

**JAY ANIMAL CONTROL
ORDINANCE**

ENACTED: June 10, 2014

A TRUE COPY ATTEST CERTIFIED BY:

Ronda L. Palmer, Town Clerk

Jay Animal Control Ordinance

Part I. General Provisions

Section 101. Short Title: This Ordinance shall be known and may be cited as the “Jay Animal Control Ordinance.”

Section 102. Purposes and Policies: The purpose of this Ordinance is to control Dogs and other domesticated and undomesticated Animals within the Town of Jay in the interest of health, safety, and general welfare of its residents. As well as to provide for proper treatment and protection for domesticated Animals within the Town of Jay.

Section 103. Authority: This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3001 and 7 M.R.S.A. § 3901 *et seq.*

Section 104. Effective Date: This Ordinance is effective upon an affirmative vote at a Town Meeting.

Section 105. Severability: If any provision or section of this Ordinance is held void or invalid, such invalidity shall not affect other provisions of this Ordinance that can be given effect in whole or in part without the invalid provision.

Section 106. Repeal: The Animal Control Ordinance adopted March 17, 1986 and amended June 18, 1986 is hereby repealed.

Part II. Definitions: Subject to additional definitions contained in the subsequent Parts of this Ordinance and unless the context otherwise requires, in the Ordinance the following terms have the following meanings (such definitions to be equally applicable to all parts of speech and to both the singular and plural forms of the terms defined):

1. “Animal” means every living, sentient creature not a human being.
2. “Animal Control” means control of dogs, cats, and domesticated or undomesticated animals pursuant to 7 M.R.S.A. § 3948.
3. “Animal Control Officer” means the person who is appointed annually by the Select Board pursuant to 7 M.R.S.A. § 3947.
4. “Animal Control Shelter” means the Animal Shelter designated as the Jay Animal Shelter pursuant to Section 302 of this Ordinance.

5. "Animal Shelter" means a facility that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.
6. "At Large" means 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 animal pursuant to 7 M.R.S.A. § 3911. This section 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.
7. "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.
8. "Dangerous Dog" means a dog that bites an individual or a domesticated animal who is 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 and is acting in a reasonable and nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal pursuant to 7 M.R.S.A. § 3952.
9. "Keeper" means a person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
10. "Owner" means a person owning, keeping or harboring a dog or other animal.
11. "Person" means a human being, corporation, partnership, association, LLC, or any legal entity.
12. "Pet" means a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.
13. "Town Property" means all real property owned by the Town of Jay including, but not limited to, the Mini-Park on Church Street and the town ball fields.

Part III. Municipal Rights and Duties

Section 301. Animal Control Officer: The Select Board shall appoint an Animal Control Officer for the Town of Jay pursuant to 7 M.R.S.A. § 3947. The Animal Control Officer shall be responsible for the Animal Control in the Town of Jay. His duties shall include, but are not limited to:

- (a) Assisting the Jay Police Department, Jay Fire Department, and/or the Franklin County Sheriff's Department whenever called upon by such departments with respect to Animal Control.

- (b) Enforcing this Ordinance and all applicable State law.
- (c) Attending proceedings at the District or Superior Court as necessary.
- (d) Complying with all the terms and conditions of his working agreement with the Town of Jay.

Section 302. Animal Control Shelter: The Select Board shall designate one or more Animal Shelters as the Jay Animal Control Shelter. The Select Board shall enter into a contract with the designated Animal Control Shelter pursuant to 7 M.R.S.A. § 3949. The Franklin County Animal Shelter is designated as the Jay Animal Shelter.

The Animal Control Shelter shall be responsible to receive all Animals brought to it by the Animal Control Officer, the Jay Police Department and the Franklin County Sheriff Department. The Animal Control Shelter duties shall include, but are not limited to:

- (a) Providing an Animal Shelter that complies with all rules and regulations of the State.
- (b) Keepings or causing to be kept accurate and detailed records of all licensing, impoundment, and disposition of all animals coming into its control or custody.
- (c) Complying with all terms and conditions of its contract with the Town of Jay.

