails to provide an animal under his/her control and/or ownership with adequate, wholesome food and water, proper shelter and protection from inclement weather, and veterinary care when needed to prevent suffering; or

(2) A person having charge or custody of an animal, places or confines such animal, or allows such animal to be placed or confined in a motor vehicle, trailer, or other enclosure under such conditions, or for such a period of time, as to endanger the health of the animal due to heat, lack of food or water, or such other circumstances as may cause injury or death to the animal; or

(3) A person treats an animal in an inhumane or cruel manner as defined by Title 17 M.R.S.A., Chapter 42.

- (4) A person knowingly owns, harbors, trains, sells, or offers for sale any animal which is used for the purpose of fighting; or to be trained, tormented, badgered or baited for the purpose of causing or encouraging said animal to attack human beings or animals when not provoked, except that this section shall not apply to guard dogs or dogs used by local, state or federal law enforcement agencies; or
- (5) A person mutilates any animal, whether such animal is dead or alive. This subsection does not apply to medical or veterinary medical research, medical or veterinary medical autopsies, or biology class use of animals for educational purposes; or
- (6) A person causes an animal to fight another animal or person; or
- (7) A person other than a licensed veterinarian docks an animal's tail, or crops an animal's ears, or castrates an animal provided, however, this subsection shall not apply to normal livestock operations occurring within the Town; or
- (8) A person dyes or colors chicks, ducks, rabbits, reptiles or birds; or
- (9) A person transporting an animal fails to effectively restrain an animal so as to prevent the animal from leaving or being accidentally thrown from a vehicle during normal operation of the vehicle; or fails to effectively restrain an animal so as to prevent infliction of bodily harm to passerby. Provided, however, the provisions herein shall not prohibit a person from transporting an effectively confined or tethered dog(s) in the open bed of a pickup truck in compliance with Title 29A, section 2087; or
- (10) A person is in control of a motor vehicle which strikes a domestic animal or livestock within the Town and fails to report the accident to the Police Department or the ACO as soon as practical; or
- (11) A person abandons any animal, including the abandonment of an impounded animal at the Town contracted or owned animal control facility with the intent to readopt the animal to avoid impoundment fees; or
- (12) An animal damages or destroys public property while in their possession. If the person in possession of the animal at the time the property damage cannot be determined, the owner may be charged under this section if the evidence can reasonably demonstrate the identity of the animal; or
- (13) Permits any public nuisance, as defined in Section 1, to exist.

### **ARTICLE III. RABIES CONTROL; QUARANTINE**

#### **Section 9. Rabies Inoculation.**

Before the Town Clerk issues the required licenses for any animal requiring a rabies vaccination as stipulated in state statute, the Town Clerk shall require the owner to prove immunization against rabies as prescribed by state statute and/or by state rules and regulations.

#### **Section 10. Animal Bites and Scratch Reports; Submission to Quarantine.**

(a) Any person who is bitten or scratched by an animal shall report that fact to the ACO or the Police Department within 24 hours. If the person bitten or scratched is a minor under the age of 18, the parent or legal guardian of such minor, if he/she has knowledge of the incident, shall report that fact to the ACO or the Police Department within 24 hours.

(b) A person who owns, keeps, harbors or allows an animal to remain on premises under his/her control shall report to the ACO or the Police Department, within 24 hours, any incident where such animal has bitten or scratched any person.

(c) If the ACO has determined that there is reasonable evidence of an animal biting or otherwise attacking any person, and such animal has rabies or symptoms thereof, or is suspected by the ACO of having rabies, or has been exposed to rabies, upon demand of the ACO or his/her deputies, it shall be surrendered to him/her and shall be impounded by the ACO at a facility, which in his/her opinion, is properly suited to safely handle the animal for a period of ten days. The ACO may, upon written request of the owner, authorize the owner to confine the animal with a chain appropriate to the animal's size, and in a manner where no person will be bitten by the quarantined animal, for a period of ten days. During such owner confinement, the animal shall be subject to examination by the ACO or his/her deputy, State Warden or a licensed veterinarian at any time.

