

**AN ORDINANCE TO AMEND
Brownville Dog Control Ordinance
(# 2005 – 001 - AC)**

This ordinance is adopted in the exercise of municipal home rule powers under the Constitution of the State of Maine and 30-A M.S.R.A. § 3001. The purpose of this ordinance is to regulate dogs in the Town of Brownville, to end problems caused by dangerous dogs, dogs running at large, barking dogs, and to minimize property damage by dogs, for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the town, without unreasonably restricting owners and their dogs in their normal activities, while holding owners responsible, where it is appropriate to do so, for the inappropriate conduct of their dog.

1. Dogs to be licensed in accordance with the Statutes of the State of Maine

No dog shall be kept within the limits of the Town of Brownville, County of Piscataquis, State of Maine, unless such dog shall have been licensed by its owner in accordance with the relevant statutes of the State of Maine. "Owner" shall be intended to mean any person or person, firm, association or corporation owning, keeping or harboring a dog.

2. Vaccination

It shall be unlawful for the owner of any dog older than six months, less one day, to keep, maintain such dog, unless it has been vaccinated by Veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which dog is kept, maintained or permitted to run at large.

3. Dogs not to be permitted to run at large.

It shall be unlawful for the owner of any dog, licensed or unlicensed to permit such dog to run at large.

"At large" shall be intended to mean, off the premises of the owner, and not under the control of any person by means of a chain, rope or cord of sufficient strength to control the action of such dog (or such other personal presence and attention as will reasonably control the conduct of the dog).

Special restrictions govern dogs on public and municipal property. No owner of a dog shall cause or permit a dog to run at large within the Town. A dog, while in or on the way or place other than a public way or other municipal property, shall be deemed to be under restraint within the meaning of this ordinance if it is otherwise controlled by leash, cord, or chain, or is "at heel" or otherwise under the voice or other command control of a person and obedient to that person's command. An owner of a dog shall ensure that dog, when on any public way, and all municipal property, including but not limited to the town parks and public ways, sidewalks and recreational fields, is on a leash or tether at all times and is accompanied by an owner who is physically or by effective voice or other command able to control and restrain the dog from attack who tends the leash or tether at all times while the dog is on municipal property. An owner accompanying a dog on municipal property, other than an owner with visual acuity accompanying a seeing eye dog, so-called, on municipal property, shall collect any feces or vomitus deposited by the dog and dispose of the same in a sanitary lawful manner.

4. Duties of Police Officers or Animal Control Officer.

Any Police Officer or ACO with the Town of Brownville, shall seize, impound or restrain any dog kept in violation of Section 1, and any dog running at large, and deliver such dog to the person who is duly authorized to have control of impounding. If impounded, the dog must be taken to an animal shelter which has received written approval from the municipal officers. If the owner of such dog is known or can be located with reasonable diligence, then the person who has control of impounding shall personally notify the owner within three days of the receipt of such dog. If the owner of such dog is not known and cannot be located with reasonable diligence, then the person who has control of impounding shall post, within 48 hours of the time such person has taken such dog into his possession, written notice in 3 public places in the municipality, giving a description of the dog, stating where it is impounded and the conditions of its release. If the owner within seven days after receiving notice, or within seven days after notice has been posted, does not claim such dog, then the person having control of impounding shall dispose of the dog by sale or otherwise, in a proper and humane manner.

The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. Such record shall include a description which identifies the dog with reasonable certainty, the manner of disposing of the dog, and if the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his/her name and address and the date of delivery or receipt of the dog.

5. Conditions of release.

Section 2, provides that the person giving notice shall with such notice give the conditions for the release of the impounded dog. Upon release of an impounded dog, after providing proof of current vaccination and valid licensing, the owner shall reimburse the Town of Brownville all costs associated with the dog's capture, impounding, and notice to the public.

6. Barking Dog Ordinance

No owner or person having custody of any dog kept within the legal limits of the Town of Brownville shall allow such dog whether inside or outside a structure to unnecessarily annoy or disturb any person at another residential dwelling, place of business, or place of habitation by continued or repeated barking or other loud, unusual or excessive noises.

For purposes of this section, the term "excessive noise" shall mean noise which is unreasonably annoying, disturbing, and offensive, including but not limited to loud, frequent, or habitual barking, howling, or yelping or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept.

