

Animal Control Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

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May 20, 2006

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ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk: Mary Anne Agamenticus on June 19, 2015
(signature) (date)

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ANIMAL CONTROL ORDINANCE

Section 1 – Purpose

The purpose of this ordinance is to require all animals in the Town of York be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Section 2 – Definitions

1. **ABANDONED ANIMAL:** an animal that has been deserted by its owner or keeper.
2. **ABUSED:** to treat an animal wrongfully or harmfully that results in injurious or improper treatment.
3. **ANIMAL:** every living, sentient creature not a human being.
4. **ANIMAL CONTROL:** control of dogs, cats and domesticated or undomesticated animals.
5. **ANIMAL CONTROL OFFICER:** any person appointed by the Town of York to enforce animal control laws.
6. **ANIMAL SHELTER:** 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.
7. **AT LARGE:** 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 dog.
8. **BEACH:** any beach area within the Town of York which is used by the general public.
9. **CONTROL:** the power or ability to direct the proper and safe activity of an animal.

10. **DOG:** any of large and varied groups of domesticated animals in the canine family.
11. **DOMESTIC ANIMAL:** animals that normally and customarily share human habitat and are normally dependant on humans for shelter and/or food, such as, but not limited to, dogs, cats, cattle, horses, swine, fowl, sheep and goats.
12. **LEASH:** a hand held device (lead, chain, or cord) which can be used to restrain a dog if the dog fails to respond to voice commands. In cases where a leash is required by law, ordinance or by order of a law enforcement officer, the owner or responsible party will be required to use a leash of 15 foot or less.
13. **OWNER:** any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
14. **RESPONSIBLE PARTY:** as used in this ordinance, the term "responsible party" means any person who has possession or custody of a dog. If a dog is present on a beach in violation of the restrictions of this section, the owner of the dog and the responsible party are jointly and severally liable for the violation.
15. **STRAY:** off the owner's premises and not under the control of a person.
16. **SUNRISE:** the event or time of the daily first appearance of the sun above the eastern horizon. Time for sunrise can be found in local daily newspapers or at the U.S. Naval Observatory Astronomical Applications Department WEB site at http://aa.usno.navy.mil/data/docs/RS_OneDay.html
17. **VOICE CONTROL:** as used in this ordinance, the term "voice control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command.

If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and a violation of this Ordinance occurs unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. In the case that such person approached by a dog is a minor child, an adult must be present with the child to consent to the presence of the dog.

Section 3 – Animal Control Officer

A qualified person(s) shall be employed by the police department who shall be known as and perform the duties of Animal Control Officer(s). The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals. The ACO will also handle undomesticated (wild) animal complaints and either handle locally or refer to the appropriate outside agency for assistance.

Section 4 – Control of Dogs

When off the premises of the owner, a dog shall be on a leash and under control of a person responsible for the dog's behavior, except as follows:

1. dogs at use during hunting;
2. dogs used for law enforcement;
3. service dogs;
4. dogs on private property with that property owner's permission to be unleashed while within voice control; or
5. dogs at public beaches in accordance with Section 10.

The owner of any dog found in violation of the above provisions shall be subject to the civil penalties provided in this ordinance.

Section 5 – Impoundment or Return of At Large Dogs

All dogs found at large in violation to Title 7, M.R.S.A., Section 3911 may be impounded at an animal shelter or returned to the owner, at the discretion of the Animal Control Officer. If the Animal Control Officer returns the dog to its owner, the owner shall pay a \$25.00 (twenty-five dollars) return fee to the Town of York before the dog is returned. This payment must be made to the Animal Control Officer, who shall issue a receipt therefore. All fees will be deposited in the Town of York's Municipal Animal Welfare Account required by Title 7, M.R.S.A. 3945.

Section 6 – Disposition of Impounded Animal

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met, and that all impoundment fees due under the provisions of this ordinance 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 this ordinance. If said animal is not claimed by its owner or

keeper at the expiration of the ten days from the date of impoundment, then the person in charge of said animal shelter may give away, sell or otherwise humanely dispose of said animal.

Section 7 - Impoundment Fee

An owner may reclaim an impounded animal by first paying to the Town of York, a fee of \$50.00 (fifty dollars) for the 1st offense and \$100.00 (one hundred dollars) for subsequent offenses for each animal impounded. This fee shall be paid at the York Police Department. Fees must be paid and a receipt from the Police Department must be presented to the animal shelter before the release of an animal. All fees will be deposited in the Town of York Municipal Animal Welfare Account required by Title 7, M.R.S.A. 3945.