(d) Impoundment at any state or town approved facility for rabies quarantine purposes shall be at the expense of the owner of the impounded animal, livestock or wildlife. In the event a harbinger of a quarantined animal cannot be identified and located within a reasonable length of time, the victim, at his/her option (or at the option of the parent or legal guardian in the case of a minor under the age of 18 years of age), may elect to have the animal examined by a veterinarian, or to have the tissue submitted for laboratory examination; and the costs so incurred shall be borne by the victim. No animal, livestock or wildlife confined for quarantine purposes under the provisions of this section shall be released to any person until all vaccinations required by state statute have been given.

(e) If the harbinger of an attacking animal refuses to release for quarantine such animal, then it shall be the duty of the ACO to obtain a seizure warrant from an appropriate judicial official for seizure and quarantine of the animal in question.

(f) The ACO may order that all impoundment fees for the quarantine be paid by the person bitten or scratched if:

- (1) The animal has a rabies vaccination certificate; or
- (2) The animal was on property under the control of animal's owner when the bite or scratch occurred; or
- (3) The bite or scratch occurred when the animal was acting to defend its owner or his/her property, or after reasonable provocation.

(g) The ACO shall use his/her discretion to determine what provisions of this ordinance or state law shall be most appropriate in all matters having to do with the quarantine of any animal.

### **Section 11. Contents of Required Animal Bites and Scratch Reports.**

When an individual is placed under a duty to report an incident in which an animal has bitten or scratched some person or some animal or to report an animal known or suspected to be rabid, that report to the ACO shall include, if the person making the report knows, the following information:

- (1) The location where the bite or scratch occurred.
- (2) The location where the animal which committed the act or which is known or suspected to have rabies or have been exposed to rabies can be located.

- (3) The name and address of any person who was bitten or scratched.
- (4) The name and address of the person who owns, keeps, harbors, or has control over the premises where the animal committing the act normally can be found.
- (5) The names and addresses of persons who own, keep or harbor any other animal exposed to rabies can be found.

## **ARTICLE IV. IMPOUNDMENT, REDEMPTION AND DISPOSITION OF ANIMALS**

### **Section 12. Impoundment Generally.**

(a) The ACO is hereby authorized to capture and impound any animal upon having probable cause to believe said animal to be in violation of any provision of this ordinance or state law which authorizes or requires the animal's capture and impoundment, and in so doing, to enter upon any fenced or unfenced lot, tract or parcel of land when deemed necessary for the protection of public health, safety and welfare. As a matter of policy, the ACO shall not enter private property to capture and/or impound any animal known to belong to the owner of said property without probable cause to believe that said animal poses a threat, public nuisance or danger to property, human beings or other animals.

(b) It shall be unlawful for any person to interfere with, or attempt to prevent, an ACO or those acting in their capacities as law enforcement agents, from capturing or impounding any animal which may be legally impounded or otherwise interfering with the ACO, his/her designees, or any law enforcement agents while carrying out their lawful duties.

### **Section 13. Duties of the ACO.**

(a) It is the duty of the ACO to capture and impound, when appropriate, wild or non-domesticated animals in response to citizen complaints of public nuisance or to control feral populations.

(b) If, by identification tag, the owner of an impounded animal can be identified, the ACO will, as soon as practical, notify the owner either in person or by telephone of said impoundment. If the animal is locally owned within the town and telephone contact cannot be made, the ACO will leave a notice at the owner's last known and verifiable residence indication that the animal has been impounded.

(c) All impounded animals shall be kept for not less than six days, unless the animal is reclaimed earlier by the rightful owner under conditions acceptable to the ACO. However, no impoundment period is required for an animal voluntarily delivered and release into the custody of the ACO by its owner.

(d) After the expiration of any required impoundment period, the impounded animal shall be released to the animal control facility or veterinary hospital contracted by, or doing business with the Town. At that time, the animal shall be disposed of by adoption from the facility, by offering it to a local animal humane group for adoption, or by humanely destroying the animal. No record shall be kept by the ACO as to the disposition of an individual animal after release is made to the animal control facility/veterinary hospital for the purposes specified in this paragraph.

