

# **Animal Control Ordinance Town of Hollis, Maine**

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## ANIMAL CONTROL ORDINANCE

### 1. Purpose

The purpose of this ordinance is to require that domestic animals in the Town of Hollis be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

### 2. Definitions

**Abandoned Animal:** An animal that has been deserted by its owner or keeper.

**Animal:** Every living creature not a human being.

**Animal Control:** By use of a cage, fence, leash, voice command or the animal is held within the domicile of the owner.

**Animal Control Officer:** Any person appointed by the Town of Hollis to enforce animal control laws.

**Animal Shelter:** A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals.

**At Large:** Off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.

**Beach:** Any beach within the Town of Hollis which is used by the general public.

**Dog:** Any of large and varied groups of domesticated animals in the canine family.

**Leash:** Hand held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed.

**Owner:** Any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

**Responsible Party:** As used in this ordinance, the term “responsible party” means any person who has possession or custody of a dog. If a dog is present on a beach in violation of the restrictions of this section, the owner of the dog and the responsible party are jointly and severally liable for the violation.

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**Voice Control:** As used in this ordinance, the term “voice control” means that the animal returns immediately to and remains by the side of the responsible party in response to the responsible party’s verbal command. If an animal approaches or remains within 10 feet of any person other than the responsible party, that animal is not under voice control and a violation of this Ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the animal.

### **3. Animal Control Officer**

A qualified person shall be employed by the Town of Hollis who shall be known as, and perform the duties of, Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals and also to undomesticated animals.

### **4. At Large Dogs**

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to civil penalties provided in this ordinance.

### **5. Impoundment or Return of At Large Dogs**

All dogs found at large in violation to Title 7, MRS.A Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer. If the Animal Control Officer returns the dog to its owner, the owner shall pay a \$90 (ninety dollar) return fee to the Town of Hollis before the dog is returned. The fee shall double with each reoccurrence. The payment must be made at the office of the Town Clerk or directly to the Animal Control Officer. A receipt will be issued.

### **6. Disposition of Impounded Animal**

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met, and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal’s owner may be subjected to all civil penalties authorized by this ordinance.

### **7. Impoundment Fee**

An owner may reclaim an impounded animal by first paying to the Town of Hollis at the Town Clerk’s Office, a fee of \$90 (ninety dollars) for each animal impounded. If the Town Clerk’s Office is closed, the fee shall be paid to the Town of Hollis through the Animal Control Officer. Fees must be paid and a receipt from the Town must be presented to the animal shelter before the release of an animal. All fees will be deposited in the separate account required by Title 7, MRS.A 3945.

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### 8. Animal Noise

- A. Except as provided in subparagraph B and C below, no owner shall permit or allow any of his or her animals to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more.
- B. Section 8.A. shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
- C. Section 8.B. shall not apply to farm animals kept on a property [the principal use of which is] [a use of which is] the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Hollis Zoning Ordinance. For purposes of this exception, dogs are not “farm animals” and kennels are not “farms.”

### 9. Control of Animal Waste

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.

### 10. Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty days of the assault, may make a written complaint to the Animal control Officer that the dog is a dangerous dog. The Animal control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 MRSA § 3952. After issuing the citation and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner’s premises or to have the dog at the owner’s expense at a place determined by the Animal control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District court, Superior Court or a Justice of the Peace pursuant to 7 MRSA § 3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

### 11. Trespass

An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal control Officer or a law enforcement officer that the animal was found on the property of another.

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The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and control the animal if:

the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or the animal is an immediate danger to itself, to persons or to another's property.

Any animal so removed shall be subject to the provisions of Sections 5, 6 and 7 in the same manner as an at large dog.

### **12. Tags and Licensing**

No dog shall be kept within the limits of the Town of Hollis unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag, indicating the year the license is issued and such other information as may be required under 7 MRSA §3922-B. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure within twenty-four hours upon request by the Animal control Officer. If the tag is lost, the owner shall obtain a new license, tag. The town clerk shall issue another license tag upon presentation of the original license and payment of one dollar. The clerk shall retain the one-dollar for a recording fee.

### **13. Rabies Tags**

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four hours upon request for the Animal Control Officer.

### **14. Violations/Penalties/Fees**

The Selectmen shall set fees for any dog owner that fails to license their dog on or before January 31st. The fine for failure to license a dog after January 31, but on or before February 28<sup>th</sup>/29<sup>th</sup>, shall be \$25.00. The fine for failure to license a dog after February 28<sup>th</sup>/29<sup>th</sup>, but on or before March 31st, shall be \$40.00. The fine for failure to license a dog after March 31st shall be \$55.00

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Any persons who violates Section 8 (Animal Noise) or Section 9 (Control of Animal Waste) shall be subject to civil penalties for each violation, as follows:

First violation: not less than \$50 and not more than \$100, plus costs.

Second violation: not less than \$100 and not more than \$250, plus costs.

Third and subsequent violations: not less than \$250 and not more than \$500, plus costs.

Any person who violates any other Section of this ordinance shall be subject to a civil penalty of not less than \$100 and not more than \$500 plus costs for each offense.

All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Hollis and deposited in the separate account required by 7 MRSA Section 3945.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

### **15. 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.