**ANIMAL CONTROL ORDINANCE**

for the Town of Georgetown, Maine

Adopted June 12, 1999 Amended June 17, 2000

Amended June 12, 2010 Amended June 08, 2013

Amended June 18, 2016

 **1 Purpose:** The purpose of this ordinance is to require, in accordance with Title 7 M.R.S.A. Part 9*,* that all dogs in the Town of Georgetown be kept under the control of their owners at all times so that they will not injure persons, damage property, or create nuisances.

 **2 Authority:** This Ordinance is adopted pursuant to 7 M.R.S.A. § 3950, which provides that Maine municipalities are “empowered to adopt or retain more stringent ordinances, laws, or regulations” than the State provides on dog licensing and control.

**3 Definitions:**  The following terms shall have the meanings indicated:

1. *At large:* Off the premises of the owner and not 1) on a leash no more than six feet long, 2) under effective voice control, or 3) under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
2. *Dangerous dog:* A dog that:
	1. Bites an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the bite; or
	2. Causes a reasonable and prudent person, who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner, to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal.

 "Dangerous dog" does not include a dog certified by the State and used for law enforcement use. "Dangerous dog" does not include a dog that bites or threatens to assault an individual or animal who is on the dog owner's or keeper's premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.

1. *Dog:* A member of the genus and species *canis familiaris*, as well as any wolf hybrid.
2. *Nuisance:* Shall mean to:
	1. Unnecessarily annoy or disturb any reasonable person by:
		1. Continued or repeated barking, howling or making any other loud or unusual noise anytime, day or night, however, this provision shall not apply to working dogs or agricultural guard dogs engaged in protecting livestock; or
		2. Causing unreasonable smell off the premises of the owner;
	2. Create litter off the premises of the owner, unless the owner immediately removes and disposes of such litter, including feces, in a safe and healthful manner;
	3. Cause damage to property other than the owner’s; or
	4. Chase automobiles, motorcycles, bicycles, or other vehicles.
3. *Owner:* Any person, organization, firm, partnership, or corporation that owns, possesses, is responsible for, or has custody of a dog.
4. *Voice control:* Controlling a dog effectively by voice commands.

**4 Restrictions:** It shall be unlawful in Georgetown:

1. To allow a dog to run at large, as defined above, except when used for hunting;

 B . To own a dangerous dog, as defined above, unless it is confined or muzzled.

1. To own a dog that creates or causes a nuisance, as defined above ; or
2. To fail to maintain a collar or harness, to which is attached to an identification tag with the owners name and address or telephone number, on any dog two months of age or older.
3. **Enforcement:**
4. The Animal Control Officer (ACO) shall enforce this Ordinance.
5. The ACO shall apprehend any dog at large and:
	1. Shall record its breed, color, sex, license number, and the name and address or telephone number of its owner;
	2. Shall attempt to locate and return the dog to the owner;
	3. If the owner cannot be readily located, the ACO may transfer the dog to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees established by the Animal Shelter;
	4. Shall assess the fees set forth in Section 6 below and, if the dog is unlicensed, require that it be licensed.
6. The ACO shall respond to and investigate reports of dogs creating a nuisance and:
	1. Shall attempt to locate the owner;
	2. If the owner cannot be located within 24 hours of the initial report, the ACO may transfer the dog to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees assessed by the Animal Shelter;
	3. Shall assess the fees set forth in Section 6 below, order that the nuisance be remedied and, if the dog is unlicensed, require that it be licensed.
7. The ACO shall respond to and investigate reports of dangerous dogs not properly confined or muzzled and:
	1. Shall attempt to locate the owner;
	2. If the owner cannot be located immediately, the ACO may transfer the dog to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees assessed by the Animal Shelter;
	3. Shall assess the fees set forth in Section 6 below, require that the dog be confined or muzzled at all times, and, if the dog is unlicensed, require that it be licensed.
8. An ACO may shoot or otherwise humanely euthanize a suspected rabid animal if harm to humans or other animals is imminent.

 **6 Penalties:**

1. Running at large. The owner of a dog found running at large shall be fined $15 for the first violation, $25 for the second violation, $50 for the third violation, and $100 for each additional violation. Repeat offenses shall be counted within the two-year period ending with the most recent violation.
2. Nuisance dogs. The owner of a dog that creates or causes a nuisance shall be fined $50 for the first violation and $100 for each additional violation.
3. Dangerous dog. The owner of a dog identified as dangerous who does not keep the dog confined or muzzled as required by this Ordinance shall be fined $50 for the first violation and $100 for each additional violation.
4. If a dog has been taken to the Animal Shelter, the owner shall pay the Society its processing and boarding fee, in addition to the penalties paid to the Town.
5. Unclaimed dog. The owner of a dog who is notified that the dog has been impounded shall pay the Town an additional fine of $25 if the dog is unclaimed more than a week after receipt of notification.
6. General penalty. A person who violates any other provision of this Ordinance shall pay a fine of $100.
7. **Fees and Costs:**
	1. An owner must pay for all costs associated with any action taken by the ACO under this Ordinance with relation to his or her dog.
	2. Any person who violates this Ordinance shall pay the Town any fees, costs, or other expenses incurred by the ACO or Town in enforcing this Ordinance, including but not limited to attorneys’ fees and court costs.
	3. Nothing in this Ordinance shall be construed to limit the fines that the courts of this State may impose pursuant to any other statute or judicial authority.
8. **Appeal Rights**

 An owner may appeal any fines or fees assessed or orders of the ACO made pursuant to this Ordinance to the Town Of Georgetown Board of Appeals.

**9 Effective Date**

This Ordinance shall become effective upon approval at Town Meeting.

**10 Severability**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.