

Chapter 6 - ANIMALS^[1]

Footnotes:

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Cross reference— Animals prohibited in victual establishments, § 10-299; animal traps in parks, § 30-87.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Disposal of dead animals in public places.

No person shall deposit, place or throw any dead, mortally ill or injured animal or part of an animal in any public place except as otherwise provided in section 6-2.

(Code 1983, § 3-202)

Cross reference— Solid waste transfer and recycling, ch. 38.

Sec. 6-2. - Disposal of dead animals by animal control officer.

When any animal is found dead or dying on the land or premises of any person not the owner or person responsible for such owner, or is so found in any public street or place, any person having knowledge of the matter shall report the facts immediately to the animal control officer, who shall take charge of the animal forthwith. If, by license or otherwise, the owner of the animal is known to the animal control officer, the officer shall notify the owner at once; and the owner shall immediately cause such animal to be treated or disposed of by a veterinarian or, in the instance of a dead animal, to cause the body to be buried in a sanitary manner. If the owner is unknown, in the event of an injured animal, the animal control officer may dispose of the animal or cause its disposal by a veterinarian. In the case of a dead animal carcass where the owner's name is unknown, the animal control officer shall dispose of the body by transporting it forthwith to the town disposal area or other location for burial where such disposal can be accomplished in a neat and sanitary manner.

(Code 1983, § 3-203)

Sec. 6-3. - Animals creating a nuisance by noise.

Any animal which, by prolonged barking, howling, or the making of other sounds common to its species, causes undue annoyance to individuals residing in the neighborhood shall be deemed to constitute a nuisance. No person shall have or keep any animal which creates a nuisance. Any person found in violation shall be subject to a fine of up to \$100.00 for each offense. Any fine collected shall inure to the town.

(Code 1983, § 3-201)

Secs. 6-4—6-30. - Reserved.

ARTICLE II. - DOGS^[2]

Footnotes:

- (c) *Prohibited.* No owner or keeper of any dog shall permit such dog to disturb the peace and quiet of the neighborhood or disturb the peace of any person by frequently and habitually barking, howling or creating such other loud or unusual noise.
- (d) *Impoundment.* Where the owner or keeper of a dog cannot be located, the animal control officer is empowered to impound the dog creating the nuisance and to remove it from the property of the owner or keeper for the purpose of abating the nuisance. The animal control officer shall leave a notice at a conspicuous location on the property from which the dog has been removed indicating that the dog has been impounded. The notice shall include the date and time of the impoundment and where the animal can be redeemed. The owner or keeper shall have 48 hours from receipt of that notice, or of verbal notification of the impoundment, to redeem the dog. An owner or keeper who refuses to reclaim the dog shall be subject to the penalties in subsection (e) of this section.
- (e) *Penalties.*
 - (1) The owner or keeper of a dog which has caused a nuisance shall, for the first offense, be punished by a fine of not less than \$50.00 nor more than \$100.00. For any second or subsequent offense, the owner or keeper shall be punished by a fine of not less than \$100.00 nor more than \$200.00.
 - (2) Any owner or keeper who fails to reclaim a dog that has been impounded under the provisions of this section, will be subject to a fine of not less than \$200.00 nor more than \$500.00.
 - (3) All fines assessed pursuant to this section shall enure to the benefit of the town.
- (f) *Costs.* Any costs associated with the administration of this section, including expenses for apprehension, maintenance, keeping and disposition of the dog, shall be reimbursed in full to the town, in addition to any penalties. These administrative expenses may include but are not limited to impoundment fees and boarding fees. If court action is required, all costs of court, penalties assessed by the court, and reasonable attorney's fees shall accrue to and be for the benefit of the town.

(Code 1983, § 3-201; T.M. of 9-17-1997, art. 30)

State Law reference— Authority to impound dogs, 7 M.R.S.A. § 3912.

Sec. 6-34. - Canine waste.

- (a) *Violation.* It shall be the duty of any owner or keeper of a dog or anyone in possession or control of a dog to remove and dispose of, in a safe and healthful manner, any waste left by the animal on any street, sidewalk or publicly owned property, or any private property where that person does not have permission of the owner to leave waste.
- (b) *Exemption.* The requirements for removing dog waste under this section shall not apply to a dog accompanying any handicapped person, who, by reason of the handicap, is physically unable to comply with the requirements of this section.
- (c) *Penalties.* Anyone who violates this section shall be guilty of a civil violation and shall forfeit a sum of not less than \$50.00 nor more than \$250.00 for the first violation, and shall forfeit a sum of not less than \$100.00 nor more than \$500.00 for a second or subsequent violation. Such forfeitures shall be paid to the town and shall be deposited in a separate account as provided in 7 M.R.S.A. § 3945.

(T.M. of 2-12-2002, art. 4)

Secs. 6-35—6-60. - Reserved.

ARTICLE III. - LIVESTOCK CONTROL