

TOWN OF WILTON

Dog Control Ordinance

Enacted: June 16, 2014

Replaces Town of Wilton Dog Ordinance - March 13, 1972 as amended

Amended:

Certified by:



Name – *Diane Dunham*

Town Clerk

Affix Seal

**Town of Wilton
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**Town of Wilton
Dog Control Ordinance**

Article 1. Purpose and Definitions

Sec. 1.1. Title

This Ordinance shall be known as and may be cited as the Town of Wilton Dog Control Ordinance and will be referred to herein as "this Ordinance". This ordinance repeals and replaces the Town of Wilton Dog Ordinance adopted on March 13, 1972 as amended.

Sec. 1.2. Authority

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town of Wilton in accordance with the provision of 30-A MRSA §3001 and 7 MRSA §3950.

Sec. 1.3. Purpose

The purpose of this ordinance is to protect the health, safety and welfare of Wilton residents by holding dog owners accountable for the acts of their animals without imposing unreasonable restrictions on owners and dogs in their normal activities.

Sec. 1.4. Administration and Enforcement

The Municipal Officers, Animal Control Officer, Police Officers, or any other duly appointed agent(s) of the Municipal Officers, shall administer and enforce this Ordinance.

Sec. 1.5. Definitions

A. At Large. "At large" shall be intended to mean off the premises of the dog owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain, at "heel", or under command.

B. Dangerous Dog. "Dangerous dog" means a dog as defined in 7 MRSA §3907(12-D), as amended.

C. Dog. "Dog" means a member of the genus and species known as canis familiaris or any canine, regardless of generation, resulting from the interbreeding of a member of

canis familiaris with a wolf hybrid as defined below. For the purpose of this ordinance, the meaning of "Dog" shall include those animals meeting the definition of "Wolf hybrid."

D. Domesticated Animal. "Domesticated animal" means a dog, cat or other animal commonly kept as a companion, and also includes livestock as defined in 7 MRSA, §3907, Subsection 18-A.

E. Owner. "Owner" means any person or persons, firm, association, partnership, corporation or other legal entity amendable to civil process, owning, keeping, harboring, in possession of, or having control of a dog or dogs.

F. Owner's Premises. "Owner's premises" means the residence or residences, including buildings and land and motor vehicles belonging to the owner of the dog.

G. Nuisance. "Nuisance" means excessive and/or habitual barking, howling, or yelping by any dog or dogs.

H. Secure Enclosure. "Secure enclosure" means a fence or structure of at least six feet in height forming or making an enclosure suitable to prevent the entry of children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner, such as tethering the dangerous dog. The secure enclosure must be locked, be designed with a secure top, bottom and sides, and be designed to prevent the animal from escaping from or reaching through the enclosure. Any fencing material used in the construction of the secure enclosure shall have openings of no more than two inches.

I. Transfer. "Transfer" means to sell, give or otherwise convey ownership or possession of a dog to another person, or to cause a dog to be moved beyond the municipal boundaries.

J. Wolf Hybrid. "Wolf hybrid" means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domesticated dog or wild canid hybrid. Wolf hybrid includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid. Wolf hybrids must also be registered with the Maine Warden Service.

Article 2 Dogs

Sec. 2.1. Disturbing the Peace Prohibited

It shall be unlawful for the owner of a dog to cause or permit such dog to disturb the peace of any person by biting, chasing, or continued barking or howling or in any other manner, or destroy the property of any person.

Sec. 2.2 Running at Large Prohibited

No owner shall cause or permit any dog owned or kept by him, or in his possession or under his control, to run at large within the Town limits. Dogs while on any public way or place shall be under restraint, which is defined as: controlled by a leash, at "heel", beside a competent person and obedient to that person's commands, within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. Nothing in the Ordinance shall be held to require the leashing of any dog while on private premises. A leash shall not be more than eight feet long.

When dogs are found running at large and their ownership is known, such dogs need not be impounded but the Town, through its duly authorized agents, may, at its discretion, cite the owners of such dogs to appear in court to answer charges of this Ordinance.

