

CHAPTER 1

ANIMAL CONTROL ORDINANCE

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§ 1 - 1

The purpose of this ordinance is to require that all animals in the Town of Charlotte be kept under the control of their owners at all times so that they will not injure persons, damage property or create a nuisance.

The provisions which apply to the owners of an animal apply equally to any person having its custody or possession.

It is also the Town's responsibility to prevent the spread of contiguous disease and virus in relation to domesticated and undomesticated animals.

§ 1 - 2

1. **OWNER:** any person, firm, organization, partnership, association or corporation which owns, possesses, or has custody of an animal.
2. **AT LARGE:** any animal off the premises of the owner and not under the control of any person by means of personal presence and detention as will reasonably control the conduct of said animal.
3. **DANGEROUS DOG:** a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.
4. **LAW ENFORCEMENT OFFICER:** any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this state of municipality establishing civil violation, prosecute offenders or make arrest for crimes, whether that duty extend to all crimes, or is limited to specific crimes.
5. **MUNICIPALITY:** a city, town or plantation.
6. **NUSANCE:** the causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles, or other vehicles; and the entry on to school grounds while school is in session.
7. **LEASH:** a hand held device no longer than 6 feet in length.
8. **PACK:** a dog in the company of three or more other dogs.
9. **ANIMAL:** Includes all domesticated and undomesticated animals.
10. **RABIES:** a viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.
11. **CONFIRMED RABID ANIMAL:** an animal that has been confirmed by the Health and Testing Laboratory using the direct fluorescent antibody (DFA) test of nervous tissue.
12. **QUARANTINE:** Term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.
13. **CURRENTLY VACCINATED:** Domesticated animals are considered currently vaccinated for rabies if at least 30 days has elapsed since the initial vaccination and duration of vaccination has not exceeded the time period recommendation for that species based upon the type of vaccine used. A Maine "Certificate of Rabies Vaccination" or a form approved by the Commissioner of the Department of Agriculture, Food and Rural Resources is proof of immunization.

14. SUSPECTED RABID ANIMAL:

- 1) any mammal, undomesticated or domesticated, showing signs of rabies,
- 2) any undomesticated mammal which has potentially exposed, through bite or non-bite exposure, a human or domesticated animal to rabies,
- 3) any domesticated mammal which has bitten a human or domesticated animal.

15. UNDOMESTICATED ANIMAL: A mammal considered to be wild by nature by the Department of Inland fisheries and Wildlife.

16. DOMESTICATED ANIMAL: A mammal accustomed to home life; tamed for man's use: a typical house hold pet to include, not limited to: dogs, cats, ferrets, wildlife hybrids and livestock.

17. UNVACCINATED ANIMAL: An animal with no previous rabies vaccination, an animal whose first vaccination was given within the last 30 days, and animal whose last vaccination has expired (per vaccine manufacturer's recommendation), or an animal for which no approved vaccine exists.

18. WILDLIFE HYBRID: The offspring of a breeding between a domesticated animal and a wild counterpart. This would include but is not limited to: coydog, wild/domesticated cat hybrid and wolf/dog hybrids. These animals are considered domesticated but have no established quarantine or solution period for the incubation of the rabies virus.

19. CONTROL: To limit by reasonable means all unnecessary exposure for the suspected rabid animal to humans or to other animals.

§ 1 - 3. Animals creating a nuisance by noise.

Any animal which barks, howls or makes other sounds common to its species, continuously for 20 minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. Anyone owning, possessing, or harboring such a nuisance is subject to the penalty provided in this ordinance. **EXCEPTIONS:** dogs barking at trespassers or threatening trespasser on private property on which dog is situated; or any legitimate cause for provocation.

§ 1 - 4 Running at large.

It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned animal roaming at large shall be impounded by the Animal Control Officer and taken to a shelter. Any dog leaving property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and verbal control of its master. Any animal in violation may be impounded by the A.C.O. Any animal so impounded may be destroyed if is not claimed within 8 days following impoundment. The A.C.O., his/her designee or other law enforcement officer, may take the animal to its owner, if known. However, the offender will be subject to a charge of \$20.00 for services rendered, payable to the Town.

§ 1 - 5 Confinement of certain dogs.

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on approval of the A.C.O., and only if all provisions of Section "1-10" entitled "Impoundment Fees" have been met.

§ 1 - 6 Animal control Officer. (A.C.O.).

A suitable person shall be employed by the selectmen who shall be known as and perform the duties of Animal Control Officer. He shall be under the supervision and direction of the Selectmen. He shall hold his office for a term of one year and shall receive as compensation an amount as may from time to time be prescribed by the Selectmen. The ACO shall be responsible for the control, regulation and enforcement of all laws related to dogs, cats, domesticated and undomesticated animals in accordance with Title 7 MRSA Chapter 725.

§ 1 - 7 License required.

All dogs kept, harbored or maintained by their respective owners in the Town of Charlotte shall be licensed and tagged in accordance with appropriate laws of the State of Maine (7M.R.S.A. § 3921).

§ 1 - 8 Licensing Fees.

On or before January 1 each owner or keeper of, all dogs over the age of 6 months must be licensed in the Town of Charlotte by registering the dog(s) at the Town Clerk's office. Proof of a rabies vaccination must be shown to obtain a license.

§ 1 - 9 Registry and Notification of Impoundment.

When impounding any animal, the A.C.O. shall at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the animal as can be reasonable ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instruction setting forth conditions under which the animal may be released. When any animal is impounded under the provisions of this article, the person who has control of the Shelter shall, when possible, contact the owner within 48 hours; report to the Town Clerk a description of the animal and its place of impoundment. If the owner does not claim said animal, then the Animal Shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with applicable State Laws.

Section § 1-8 Licensing Fees wording was changed and approved at Town Meeting on March 24, 2003 to say "On or before January 1 each owner or keeper of". The original Animal Control Ordinance was adopted on September 8, 1997.

§ 1 - 10 Impoundment Fees.

Owners may reclaim their animal by first licensing, if applicable, accordance to Town Regulation, and by paying the Town a fee of \$30.00 for each offense. Owner will also be responsible for any additional costs incurred by the Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of an animal. All fees to be deposited in the separate account as required by MRSA 7 section 3945.

§ 1 - 11 Deposition of animals which have bitten humans and/or have been exposed to contagious disease or viral disease.

The owner or keeper of an animal which has bitten a human or may have been exposed to contagious or viral disease shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least 10 days, 45 days, or 6 months or as ordered. The owner or keeper must observe and obey all written instruction and penalties described in section 1 - 13. Further, failure to comply with this section may result in a court ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All related expenses shall be paid by the owner or keeper. See Town of Charlotte Quarantine Chart for description and lengths of confinement.

§ 1 - 12 Animals creating a public health threat.

The municipal health officer or his/her designee shall order suppression and removal of animals and conditions posing a public health threat when there is a reasonable cause to suspect the presence of a communicable disease or viral disease and the owner or keeper has failed to comply with the property served quarantine notice.

§ 1 - 13 Violations.

Any person found in violation of any provision contained in Chapter 1, section 3,4,5,6,7,8,10 shall be subject to a fine of not less than \$25.00 and not more than \$100.00 for each offense. Any person found in violation of Chapter 1, Section 11, and/or 12 shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00 for each offense. Any fine collected shall be recovered to the use of the Town of Charlotte and be deposited in the separate account required by (7 MRSA Section 3945) (Use & License Fees Retained by Municipalities).

§ 1 - 14 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.