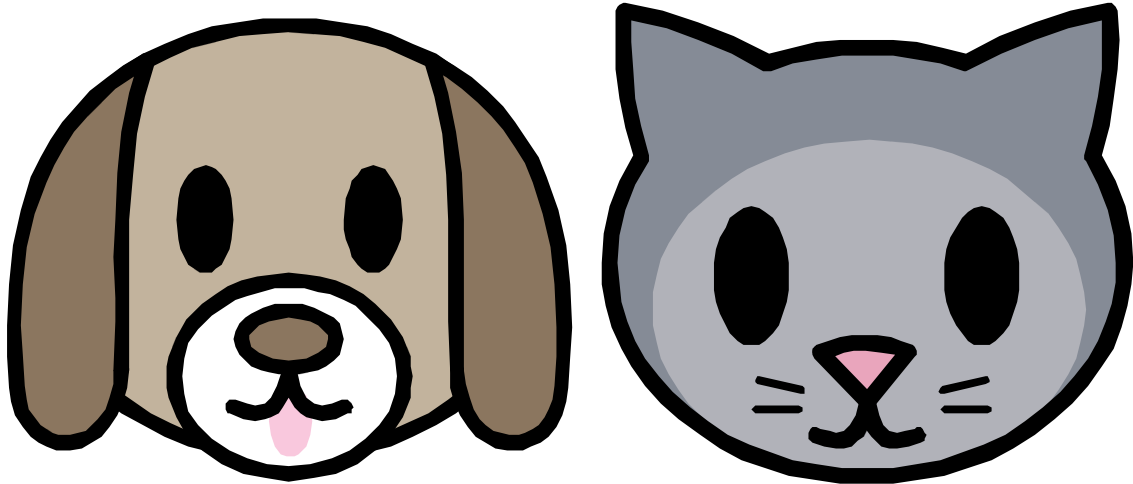


Town of Van Buren



Animal Control Ordinance

Section I- "Owner" – "Keeper" Defined

The word "**Owner**" when applied to the proprietorship of a domesticated and undomesticated animal shall include any person, firm, partnership, association or corporation owning, keeping or harboring a dog or other animal. Having a right of property in such animal, any person who keeps or permits such animal to remain on or about any premises occupied by them (M.R.S.A. Title 7 "Owner" §3907-21).

The word "**Keeper**" means a person in possession or control of a dog, cat or any 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, "Keeper" (M.R.S.A. Title 7 "Keeper" §3907-16).

Section II - "Animal" Defined

The word "**Animal**" means a dog, wholly or in part of the species canis familiaris or a cat wholly or in part of the species felis domesticus.

Section III- Animal Control Officer

Means the "**Animal Control Officer**" or "**Law Enforcement Officer**" having jurisdiction over the area in which animals was found. The Animal Control Officer (ACO) or the Law Enforcement Officer of the Town of Van Buren hereby known as "**Officers**" are authorized by the Town and the state of Maine Animal Welfare Civil Laws: M.R.S.A. Title 7 § 9, and Criminal Laws: M.R.S.A. Title 17 Chapter 42, concerning the protection, and control of all animals.

Section IV- Animal Shelter

Shall mean any building or physical structure or part of any building or structure, other than a private dwelling, housing dogs or other animals in a humane manner, which is apprehended by the Officers of the Town of Van Buren. The Town of Van Buren will accept stray animals from other communities who have entered into contract with the Town of Van Buren.

Section V- License Necessary for Dogs

Dogs six months or older shall be licensed on or before January 1st of each year. Whenever, in the course of the Officer's duties an officer comes across an unlicensed dog. The Officers will follow through with a warning and a summons if necessary to ensure the dog is licensed at that time.

Between February 1st and April 1st of each year, the Town of Van Buren (Town clerk) will issue a warrant to the Officers, which lists the names and addresses of those dog owners who have not yet obtained license, a late fee of \$25 will be charged.

Section VI - Restrictions

It shall be unlawful for any owner of any animal to permit such animal while in the Town of Van Buren to:

a) Barking or Howling Dog(s)

No owner or keeper of any dog kept within the legal limits of the Town of Van Buren shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking or other loud or unusual noises from 8:00 p.m. until 7:00 a.m. The

Officers shall issue notice to the owner of such dog ordering that such dog shall either be kept under proper control; or, be forthwith removed, as herein defined; or, be destroyed.

No owner or keeper of any dog kept within the legal limits of the Town of Van Buren shall allow such dog to unnecessarily annoy or disturb a person with a notarized physician statement requesting that no owner or keeper of any dog kept within hearing distance of patients shall allow unnecessary continued or repeated barking or other loud and unusual noises from 7:00 a.m. until 8:00 p.m..