### **Section 14. Disposal of Dead Animals.**

It shall be the responsibility of the owner to remove and properly dispose of a deceased animal within 24 hours of the animal's death. Proper disposal constitutes bringing such animal to a licensed veterinarian for cremation or proper burial at a pet cemetery.



**Section 15. Disposal of Dead Animals Found on Public Property.**

It shall be the responsibility of any person to notify the ACO, the Police Department or the Department of Public Works of the location of the deceased animal so proper removal and disposal may occur.

**ARTICLE V. DANGEROUS ANIMALS**

**Section 16. Permit Required.**

No person shall knowingly sell, own, offer for sale, breed, possess, keep, but or attempt to buy, or train a dangerous animal within the Town unless the owner has received proper permits and/or authorizations pursuant to this ordinance.

**Section 17. Keeping of Dangerous Animals.**

The owner of a dangerous animal shall be required to:

- (a) Register the dangerous animal with the ACO; and
- (b) Obtain liability insurance in an amount not less than \$300,000.00 covering bodily injury or death of any person or animal, or for damages to any person's or entity's property, resulting from the keeping of such dangerous animals(s); and
- (c) Restrain the dangerous animal at all times on a leash in the immediate control of the owner or in a secure pen enclosure as prescribed in Section 18; and
- (d) Provide to the ACO the name and address of the owner, breed, age, sex, color, and any other identifying marks of said animal; the location where the animal is to be kept if not at the address of the owner; two color photographs of the dangerous animal; and the aforementioned certificate of liability insurance; and
- (e) Provide proof of the required documents necessary to register the animal, and pay the required registration fee of \$100.00. The ACO shall provide to the owner a registration tag designating the animal as dangerous. The owner must place the tag on the animal's collar and must ensure that the animal wears such tag and collar at all times; and
- (f) Not allow the animal to go outside its pen, cage or enclosure unless the animal is under physical restraint and securely muzzled. No person shall permit a dangerous animal to be kept outside its cage, pen or enclosure on a chain, rope or other leash type. Dangerous animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Signs giving notice of the dangerous animal shall be prominently displayed so that all persons entering said property are immediately notified a dangerous animal is being kept at the location.

**Section 18. Dangerous Animal Enclosures.**

The pen, cage or enclosure for a dangerous animal must be constructed from materials of sufficient strength to prevent the animal's escape, and must have secure sides, a secure top attached to the sides, and a secure bottom which is either attached to the sides or constructed so that the sides of the structure are embedded in the ground no less than two (2) feet.

**Section 19. Authority to Seize Dangerous and Wild or Exotic Animals.**

In the event that any animal is declared to be a dangerous animal and/or where a wild or exotic animal is found in violation of any provision of this ordinance or state law, such animal may be seized immediately and impounded by the ACO. Where said animal is found at large and is presenting a clear and present

danger of imminent bodily injury and/or death to the ACO, other human beings or animals, the animal may be destroyed and the owner notified if the owner can be reasonably established.

**Section 20. Penalties.**

The minimum financial penalty for a violation of this section is \$500.00 for the first offense; \$700.00 for the second offense; and \$1,000.00 for any subsequent offense. This penalty shall not be waived by the court.

**ARTICLE VI. RIGHT OF ENTRY.**

**Section 21. Right of Entry.**

(a) The ACO is hereby authorized to enter upon any fenced or unfenced lot, tract or parcel of land for the purpose of capturing, impounding and/or quarantining any animal upon having probable cause to believe said animal to: have bitten, injured or otherwise attacked a human being or other animal; to have, or have been exposed to rabies or another communicable disease posing a danger to the public health, safety or welfare; or otherwise pose a clear and present danger to human beings or other animals. This authorization is granted due to the emergency created by the potential rabies hazard or danger of injury to persons or other animals, and in recognition of the likelihood that such animals will otherwise escape capture. As a matter of policy, ACO's shall not enter upon private property to capture and/or impound any animal known to belong to the owner of said property without probable cause to believe said animal poses a threat or danger to property, human beings or other animals.

