

TOWN OF BROOKSVILLE
ANIMAL CONTROL & NOISE ORDINANCE

Section 1. Purposes.

The purposes of this ordinance are to require that the owners of all animals kept in the Town of Brooksville control them at all times so that those animals will not injure persons or other animals, damage property, unnecessarily annoy or disturb any person, or transmit disease. This ordinance is adopted under the town's Home Rule Authority in the interest of the health, safety and general welfare of its residents.

Section 2. Definitions.

a) "Animal Control Officer". A person appointed by the selectmen pursuant to 7 M.R.S.A. Section 3947, to serve at their pleasure for terms of one year, and to perform the duties under this ordinance, and as specified in that statute, at a rate of pay to pay established by the selectmen. The Animal Control Officer shall be responsible for the enforcement of this ordinance and of all laws related to dogs, cats, domesticated and undomesticated animals, including those contained in Title 7 M.R.S.A., Chapter 725.

b) "At Large". Off the premises of the owner and not under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the animal.

c) "Dangerous Dog". A dog which had 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 of the owner's premises, to be put in apprehension of imminent bodily harm.

d) "Dog". Both male and female dogs, whether or not neutered or spayed.

e) "Owner". Any person or entity owning, keeping, harboring or having custody or possession of an animal.

Section 3. License required. The owners of all dogs kept or harbored in the Town of Brooksville, and the managers of all kennels, shall license and tag them in accordance with 7 M.R.S.A. Sections 3942 to 3944, as amended.

Section 4. Barking Dogs and Other Animal Noises.

[A] No owner or keeper of any dog or other animal kept within the Town of Brooksville shall allow such dog or animal to unnecessarily annoy or disturb any person by loud and continued or repeated barking or other loud or unusual noises.

[B] Upon written complaint of the person disturbed - signed and sworn to by that person before a notary public - the Animal Control Officer, constable or other duly qualified state, county or municipal law enforcement officer may investigate the allegations of the complaint. If the officer or constable finds that there is valid grounds for the complaint, the officer or constable shall serve a written warning upon the owner or keeper, notifying that person that steps must be taken to ensure that such annoyance or disturbance immediately ceases. The written warning shall be in a form approved by the selectmen. The warning shall be served (a) by delivering a copy of the warning to the owner or keeper, in hand, (b) by leaving a copy with a person of suitable age and discretion at the premises where the dog is kept or where the owner or keeper resides, or (c) by mailing a copy to the owner or keeper at the address shown on the license application for that dog or animal. Any owner or keeper who allows such annoyance or disturbance to continue after notice has been served commits a civil violation subject to the penalties set forth in this Ordinance.

Section 5. Animals at Large.

[A] It is unlawful for any dog or other domesticated animal, licensed or unlicensed, to run at large, except when used for hunting purposes by a licensed hunter. Any animal at large, including any stray or abandoned animals, shall be seized, restrained and impounded by the Animal Control Officer and taken to an animal control shelter certified by the town pursuant to 7 M.R.S.A. Section 3949. The Animal Control Officer shall also ensure that any injured animal is given proper medical attention. If the owner is known to the Animal Control Officer, he or she shall take the animal to its owner.

[B] At the time of impoundment at an animal control shelter, the Animal Control Officer shall provide the shelter with a sheet containing the following information: (1) the breed, color, sex and general condition of the animal, (2) whether the animal is licensed or unlicensed, (3) the name of the owner or keeper, if known, (4) the number and description of violations, (5) the date of impoundment, and (6) instructions setting forth the conditions under which the animal may be released to the owner. Another copy of that sheet shall be delivered to the town clerk to be posted at the Brooksville Town Office.

[C] Whenever possible, the Animal Control Officer and the manager of the animal control shelter shall, within 48 hours, attempt to contact the animal's owner and inform him, her or it of the description and location of the animal. The owner is responsible for paying all costs of board at the shelter, in addition to any fines owed under this Ordinance. If any animal so impounded is not claimed by its owner within eight (8) days of impoundment, the shelter may dispose of the animal by adoption or euthanasia in a proper and humane manner consistent with the applicable laws of the State of Maine.

Section 6. Dangerous Dogs. Any person who is assaulted by a dog without provocation, or any person witnessing an unprovoked assault against a person or a domesticated animal, within 10 days of the assault, may file a written complaint with the Animal Control Officer that he or she believes that the dog is dangerous or vicious. The Animal Control Officer may file the complaint in the District Court pursuant to 7 M.R.S.A. Section 3952.

Section 7. Damage Done by Dogs. Any person whose property has been damaged by a dog, and who wishes to collect payment for such damage, may file a complaint with the Brooksville Selectmen pursuant to 7 M.R.S.A. Section 3961 et seq., and the selectmen shall investigate and make a report as provided in that statute.

Section 8. Violations and Penalties.

[A] Any person found in violation of this Ordinance shall be guilty of a civil violation punishable by a fine of \$25.00 for the first offense, \$100.00 for the second offense, and \$250.00 for each subsequent offense. These fines are in addition to the fines and damages that may be imposed against the owner of a dangerous dog under 7 M.R.S.A. Section 3952. The Brooksville Selectmen, acting in conjunction with the Animal Control Officer, have authority to assess and collect such fines and to enter into consent agreements with the owner or keeper. If any fine cannot be so collected, the town may file a complaint in the Maine Fifth District Court. If the town prevails in that action, in addition to recovery of such fines for the benefit of the Town of Brooksville, the town shall be awarded its reasonable attorney fees and costs.

[B] All license fees retained by the town, and all fines collected, shall be kept in a separate bank account and used for the payment of the salary of the Animal Control Officer and for the costs of animal control, enforcement of laws, care of injured or abandoned animals, and the support of one or more animal control shelters, as provided in 7 M.R.S.A. Section 3945.