

TOWN OF POWNAL  
**ANIMAL CONTROL AND WELFARE ORDINANCE**

ADOPTED: March 10, 1997  
AMENDED: 2017, 2019, 2022

This Ordinance shall be known and may be cited as the “ANIMAL CONTROL AND WELFARE ORDINANCE OF THE TOWN OF POWNAL, MAINE.”

**PURPOSE**

The purpose of this ordinance is to require all animals in the Town of Pownal be kept under the control of their owner/keepers at all times so that they will not injure persons, damage property or create a nuisance.

The provisions which apply to the owners of an animal apply equally to any person having its custody or possession.

It is also the Town’s responsibility to prevent the spread of contagious disease and virus in relation to domesticated and undomesticated animals.

**DEFINITIONS**

- 1) OWNER: Any person, firm, organization, partnership, association or corporation which owns, possesses, or has custody of an animal.
- 2) AT LARGE: Any animal off the premises of the owner and not under the control of any person by means of personal presence and detention as will reasonably control the conduct of said animal.
- 3) DANGEROUS DOG: A dog which has bitten a person who was not a trespasser on the owner’s premises at the time of the incident; or a dog which causes a reasonable person, acting in a peaceable manner outside the owner’s premises, to be put in apprehension of eminent bodily harm.
- 4) LAW ENFORCEMENT OFFICER: Any person who by virtue of his/her public employment is vested by law with a duty to maintain public order, enforce any law of this state or municipality establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.
- 5) MUNICIPALITY: A city, town, or plantation
- 6) NUISANCE: The causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles; and the entry on to school grounds while school is in session. Also shall mean an animal which by frequent and/or habitual howling, or yelping, disturbs the peace.
- 7) LEASH: A hand held device, designed for the restraint of an animal.
- 8) ANIMAL: Includes, all animals, domesticated or undomesticated.
- 9) PACK: A dog in the company of three or more dogs.
- 10) RABIES: A viral disease of the central nervous system (Brain & Spinal cord).

- 11) **CONFIRMED RABID ANIMAL:** An animal that has been confirmed rabid by the Health and Testing Laboratory using the “DIRECT FLOURESCENT ANTIBODY” (DFA) test of the nervous tissue.
- 12) **QUARANTINE:** Term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.
- 13) **CURRENTLY VACCINATED:** Domesticated animals are considered currently vaccinated for rabies if at least 30 days has elapsed since the initial vaccination and duration of vaccination has not exceeded the time period recommendation for that species based upon the type of vaccine used. A Maine “Certificate of Rabies Vaccination” or a form approved by the Commissioner of the Department of Agriculture, Food and Rural Resources is proof of immunization.
- 14) **SUSPECTED RABID ANIMAL:**
- 1) Any animal, undomesticated or domesticated, showing signs of rabies.
  - 2) Any undomesticated animal which has potentially exposed, through bite or non-bite, a human or domesticated animal to rabies
  - 3) Any domesticated animal which has bitten a human or domesticated animal.
- 15) **UNDOMESTICATED ANIMAL:** A animal considered to be wild by nature by the Department of Inland Fisheries and Wildlife.
- 16) **DOMESTICATED ANIMAL:** A animal accustomed to home life: tames for man’s use; a typical household pet to include, but not limited to dogs, cats, ferrets, wildlife hybrids and livestock.
- 17) **UNVACCINATED ANIMAL:** An animal with no previous vaccination; an animal whose first vaccination was given within the last 30 days, an animal whose last vaccination has expired; or an animal for which no approved vaccine exists.
- 18) **WILDLIFE HYBRID:** The offspring of a breeding between a domesticated animal and wild counterpart. This would include but is not limited to coydog, wild or domesticated cat, hybrid and wolf/dog. These animals are considered domesticated but no established quarantine or isolation period for the incubation of the rabies virus.
- 19) **CONTROL:** To limit by reasonable means all unnecessary exposure for the suspected rabid animal to humans or other animals.