Section 303. Town Property: It shall be the right of the Select Board to post Town Property as “No Pets Allowed” or to restrict pet access to certain times of the day or certain periods of the year.

Part IV. Dogs

Section 401. License Required: All Dogs kept, harbored, or maintained within the limits of the Town of Jay shall be licensed in accordance with the appropriate laws of the State of Maine, 7 M.R.S.A. § 3921 *et seq.* This provision shall not apply to any Dog belonging to an out-of-state resident visiting within the Town of Jay without the intention of becoming a resident.

The municipal clerk may not issue a license for a Dog until the applicant has filed with the clerk proof that the Dog has been immunized against rabies.

Section 402. Running at Large: It shall be a violation of this Ordinance for any Dog, licensed or unlicensed, to run At Large within the Town of Jay. Violations of this Section are the sole responsibility of the Dog’s Owner or Keeper.

This ordinance shall not be interpreted as restricting persons owning specially trained hunting/working dogs from actually using their dogs for hunting/working said dogs in the presence of or under the control of the owner or an agent of the owner and are actually lawfully being used for hunting or training for hunting in compliance with applicable State Statutes and regulations of the State of Maine.

Section 403. Waste: It shall be a violation of this Ordinance for any Owner or Keeper of any Dog, licensed or unlicensed, to fail to remove dog waste or excrement from any sidewalk, street, or Town Property.

Section 404. Disturbing the Peace

- (a) Upon receiving a complaint of a barking or howling dog, the authorized Animal Control Officer or police officer shall investigate the allegation and upon probable cause may give notice to the owner of such dog that such annoyance and disturbance must cease.
- (b) It shall be a violation of this Ordinance to own, keep, or harbor any Dog that by habitual barking, yelping, or howling creates a nuisance and disturbs the peace and quiet of any neighborhood or persons.
- (c) Violations of this Section are the sole responsibility of the Dog's Owner or Keeper.
- (d) Subsection (a) of this section 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.

Section 405. Dangerous Dogs: It shall be a violation of this Ordinance to own, keep, or harbor a Dangerous Dog.

- (a) If a Dangerous Dog cannot be safely taken up and impounded, it shall be within the authority of the Animal Control Officer or any other police officer within the Town of Jay to use whatever force necessary to subdue such a Dangerous Dog.
- (b) If any Dangerous Dog has bitten any Person or caused an abrasion of the skin of any Person and is humanely destroyed pursuant to Subsection (a) of this section or by court order, it shall be the duty of the Animal Control Officer to preserve the body and deliver it to the State of Maine Department of Health and Human Services Rabies Lab for any necessary testing.
- (c) A person who owns or keeps a dangerous dog commits a civil violation for which the court shall adjudge a fine of not less than \$250 and not more than \$1,000, plus cost, none of which may be suspended. These penalties shall be calculated and assessed on an Owner or Keeper regardless of whether the Dangerous Dog is the same Dog in each violation.

Section 406. Impoundment of Dogs

- (a) The Animal Control Officer or any police officer within the Town of Jay may seize, impound, or restrain any Dog violating this Ordinance or State law.
 - (1) It shall be a violation of this Ordinance to interfere with, hinder, or molest any Animal Control Officer in the performance of his duties. It shall be a violation of this Ordinance to release or seek to release any Dog in the custody of the Animal Control Officer except as provided under this Ordinance.

- (b) When the owner of any such impounded Dog is known or can be reasonably ascertained by the Animal Control Officer or the Franklin County Animal Shelter, the Owner shall, if possible, be notified within three (3) days of such impoundment.
 - (1) Failure to provide such notice shall in no way impose any liability upon the Town of Jay or the Animal Control Officer or the Animal Control Shelter for destruction or transfer to another person of any Dog pursuant to Section 407.
- (c) Such Dogs shall be taken and impounded by the Animal Control Officer in the Franklin County Animal Shelter and shall be held for at least six (6) days unless the Owner shall claim the Dog.
- (d) Any Dogs impounded under the provisions of this ordinance and not reclaimed by the Owner within six (6) days shall be considered the property of the Franklin County Animal Shelter.
- (e) Any Owner may regain possession of an impounded Dog upon compliance with this Ordinance and the payment of the impoundment fees.
- (f) An Owner of a Dog impounded at the Franklin Animal Shelter is responsible for impoundment fees whether or not he claims the Dog within the six (6) day period.

