

ANIMAL CONTROL ORDINANCE TOWN OF FRYEBURG

SECTION 1. PURPOSE

The purpose of this ordinance is to control household animals throughout the Town of Fryeburg in the interest of health, safety and general welfare of its residents.

SECTION 2. DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES

A. "DOG" shall mean both male and female whether neutered or not.

B. "HOUSEHOLD ANIMAL" shall mean both male and female domesticated animals, whether neutered or not, that normally, or could reasonably be trained or adapted to live in a human environment.

C. "OWNER" shall mean any person, firm, association or corporation owning, keeping or harboring any animal.

D. "AT LARGE" shall mean off the premises of the owner and not under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.

E. "DANGEROUS DOG" shall mean 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 imminent bodily harm.

F. "STRAY CAT" shall mean a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.

G. "NUISANCE" shall mean failing to properly control an animal's actions to avoid unreasonable intrusion on the quiet and peaceful enjoyment by persons residing on adjacent properties, or failing to properly dispose of an animal's waste.

SECTION 3. LICENSE REQUIRED

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

SECTION 4. DISTURBING THE PEACE

It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit

such dog to disturb the peace of any person. Any owner or keeper causing or permitting a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing or damaging the property of any person.

SECTION 5. NUISANCES

The Animal Control Officer shall have the authority to control any animal, whether household or undomesticated, which is causing a nuisance, as defined herein and to fine the owner of such an animal as set for in Section 11 for each confirmed nuisance as determined by the Animal Control Officer.

SECTION 6. RUNNING AT LARGE

It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

It shall be unlawful for the owner of any cat to allow the cat to become a stray cat, as defined herein.

SECTION 7. CONFINEMENT OF CERTAIN DOGS

A. It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while the dog is in heat unless such dog is restrained with a leash, cord, or chain which shall not be more than eight (8) feet long.

B. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or household animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious.

Procedures regarding the complaints of dangerous dogs and the method of restraint, confinement or disposal are set forth in 7 M.R.S.A. , Section 3952 and succeeding amendments.

SECTION 8. IMPOUNDING

Any Police Officer or Animal Control Officer within the Town of Fryeburg shall seize, impound, or restrain any household animal violating this ordinance or State law. A dog found in violation of Section 5 shall be delivered to the owner when possible if the owner or keeper can be determined, and is readily available to take possession of the dog.

When a dog of known ownership is found in violation of Section 5 three (3) or more times in a six (6) month period, the Police Officer, Animal Control Officer, or person acting in that capacity, may take the dog to the animal shelter and notify the Owner.

SECTION 9. IMPOUNDMENT

When impounding any household animal, the Animal Control Officer or Police Officer shall at the time of such impoundment list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the household animal as can be reasonably ascertained.

A copy of this registry shall be furnished to a shelter designated by the Town of Fryeburg with written instructions setting forth conditions under which the household animal may be released.

When a household animal is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the animal shelter shall, when possible, notify the owner or keeper if he/she can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Fryeburg or its designated animal shelter for the destruction or transfer to another shelter of any household animal so impounded and not reclaimed.

If the owner does not claim the household animal within six (6) days following impoundment then the animal shelter may dispose of the household animal by adoption or otherwise in a proper and humane manner consistent with State laws.

SECTION 10. IMPOUNDMENT FEES

Owners may reclaim their household animal by first licensing, if applicable, according to Town regulation and by paying to the town a fee of fifty dollars (\$50) for each offense. The owner will also be responsible for any additional costs incurred by the animal shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of the household animal. All fees are to be deposited in the separate account as required by 7 M.R.S.A., Section 3945.

SECTION 11. ENFORCEMENT

It shall be the duty of all Police Officers to enforce all the provisions of this Ordinance. Further, there shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance.

SECTION 12. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and upon conviction thereof shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) to be recovered by a complaint before the Maine District Court, District Nine of Northern Cumberland County, subject to the rights of exception and appeal as are provided by law. All fines collected shall be retained for the use of the Town of Fryeburg and deposited in a separate account as required by

7 M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).

SECTION 13. REPEAL OF CONFLICTING ORDINANCE

This Ordinance specifically repeals "Town of Fryeburg Dog Control Ordinance" enacted by the Town of Fryeburg on August 21, 2003.

SECTION 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.

SECTION 15. EFFECTIVE DATE

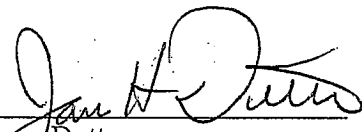
This Ordinance shall be in full force and effect when enacted.

ADOPTED this 29 day of SEPTEMBER, 2005.

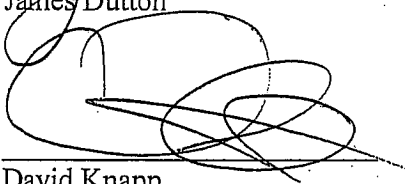
Town of Fryeburg, Board of Selectmen



Edward Wilkey, Chairman



James Dutton



David Knapp