

TOWN OF GORHAM

ANIMAL CONTROL ORDINANCE

Adopted - April 7, 2009

Effective - May 7, 2009

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ANIMAL CONTROL ORDINANCE**

Section 1. Purpose

1.1 The purpose of this ordinance is to require that all animals in the Town of Gorham 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.

1.2 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. Authority.

2.1 This ordinance is enacted pursuant to Title 30-A, M.R.S.A., Section 3001.

Section 3. Severability Clause.

3.1 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 4. Definitions

4.1. ABANDONED ANIMAL:

An animal that has been deserted by its owner or keeper.

4.2. ANIMAL:

Every living, sentient creature not a human being.

4.3. ANIMAL CONTROL:

Control of dogs, cats and other domesticated animals.

4.4. ANIMAL CONTROL OFFICER:

Any person appointed by the Town of Gorham to enforce animal control laws.

4.5. 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.

4.6. 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 animal.

4.7. DOG:

Any of large and varied groups of domesticated animals in the canine family.

4.8 DOMESTICATED ANIMAL:

Any animal that is normally dependent on humans for food or shelter, including horses, swine, fowl, sheep, cattle, goats, dogs, deer, buffalo, wildlife hybrids, and other similar animals.

4.9. LEASH:

Hand held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed.

4.10. 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.

4.11. RESPONSIBLE PARTY:

As used in this ordinance, the term “responsible party” means any person who has possession or custody of a domestic animal.

4.12. 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 (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog.

Section 5. Animal Control Officer

5.1 A qualified person may be employed by the police department who shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals. However, all qualified law enforcement officers may enforce this ordinance.

Section 6. Disposition of Impounded Animal

6.1 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.

Section 7. Impoundment Fee

7.1 An owner may reclaim an impounded animal by first paying a fee of \$30.00 (thirty dollars) for each animal impounded. All fees will be deposited in the separate account required by Title 7, M.R.S.A. 3945.

Section 8. Animal Noise

8.1 Except as provided in subparagraph (8.2) and (8.3) below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 10 minutes or more or recur intermittently for one hour or more.

8.2 Section 8 shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.

8.3 Section 8 shall not apply to farm animals kept on a property located in the Rural or Rural-Manufactured Housing Districts under the Gorham Land Use and Development Code. In all other zoning districts, Section 8 shall not apply to farm animals kept on a property, a use of which is, the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Gorham Land Use and Development Code. For purposes of this exception, dogs are not “farm animals” and kennels are not “farms.”

Section 9. Control of Animal Waste

9.1 An owner must remove and dispose of any feces left by their 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 utensil 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. Dangerous Dogs

10.1 Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty days of the assault, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog. The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. §3952. After issuing the citation and before hearing in court, 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. §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 11. Trespass

11.1 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.

11.2 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.

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

Section 12. Dogs at Large, Prohibited in Cemeteries

12.1 It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the civil penalties provided in this ordinance.

12.2 It shall be unlawful for any owner to allow or permit any dog, whether on a leash or roaming at large or unrestricted, to enter any cemetery in the Town of Gorham, except that a service animal providing assistance to a person with disabilities may enter a cemetery.

Section 13. Tags and Stickers

13.1 No dog shall be kept within the limits of the Town of Gorham unless such dog is licensed by its owner in accordance with Maine Law. 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 M.R.S.A. §3922-B. The tag remains with the dog for as long as the dog is kept in the Town of Gorham. 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 tag 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 licensure 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.

Section 14. Rabies Tags

14.1 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 licensure and proof of rabies immunization within twenty-four hours upon request for the Animal Control Officer.

Section 15. Public Health Threat

15.1 The owner or keeper of an animal that may have been exposed to a contagious or viral disease may be served with a quarantine notice. The owner or keeper shall confine and control the animal in accordance with the instructions in the notice. Failure to comply with the notice will be considered a violation of this ordinance and may result in a court ordered seizure of the quarantined animal. The owner or keeper may also be subject to the penalties found in Section 16.

Section 16. Violation and Penalties

16.1 Except as otherwise provided by State law, anyone found guilty of violating any provisions of this Ordinance shall be subjected to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) to be recovered for the use of the Town of Gorham and shall be subjected to such other legal and equitable remedies as may be available to the Town. Each day such a violation continues shall be deemed to be a new offense.