#### **ARTICLE 1 ANIMALS CREATING A NUISANCE**

Anyone owning, possessing or harboring any animal 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. Exceptions: Dogs barking at trespassers or threatening trespasser on private property on which the dog is situated; or any legitimate cause for provocation.

#### **ARTICLE 2 RUNNING AT LARGE**

It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned animal roaming at large shall be impounded by the Animal Control Officer and taken to a shelter. Any dog or ferret leaving the property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and verbal control of its master. Any animal in violation so impounded may be destroyed if not claimed within 8 to 10 days following impoundment. The ACO, his/her designee or other Law Enforcement

Officer, shall take the animal to its owner, if known. The offender will be subject to a charge for services rendered, payable to the Town of Pownal.

### **ARTICLE 3 CONFINEMENT OF CERTAIN DOGS**

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the ACO, his/her designee or Law Enforcement Officer, and only if all impoundment fees have been paid.

### **ARTICLE 4 ANIMAL CONTROL OFFICER (ACO)**

A suitable person shall be appointed by the Select Board who shall be known as and perform the duties of the Animal Control Officer. The ACO shall be under the supervision and direction of the Select Board. The ACO shall hold the office for such time as the Selectmen may direct and shall receive compensation as set at town meeting. The ACO shall be responsible for the control, regulation and enforcement of all laws related to dogs, cats, ferrets, domesticated and undomesticated animals as required under statute, Title 7 MRSA Chapter 725. Court action authorized only by Select Board.

### **ARTICLE 5 LICENSE REQUIRED**

All dogs kept, harbored or maintained by their respective owners in the Town of Pownal shall be licensed and tagged in accordance with the appropriate laws of the State of Maine. (7 MRSA 3921)

### **ARTICLE 6 LICENSING FEES**

Beginning OCTOBER 15 and no later than JANUARY 31, all dogs over the age of 6 months must be licensed in the Town of Pownal by registering the dog(s) at the Town Clerk's office. Proof of rabies vaccination must be shown to obtain a license.

### **ARTICLE 7 REGISTRY AND NOTIFICATION OF IMPOUNDMENT**

When impounding any animal, the ACO, or other Law Enforcement Officer, shall at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, sex, color, and general condition of the animal as can be reasonable ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instructions setting forth conditions on which the animal can be released. If the owner does not claim said animal, then the Shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State law.

### **ARTICLE 8 IMPOUNDMENT FEES**

Owners may reclaim their animal by first licensing, if applicable, according to the Town Regulation, and by paying the ACO fee for each offense. The animal owner will be responsible for any cost incurred at the Shelter. Fees must be paid and a receipt of same must be presented to the Shelter prior to the release of an animal. Fees will be paid to the Town Clerk.

### **ARTICLE 9 DISPOSITION OF ANIMALS WHICH HAVE BITTEN HUMANS AND/OR WITH EXPOSURE OR POSSIBLE EXPOSURE TO RABIES**

The owner or keeper of an animal which has bitten a human or may have been exposed to a contagious or viral disease shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least 10 days, 45 days, 6 months or as ordered. The owner or keeper must observe and obey all written instructions in the quarantine notice. Failure to comply with this section may result in fines and/or penalties as provided in this ordinance. Further, failure to comply with this section may result in court ordered seizure of the

animal to be placed in a state licensed facility that houses such animals. All related expenses shall be paid by the owner or keeper.

#### **ARTICLE 10 ANIMAL CREATING A PUBLIC HEALTH THREAT**

The Animal Control Officer or his/her designee shall order suppression and removal of animal and conditions posing a public health threat when there is reasonable cause to suspect the presence of a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

#### **ARTICLE 11 VIOLATIONS**

Any person found in violation of article 1,2,3, or 5, shall be subject to a fine of not less than \$20.00 and not more than \$100.00 for each offense. Any person found in violation of article 9 and or 10 shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00 for each offense. Any fine collected shall be recovered to the use of the Town of Pownal and deposited in the separate account as required by 7 MRSA 3945 (Use & Licensing fees retained by Municipalities). Fines are set by the State of Maine and enforced by the Animal Control Officer.

#### **ARTICLE 12 SEVERABILITY CLAUSE**

If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.