

## Chapter 5

### ANIMALS AND FOWL

#### ARTICLE 1. IN GENERAL

**Sec. 5-1. Purpose.**

The purpose of this Ordinance is to require, in accordance with Title 7, M.R.S.A., Part 9, that all dogs in town be kept under the control of their owners at all times so that they will no injure persons, damage property, or create a nuisance.

**Sec. 5-2. Construction.**

The provisions which apply to the owner of a dog apply equally to any person having its custody or possession.

#### ARTICLE II. DOGS

##### DIVISION 1. GENERALLY

**Sec. 5-3. Definitions.**

The following words when used in this article shall have the meaning given herein:

*At large* shall mean and include any of the following:

(1) On public streets or publicly owned property including beaches, wharves, floats, and cemeteries unless controlled by a leash or other tether of not more than eight (8) feet in length;

(2) In a motor vehicle parked and not restrained from projecting its head from the vehicle;

*Dangerous dog* means a dog which has bitten a person who was not a trespasser with a criminal intent of the owner's premises at the time of the incident; a dog which causes serious injury or death to another animal; or a dog which causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner's premises.

*Owner* shall mean and include any person owning, keeping, possessing, or harboring a dog.

*Public street* shall mean and include any street, whether accepted or unaccepted, and include turnarounds, parking lots and other portions thereof.

*Publicly owned property* shall mean and include all property owned by the town, including without limitation any park or cemetery of the town, and all property owned by any other public or governmental entity unless such entity has established different regulations.

**Sec. 5-4. License required.**

No dog shall be kept within the limits of the town unless such dog shall have been licensed and such license displayed by its owner in accordance with the statutes of the state. The provisions of this section shall not apply to any dog belonging to an out of state resident visiting within the town without the intention of becoming a resident, but the owner of such a dog shall comply with the remaining provisions of this article.

**State law reference-** Licenses for dogs, 7 M.R.S.A. § 3451 et seq.

**Sec. 5-5. Running at large prohibited.**

No dog shall be permitted to be at large within the town. Anyone whose dog, while at large and without provocation, assaults any person shall be subject to a penalty of double the otherwise applicable penalty.

**Sec. 5-6. Dangerous dog.**

It shall be unlawful to own or possess a dangerous dog as defined in sec. 5-3, except when such dangerous dog is confined or muzzled.

**Sec. 5-7. Disturbing the peace.**

No person shall own, possess, or harbor any dog which by loud, frequent, or habitual barking, howling, or yelping, disturbs the peace of any person. Any person who shall violate the provisions of this section shall, upon the first occasion thereof, be given a warning and shall, upon conviction of any subsequent violations within a period of six (6) months from such warning, be subject to a fine of not less than ten (\$10.00) and not more than one hundred (\$100.00) dollars.

**Sec. 5-8. Interference with dog control officer prohibited.**

No person shall interfere with, hinder or molest any dog control officer in the performance of any duty of such officer, or seek to release any dog in the custody of a dog control officer, except as provided in this article.

**Sec. 5-9. Records to be kept.**

It shall be the duty of a dog control officer to keep, or cause to be kept, an accurate and detailed record of the licensing, impoundment and disposition of all dogs coming into his or her custody.

**DIVISION 2. IMPOUNDMENT**

**Sec. 5-10. Causes; confinement period.**

Unlicensed dogs, whether or not at large, and dogs found running at large, whether or not licensed, shall be taken and impounded by a dog control officer in a shelter designated by the town as the town animal shelter and there confined for a period of not more than eight (8) days.

**Sec. 5-11. Notice to owner if possible.**

Where the ownership of any dog impounded under section 5-7 is known or can be reasonably ascertained by a dog control officer, such officer shall, if possible, notify the owner within three (3) days of such impoundment, but failure to give such notice shall in no way impose any liability upon the town for the destruction or transfer to another of any dog so impounded and not reclaimed within a period of eight (8) days.

**Sec. 5-12. Redemption by owner.**

Any owner may regain possession of an impounded dog upon presentation of a valid certificate of vaccination against rabies, a license for the current year and the payment of the accrued impoundment and boarding fees.

**Sec. 5-13. Refusing to reclaim dog.**

It is unlawful for a person to fail or refuse to reclaim his dog and pay the cost required by Sec. 12 within one week after receiving oral or written notice of its impoundment.

**Sec. 5-14. Disposition of unclaimed dogs.**

Any dog impounded under the provisions of this division and not reclaimed by the owner within the eight (8) days shall be considered to be abandoned by the owner and the property of the city and may, after consultation with the Humane Society and/or the Animal Refuge League, be humanely destroyed or given to the Humane Society and/or the Animal Refuge League or any person deemed to be responsible and a suitable owner who will agree to comply with the provisions of this article.