Sec. 2.3. Impoundment: Dogs found running at large and the owners are unknown, shall be taken and impounded in a shelter or kennel designated by the Town and there confined in a humane manner according to shelter policy.

Sec. 2.4. Duty to Dispose of Feces

It shall be a violation of this article for any person who owns, possesses, or controls a dog to fail immediately to remove and dispose of any feces left by his or her dog on any street, sidewalk, publicly owned property or private property of another.

Sec. 2.5. Violations and penalties

A person who violates any provision of this Article shall be fined and subject to a civil penalty of at least \$50.00 but not more than \$250.00 for a first violation and not less than \$100 nor more than \$500 for 2 or more violations, pursuant to 7 M.R.S.A. § 3914 as amended. Each day of violation shall constitute a separate violation. All fines shall be paid to the Town. The Municipal Clerk shall deposit any fees and court fines collected pursuant to this Ordinance into a separate account pursuant to 7 M.R.S.A. § 3945. In addition to paying the minimum fine set forth above, the owner shall also be responsible for the Town of Wilton's attorney's fees and costs incurred by the Town in conjunction with the enforcement of any provisions of this ordinance.

Article 3. Dog Barking

Sec. 3.1. Purpose

The purpose of this Article is to regulate dog barking within the Town and to address the problems caused by excessive dog barking.

Sec. 3.2. Barking Dogs

No owner or person having custody of any dog or dogs within the legal limits of the Town shall keep or maintain a dog or dogs which create a nuisance by as defined under Section 1.5(G) of this Ordinance.

An owner who keeps or maintains a dog or dogs whose barking, howling, or yelping sustained for one hour or more, can be heard beyond the boundary of the property on which the dog(s) is(are) located, violates this section.

Sec. 3.3. Complaint

A written complaint from a person or persons disturbed by a barking dog or dogs shall include the date the disturbance began, the description of the disturbance, and the length of time of the disturbance. The complaint must be signed and sworn to the Town's Animal Control Officer and/or any Police Officer representing the Town. Any of the above authorities may investigate and may give written warning to the owner of the violation of this Article, and order that said violation must cease. The written warning shall be made part of the complaint. See attached barking/howling log/statement forms.

Sec. 3.4. Violations and penalties

A person who violates any provision of this Article shall be fined and subject to a civil penalty of at least \$50.00 but not more than \$250.00 for a first violation and not less than \$100 nor more than \$500 for 2 or more violations, pursuant to 7 M.R.S.A. § 3914 as amended. Each day of violation shall constitute a separate violation. All fines shall be paid to the Town. The Municipal Clerk shall deposit any fees and court fines collected pursuant to this Ordinance into a separate account pursuant to 7 M.R.S.A. § 3945.

An owner who allows a dog or dogs to bark, howl, or yelp in violation of this Article, between the hours of 10:00 P.M. and 7:00 A.M. shall be subject to double penalties.

The Municipal Officers, the Animal Control Officer, a Police Officer, or any other duly appointed agent(s) of the Municipal Officers, at their exclusive discretion, may limit the number of violation citations issued within a twenty-four hour period if they determine that the means to abate the dog barking, howling, and/or yelping is beyond the ability or control of the owner to enable them to voluntarily comply in a timely manner within that period.

In addition to paying the minimum fine set forth above, the owner shall also be responsible for the Town of Wilton's attorney's fees and costs incurred by the Town in conjunction with the enforcement of any provisions of this ordinance.

Sec. 3.5. Exemptions

At the exclusive discretion of the Municipal Officers, the Animal Control Officer, a Police Officer, or any other duly appointed agent(s) of the Municipal Officers, the barking of certain dogs may be exempted from this Article, only on an incident by incident basis, including but not limited to: dogs in kennels licensed by the State of Maine under 7 M.R.S.A. §3923-C, livestock guardian dogs, guide dogs, service dogs, herding dogs, rescue dogs, training dogs, therapy dogs, sled dogs, and hunting dogs, if the complaint was filed by a property owner who was previously duly informed through disclosure per section 4-2.12 of this Article or who obtained through other means that equivalent information prior to purchasing the property. Such discretion is intended to give the above authorities the latitude necessary to determine if and when dog barking associated with kennels and the customary uses and behaviors of specialized dogs is a nuisance.

