

Town of Searsport Animal Control Ordinance

SECTION I

A: No person having the care of an animal shall permit that animal to roam at large on any highway, street, land, common, square or any other public place within the Town, or upon the property of another person without the permission of the owner of said property. Any animal found at large in violation of this ordinance may be seized and impounded by any law enforcement officer or other public official authorized to do so. The animal's owner or keeper shall be liable for all costs related to the seizure and impoundment. The officer will ensure that, if the owner/keeper cannot be located, such animals are taken to an appropriate licensed shelter, designated by the Town of Searsport Board of Selectmen. The animal will be held at the Shelter for 10 days after which it may be sold or disposed of in accordance with the practice and procedure of said shelter in accordance with Maine State law.

B: Owners or keepers shall be required to keep any dog on a leash in any Town, State park or, area designated by the board of Selectmen.

SECTION II

It shall be unlawful for the owner or keeper of any dog six months or older to keep or maintain such a dog unless a veterinarian has vaccinated the animal with an anti-rabies vaccine within 24 hours preceding the date on which said dog is kept or maintained. Proof of vaccination shall be filed with the Town Clerk within ten days of vaccination or within ten days after said dog is moved into the Town. Proof of vaccination shall be affixed to said dog in accordance with the provisions of M.R.S.A. Title 7 Section 3923 (B) (4). Failure to provide proof of vaccination or failure to produce proof of vaccination upon demand of any Law Enforcement Official, Animal Control Officer or any other municipal official authorized for these purposes shall be prima facie evidence that said animal has not been vaccinated.

SECTION III – ANIMAL CONTROL OFFICER

The Selectmen shall appoint an Animal Control Officer for the purpose of the enforcement of the provisions of this ordinance and of Title 7 M.R.S.A. Sections 3911, 3912, 3921, 3924, 3948, 3950, 3950-A and 3966 to 3970 and such other duties to control animals as the municipality may request. The Animal Control Officer may be any person, constable or police officer duly appointed and shall be authorized to issue compliance orders and court summonses as required by this ordinance.

SECTION IV – LICENSING OF DOGS

A. The owner or keeper of any dogs at the age of six months or over, except dogs under a kennel license, shall on or before January first annually, or at such time as such dog becomes six months old, cause such dog to be licensed in accordance with M.R.S.A. Title 7, Section 3922.

B. Any person becoming the owner or keeper of a dog after the first day of January, not duly licensed as required, shall within ten (10) days after he becomes the owner or keeper of said dog, cause said to be licensed in accordance with M.R.S.A. Title 7, Section 3923.

C. A suitable tag showing the year such license is issued, and bearing such other data as may be required shall be given with each license and must be worn at all times by the dog for which the license was issued as provided in M.R.S.A. Title 7, Section 3923.

D. The owner or keeper of any dog not duly licensed may be issued a compliance order which shall demand that the owner obtain a license from the Town Clerk for such dog within seven (7) days from the day of issuance, paying to the clerk in addition to the license fee, a compliance fee of \$25.00 or as provided in M.R.S.A. Title 7.

E. The owner or keeper of any unlicensed dog may, in addition to the compliance order, be summonsed to court as provided in M.R.S.A. Title 7.

SECTION V – SICK OR INJURED DOGS

A. Any person finding a sick or injured dog within the Town of Searsport may report such dog to the Animal Control Officer, who shall take said dog to any veterinarian or Humane Society Shelter, in accordance with M.R.S.A. Title 7, Sections 3913 and 3948.

B. The owner of such dog may be required to pay to the Town of Searsport a transit fee of \$20.00 for this service. This transit fee may be in addition to any and all other fees.

SECTION VI – KENNELS; NUMBER OF DOGS

A. Any person, firm, partnership, association or corporation owning, keeping, or harboring dogs, and having more than three dogs in an urban neighborhood in the Town of Searsport as defined by the Maine Department of Transportation shall apply for and obtain a kennel license from the Town Clerk. Any person, firm, partnership, association or corporation owning, keeping, or harboring dogs, and having more than five dogs in a rural neighborhood in the Town of Searsport as defined by the Maine Department of Transportation shall apply for and obtain a kennel license from the Town Clerk. Before such a kennel license is issued the premises to be facilitated as a kennel shall be inspected by the Animal Control Officer. Said kennel must conform to all kennel requirements as set forth in MRSA Title 7. The Animal Control Officer may perform an annual kennel inspection if he/she deems it necessary. The Animal Control Officer will inspect said kennel if any citizen makes a complaint that said kennel is not in compliance with MRSA Title 7.