(b) Furthermore, should the ACO be unable or not permitted to gain entry to a property or premises where a dangerous animal(s) is believed to be present, the ACO or any law enforcement agent may seek an ex parte order from the district court or superior court for authorization to take possession of the dangerous animal.

**ARTICLE VII. KEEPING OF DOMESTIC/ NON-DOMESTIC ANIMALS**

**Division 1. Livestock**

**Section 22. Keeping of Livestock Generally.**

It shall be unlawful for any person to keep or permit the keeping of livestock on premises owned by him/her or under his/her control, except in compliance with following regulations:

(1) Livestock shall only be kept on lots or tracts of land zoned or designated for rural or agricultural purposes by the Town.

(2) Livestock shall not be kept on lots and tracts of land less than one acre in area.

(3) The provisions of Article II Animal Care Generally herein, relative to animal care in general, shall specifically apply to the keeping of livestock.

**Section 23. Adequate Fences and Barriers.**

It shall be unlawful for any person to keep on their premises any livestock without providing adequate fences or barriers that will prevent such livestock from escaping and/or damaging neighboring flowers, trees, shrubbery and/or other property located on adjacent property.

**Section 24. Other Places Livestock Prohibited.**

It shall be unlawful for any person to ride or allow any type of livestock upon any public school ground, public park or municipal/school grounds within the Town other than public rights-of-way or areas

designated for such purposes. Provided , however, the provisions of this section shall not apply to the riding or showing of horses or other livestock in conjunction with town authorized parades, carnivals or other school or civic sponsored programs or events which are in compliance with all town, state and federal law, rules and regulations.

**Section 25. Impounding of Livestock.**

The provisions of Section 14 herein, relative to impounding of animals in general, shall specifically apply to the impounding of livestock.

**Division 2. Bees**

**Section 26. Keeping of Bees**

All persons within the property of the Town adhere to the statutes of the State as described in Title 7 M.R.S.A. Chapters 521 through 531, as well as:

- (1) All colonies' hives shall be located a minimum of 100 feet from any inhabited dwelling other than that of the person keeping such bees; and
- (2) There is adequate source of water available at all times to the bees on the owner's property.

**ARTICLE VIII. PROHIBITIONS**

**Section 27. Placement and Baiting of Animal Traps.**

It shall be unlawful for any person to place, set or bait any trap for the purposes of catching, wounding or killing of any animal, fowl or reptile without permission or assistance of the local, state or federally designated ACO. This section, however, does not preclude the use of commercially sold rat and mouse traps, nor does this section preclude the use of "Have-A-Heart" traps for the relocation of animals, fowl or reptiles.

**Section 28. Consent to Trap**

The Town hereby adopts into this Ordinance, Title 12 M.R.S.A., Part 13, Chapter 917, Section 12253 (1): Trapping without Written Consent, Section 12253 (2): Trapping Near Occupied Dwelling without Written Consent, and Section 12243 (3): Trapping Near Compact, built-up Portion of City or Village.

**Section 29. Prohibition of Animal Poisoning.**

It shall be unlawful to place any substance or article which has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to harm or kill animals. This section, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's direction for such use.

**Section 30. Noise Prohibition.**

The provision of Section 36 herein, relative to public nuisance in general, shall specifically be applied to noise prohibition.

**Section 31. Odors and Unclean conditions Prohibitions.**

It shall be unlawful for any owner to allow an animal to produce odors or unclean conditions sufficient to create a public nuisance.

**Section 32. Animals At-Large Prohibition.**

(a) It shall be unlawful for any owner to allow an animal to chase vehicles or molest, attack or interfere with other animals or persons on public property, or to be at-large as defined in Section 1 of the ordinance.

(b) It shall be unlawful for an animal to be left unrestrained in a parked motor vehicle so as to allow the animal to project its head from the vehicle.

