

TOWN OF OTIS
ANIMAL CONTROL ORDINANCE
DATE: MAY 9, 1998

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Section 1: **Purpose.**

The purpose of this ordinance is to require that all domesticated animals in the Town of Otis be kept under the control of their owners at all times so that they will not injure persons, damage property or create a nuisance. It is also intended to provide for the licensing of dogs and wolf hybrids and ensure the humane and proper treatment of all animals.

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

Section 2: **Definitions.**

A. Owner: *any person, firm, organization, partnership, association or corporation which owns, possesses, or has custody of a domesticated animal.*

B. Keeper: *means a person in possession or control of a dog, wolf hybrid or other domesticated animal. A person becomes the keeper of a stray domesticated animal, other than livestock, if the person feeds that animal for at least 10 consecutive days.*

C. At Large: *any domesticated 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 the animal.*

D. 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.*

E. Abandoned Animal: *a domesticated animal that has been abandoned (freed, forsaken or deserted) by its owner or keeper.*

F. Animal: *Includes all domesticated and undomesticated animals.*

G. Animal Control Officer or Law Enforcement Officer: *a person who, by virtue of his/her public employment, is vested by law with a duty to enforce this ordinance and enter complaints and summons against the owners or keepers of unlicensed animals following notice of and noncompliance with a violation of state law or this ordinance.*

H. Municipality: *The Town of Otis*

I. Leash: *a hand held device no longer than six (6) feet in length.*

J. Pack: *a dog in the company of three or more other dogs.*

K. Animal Shelter: *means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals.*

L. Boarding Kennel: *means any place, building, tract of land or abode in or on which privately owned dogs or other pets, or both, are kept for their owners in return for a fee.*

M. Breeding Kennel: *means a kennel operated for the purpose of breeding or buying, selling or in any way exchanging dogs for value that exchanges more than sixteen (16) dogs per 12 month period.*

N. Kennel: *means one pack or collection of dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.*

O. Stray: *means off the owner's premises and not under the control of the owner or keeper.*

P. Cruelty: *means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.*

Q. Rabies: *a viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.*

R. Rabid Animal: *an animal that has been exposed to possible rabies or confirmed by the Health and Testing Laboratory, using the direct fluorescent antibody (DFA) test of nervous tissue, to have rabies.*

S. Quarantine: *a 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.*

T. 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 recommended 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 if proof of immunization.*

U. Suspected Rabid Animal: *is any mammal, undomesticated or domesticated, showing signs of rabies or any undomesticated mammal which has potentially exposed, through bite or non-bite exposure, a human or domesticated animal to rabies. It includes any domesticated mammal which has bitten a human or domesticated animal.*

V. Undomesticated Animal: *any mammal considered to be wild by nature by the Department of Inland Fisheries and Wildlife.*

W. Domesticated Animal: any mammal accustomed to home life; tamed for man's use; a typical household pet to include, but not limited to: dogs, cats, ferrets, wildlife hybrids and livestock.

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

Y. Wildlife Hybrid: is 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 isolation period for the incubation of the rabies virus.

Z. Control: to limit by reasonable means all domesticated animals from roaming at large and from unnecessary exposure for the suspected rabid animal to humans or to other animals.

Section 3: Animals creating a nuisance by noise.

Anyone owning, possessing or harboring 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. (Nuisance constitutes causing unreasonable noise, litter, or property damage; the chasing of automobiles, bicycles, or other vehicles; or entering onto school grounds while school is in session.) EXCEPTIONS: dogs barking at trespassers or threatening trespasser on private property on which the dog is situated; or for any legitimate cause for provocation.

Section 4: Running at Large.

It is unlawful for any dog or wolf hybrid, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned dog, wolf hybrid or ferret roaming at large shall be impounded or restrained by the Animal Control Officer and taken to an animal shelter. Any dog, wolf hybrid or ferret leaving the 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 such animal in violation may be impounded by the ACO. Any animal so impounded may be destroyed if it is not claimed within eight (8) days following impoundment. The ACO, his 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 \$25.00 for services rendered (payable to the Town) before the animal can be released to its' owner..

A person finding a stray dog, wolf hybrid or ferret and taking control of said animal shall take that animal to its owner if known or, if the owner is not known, contact the ACO, Deputy ACO or the County Sheriff who will in turn take the animal to the Ellsworth Small Animal Clinic. (Deliveries to the Animal Shelter can only be made by the ACO, Constable or County Sheriff.)

Section 5: Rabies Prevention.

An owner or keeper of a cat or dog over three (3) months of age shall have that animal vaccinated against rabies. The rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. The first vaccination shall be considered good for one (1) year. All subsequent booster vaccinations must be administered every two years.

Section 6: 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 the approval of the ACO, the Deputy ACO, the Constable or County Sheriff according to guidelines as stated in the State of Maine Animal Laws Rules and Regulations, and only if all provisions of the Section entitled "Impoundment Fees" have been met.

Section 7: Animal Control Officer (ACO).

A suitable person shall be appointed by the Selectmen who shall be known as and perform the duties of Animal Control Officer. He/she shall hold his/her office for 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.

Section 8: Required Licenses.

All dogs and wolf hybrids kept, harbored, or maintained by their respective owners in the Town of Otis shall be licensed and tagged in accordance with the appropriate laws of the State of Maine - MRSA - 3921. All owners or keepers of domesticated Ferrets housed in the Town of Otis must report such ownership to the ACO.

