TOWN OF WAYNE
ANIMAL CONTROL ORDINANCE

Part I. - PURPOSE. The purpose of this ordinance is to require that all domesticated animals in the Town of Wayne 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.

Part II. – DEFINITIONS.

A. **Domesticated Animal** – shall be intended to mean every living, sentient creature not a human being including but not limited to dogs, cats, ferrets, reptiles, fowl (i.e.: chicken, geese, ducks & swans), wildlife hybrids or livestock (i.e.: horse, cow, ox, swine, goat, pig or other grazing animal).

B. **Animal Control Officer** - shall be any person or persons, constable or law enforcement officer duly appointed/ authorized to issue compliance orders and court summons as required by this Ordinance.

C. **Running At Large** – shall be intended to mean off the premise of the owner and not under the control and restraint of any person by means of either by a leash, cord, chain, rope or cord of sufficient strength to control the action of such domesticated animal or such other personal presence and attention as will reasonably control the conduct of such domesticated animal.

D. **Dangerous Domesticated Animal** – means a domesticated animal which has bitten a person or has caused abrasion of the skin; or a domesticated animal which has caused a reasonable fear of bodily injury to any person acting in a peaceable manner by attacking or threatening to attack the person; or a domesticated animal which has attacked another person's domesticated animal shall be deemed a dangerous domesticated animal.

E. **Kennel** – shall be intended to mean one pack or collection of dogs kept under one ownership in a single premise for breeding, hunting show, training, field trials and exhibition purposes.

F. **General Nuisance** – means the causing of litter or property damage and the chasing of other animals, people, or vehicles (automobiles, motorcycles, & bicycles)

G. **Nuisance by Noise** – means any domesticated animal unnecessarily annoying or disturbing any person by continued or repeated barking, howling or making other loud sounds or unusual noises continuously for twenty (20) minutes or intermittently for one (1) hour or more. Domesticated animals barking/ alerting of trespassers on private property on which the domesticated animal is situated, dogs barking as part of an organized hunt, or dogs barking as a result of

provocation shall not be deemed a nuisance.

H. **Owner** – shall be intended to mean person or persons, firm, association, or corporation, owning, keeping, harboring, or in possession of or having control of, a domesticated animal.

Part III. – PROVISIONS.

A. **Vaccination** - It shall be unlawful for the owner of any dog older than six months to keep and maintain such dog unless it has been vaccinated with anti-rabies vaccine as required by State Statute.

B. **Licensing of Dogs** - No dog shall be kept within the limits of the Town of Wayne unless such dog shall have been licensed by its owner in accordance with the statutes of the State of Maine. A town issued tag must be worn at all times by the dog for which the license was issued.

C. **Running At Large** - It shall be unlawful for the owner of any domesticated animal, licensed or unlicensed, to permit such domesticated animal to "run at large". Any domesticated animal found running at large may be picked up and taken to a humane shelter.

No domesticated animal, licensed or unlicensed, shall be permitted on Town property (highways, sidewalks, Ladd Recreation Center, parks, footbridge, Wayne Town House, North Wayne School House, Town Boat Launch, Fire Stations, or old Town Office) without a leash.

No domesticated animal, licensed or unlicensed, shall be permitted on School property unless part of school curriculum.

D. **Sick or Injured Animals** - Any person finding a sick or injured domesticated animal within the Town of Wayne may take such animal to the Animal Control Officer, who shall take said animal to any veterinarian or humane society shelter. The owner of such domesticated animal may be required to pay any veterinarian or shelter fees.

E. **Rabid animals** – The Town's health officer, duly authorized animal control officer or law enforcement officer shall direct the disposition of any animal determined to be infect with rabies.

During the period of time when a rabies quarantine invoked pursuant to this ordinance is in effect, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's expense and option, shall be treated for rabies infection by licensed veterinarian, or held under quarantine pursuant to quarantine provisions of state law.

No person shall fail or refuse to surrender animal for quarantine or destruction as required by this ordinance when demand is made therefore by the Town's health officer, duly authorized animal control officer, or law enforcement officer.

F. **General Nuisance** – No owner or person having custody of any domesticated animal kept within the legal limits of the Town shall allow such domesticated animal to cause a general nuisance.

G. **Nuisance by Noise** - No owner or person having custody of any domesticated animal within the legal limits of the Town shall allow such domesticated animal to cause a nuisance by noise.

H. **Dangerous Domesticated Animal** – After written notice from the Animal Control Officer, an owner or keeper of a dangerous domesticated animal, as defined in this ordinance shall be required, at all times to keep the domesticated animal confined in a secure enclosure or building, or on a chain when outside the enclosure or building. The owner or keeper shall also, within 48 hours of receipt of that notice, purchase a muzzle which the domesticated animal is required to wear when on a chain outside a secure enclosure or building, when on a leash and at all other times the domesticated animal is taken outside the owner's premises.

Part III - ENFORCEMENT

A. **Animal Control Officer.** The Town Manager shall appoint an Animal Control Officer for the purpose of enforcement of the provisions of this Ordinance and State Law relating to animals.

B. **Impoundment**. Unlicensed dogs, whether or not at large, dangerous domesticated animals and dogs found running at large, whether or not licensed, may be seized, impounded or restrained by any law enforcement officer, animal control officer or other duly authorized person within the Town of Wayne and delivered to the person who is duly authorized to have control of impounding.

Before seizure, impounding, or restraint of any dog in violation of this ordinance, a written notice must be given to the owner of said dog, unless it is determined that the dog is a threat to themselves or others (sick or injured, running at large in traffic, dangerous dog). If the owner of such dog is known or can be located with 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 for its 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. The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise.

C. **Conditions of release**. Before any impounded dog may be transferred or released (a) such dog shall be vaccinated with anti-rabies vaccine, or shall show proof of vaccination within the previous year, (b) such dog must be licensed in accordance with the statutes of the State of Maine, (c) pay all fines, (d) if dog is deemed dangerous, owner must demonstrate compliance with ordinance and (e) pay any fees incurred at the impounding facility.

D. **Penalties**. The penalty for violation of this ordinance shall be a fine of fifty dollars ($50.00) for the first offense, and for a period of two years after the first offense, one hundred dollars ($100.00) for any second offense, and two hundred and fifty dollars ($250.00) for the third or any subsequent offense.

   Any fees collected under this ordinance shall be designated to a special revenue account for animal control use in accordance with the provisions and requirements of State Statute.

   Any person found guilty of violating this ordinance shall be required to reimburse the Town for the attorney's fees and costs incurred in the prosecution of the action.

E. Authority to kill dangerous, fierce, vicious domesticated animal
   If any dangerous, fierce or vicious domesticated animal cannot be safely taken up and impounded; such domesticated animal may be slain by any duly authorized animal control officer or law enforcement officer.

PART IV – SEVERABILITY - VALIDITY – EFFECTIVE DATE

A. **Severability of provisions**. It is the intention of the municipality that each provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the municipality that if any provision of this ordinance be declared invalid all other provisions thereof shall remain valid and enforceable.

B. This Ordinance shall take effect upon its passage at an Annual/ Special Town Meeting and will replace all previously adopted Barking Dog and Animal Control Ordinances.

C. In keeping with State law, Municipal Officers, with the assistance of the Animal Control Officer, will develop ordinance changes as needed, present them for

review at a duly warned public hearing, and present them for adoption by voters at an appropriately warned Annual/ Special Town Meeting

D. **Effective date**. This Ordinance shall be in full force and effect immediately upon adoption at Annual/ Special Town Meeting.