

# TOWN OF MACHIAS ANIMAL CONTROL ORDINANCE

## 1. Title

This Ordinance may be cited as the "Town of Machias Animal Control Ordinance."

## 2. Purpose

The purpose of this Ordinance is to set a minimum standard for the care and control of all animals as defined below, that are being kept and cared for in the Town of Machias.

## 3. Definition of Terms

As used in this ordinance, unless the context otherwise indicates,

- a) "Dog" shall be intended to mean both male and female members of the canine species.
- b) "Exotic Animal" shall be intended to mean, but not limited to snake, lizard, or spider, birds.
- c) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- d) "Keeper" shall be intended to mean a person in possession or control of an animal.
- e) "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner, keeper, either by leash, or otherwise.
- f) "Animal" shall be intended to mean any living sentient creature that is not a human being.
- g) "Sentient Creature" shall be animals that are able to feel, see, hear, smell, or taste excluding humans.

## 4. Animal Control Officer

The Town of Machias shall appoint one or more animal control officers in accordance with Title 7, M.R.S.A. Section 3947, as amended. Said animal control officers shall have all of the powers provided under this Ordinance and the laws of the State of Maine.

In addition to the regular duties of animal control officers delineated by state law and this Ordinance, the animal control officers are hereby authorized to enforce the provisions of any other law regarding animals and found in Title 7, Maine Revised Statutes, Chapters 719 (Uncontrolled Dogs), 720 (Rabies Prevention), 721 (Dog Licenses), 723 (Licenses for Kennels, Boarding Kennels, and Pet Shops), 727 (Dangerous Dogs), 729 (Damage by Dogs), 730 (Ferrets), 731 (Mistreatment of Animals), 733 (Transportation of Animals), 737 (Calf and Pig Scrambles), 729 (Cruelty to Animals), 741 (Animal Trespass), Enforcement of these additional provisions shall be according to state law and procedure.

**5. License and Registration Required**

All animals kept, harbored or maintained by their owners in the Town of Machias, when so required by law, shall be licensed and registered in accordance with the appropriate laws of the State of Maine.

**6. Tag and Collar**

All dogs shall be provided with a suitable collar to which the license tag shall be attached as required by appropriate State of Maine law.

**7. Running at Large Prohibited**

No owner or keeper of any animal shall permit such animal to run at large at any time. This section shall not be construed however, to prevent the use of dogs for lawful hunting purposes or for the use of dogs or other animals on a farm for any lawful purposes.

**8. Public Nuisance**

A. No owner or keeper of any dog or animal kept within the legal limits of the Town of Machias shall allow such dog or animal to unnecessarily annoy or disturb any person by continued or repeated barking, howling or other loud or unusual noises anytime day or night.

B. No person shall allow any dog or animal owned by him/her or under his/her control to defecate upon a public street, road, sidewalk, park, or other public property within the Town of Machias, or upon private property (except for that property owned by the owner or keeper of the dog or animal) unless defecation is immediately bagged and removed and properly and adequately disposed of in a sanitary manner in a proper waste receptacle by said owner or keeper of the animal. This paragraph shall not apply to any dog trained for the purpose of aiding sight-impaired person and engaged in that function or to any person with a handicap who, by the reason of that handicap, is physically unable.

C. No person shall publicly display an exotic animal.

**9. Penalties**

Any person who violates any provision of this Ordinance commits a civil violation. The penalty for this violation is a fine of not less than \$25.00 nor more than \$250.00, plus the costs and expenses of prosecution including but not limited to all fees and expenses, and the salaries and wages of Town personnel involved in the investigating, preparing, and prosecution such violation, medical cost incurred by the designated shelter. All such fines, fees, costs, and expenses shall be paid to the Town of Machias.

Each day of violation shall constitute a separate offense, each subject to the penalty set forth herein.

**10. Repealing Provision**

All previous Animal or Dog Control Ordinances in conflict with this ordinance are hereby repealed.

**11. Severability**

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected be shall remain in full force and effect.

Date Adopted By Board Of Selectmen: May 10, 2017

Signature of Board Members:

Warren Gay \_\_\_\_\_  
Roscoe H. Haynes \_\_\_\_\_  
Fabrice Robb \_\_\_\_\_

\_\_\_\_\_ 7/2/17 \_\_\_\_\_

Date Adopted At Town Meeting: 6/14/17