Section 9: Licensing Fees.

Beginning January 1st and no later than April 1st, of each year, all dogs or wolf hybrids, over the age of six (6) months must be licensed in the Town of Otis by registering the dog(s) or wolf hybrid(s) at the Otis Town Office. Proof of a rabies immunization and neutering, if applicable, must be shown to obtain a license. Exempt dogs shall requiring licensing but no fee is applied.

◇ 1. Dogs or Wolf Hybrids capable of producing young	\$ 7.50
◇ 2. Dogs or Wolf Hybrids incapable of producing young.	\$ 4.00
◇ 3. Trained or in training guide dog for visually impaired.	Exempt
◇ 4. Trained or in training dog for hearing impaired.	Exempt
◇ 5. Trained or in training service dog for physically impaired.	Exempt
◇ 6. Trained or in training search and rescue dog.	Exempt
◇ 7. Late fee applied after January 31st.	\$ 3.00
◇ 8. Replacement licenses.	\$ 1.00
◇ 9. Kennel Licenses (10 dogs per license)	\$ 21.00
◇ 10. Kennel Licenses (10 or more dogs)	\$ 41.00
◇ 11. Breeding Kennel Licenses	\$ 50.00
◇ 12. Boarding Kennel Licenses.	\$ 50.00
◇ 13. Animal Shelter Licenses.	\$ 20.00
◇ 14. Pet Shop Licenses.	\$100.00

Section 10: Registry and Notification of Impoundment.

When impounding any animal, the ACO, Deputy ACO, Constable or sheriff 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 reasonably 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 instructions 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 and ACO 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 11: Impoundment Fees.

Owners may reclaim their animal by first licensing, if applicable, according to State and Town Regulations, and by paying to the Town a fee of \$25.00 for each offense. The owner will also be responsible for any additional costs (such as food, boarding and medical expenses) incurred by the animal at 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.

Section 12: Disposition of animals which have bitten humans and/or have been exposed to a contagious disease or viral disease.

The owner or keeper of an animal which has bitten a human, or may have been exposed to a contagious or viral disease shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least ten (10) days, forty-five (45) days, or six (6) months as ordered by the person issuing the notice. The owner or keeper must observe and obey all written instructions and procedures included in the quarantine notice. Failure to comply with this section may result in fines or penalties described in Section 15. Further, failure to comply with this section may result with a court ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All expenses relating to the confinement and care of the suspect animal shall be paid by the owner or keeper.

Section 13: 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 the a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

Section 14: Animal Cruelty:

Any person or keeper of any animal must provide it with a proper shelter and protection from the weather in humanely clean conditions. An indoor shelter must have a temperature that is compatible with the health of the animal and must be adequately ventilated by natural or mechanical means. If a **dog** or **wolf hybrid** is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog (extreme heat or extreme cold), a shelter of suitable size, with a floor above ground and waterproof roof, must be provided to accommodate the animal and protect it from the weather. Food and water (protected from freezing) must be provided to sustain the animal until your return or until they are brought inside your residence.

No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.

Housing for **cows** and other **livestock** shall be available to the animal at all times. The shelter can be of three (3) sides with a water proof roof or of natural surroundings. Natural surroundings must include fir trees, with branches of sufficient height, that the animals may gather underneath.

Horses must have a three sided shelter with a water proof roof and dry floor available at all times so they can get under cover during inclement weather or extreme heat.

All animals must have a sufficient amount of food and water (protected from freezing) to sustain them as is compatible with the health of the animal.

Section 15: Violations.

Any person found in violation of any provision contained in this ordinance is subject to the following penalties:

- ◇ 1. A person who removes a license tag or rabies tag or who places either a license tag or rabies tag on another dog or wolf hybrid for which the tag/s were not issued commits a civil violation for which a forfeiture of not more than \$100.00 may be adjudged.
- ◇ 2. Violation certified letters, return receipt requested, will be sent to each owner or keeper of an unregistered dog or wolf hybrid between February 1st and April 1st of each year. The violation letter/s will indicate a seven (7) day grace period for which a \$3.00 late fee will be assessed for each dog or wolf hybrid.
- ◇ 3. If the owner or keeper of a dog or wolf hybrid does not respond to the violation letter within the seven (7) day grace period then a \$10.00 penalty will be assessed for each dog or wolf hybrid.
- ◇ 4. After the seven (7) day grace period the ACO, Constable or County Sheriff will enter a summons and complaint, as soon as possible, for all owners or keepers so notified who fail to comply Section 15, Numbers 2

& 3.

- ◇ 5. Any person found in violation of any provision contained in Sections 3, 4, 5, 6, 8, and/or 11 shall be subject to a fine of not less than \$25.00 and not more than \$100.00.
- ◇ 6. Any person found in violation of any provision contained in Sections 12, 13 and 14 shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00 for each offense.
- ◇ 7. Any fines collected shall be recovered to the use of the Town of Otis and deposited in the separate account as required by MRSa (Use and License Fees Retained by Municipalities).

Section 16: Animal Control Laws.

This Ordinance is to be enforced in addition to any other animal laws that the State of Maine may deem enforceable by the Town of Otis.

Section 17: 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.

ATTEST:

A TRUE COPY:

Laura C. Salisbury
Administrative Assistant

Joyce G. Wasson
Administrative Assistant

Adopted: May 9, 1998