Section 8 - Animal Noise

Owning, possessing, or harboring any domestic animal that frequently or for continued duration, makes loud and unreasonable sounds such that it creates a disturbance on other properties shall be prohibited. For purposes of this ordinance, a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of 10 (ten) minutes or barks intermittently for ½ (one-half) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. However, this shall not include a dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or for any other legitimate cause which teased or provoked the dog.

Section 9 - Control of Animal Waste

An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property, or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar container, not part of the human body, for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

Section 10 – Public Beaches – Restrictions

The following restrictions apply to domestic animals on the following beaches: Cape Neddick Beach, Short Sands Beach, Long Sands Beach, and Harbor Beach:

1. No dogs shall be present on these beaches year round unless the dog is accompanied by an owner or responsible party who has voice control (see definition) over the dog and who is carrying a leash in hand, which can be used to restrain the dog. A responsible party with multiple dogs must have adequate leashes for the number of dogs under his or her control.
 - An owner or responsible party shall be required to leash their dog(s) during this period if directed by a law enforcement officer due to violations of the voice control or dog waste provisions of this ordinance.
2. No domestic animals shall be present on these beaches between the hours of 8:00 am. and 6:00 pm. from May 20th through September 20th.
3. Dogs on these beaches will be required to be on a leash between May 20th and September 20th between the hours of 6 p.m. and sunrise (see definition)
4. Between May 20th and September 20th dogs will be allowed to be unleashed between sunrise and 8 a.m. as long as the dog is under the voice control (see definition) of its owner or responsible party. The requirements of paragraph #1 regarding leashes is in effect during this period. (The purpose of this exception is to allow individuals to walk, jog, run, or engage in other physical exercise with their dogs in the early hours of the morning).
5. Horses and ponies are prohibited from being on these beaches from May 20th to September 20th, except by written permission of the Board of Selectmen.
6. When otherwise allowed to be present on these beaches pursuant to this section, all other domestic animals must be under the control of their owner or responsible party at all times.

Section 11 – Other Prohibitions and Restrictions

1. It will be a violation of this ordinance to maintain or harbor any domestic animal on the property known as the Cliff Path, pursuant to a written agreement between the Town of York and the property owners dated November 08, 2002. The Cliff Path includes

publicly owned sections beginning at York Harbor Beach Parking Area, proceeding in a northeasterly direction along the shores of York Harbor and the Atlantic Ocean.

2. It will be a violation of this ordinance to allow domestic animals on the property known as the Fishermen's Walk that are not on a leash, pursuant to a written agreement between the Town of York and the property owners dated November 11, 1997. The Fishermen's Walk includes publicly owned sections beginning at the Wiggley Bridge and proceeding in a northeasterly direction along the York River to Stage Neck Road.

Section 12 - Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domestic animal by a dog or a person with knowledge of an assault against a minor by a dog, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog within thirty days of the assault. The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. subsection 3952. After issuing the citation and before a court hearing, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog at the owner's expense at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court, or a Justice of the Peace pursuant to 7 M.R.S.A. subsection 3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Section 13 - Trespass

An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer or a law enforcement officer that the animal was found on the property of another.

The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and control the animal if:

- the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or the animal is an immediate danger to itself, to persons or to another's property.

Any animal so removed shall be subject to the provisions of Sections 5, 6, and 7 of this ordinance in the same manner as an at large dog.

Section 14 – License and Registration Required

No dog shall be kept within the limits of the Town of York unless such dog is licensed in accordance with the Statutes of the State of Maine, MRSA sections 3923-A and 3923-C and regulations of the Town of York. This requirement shall be the responsibility of the owner (see definition) of the dog(s).

Section 15 – Tags and Stickers

The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 MRSA subsection 3922-B. The tag remains with the dog for as long as the dog is kept in the Town of York. At each license renewal, the Town Clerk shall provide a sticker indicating the year for which the license is valid. The sticker must be attached to the back of the tag. The owner shall make sure that the sticker is securely attached to the back of the tag. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of license within twenty-four hours upon request by the Animal Control Officer. If a sticker and tag are lost, the owner shall obtain a new license, tag, and sticker. The Town Clerk shall issue another license tag and sticker upon presentation of the original license and payment of one dollar. The Clerk shall retain the one-dollar for a recording fee.

Section 16 – Rabies Tags

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of license and proof of rabies immunization within twenty-four hours upon request of the Animal Control Officer.

Section 17 – Violations/Penalties

Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses, except as provided in Section 5 and Section 7.

Section 18 – Waiver / Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 19 – 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.

Note: The May 20, 2006 version of this Ordinance was re-created as a Word file by the Community Development Department on November 3, 2010, and the amendments passed on November 2, 2010 were made to this document. The mis-match of sections listed in the table of content and in the text was in the original document. This should be corrected the next time this Ordinance is amended.