The dog must be barking continuously for more than twenty-minutes consecutively or intermittently for thirty (30) minutes within a three (3) hour period.

A person annoyed or disturbed by a barking dog or dogs may submit a signed and sworn complaint to any Police Officer or Animal Control Officer of the Town of Brownville or duly qualified State or County law enforcement official. Upon receiving such a complaint, any of the above authorities may investigate and give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. The warning shall be made a part of the complaint. The written warning shall remain in full force and effect for 180 days following the date of issuance. Thereafter, upon

continuance of such annoyance or disturbance by excessive noise such owner/keeper shall be disturbing the peace of another person.

Thereafter, upon continuance of such annoyance or disturbance, such owner/keeper shall be fined and subject to a civil penalty upon conviction thereof by a fine of \$50.00 for the first offense. And increase in \$50.00 increments for subsequent offenses. All fines so assessed shall be recovered for the use of the Town of Brownville through the District Court.

If you are experiencing a problem with a barking dog, and wish for charges to be filed, you shall provide the following to the Town of Brownville:

Your Name, Your Address, Your Phone Number, Address of the barking dog and Description of the Problem

The provisions of this section shall not apply to any licensed animal establishment permitted by ordinance or statute and does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock pursuant to 7 M.R.S.A. § 3950..

7. Dangerous Dogs

An owner who has been given notice (which need not be in writing) by the Town's Animal Control Officer, any law enforcement officer, or any state official that the owner's dog has bitten or is reasonably believed to have bitten any person, or has or is reasonably believed to have in any way injured any person so as to cause abrasion of the skin to that person, shall not without further written authorization by an officer or official, sell, give, or otherwise convey the ownership or possession of that dog, or remove or suffer or permit the dog to be removed from the boundaries of the town, except to or under the care of a licensed veterinarian, animal control officer, or law enforcement officer. An owner receiving such notice shall immediately place the dog under confinement for a period of at least 10 days and shall obey all rabies detection and control directions of an animal control officer, licensed veterinarian, or law enforcement officer – including all applicable regulations of the State of Maine Departments of Agriculture and Health and Human Services.

In addition, an owner of a dog that has been determined by a court to be a dangerous dog shall ensure that the dog is restricted at all times to the premises or the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of that owner. The owner of such a dog will ensure that the dog, when it is out of doors on the owner's premises, is either restrained within a secure enclosure or fastened with a secure latch to a reinforced chain with a length such that the dog cannot come within 3 feet a mailbox; entrance or exit to a building; edge of driveway; stoop or stairs leading to an entrance or exit; edge of lawn, property, or public sidewalk; or home fuel pipe, utility meter, or point on the ground generally above or below any other wiring or piping. The owner shall ensure that the restraint is maintained and secure at all times the dog is out of doors on the owner's premises and not in a secure fenced-in enclosure.

8. Penalties

Any law enforcement officer, on complaint of any person or on his or her own initiative, may initiate prosecution for a violation of this ordinance by filing a complaint with the Maine District Court and serving a summons and copy of the complaint upon the owner. For an initial violation of this ordinance by an owner, the owner shall be ordered to pay a penalty of not less than fifty dollars (\$50.00) nor more than two hundred and fifty dollars (\$250.00). In determining the amount to be

forfeited, the court shall consider any evidence of mitigation, extenuation, or aggravation it considers pertinent to the offense, including but not limited to the extent of cooperation exhibited by the owner. The penalty shall be increased by a minimum of \$50.00 above the penalty for the immediately preceding violation. All penalties awarded and sums recovered shall accrue benefit to the Town of Brownville. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule and shall pay all court costs and attorneys' fees incurred by the Town of Brownville.

9. Repeal of Conflicting Ordinances

This amended ordinance replaces the Town of Brownville Dog Control Ordinance enacted at Town Meetings March 20, 1972 and March 17 1986 and amended June 30, 1997.

10. Severability

It is the intention of the municipality that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the municipality that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

11. Effective Date.

This ordinance shall be in full force and effect thirty days from its approval by the legislative body of the Town of Brownville.

Adopted by the legislative body of the Town of Brownville on Monday, March 21, 2005.

Revised by the legislative body of the Town of Brownville on Monday, March 19, 2007.

Amended Section 6 by the legislative body of the Town of Brownville on August 5, 2015

Kathy K White
Town Clerk