

## CHAPTER 37 DOGS, ANIMALS AND FOWL

### ARTICLE I IN GENERAL (RESERVED)

### ARTICLE II DOG ORDINANCE

#### **Section 37-201 Title**

This Ordinance shall be known and may be cited as the "Dog Ordinance of the Town of Freeport, Maine".

#### **Section 37-202 Authority and Purpose**

This Ordinance is enacted pursuant to the authority in Title 30A M.R.S.A., Sections 2101 and 3001 and the purpose of this Ordinance is to provide regulations in addition to those contained in Title 7 M.R.S.A., Sections 3911-3964 with respect to controlling dogs throughout the Town of Freeport in the interest of the health, safety and general welfare of its residents.

#### **Section 37-203 Definitions**

203.1 "At Large" means off the premises of the owner and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog.

203.2 "Owner" means any person, firm, association, partnership, or corporation owning, controlling, keeping or harboring a dog.

203.3 "Nuisance" shall mean a dog which by loud, frequent, and habitual barking, howling or yelping, disturbs the peace, or a dog which chases persons or vehicles, or a dog which causes damage to persons or property.

203.4 "Dangerous Dog" shall mean a dog that causes reasonable fear of bodily injury to any person or which attacks or threatens to attack any person.

203.5 "Cemetery" means a public or private graveyard, burial ground, or area set apart for interment of the dead, including not only the individual lots for depositing of the dead but also any areas surrounding said lots that are within the borders of the graveyard, burial ground, or area set apart for interment of the dead.

#### **Section 37-204 Regulations**

204.1 No dog shall be kept within the limits of the Town unless such dog shall have been licensed and such license is 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.

204.2 An owner shall not permit a nuisance.

204.3 Dangerous dogs shall be confined in a secure enclosure or on a chain or leash controlled by the owner or custodian at all times.

204.4 It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting.

204.5 No person shall cause or permit any animal or dog owned by him or her, in his or her custody, or under his or her control to be within any cemetery unless on the walkways and roadways and held in leash by a responsible person, the leash not to exceed eight (8) feet in length or unless one dog under voice control.

204.6 An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

### **Section 37-205 Fees and Boarding Charges**

Prior to the release of an impounded dog, the owner shall pay the following to the Town Clerk:

205.1 The per diem and mileage cost of the officer who impounds the dog.

205.2 An impoundment fee of \$25.00 for each dog.

205.3 Animal Shelter Board Fee.

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

## **ARTICLE III**

### **Section 37-301 Penalties**

301.1 Owners who violate the provisions of this Ordinance shall be punished by a civil penalty in accordance with MSRS Title 7 Section 3915 as amended from time to time. Each day of violation shall constitute a separate violation. All penalties recovered shall be paid to the Town. Before initiating an enforcement action against any person for a second or subsequent violation, the Chief of the Police Department shall personally inquire into the facts and circumstances of the matter and make a determination that the violation is sufficiently serious to warrant an enforcement action. If the Police Chief determines that a dog constitutes a habitual nuisance or is dangerous, the Town may seek a court order requiring the removal of the dog beyond the Town limits or the destruction of the dog.