Article 4. Dangerous Dogs

Sec. 4.1. It shall be unlawful to own or possess a dangerous dog as defined in Section 1.5(B) of this Ordinance, except as otherwise ordered by a Court. An owner who is given written notice by the town's Animal Control Officer or any duly authorized law enforcement official that the owner's dog is a dangerous dog shall not without further written authorization, sell, give or otherwise convey the ownership or possession of that dog, or cause it to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, animal control officer or law enforcement officer. An owner receiving such notice shall immediately place the dog under confinement for a period of at least ten days and shall promptly obey all rabies detection and control directions of any of the above officials concerning that dog. An owner receiving such notice shall comply with all applicable regulations of the Maine Department of Agriculture and Maine Department of Health and Human Services concerning rabies detection and control.

Sec. 4.2. Special Restraint of Dangerous Dogs

Any dog that has been determined by a court to be a dangerous dog shall be confined to a secure enclosure on the owner's premises. The secure enclosure shall conform to all building setbacks contained within the Town of Wilton Building Ordinance, and shall be subject to inspection by the town's Code Enforcement Officer. The secure enclosure shall in no event encroach any closer than three feet to any mail receptacle or entrance or exit to a house or other building, or driveway, walkway, stoop or stairs leading to a building, home fill pipe or utility meter.

Sec. 4.3. Insurance Provision

The owner of any dog that has been determined by a court to be a dangerous dog shall be required to obtain liability insurance in an amount not less than \$300,000.00 covering

bodily injury or death of any person or animal, or for property damages, resulting from the keeping of the dangerous dog. Coverage shall be obtained within five business days of a court's finding that a dog is dangerous. Proof of coverage must be provided to the town's Animal Control Officer and/or Code Enforcement Officer, and such policy must provide for notification to the town in the event of cancellation or non-renewal for any reason. If the town is notified that coverage has lapsed, the owner shall have twenty-four hours, after notice by the town, to provide evidence of renewal or replacement coverage.

Sec. 4.4. Enforcement and Penalties

Article 4 shall be enforced by the town's Animal Control Officer and/or Code Enforcement Officer, or any other duly authorized law enforcement official. Any owner found in violation of any of the provisions of this ordinance shall be guilty of a civil violation and shall be assessed the following minimum financial penalty:

First offense: \$500.00

Second offense: \$750.00

Third offense: \$1,000.00

Subsequent offenses(s): \$1,000 per offense

Each day of violation shall constitute a separate offense.

In addition to paying the minimum fine set forth above, the owner shall also be responsible for the Town of Wilton's attorney's fees and costs incurred by the Town in conjunction with the enforcement of any provisions of this ordinance.

Article 5. Severability

Should any portion of these Articles be found invalid for any reason by a court of competent jurisdiction, then all portions not found invalid shall remain unaffected and continue in full force and effect.

Article 6. Mediation

In cases where citation(s) under this Article involve disputes between abutter(s) and/or or neighbor(s) and the cited individual(s) regarding violations, these parties are advised to retain the services of a mediator listed by the Court Alternative Dispute Resolution Service (CADRES) at their expense to avoid the possibility of lengthy and costly litigation.

Article 7. Kennels

Any owner(s) who must obtain and maintain licensing by the State of Maine as a kennel under 7 M.R.S.A. §3923-C, must comply with the Town Zoning Ordinance, which regulates where kennels may be located, and the Town Site Review Ordinance, which regulates approvals for such operations. Those who possess kennel licenses and are in compliance with the Town's Zoning Ordinance are not held harmless and are fully subject to this Article.

Article 8. Effective Date

The effective date of this Ordinance is June 16, 2014.

