Animal Control Ordinance

Chapter 81

81-1 Title

81-2 Purpose

81-3 Licensing

81-4 Vaccination

81-5 Impoundment / Return of Animal

81-6 Dogs At Large

81-7 Stray Animals

81-8 Cemeteries

81-9 Nuisance Dogs

81-10 Nuisance Animals

81-11 Areas Covered by the State Animal Welfare Laws

81-12 Violations and Penalties

81-13 Administration & Enforcement

81-14 Effective Date

81-1 Title

This article shall be known as the "Animal Control Ordinance of the Town of Windham, Maine".

81-2 Purpose

The purpose of this ordinance is to preserve public peace and good order and to promote the public health, safety, and welfare of the people of Windham by establishing and enforcing regulations and restrictions on the activities of all domesticated animals which are to be consistent with the rights and privileges of the citizens of the Town of Windham. This ordinance also establishes all pertinent fees and penalties related to the violation of this ordinance.

In some cases, this ordinance is also designed to prevent the spread of the rabies virus to both the human and animal population of Windham as well to ensure the return of lost animals to their owners and to ensure appropriate emergency care if the animal is found injured.

81-3 Licensing

A. Dog license
All dogs over six months old or within 30 days of acquisition by the owner or keeper, must be properly licensed by the owner or keeper. Dogs are to be licensed at the Town Clerk's Office or at any veterinary office approved by the Department of Agriculture Animal Welfare Program to license dogs. License fees shall be those established by 7 M.R.S.A. Section 3923-A

B. Kennel License
Kennel is defined under 7 M.R.S.A. section 3907 subsection 17 as one pack or collection of dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.

A kennel license shall be obtained from the town clerk's office after the Animal Control Officer has inspected the kennel as required by 7 M.R.S.A. section 3923-C subsection 5. The Animal Control Officer shall follow the sanitation and health rules established by the Department of Agriculture Animal Welfare Program.

Kennel license fees shall be those established by 7 M.R.S.A. section 3923-C. There will also be an inspection fee of $20 for each kennel license payable to the Town of Windham. This inspection fee shall be placed in the town's Dog Licenses-Town revenue account.

This section shall not include boarding kennels as defined under 7 M.R.S.A. section 3907 subsection 8, which shall be subject to regulation by the Department of Agriculture Animal Welfare Program.

81-4 Vaccination

All dog owners must show proof of current vaccination against the rabies virus prior to being licensed. All cat owners are required to show proof of current vaccination against the rabies virus if the cat is picked up as a stray or the cat has bitten a person or other domesticated animal. A cat owner may show proof of exemption from the requirement for vaccination in accordance with the requirements of 7 M.R.S.A. section 3916 subsection 4.

81-5 Impoundment / Return of Animal

A. Animals found to be at large and/or stray shall be impounded by the town at an animal shelter designated by the Town of Windham or may be returned to the animal's owner at the discretion of the Animal Control Officer, a Police Officer, or other person appointed by the Chief of Police. If the owner/keeper of the animal is known, the Animal Control Officer, a Police Officer, or other person appointed by the Chief of Police will attempt to contact such person.

B. Animals impounded at the shelter may be reclaimed upon payment by the owner/keeper of the following fees:

1. An impoundment fee of twenty-five ($25.00) dollars for each animal, except that upon the second impoundment within a year, the fee shall be fifty ($50.00) dollars and upon the third and all subsequent impoundment within a year from the first impoundment, the fee shall be one hundred ($100.00) dollars.
2. Board in the amount charged by the contracted boarding facility per day for each animal impounded as allowed by state law.
3. Owners of dogs that cannot show proof that the dog impounded is licensed will be issued a temporary license by the shelter. The temporary license is good for ten (10) days, at the end of which the dog is to be licensed as directed by state law. Copies of temporary licenses will be forwarded by the shelter to the Animal Control Officer.

C. If the animal owner/keeper is contacted or comes forward before the animal is taken to the animal shelter, then they shall pay a fee of half the impoundment fee, section 8-5 B 1 of this Ordinance. This fee shall be paid to the Town of Windham before the animal is released to the owner/keeper. Payment must be made at the public safety dispatch center, which shall issue a receipt therefore.