B. After any kennel inspection, the Animal Control Officer will report his/her findings back to the Town Clerk. If an applicant's location or an existing kennel is found not to be in compliance with MRSA Title 7, the Town Clerk may deny or revoke the application or kennel license. This denial or revocation is in addition to any criminal or civil charges brought by the Animal Control Officer against the person, firm, partnership, association or corporation owning, applying for or having a kennel in violation of MRSA Title 7.

C. Any person, firm, partnership, association or corporation owning, keeping, or harboring dogs in excess of the numbers prescribed in Section VI (A) shall be considered in violation of the Animal Control Ordinance and subject to the penalties set forth in Section XI.

SECTION VII NOISE, DISTURBANCE PROHIBITED; COMPLAINT; NOTICE TO ABATE; PENALTY

A. No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace of any person. A person who keeps or maintains a dog whose barking or howling, sustained for one hour or intermittently for three hours,

can be heard at or beyond the boundary of the property on which the dog is located violates this section.

B. No person shall keep or maintain a dog which creates a nuisance by habitually chasing, biting or in any other manner disturbing the peace and quiet of any other person.

C. Penalty. Any person who violates this section commits a civil violation for which a civil penalty of not less than \$100.00 nor more than \$1,000.00 shall be assessed. Upon a finding of more than one violation involving the same dog or dogs, the court may order the dog or dogs forthwith removed beyond Town limits, or in the alternative, order the Town to humanely dispose of, give away or sell the dog or dogs.

SECTION VIII CANINE WASTE

A. It shall be a violation of this section for any person who owns, possesses or controls a dog to fail to immediately remove and properly dispose of any feces left by his/her dog on any sidewalk, street, or public property

B. Sears Island, in order to promote a healthy environment any area of beach exposed by low tide shall be treated the same as normally exposed areas above the high tide mark under this section.

C. Enforcement: The provisions of this section may be enforced by any designated representative of the Health Officer, the Animal Control Officer, or the Chief of Police.

D. Exemption: This section shall not apply to a dog (service dog) accompanying any physically challenged person who, by reason of his or her incapacity, is physically unable to comply with the requirements of this section.

SECTION IX STRAY ANIMALS

A. Any resident of the Town of Searsport who finds an animal roaming at large within the boundaries of the Town of Searsport may report such animal to the Animal Control Officer. The Animal Control Officer shall make a reasonable attempt to locate the owner of the animal. If an owner is not found the Animal Control Officer shall take the animal to the animal shelter designated by the Town of Searsport Board of Selectmen.

B. Any resident of the Town of Searsport who finds an animal roaming at large who provides sustenance and shelter for such animal for three (3) or more consecutive days will be considered the owner of such animal for purposes of this Ordinance.

SECTION X - DEFINITIONS

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.

Dog - shall be intended to mean both male and female dogs.

Keeper - means a person in possession or control of a dog or other animal.

Kennel - means one pack or collection of dogs kept in a single location under one (1) ownership for breeding, hunting, show, training, field trials, exhibition, or personal enjoyment purposes.

Owner - means any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal.

SECTION XI - PENALTY

With the exception of Section VII, any person who violates any of the provisions of this ordinance commits a civil violation for which a civil penalty of not less than \$50.00 nor more than \$500.00 shall be adjudged. Each day that an individual remains not in compliance is considered a separate violation. All fines shall inure to the Town of Searsport.

SECTION XII - VALIDITY

Should any section or part of the Ordinance be held by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION XIII – EFFECTIVE DATE

This ordinance shall become effective when adopted by the voters of the Town of Searsport.

This ordinance was adopted by the voters of Searsport at the Town Meeting held on Saturday, March 13, 1993.

This ordinance was amended by the voters of Searsport at a Special Town Meeting held July 17, 2002.

This ordinance was amended by the voters of Searsport at the Town Meeting, held on Saturday March 5, 2016.

This is a true and attested copy by:


Deborah Plourde, Town Clerk