

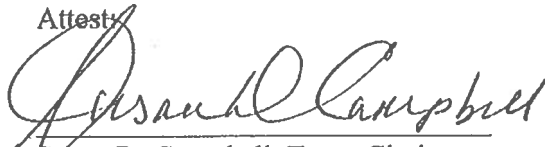
Town of Chebeague Island Code of Ordinances
Chapter 19 – Public Health and Welfare
Article II – Dog Control

DOG CONTROL ORDINANCE

of the Town of Chebeague Island
MAINE

Adopted by the Town Meeting:
Effective: November 19, 2011

Attest:



Susan D. Campbell, Town Clerk

Seal:

Town of Chebeague Island Code of Ordinances
Chapter 19 – Public Health and Welfare
Article II – Dog Control

SECTION 101. TITLE

This Ordinance shall be known as and may be cited as the “Dog Control Ordinance for the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance”.

SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to provide regulations in addition to those contained in Title 7, M.R.S.A. with respect to controlling dogs throughout the Town of Chebeague Island in the interest of the health, safety and general welfare of its residents, visitors, domestic and farm animals, and wildlife. This Ordinance is adopted pursuant to 30-A M.R.S.A. §3001.

Note that 7 M.R.S.A. §3901 - 4163 comprise the state's dog laws with provisions for licensing requirements and the disposition of loose or dangerous dogs, among others.

SECTION 103. DEFINITIONS

a) **At Large** means a lack of restraint, confinement, or control. A dog is ‘at large’ when it is off its owner's or keeper's premises, without a leash, and without a person in control of the dog; a dog running, wandering, roving and rambling at will, when it is beyond control or call and is acting on his own initiative, and under such circumstances wherein there is no connection, physical or sympathetic, between the dog and the master. A dog loose, leading or following the person in charge, more than thirty feet away and/or not within sight so that the person is not able to exercise full control over the dog, is also ‘at large’.

b) **Dangerous dog** means a dog that bites an individual or a domesticated animal not trespassing on the dog owner's or keeper's premises at the time of the bite, or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises acting in a reasonable and nonaggressive manner to fear imminent bodily injury through 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 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. For the purposes of this definition, ‘dog owner's or keeper's premises’ means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.

c) **Owner** means a person owning, keeping or harboring a dog or other animal.

Town of Chebeague Island Code of Ordinances
Chapter 19 – Public Health and Welfare
Article II – Dog Control

d) **Keeper** means someone with care, custody, and control of a dog. One becomes the 'keeper' of a dog only when he either with or without the owner's permission undertakes to manage, control, or care for it as dog owners customarily do.

e) **Securely confined** means use of a building, heavy duty dog run, or fenced area, not including an area enclosed only by an electronic invisible perimeter fence, from which a dog can not escape.

f) Title 7 M.R.S.A. §3907 shall govern the construction of words contained in this Ordinance.

g) Any words not otherwise defined therein shall be given their common and ordinary meaning.

SECTION 104. LICENSE

No dog shall be kept within the limits of the Town of Chebeague Island unless it is duly licensed by its owner in accordance with the statutes of the State of Maine.

SECTION 105. DOG CONTROL

a) No person owning or keeping a dog within limits of the Town of Chebeague shall permit it to stroll or roam at large off premises owned or occupied by such persons.

b) A dog exercising, running, strolling, swimming on a beach while off leash must be kept under close supervision and must have the full attention of its owner or keeper.

c) A person owning or keeping a dangerous dog must keep said dog securely confined or muzzled when on the owner's or keeper's property, and controlled on a strong leash no longer than 6 feet when not on the owner's or keeper's property.

d) No person owning or keeping a dog shall permit, by its loud, frequent, or habitual barking, howling, or yelping to disturb the peace of any other person or persons.

e) It shall be the duty of any owner or keeper of a dog or anyone in possession or control of a dog to remove and dispose in a safe and healthful manner, any waste left by the animal on any street, roadside, beach (above and below the high tide mark), publicly owned property, or any private property where that person does not have permission of the owner to leave waste.

{*Exemption.* The requirements for removing dog waste under this section shall not apply to a dog accompanying any handicapped person, who, by reason of the handicap, is physically unable to comply with the requirements of this section.}

f) Persons owning or keeping a dog must ensure that said dog wear a collar having an identification tag providing owner or keeper contact information, as well as current rabies vaccination tags.

Town of Chebeague Island Code of Ordinances
Chapter 19 – Public Health and Welfare
Article II – Dog Control

SECTION 106. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered by the Town Administrator and may be enforced by the Animal Control Officer or law enforcement officer with jurisdiction in the Town of Chebeague Island.

SECTION 107. PENALTIES

State law prescribes penalties for violations of licensing and dog control issues. Licensing violations may be adjudged at not more than \$100 (7 M.R.S.A. § 3924). Dog control violations may be adjudged at greater than \$50 but no more than \$250 for first offences; greater than \$100 but no more than \$500 for subsequent offences. Although dog waste and associated violations are not mentioned in State law, failure to remove and properly dispose of dog waste is a dog control issue and therefore will be assessed the same penalties.

SECTION 108. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

SECTION 109. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.