Upon written complaint by the person disturbed, signed and sworn to, any dully qualified Officers or person acting in that capacity of the Town of Van Buren, may investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance, such owner shall be guilty of a civil fine of \$25.00 for the first offense. A fine of \$50.00 shall punish each additional conviction after the first. All fines so assessed and attorney fees shall be recovered for the use of the Town of Van Buren through District Court.

b) Property Damage

Cause damage or destruction to property, or commit nuisance such as defecation/urination, upon the public sidewalks and the premises of any person other than the owner is unlawful. The owner or keeper of any animal, which does damage to a person or property, is liable for damages in a civil action to the person injured.

c) Chases Off Premises

While off the premises of the owner, chases any person, motor vehicles, bicycles and other means of transportation in such a manner as reasonable to cause intimidation or put such person in fear, and, or in reasonable apprehension of bodily harm or injury is unlawful.

Section VII- Dogs Running At Large

No person who is an "owner" or "keeper" as defined by Section I of this Ordinance shall cause or permit any dog to run at large within the legal limits of the Town of Van Buren. Dogs while on any public way or public place shall be under restraint. The word restraint shall mean that a dog shall be controlled by a leash; or, at "heel", beside a competent person and obedient to that person's commands; or, on or within a vehicle being driven or parked on any public way. A dog is not permitted to run at large. A dog, which is off the premises of the owner or keeper and is not on a leash, or is on a leash exceeding six feet in length, is prima facie running at large.

Section VIII- Impounding Dogs Found Running At Large

The Officers are hereby authorized and empowered to go upon any premises and enter any building other than a dwelling to seize and impound any dog or dogs which have been found running at large or which are in violation of any of the provisions of this Article or of any other issued hereunder when such Officers in immediate pursuit of such dog or dogs. Upon seizing and impounding such dog. Any animal found running at large and impounded by the Officers or person acting in that capacity shall be subject to an impoundment fee of \$50.00 for the first offense. Each additional shall be subject to an impoundment fee of \$100.00. The Officers shall

act in accordance with the provisions of Title 7 MRS.A § 3912. The Officers may prosecute the owner of the dog under Title 7 MRS.A § 3911.

Section IX- Enforcement

This ordinance shall be enforced by the ACO and by the Town's Police Department or any other Law Enforcement Officer.

The Officers or any other law enforcement officer is hereby authorized and empowered to seize and impound any animal or animals, which have been found running at large or which, are in violation of any provisions of this act of any order issued hereunder. The Officers may release any animal so impounded to the owner upon payment to the Town of Van Buren, fees in the amount of \$50.00 and upon payment to the Town of Van Buren of the sum of \$35.00 per day for keeping said animal, unless in his/her opinion the release of said animal would be a danger to the public. In which case the officers shall proceed under Title 7 MRS.A Chapter 727 §3952. Any animal that has not been redeemed within a period of eight (8) days after being impounded may be sold or given up for adoption by the Officers. Any animal which has been so impounded and cannot be sold within a reasonable time may be destroyed or disposed of in such humane manner as determined by the ACO, pursuant to Title 7 MRS.A § 3913 and Title 32 MR.SA § 4872.

Section X- Cats

There is no state law against cats running at large or required license or leash law. However, the Officers should first determine whether the animal (cat) really has been abandoned. For example, run out of food and water. Neighbors may know who, if anyone is taking care of this animal. Return to the premises at regular intervals if the state of the animal care has changed. Domesticated or undomesticated cats may be impounded when they are a problem to the Town.

a) Seizure

The Officers will seize the cat if the following is evident:

1. The animal has been abandoned.
2. The health is in danger.
3. Injured
4. Exposed to cruelty
5. Destruction of property

b) Animal Shelter

Cats seized as outlined above, Section IX subsections, shall be held at the Van Buren Animal Shelter for a minimum of three days, (there is no law requiring a municipality to do so).

c) Release of Impoundment

Town of Van Buren, fees in the fine amount of \$50.00 and upon payment to the Town of Van The Officers may release any animal so impounded to the owner upon payment to the Buren of the sum of \$35.00 per day for keeping said animal, unless in/his opinion the release of said animal would be a danger to the public. A cat can be sold or

given up for adoption by the Officers after a period of three (3) days of impoundment.

Section XI - Penalties

Any person found to be in violation of any provision of this Ordinance or any order issued hereunder shall be liable for which a forfeiture not to exceed one hundred (\$200.00); and every day during which such violation continues shall constitute a new offense.

Approved: May 5, 1997

Council Chairman

Council Secretary

Councilman

Councilman

Councilman

Town Clerk