**Sec. 5-15. Disposition of dogs which have bitten persons.**

The owner of a dog who knows or has been advised that their dog has bitten a person shall have the dog confined at Animal Rescue League, at the owner's expense, for at least ten consecutive days and shall notify the Health Officer immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the dog nor allow it to be destroyed.

**Sec. 5-16. Fees.**

(a) Any dog impounded under this division may be reclaimed upon payment of the accrued boarding charges at the rate established pursuant to Title 7, M.R.S.A., Part 9.

**DIVISION 3. CANINE WASTE**

**Sec. 5-17. Duty to dispose.**

It shall be a violation of this division for any person who owns, possesses or controls a dog to fail to remove and dispose of any feces left by his/her dog on any street, publicly owned property, or property of another person without permission.

**Sec. 5-18. Enforcement.**

The provisions of this division may be enforced by any designated representative of the health officer, any law enforcement officer, or any animal control officer.

**Sec. 5-19. Penalties for violation.**

Violation of this division shall be punished by a civil penalty not to exceed fifty dollars (\$50.00) for each occurrence.

**Sec. 5-20. Exemption.**

This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this division.

**Ch. 5 Animals and Fowl**  
**Art. III Keeping of Domesticated Fowl**

**ARTICLE III. KEEPING OF DOMESTICATED FOWL**

**Purpose.**

The purpose of this article is to provide standards for the keeping of domesticated fowl in the IR-1, IR-2 and I-B zones as a conditional use. It is intended to enable residents to keep a small number of fowl on a noncommercial basis while creating standards and requirements that ensure that domesticated fowl do not adversely impact the neighborhood surrounding the property on which the fowl are kept.

**Sec. 5-21 Number and type of fowl allowed.**

- (a) The maximum number of fowl allowed is twenty (24) per lot regardless of how many dwelling units are on the lot.
- (b) Fowl allowed include chickens, turkeys, ducks and others may be kept as well.

**Sec. 5-22 Non-commercial use only.**

- (a) Fowl shall be kept as pets and for personal use only; eggs can be sold to off set cost but no person shall engage in fowl breeding or fertilizer production for commercial purposes.

**Sec. 5-23 Enclosures.**

- (a) Fowl should remain on the permittees property and not be a nuisance to abutting property owners. Fowl must have access to an enclosure or fenced area (fowl pen) for protection from predators, roosting and egg laying. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition, at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- (b) Fowl shall be secured within a fowl house during non-daylight hours.
  - (1) Any type of fowl house shall be at least twenty-five (25) feet from any residential structure or any other premises on any adjacent lots. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and latched at night. The fowl house must be well maintained.
  - (2) Fowl houses shall meet zoning setbacks applicable to detached accessory structures (sheds). For property where no rear yard exists, a side yard may be used as long as the setbacks for structures generally applicable in the zoning district are met. In no case may a fowl house be placed in the

front yard. Fowl houses are not allowed to be located in any part of a home.

**Sec. 5-24 Odor and noise impacts.**

- (a) Odors from fowl, fowl manure, or other fowl related substances, shall not be perceptible at the property boundaries.
- (b) Perceptible noise from fowl shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

**Sec. 5-25 Predators, rodents, insects, and parasites.**

The property owner and/or fowl owner shall take all necessary action to reduce the attraction of predators, rodents and insects that could result from the presence of fowl and their enclosures. If unhealthy conditions to human habitation result from keeping of fowl, they may be removed by the Town through the Animal Control Officer, or any other designee, and the cost of the same shall be borne by the property owner and/or fowl owner.

**Sec. 5-26 Feed and water.**

Fowl must be provided with access to feed and clean water; such feed and water shall be unavailable to rodents, wild birds and predators.

**Sec. 5-27 Waste storage and removal.**

Provision must be made for the storage and removal or composting of fowl manure. Stored manure shall be covered by a fully enclosed vented container. No more than one, twenty gallon container of manure shall be stored on any one property housing fowl. Manure composting shall be done in a suitable location so as not to create a nuisance to abutting property owners. In addition, the fowl house, fowl pen and surrounding area, must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**Sec. 5-28 Revocation of permit.**

A permit to keep fowl may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article.

**Sec. 5-29 Removal of fowl.**

If an order to remove fowl is issued by the Animal Control Officer, the Health Officer or the Code Enforcement Officer, the fowl must be removed within thirty (30) days of the date that the order is issued. This includes all structures related to all of the fowl.