Section 407. Disposition of Unclaimed Dogs: Dogs considered property of the Franklin County Animal Shelter pursuant to Section 406 may be given or sold to any person or, if no suitable home may be found, may be humanely destroyed in accordance with State law.

Part V. Treatment of Animals

Section 501. Necessary Sustenance: All Persons, Owners, or Keepers responsible for confining or impounding any Animal must supply the Animal with sufficient food and water pursuant to 7 M.R.S.A. § 4013.

- (a) Food shall be of sufficient quantity and quality to maintain all Animals in good health.
 - (1) Equines shall have sufficient hay, grain, or other feed to maintain normal body weight and feeding arrangements shall be such that each equine get its own proper share of food at least twice a day.
- (b) Potable water must be provided daily and in sufficient quantities for the health of the Animal if it is not accessible to the Animal at all times. Snow or ice is not an adequate source of water

Section 502. Medical Attention: All Persons, Owners, or Keepers responsible for confining or impounding any Animal must supply the Animal with necessary medical attention when the Animal is or has been suffering from illness, injury, or disease pursuant to 7 M.R.S.A. § 4014.

Section 503. Proper Shelter: All Persons, Owners, or Keepers responsible for confining or impounding any Animal must provide the Animal with proper shelter, protection from the weather, and humanely clean conditions pursuant to 7 M.R.S.A. § 4015.

- (a) Indoor shelters. The ambient temperature shall be compatible with the health of the Animal and the shelter shall be adequately ventilated by natural or mechanical means to provide for the health of the Animal at all times.
- (b) Outdoor shelters.
 - (1) Any Keeper or Owner of any Animal must provide sufficient shade by natural or artificial means to protect the Animal from direct sunlight.
 - (2) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions and for the species and breed of the Animal must be provided as necessary for the health of the Animal.
- (c) Space standards. The housing facilities shall be structurally sound and maintained in good repair to protect the Animal from injury and to contain the Animal. The shelter shall be a sufficient height and size to provide each Animal adequate freedom of movement.
- (d) To minimize health hazards, minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt, and trash.

Part VI. Penalty

Section 601. Enforcement Procedure: The Select Board may commence an enforcement proceeding in accordance with this Section. Prior to commencing such enforcement action, the Select Board may consult and coordinate with the Animal Control Officer, Franklin County Animal Shelter, or appropriate state agencies concerning the alleged violations.

The Animal Control Officer, Jay Police Department or the Franklin County Sheriff's Department, upon information, may issue a Notice of Violation to any Owner in violation of this Ordinance. The Notice of Violation shall include the date of alleged violation, description of the offense and shall include a specific reference to the provision of this Ordinance alleged to have been violated. Such Notice may be served by certified mail, return receipt requested, or in hand by the Animal Control Officer or any other police officer within the Town of Jay or the Franklin County Sheriff's Department.

Section 602. Civil Action: After service of the Notice of Violation, the Animal Control Officer may bring a civil action against any Owner in violation of this Ordinance in the Maine District Court. Any Owner found in violation of any of the provisions of this Ordinance or state law shall be guilty of a civil violation and upon conviction thereof shall be fined as provided in Section 603 or pursuant to 7 M.R.S.A. § 3901 *et seq.* and/or any other applicable state law. The Owner shall also be responsible for the Town of Jay's attorney's fees and costs.

Section 603. Fines: Whoever violates the provisions of this Ordinance shall be punished by a fine of \$50.00 for the first offense, \$100.00 for the second offense, and \$150.00 for each subsequent offense, with the exception of the fines as outlined in Section 405 for Dangerous Dogs.