

**TOWN OF NORTH BERWICK ANIMAL  
CONTROL ORDINANCE**

**ADOPTED: MARCH 12, 1988**

**AMENDED: APRIL 18, 2015  
APRIL 9, 2022**

## **TOWN OF NORTH BERWICK ANIMAL CONTROL ORDINANCE**

**PURPOSE:** The purpose of this ordinance is to require that all animals in the Town of North Berwick be kept under the control of their owners at all times so that they will not injure persons, damage property or create a nuisance.

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

### **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 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 arrest 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.
- 7) "LEASH" = a hand held device no longer than 6' in length.
- 8) "PACK" = a dog in the company of three or more other dogs.

- 1.1 *Animals creating a nuisance by noise:*** 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:**
- a. Dogs barking at trespassers or threatening trespassers on private property on which dog is situated; or any legitimate cause for provocation.
  - b. Livestock (including poultry) as permitted in the Farm and Forest Zoning District as designated and defined in the North Berwick Zoning Ordinance.
- 1.2 *Running at large prohibited:*** It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. (Chapter 719§3911) Any stray or abandoned animal roaming at large shall be impounded by the Animal Control Officer and taken to a shelter or returned to its natural habitat. Any dog 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 may be impounded by the Animal Control Officer. Any animal so impounded may be destroyed if it is not claimed within 14 days following impoundment.
- 1.3 *Confinement of certain dogs:*** Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner in a reasonable manner to prevent harm to the public. If the owners 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 Animal Control Officer, the Police Chief or a Police Officer and only if all provisions of Section 1.7 have been met.
- 1.4 *License Required:*** All dogs kept, harbored or maintained by their respective owners in the Town of North Berwick shall be licensed and tagged in accordance with the appropriate laws of the State of Maine. M.R.S.A. §3921
- 1.5 *Licensing Fees:*** Beginning January 1<sup>st</sup> and no later than April 1<sup>st</sup> all dogs over the age of 6 months must be licensed in the Town of North Berwick by registering the dog(s) at the Town Clerk's office. Proof of a rabies vaccination must be shown current to getting a license.
- 1.6 *Registry and Notification of Impoundment:*** When impounding any animal, the Animal Control Officer or Police 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, color, sex, and general condition of the animal as can be reasonably 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 poundmaster together with written instructions setting forth conditions under which the animal may be released. When any animal is impounded under the provisions of this article, the person who has control of the impounding shall, when possible, contact the owner within 48 hours, post in a public place in the community a description of the animal and its place of impoundment. If the owner does not claim said animal, then the animal shelter shall dispose of the animal by sale or otherwise in a proper and humane manner consistent with applicable state laws.

**1.7 Impoundment Fees:** Owners may reclaim their animal by first properly licensing, if applicable, according to Town regulation, and by paying to the Town the following:

1) First Offense - \$ 10.00

Second Offense - \$15.00

Additional Offense - \$25.00

2) Shelter costs at a rate of \$5.00 per day.

3) Any additional costs incurred by the animal at the shelter prior to reclamation.

4) Fees must be paid and a receipt of same presented to the shelter prior to the release of an animal.

**1.8 Disposition of dogs which have bitten persons:** The owner of a dog who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least 14 consecutive days and shall notify the Health Officer and the Animal Control Officer or Police Officer immediately of the time, place and reason for confinement. The owner shall not destroy the dog nor allow it to be destroyed.

**1.9 Examination of confined dogs:** The Health Officer shall have a dog, which has been confined because of having bitten a person, kept under observation for symptoms of rabies. At the end of the 14 day period of confinement, the Health Officer shall determine whether the dog is infected with rabies. Upon this determination, proper procedures shall take place in accordance with state law. All expenses incurred by the Town of North Berwick shall be paid for by the owner of the dog.

**1.10 Duty to dispose of waste:** It shall be a violation of this ordinance for any person who owns, possesses or controls a dog to fail to immediately remove and dispose of any feces left by his/her dog on any sidewalk, street or publicly owned property.

**1.11 Violations:** Any person found in violation of sections 1.1, 1.2, 1.3 and 1.10 shall be subject to a fine of not less than \$10.00 and not more than \$100.00 for each offense. Any fine collected shall inure to the Town of North Berwick.

**1.12** If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance