

Chapter 302

DOG CONTROL

§302-1. Purpose

The purpose of this Ordinance is to require that all dogs in the Town of Damariscotta be kept under the control of their owners at all times so that they will not injure persons, damage property, cause unreasonable noise or otherwise create a nuisance.

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

§302-2. Definitions

AT LARGE: a dog which is off the premise of the owner and not under the control of any person by means of a chain, rope or cord of sufficient strength to control the action of such dog (or such other personal presence and attention as will reasonably control the conduct of such dog).

OWNER: any person or persons, firm, association or corporation owning, keeping, or harboring a dog.

§302-3. Dogs to be licensed in accordance with the statutes of the State of Maine

No dog shall be kept within the Town of Damariscotta unless such dog shall have been licensed by its owner in accordance with the statutes of the State of Maine.

The license fee shall be the amount included in the Town's fee schedule. The Board of Selectmen shall determine license fees based on the Town's average administrative cost to process the license. These costs shall reflect the Town's estimated costs associated with the permitted or licensed activity including the administrative time for processing the application, any required initial and follow-up inspections, legal and other professional fees and the cost for public notices.

§302-4. Dogs not to be permitted to run at large

It shall be unlawful for the owner of any dog, licensed or unlicensed, to permit such dog to run at large.

§302-5. Animals creating a nuisance by noise

(a) Anyone owning, possessing or harboring any dog which barks, howls, or makes other sounds common to its species, continuously for 20 minutes, or intermittently for one hour or more, shall be deemed to constitute a nuisance, except for dogs barking at

trespassers or threatening a trespasser on private property on which dog is situated; or any legitimate cause for provocation.

(b) Any person found violating this provision shall be subject to a fine of not less than \$25 and not more than \$100 for each offense.

§302-6. Enforcement

(a) Any police officer, animal control officer or other duly authorized person within the Town of Damariscotta, shall seize, impound or restrain any dog kept in violation of §302-3, and any dog running at large, and deliver such dog to the person who is duly authorized to have control of impounding. If the owner of such dog is known or can be located within reasonable diligence, then the person who has control of impounding shall personally notify the owner within three days of the receipt of such dog. If the owner of such dog is not known and cannot be located with reasonable diligence, then the person who has control of impounding shall post, within forty-eight hours of the time such person shall have taken such dog into his possession, written notices in three public places in the municipality, giving a description of the dog, stating where it is impounded and the conditions of release. If the owner within seven days after receiving notice, or within seven days after notice has been posted, does not claim such dog, then the person having control of impounding shall dispose of the dog by sale or otherwise, in a proper and humane manner.

(b) The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. Such record shall include

- (1) a description which identifies the dog with reasonable certainty,
- (2) the manner of disposing of the dog, and
- (3) if the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his name, address of the date of delivery or receipt of the dog.

(c) Conditions of release. §302-6(a) provides that the person giving notice shall with such notice give the conditions for the release of the impounded dog. Before such dog may be transferred to another person,

- (1) such dog shall be vaccinated with anti-rabies vaccine, or the transferee shall show proof of vaccination within the previous year,
- (2) such dog must be licensed in accordance with the statutes of the State of Maine, and
- (3) the transferee shall pay to the municipal treasurer the sum of \$5.00, the sum of \$5.00 for vaccination, and the sum of \$1.50 per day for each day, or part thereof, the dog has been impounded.

(d) Penalties. Instead of seizing and impounding the dog, the Town of Damariscotta, may prosecute the owner of any dog running at large, and any person upon conviction thereof shall be fined not less than \$10.00, nor more than \$25.00, plus the costs of prosecution.

(e) Vaccination. It shall be unlawful for the owner of any dog older than four months, less one day, to keep, maintain, or permit to run at large, such dog, unless it has been vaccinated by veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which such dog is kept, maintained or permitted to run at large. Any person found violating this provision shall be fined not less than \$10.00, nor more than \$25.00, plus costs of prosecution.

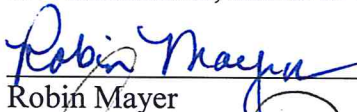
§302-7. Severability

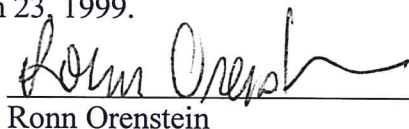
Each provision of this Ordinance shall be deemed independent of all other provisions herein. If any provision of this Ordinance be declared invalid all other provisions thereof shall remain valid and enforceable.

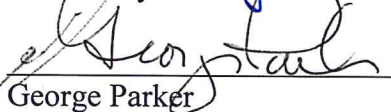
§302-8. Conflicts with Other Ordinances

All existing ordinances of the Town of Damariscotta are hereby repealed insofar as they may be inconsistent with the provision of this Ordinance.

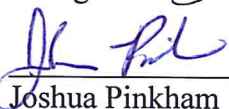
The enactment of this ordinance hereby revises the Dog Control Ordinance for the Town of Damariscotta, Maine as enacted on March 23, 1999.


Robin Mayer

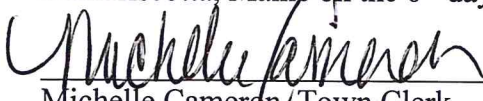

Ronn Orenstein


George Parker


James Cosgrove


Joshua Pinkham

Attest: A true copy of an ordinance entitled "Dog Control Ordinance" for the Town of Damariscotta, Maine-June 15, 2016, as certified to me by the municipal officers of Damariscotta, Maine on the 6th day of July, 2016.


Michelle Cameron, Town Clerk
Damariscotta, Maine

Legislative History

Enacted March 23, 1999; Effective April 21, 1999
Revised June 15, 2016; Effective July 1, 2016