81-6 Dogs At Large

A. It is unlawful for any dog, licensed or unlicensed, to be at large. "At Large" means off the premise of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

B. Dogs that are on public ways, sidewalks, public property (as defined in Subsection C of this section), private property to which the public has access and private ways in which the public has a deeded easement must be restrained unless otherwise posted. Restraint for the purpose of this ordinance shall mean being within a vehicle being driven or parked, controlled by a leash not longer than 8 feet in length, or held by a person or a tie down sufficient to prevent its escape.

C. **Public property defined** --- Publicly owned property such as buildings, parks, boat launches, parking lots, rest areas, ball fields & playgrounds.

D. Dogs being used for a hunting activity or in training for a hunting activity as well as working dogs, (including service dogs, herding dogs, police dogs, or any other dog determined by the Animal Control Officer to serve a similar function) will not be required to be leashed as long as the owner/keeper has control over the dog(s).

E. The owner or keeper of any dog found at large or off leash in a leash-required area as described in Subsection B of this section shall be subject to the penalties provided in this Ordinance.

81-7 Stray Animals

Any domesticated animal, except livestock, that is found to be running at large on a public way, public property, or the property of someone other than the owner of the animal, may be seized by the Animal Control Officer, a Police Officer, or other person appointed by the Chief of Police.

81-8 Cemeteries

No dogs or other domestic animals shall be allowed in any town owned/maintained cemeteries (Chapter 15 Cemetery Ordinance section 15-4).

81-9 Nuisance Dogs

A. Except as provided in subparagraph (B) below, no owner or keeper of a dog within the legal limits of the Town shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking, howling, or other loud or unusual noises anytime day or night. Upon a signed, written complaint by the person disturbed, the Animal Control Officer, a Police Officer or any other person appointed by the Chief of Police may investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. Thereafter, upon continuance of such annoyance or disturbance, such owner or keeper shall be guilty of a civil violation and shall be subject to the penalties established by Section 8-12 of this Ordinance.

B. Section 8-9(A) 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.

81-10 Nuisance Animals

A. Except as provided in Subsections B and C of this section, no owner or keeper shall permit or allow any animal to make sounds common to its species if such sounds recur in steady, rapid rate for any hour or more.

B. Section 8-10(A) shall not apply to farm animals kept on a property located in an area that is allowed to have farm animals under the Town of Windham Zoning Ordinance.

C. Section 8-10(A) shall not apply to dogs.

In order for the owner/keeper to be summonsed, the complainant must make a signed statement to the Animal Control Officer, a Police Officer, or other person appointed by the Chief of Police.

81-11 Effect of Ordinance upon Matters Covered by the State Animal Welfare Laws

Nothing in this Ordinance shall be construed as having any impact upon the State animal welfare laws prohibiting cruelty to animals, regulating dangerous dogs and prohibiting animal trespass or any other matter involving animals.

81-12 Violations and Penalties

Whoever violates the licensing requirements of this Ordinance shall be subject to those penalties established by 7 M.R.S.A. Section 3924. Whoever violates the at-large provisions of this Ordinance shall be subject to those penalties established by 7 M.R.S.A. Section 3915. Whoever violates any other section of this Ordinance shall be subject to a civil penalty of no less than fifty dollars ($50.00) for a first violation, of no less than one hundred dollars ($100.00) for a second violation, and no less than two hundred dollars ($200.00) for a third of subsequent violation. Said fines may be recovered before the Portland District Court. In addition to the penalties set forth, the Town may seek any appropriate injunctive relief to prevent repeated violations of this Ordinance.

A person who is issued a civil violation citation for a violation of this Ordinance may elect to pay half the fine amount specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received in full at the Office of the Town Clerk within ten (10) days of receipt of the citation. Upon receipt of such payment by the Town Clerk, the Animal Control Officer shall notify the District Court that the violation has been resolved. However, the violations alleged in the citation shall be deemed admitted for the purposes of assessing any future penalties under this section.

81-13 Administration and Enforcement

This Ordinance shall be administered and enforced by the Animal Control Officer, a Police Officer, or other person appointed or contracted to do so by the Chief of Police.

81-14 Effective Date

The provisions of this Ordinance shall take effect as of February 28, 2003

Adopted Date: January 28, 2003
Town Council Act 03-18