

**TOWN OF NEWBURGH, MAINE
ANIMAL CONTROL ORDINANCE**

**ARTICLE I
GENERAL ADMINISTRATION**

1.1. Purpose – The purpose of this Ordinance is to require that all animals in the Town of Newburgh be kept under the control of their owners or keepers so that they will not injure persons, damage property, or create a nuisance.

1.2. Definitions – As used in this Ordinance, unless the context indicates otherwise, the following terms have the following meanings:

A. *Animal Control* – means control of dogs, cats and domesticated or undomesticated animals in accordance with Title 7 M.R.S.A. & 3948.

B. *At large* – means 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 animal.

C. *Dog* – means a member of the genus and species known as *Canis familiaris* or any canine regardless of generation, resulting from interbreeding of a member *Canis familiaris* with a wolf hybrid as defined in Title 7 M.R.S.A. & 3907.

D. *Dangerous Dog* – means a dog that bites an individual who is not trespassing on the dog owner’s or keeper’s premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner’s or keeper’s premises and is acting in a reasonable and non-aggressive manner to fear bodily harm by attacking or threatening to attack that individual or individual’s domestic animal. “Dangerous Dog” does not include a dog certified by the State and used for law enforcement use. For the purpose of this definition, “dog owner’s” or “keeper’s premises” means the residence or residences, including buildings, land and motor vehicles, belonging to the owner or keeper of the dog.

E. *Enforcement Officer* – The following shall have the authority to enforce this Ordinance:

a. *Law Enforcement Officer/Constable* – any person who, by virtue of that person’s public employment, is vested by law with a duty to maintain public order, enforce any law of this State or Municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes or is limited to specific crimes.

b. *Animal Control Officer* – any person acting in the capacity of Animal Control Officer as defined by state statute and this Ordinance, pursuant to Title 7 M.R.S.A. Chapter 725.

- F. *Keeper* – means a person in possession of control of a dog or other animal.
- G. *Owner* – means a person owning, keeping or harboring a dog or other animal.
- H. *Person* – means an individual, corporation, partnership, association or any other legal entity.
- I. *Undefined terms* – any term not defined in this Ordinance shall be defined in accordance with its customary dictionary meaning.

ARTICLE II LICENSE AND IDENTIFICATION

2.1. License Required – All dogs kept, harbored and maintained in the Town of Newburgh shall be licensed and tagged in accordance with the laws of the State of Maine.

2.2. Tag and Collar Required – A suitable tag showing the year such license is issued and bearing such other data as the Commissioner of Agriculture may prescribe shall be given with each license and must be securely attached to a collar of leather, metal, or material of comparable strength, which must be worn at all times by the dog for which the license was issued except as expressly provided in 7 M.R.S.A. Section 3923-B(3). It shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.

ARTICLE III ANIMALS CREATING A NUISANCE BY NOISE

3.1 Animals Creating a Nuisance by Noise – Anyone owning, possessing, or harboring any animal, excluding livestock, which barks, howls or makes other sounds common to its species continuously for twenty minutes or intermittently for one hour or more shall be deemed to have caused a nuisance, and shall be liable for a civil penalty under this Ordinance.

For the purposes hereof, a separate offense shall be deemed committed for each hour during which a violation occurs or continues.

**ARTICLE IV
ANIMALS CREATING OTHER NUISANCES**

4.1 Nuisances Prohibited – It is unlawful for anyone owning, keeping, possessing or harboring any animal to cause or permit such animal to perform, create, or engage in any of the following nuisances:

- A. Molesting or disturbing persons or vehicles by chasing, barking or biting,
- B. Habitually attacking other animals,
- C. Damaging property of others,
- D. Creating noxious or offensive odors,
- E. Defecating upon any public place or upon premises not owned or controlled by the person owning, keeping, possessing or harboring the animal, unless the feces is promptly removed from said place of premises,
- F. Being on school grounds without permission during times that school is in session.

**ARTICLE V
RUNNING AT LARGE**

5.1 Running at Large – It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner or keeper of any dog found at large shall be liable for a civil penalty under this Ordinance.

**ARTICLE VI
RESTRAINT OR CONFINEMENT OF DANGEROUS DOGS**

6.1 Nuisance – Any dangerous dog is hereby declared to be a nuisance.

6.2 Restraint or Confinement – The owner or keeper of a dangerous dog shall keep the same muzzled, restrained, or confined to the owner's or keeper's premises. The owner or keeper shall ensure that the dog, when out of doors on the owner's or keeper's premises. Is either muzzled, contained within a secure enclosure, or fastened with a secure latch to a chain or leash of sufficient strength to restrain the dog, the length of which chain or leash is such that the dog may in no event be any closer than three feet to any: (1) mail receptacle, (2) entrance or exit to a residence, (3) end or edge of a driveway, (4) walkway, stoop or stairs leading to an entrance or exit, (5) edge of a property boundary or public sidewalk, or (6) home fill pipe or utility meter. The owner or keeper shall ensure

that the restraint is maintained and secure at all times the dog is out of doors on the owner's or keeper's premises when not placed in a secure enclosure. For the purposes hereof, a secure enclosure shall be suitable to prevent entry by children and designed to prevent the dog from escaping. If a fence is used as a secure enclosure, it shall be a minimum height of six feet.

ARTICLE VII IMPOUNDMENT

7.1. Impoundment – Any dog found in the Town either without a license or at large may be impounded by an enforcement officer at any animal shelter designated by the Town Officials. If the owner or keeper is known and can be located, such animal need not be impounded, but may instead be taken to the owner or keeper.

7.2 Registry and Notification of Impoundment – When impounding a dog, the ACO shall, at the time of such impoundment, list the 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, 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 the conditions under which the animal may be released. If the dog has upon it the name and address of the owner or keeper of the dog, or such name and address is otherwise known to the enforcement officer, a written notice of the impoundment shall be sent by U.S. Mail to the owner or keeper within 24 hours of the impoundment of the dog. If a dog has on a license tag, then the last known licensee of the dog shall be sent a written notice of impoundment by U.S. Mail within 24 hours of the impoundment of the dog. In addition, the enforcement officer may make a reasonable attempt to give notice by telephone.

7.3. Impoundment Fee – All owners or keepers may reclaim their animal by first licensing the animal, if applicable, according to this Ordinance and State law, and by paying to the Town of Newburgh an Impoundment Fee in accordance with the Town of Newburgh Fees Ordinance for each offense. The owner or keeper shall also be responsible for any additional costs incurred on behalf of the animal at the Animal Shelter prior to reclamation. Fees must be paid at the Town Clerk's Office and a receipt of same presented to the Animal Shelter prior to the release of the animal.

**ARTICLE VIII
ENFORCEMENT**

8.1. Penalty – Whoever owns or keeps a dog contrary to any provision of this Ordinance shall be punished by a fine of not less than \$50.00 nor more than \$250.00 for each offense. All penalties shall inure to the benefit of the Town of Newburgh.

8.2. Separate Offense – A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**ARTICLE IX
MISCELLANEOUS**

9.1. Separability – The invalidity of any provision of this Ordinance shall not invalidate any other part of the Ordinance.

9.2. Repeal of Prior Ordinance – The licensing and Control of Dogs Ordinance adopted by the Town on March 11, 1989 is hereby repealed as of the effective date of this Ordinance.

Adopted by the Town at the annual Town Meeting on 3/10/2012.