**ARTICLE IX. DOGS**

**Section 33. Registration and Identification.**

A dog, which is a least six (6) months old, must be licensed by its owner in accordance with Title 7 M.R.S.A., Section 3951. A dog, which is at least two (2) months old, must wear a collar or harness to which is attached an identification tag with the owners’ name and address or telephone number.

**Section 34. Sixteen-Foot Leash Requirements.**

Only domestic animals are authorized on all city-owned public ways, sidewalks, and all publicly owned property within the Town. Any such animal shall be on a leash or other tether, in the control of an individual, of not more than sixteen (16 ) feet in length.

*\*Cross Reference: Town of Monmouth Parks Ordinance; Section 5 (c).*

**Section 35. Number of Dogs Limited.**

(a) It shall be unlawful for any person to keep or harbor within the Town more that five (5) dogs over four (4) months old in or about any premises, house, barn or other building, or in or about all buildings on any one premises occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared to be a public nuisance.

(b) The payment of the license or licenses on dogs required by Maine State law, as amended, shall not be construed to allow the keeping of more than five (5) dogs, as aforesaid, on any one premise.

(c) The limitations in this Section shall not apply to any person, group of persons, or corporations engaged in the commercial business of breeding, buying, training, selling or boarding of dogs, or operating a veterinary hospital, providing a state kennel license is obtained if applicable.

**ARTICLE X. NUISANCES**

**Section 36. Public Nuisances.**

It shall be unlawful to harbor or keep any animal or bird, which causes annoyance to the peace of any person, either by:

- (1) Excessively barking, howling or making other sounds common to its species; or
- (2) Failing to keep any female dog in heat confined at all times. Every bitch in violation of this section shall be impounded and the owner, keeper or person harboring such bitch, shall be deemed guilty of an offense; or
- (3) Knowingly have any animal, requiring a license or some other form of registration by the Town or the State, run at-large.

(a) Penalty: Any person with three (3) violations of this subsection shall be required to restrain the nuisance animal at all times. Such restraint shall consist of an appropriate tether which will prevent the

animal from leaving the owner's property or a secure pen enclosure. Failure to comply with of this section shall be deemed a separate offense and fines shall be in accordance with Section 2.

**Section 37. Disposal of Excrement.**

All manure and other excrement shall be disposed of in such a manner so as to prevent it from becoming a public nuisance or health hazard. With regard to dogs on public or private property, other than the owner's, the owner shall be responsible for the immediate removal of excrement.

**ARTICLE XI. DAMAGE TO PROPERTY**

**Section 38. Complaint and Recovery.**

(a) *Complaint.* Whenever any damage is inflicted on any person and/or property by a dog, the victim and/or owner may make a complaint to the ACO or Town Police Department within the next business day following discovery of the damage.

(b) *Recovery.* If after reviewing the evidence, the ACO and/or Police Department are satisfied that a dog committed the damage, they shall estimate values of the injured person or damaged property. The investigation agents will then determine if the dog can be reasonably identified and if so, the owner of said dog will be liable for all related expenses caused by said dog.

**Section 39. Wildlife Causing Damage or Nuisance.**

The Town of Monmouth, the Police Department and the ACO are not responsible for wildlife complaints except in cases of suspected rabies or public safety. Such complaints will be referred to the Maine Warden Service as specified in Title 12 M.R.S.A., Chapter 921.

**ARTICLE XII. ANIMAL SAFETY**

**Section 40. Authority of the ACO**

A person commits an offense if a person parks or leaves any animal in any type of vehicle and does not provide for adequate ventilation or allows the animal to protrude its head out of the vehicle and consequently attacks or attempts to attack a passerby.

The ACO shall have, for the purposes of this section, the authority to order the removal of a vehicle or to remove the animal from any vehicle by any means possible if, in the opinion of the ACO, it appears that the animal is in distress or the animal poses a threat or public nuisance to the general public. The cost of such removal shall be the responsibility of the owner of the vehicle.