

TOWN OF HOLDEN

ANIMAL CONTROL ORDINANCE

SECTION 1. DEFINITIONS. As used in this ordinance, unless the context otherwise indicates.

- (a) "Dog" shall be intended to mean both male and female.
- (b) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog or animal.
- (c) "At Large" shall mean off the premises of the owner of a dog or his duly authorized agent and not in immediate control of the owner or his agent, either on a leash or under voice command control.
- (d) "Keeper" means a person in possession or control of a dog or animal.
- (e) "Animal" means every living, sentient creature, not a human being.

SECTION 2. AGENT OF THE TOWN. The Town Selectmen shall appoint one or more animal control officers in accordance with Title 7, M.R.S.A. (1964) Section 3452-A, as amended. Said animal control officer(s) shall hereinafter be referred to as agents of the Town and have all of the powers provided under this ordinance and the laws of the State of Maine. In addition to the regular duties of animal control officers delineated by State law and this ordinance, the agent of the Town is hereby authorized to enforce the provisions of any other law regarding animals and found in Title 7, Maine Revised Statutes, Chapters 719 (Uncontrolled Dogs), 720 (Rabies Prevention), 721 (Dog Licenses), 723 (Licenses for Kennels, Boarding Kennels, and Pet Shops), 727 (Dangerous Dogs), 729 (Damage by Dogs), 730 (Ferrets), 731 (Mistreatment of Animals), 733 (Transportation of Animals), 737 (Calf and Pig Scrambles), 739 (Cruelty to Animals), and 741 (Animal Trespass). Enforcement of these additional provisions shall be according to State law and procedure.

SECTION 3. PUBLIC NUISANCE.

(a) Any owner or keeper of an animal which damages property located within the Town of Holden and belonging to another, said damage occurring while the animal is not on the property of the owner or keeper, commits a civil violation subject to the penalties set forth in this ordinance.

(b) No owner or keeper of an animal shall allow the animal to unnecessarily annoy or disturb any person not on the premises of the owner or keeper of the animal by unreasonable barking or other noises. For the purposes of this section, unreasonable barking or other noises shall mean barks, bays, cries, howls or other noises that are continuous or incessant for a period of twenty minutes, or are intermittent for a period of one hour or more. Barking or noises shall not be considered unreasonable if the animal is responding to a trespass or attempted trespass on private property, or to any other legitimate cause which teased or provoked the animal. Upon written complaint of the person disturbed, signed and sworn to, any agent of the Town or other law enforcement officer may investigate the allegations of the complaint. If the agent or officer finds there is valid grounds for the complaint, the agent or officer shall serve a written warning upon the owner or keeper, notifying the owner or keeper that such annoyance or disturbance must cease. The written warning shall be in a form approved by the Selectmen. The warning shall be served by delivering a copy to the owner or keeper, in hand; by leaving a copy with a person of suitable age and discretion at the premises where the animal is kept or the owner or keeper resides; or by mailing a copy to the owner or keeper at the address shown on any license application for that animal. Any owner or keeper who allows such annoyance or disturbance to continue after notice has been served, commits a civil violation subject to the penalties set forth in this ordinance.

SECTION 4. DISPOSITION OF ANIMALS WHICH HAVE BITTEN PERSONS. It shall be unlawful for the owner or persons keeping, or harboring any animal, when notified that such animal has bitten any person or has so injured any person as to cause abrasion of the skin, to sell or give away such animal or to permit or allow such animal to be taken beyond the limits of the Town, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper upon receiving notice of the character aforesaid, to immediately place such animal under confinement for a period of at least 14 days, or to deliver such dog to the impoundment shelter. The Director of Public Health and the Town Health Officer shall be notified immediately by the person in charge of the care of any animal while in confinement. The Town Health Officer shall investigate all animal bites referred to him by an agent of the Town. Any animal which shall have been bitten by another animal having or suspected of having rabies shall immediately be impounded for observation as provided in this section. It shall be unlawful for the owner or person keeping or harboring any animal when notified that such animal has bitten any person or has so injured any person as to cause abrasion of the skin, to destroy such animal without permission from the Town Health Officer.

SECTION 5. RABIES. Upon positive diagnosis of rabies in any animal within the Town, the Chairman of the Board of Selectmen shall proclaim and invoke a town-wide quarantine for a period of thirty days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or be permitted to be in the streets, during such period of quarantine. During such period of rabies quarantine as herein described, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian, or held thirty days under quarantine by the owner in the same manner as other animals are quarantined. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended by the Chairman of the Board of Selectmen for an additional six months. The carcass of any dead animal exposed to rabies, shall upon demand, be surrendered to the Director of Public Health. The Director of Public Health shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Director of Public Health. Any properly vaccinated police dogs or animals, or seeing eye dogs or other handicapped assistance animal in the company of a blind or otherwise handicapped person, shall not be barred from the streets during such quarantine unless expressly stated in the order of quarantine.

SECTION 6. CRUELTY. No person shall worry, taunt, torment or injure any animal on the premises of or under the control of its owner providing that such animal is controlled and maintained in accordance with state and local law. This prohibition does not bar such actions by any agent of the Town or a law enforcement officer where necessary to carry out the requirements of state and local law.

SECTION 7. ENFORCEMENT & PENALTIES. Any person who violates any provision of this ordinance commits a civil violation. The penalty for this violation is a fine not less than \$25.00 or more than \$100.00 per violation. Each day that a violation continues, constitutes a separate violation. If the Town is the prevailing party in an action to enforce any provision of this ordinance, it must be awarded its reasonable attorney fees, expert witness fees and costs, unless extraordinary circumstances make the award of these fees unjust. * Any person who is accused of violating this Ordinance may waive prosecution in the District Court by payment of a waiver fee of twenty dollars (\$20.00) for each dog involved in the violation to the Town Office within twenty (20) days of being notified of the right to waive prosecution by the Officer, in writing. Notice of this waiver provision may be made by mailing a copy of the notice to the alleged violator at their last known address, or by such other means as is reasonably calculated to reach the alleged violator in a timely fashion. When mailing is chosen as the manner of service, three (3) days shall be added to the period in which the waiver fee may be paid.

Board of Selectmen:

Michael Legasse, Chairman

George A. McDonald, Sr.

Eddie Campbell

Joel Dearborn

Ralph McLeod

Dated: May 2, 1994

Approved at Town Meeting on June 21, 1994

* Amended Special Town Meeting on October 8, 1997