

**TOWN OF SIDNEY, MAINE
ANIMAL CONTROL
DOG NUISANCE ORDINANCE**

SECTION 1. PURPOSE

The purpose of this ordinance is to control dogs throughout the Town of Sidney in the interest of health, safety and general welfare of its residents.

SECTION 2. DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES

- A. "DOG" shall mean both male and female whether neutered or not.
- B. "OWNER" shall mean any person, firm, association or corporation owning, keeping or harboring a dog.
- C. "AT LARGE" shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.
- D. "DANGEROUS DOG" shall mean a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.

SECTION 3. LICENSE REQUIRED

All dogs kept, harbored or maintained by their respective owners in the Town of Sidney shall be licensed and tagged in accordance with the appropriate laws of the State of Maine, M.R.S.A. 3921.

SECTION 4: DISTURBING THE PEACE

It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit such dog to disturb the peace of any person. Any owner or keeper causing or permitting a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing or damaging the property of any person.

SECTION 5. RUNNING AT LARGE

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

SECTION 6. CONFINEMENT OF CERTAIN DOGS

A: It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while the dog is in heat unless such dog is restrained with a leash, cord, or chain which shall not be more than eight (8) feet long by the owner or agent.

B. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious. Procedures regarding the complaints of dangerous dogs and the method of restraint, confinement or disposal shall be prescribed and required by Maine Statutes Annotated, Title 7, Section 3952 and succeeding amendments.

SECTION 7. IMPOUNDING

Any Police Officer, Animal Control Officer or Constable within the Town of Sidney shall seize, impound, or restrain any dog violating this ordinance or State law. A dog found in violation of Section 5 shall be delivered to the owner when possible if the owner or keeper can be determined, and is readily available to take possession of the dog.

When a dog of known ownership is found in violation of Section 5 three (3) or more times in a six (6) month period, an Animal Control Officer or person acting in that capacity, may take the dog to the animal shelter and notify the Owner in accordance with Section 8.

SECTION 8. IMPOUNDMENT

When impounding any dog, the Animal Control Officer or Police Officer shall at the time of such impoundment list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the dog as can be reasonably ascertained. A copy of this registry shall be furnished to a shelter designated by the Town of Sidney with written instructions setting forth conditions under which the dog may be released.

When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall when possible, notify the owner or keeper if it can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Sidney or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

If the owner does not claim the dog within six (6) days following impoundment then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws.

SECTION 9. IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and by paying to the town a fee of thirty dollars (\$30) for each offense. The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of dog. All fees to be deposited in the separate account as required by M.R.S.A. 7, Section 3945.

SECTION 10. ENFORCEMENT

It shall be the duty of all Law Enforcement Officers with jurisdiction in the Town of Sidney to enforce all the provisions of this Ordinance. Further, there shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance.

SECTION 11. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and upon conviction thereof shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) to be recovered by a complaint before the Maine District Court, District Seven of Southern Kennebec County, subject to the rights of exception and appeal as are provided by law. All fines collected shall be recovered to the use of the Town of Sidney and deposited in a separate account as required by M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).

SECTION 12. SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 13. AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be in full force and effect when enacted, March 20, 2010.