

**Town of Corinth  
Dog Control Ordinance  
March 17, 2009**

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**1 GENERAL**

**1.1 Title**

This Ordinance shall be known as and may be cited as the "Dog Control Ordinance of the Town of Corinth, Maine ", and will be referred to herein as the "Ordinance".

**1.2 Authority**

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution and Title 30-A, Section 4352 and Title 7, Section 3950 of the Maine Revised Statutes Annotated.

**2 PURPOSE**

The primary purpose of this ordinance is to provide clear guidelines consistent with the goals and guidelines of the Town of Corinth, conform with the regulations of the State of Maine to ensure public safety and to comply with the **Animal Welfare Act** (7 MRSA, Chapter 721).

**3 DEFINITIONS ( mostly from 7 MRSA, Section 3907)**

1. **“Abandoned dog”** means a dog that has been deserted by its owner or keeper.
2. **“Animal control”** means control of dogs, cats, and domesticated or undomesticated animals in accordance with Section 3948 of the Maine Animal Welfare Act.
3. **“Animal control officer”** means the personnel appointed periodically by the Town of Corinth pursuant to Section 3947 of the Maine Animal Welfare Act. (Edited to fit this Ordinance).
4. **“At large”** means off the premises of the owner or his duly authorized agent/keeper and not in immediate control of the owner or his agent/keeper, either on a leash or under voice command control.
5. **“Boarding kennel”** means any place, building, tract of land or abode in or on which 3 or more privately owned dogs or other pets, or both, are kept at any one time for their owners in return for a fee.
6. **“Breeding kennel”** means a location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under section 3923-C when the dogs are kept primarily for hunting, show, training, mushing, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.
7. **“Dangerous dog”** means a dog that bites an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement purposes. "Dangerous dog" does not include a dog that bites or threatens to assault an individual who is

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on the dog owner's or keeper's premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.

For the purposes of this definition, "dog owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.

8. **"Dog"** means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from interbreeding of a member of *canis familiaris* with a wolf hybrid as defined in subsection 30. (Ref. note: Subsection 30 of 7 MRSA Section 3907).
9. **"Keeper"** means a person in possession or control of a dog or animal.
10. **"Kennel"** means 5 or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials, mushing or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.
11. **"Nuisance"** shall mean causing trouble, annoyance or harm.
12. **"Owner"** means any person or persons, firm, association or corporation owning, keeping or harboring a dog or other animal.
13. **"Provoked"** shall mean to call, disturb, act in a way to irritate or anger, or to cause action.
14. **"Warrant"** means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.

#### **4 LICENSE REQUIRED**

A dog may not be kept within the limits of the Town of Corinth, unless the dog has been licensed by its owner or keeper in accordance with the laws of this State. **(7 MRSA, §3921.)**

The Town of Corinth shall post at the Town office the Maine Law requiring dog owners to license dogs within 10 days of purchase or taking possession of a dog.

#### **5 TAG AND COLLAR REQUIREMENTS (7 MRSA §3923-B. Tags)**

The owner of a dog shall make sure that licensing and rabies tags are securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which such tags were issued.

#### **6 BARKING DOGS**

No person, owner, or keeper shall harbor any dog/animal that unnecessarily annoys or disturbs any person not on the premises of the owner or keeper by unreasonable and/or persistent barking, howling, or yelping, and is declared to be a public nuisance.

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- 6.1 Any person/resident of the Town of Corinth that experiences a problem with habitual and/or excessive barking of dogs is strongly encouraged to contact the owner of said dog and make them aware that the barking is a concern. Most often, barking dog issues, when discussed in a reasonable and constructive manner will result in no further incidences. If approaching the owner fails to get positive results, or the noise persists, complaints shall be directed to contact the Animal Control Officer of the Town of Corinth. (Animal Control Officer contact information is available on inside cover of current Annual Report for the Town of Corinth.)
- 6.2 It shall be unlawful for any person to confine a dog in an open-air enclosure, including a fenced yard, where its barking may disturb the quiet of the neighborhood. Any nuisance dog shall be confined within a relatively soundproof building with closed doors and windows so that any barking will not annoy, disturb, injure or endanger the comfort, repose, peace or safety of any individual.
- 6.3 Defense to such violation shall be, but is not limited to, the owner of said dog provides proof by preponderance of the evidence, that the only reason said dog had the appearance of being a nuisance was due to the animal being provoked, incited, acting as a guide dog, acting as a hearing dog, working as a police dog, or was responding to a trespass or attempted trespass on private property, or other legitimate cause.
- 6.4 Offenses may include, but not be limited to:
- 6.4.1 In a Residential, Village or Commercial Zone, any incident more than 15 minutes in length, three (3) or more times in a day, in a two-day consecutive period, and attested to by two (2) or more complainants.
- 6.4.2 In Limited Residential Zones, a dog that persistently barks for periods in excess of one (1) hour on a habitual basis, shall be considered a nuisance for purposes of this section only when the complainant is a person who resides within one-half mile of the nuisance dog's residence.
- 6.4.3 Defense to such violation: If the owner of said dog proves by preponderance of the evidence that the only reason said dog was barking was that the dog was being provoked or was otherwise being incited, or was acting as a guide dog, hearing dog, or police work dog.
- 6.4.4 Any person who violates the provisions of this section shall upon the first occasion will be given a warning. All subsequent violations of these provisions will be punishable according to the Town of Corinth Fee Schedule.
- 6.4.5 All fines to be recovered by complaint before any District Court in Penobscot County.

## **7 DOGS IN PUBLIC**

All owners of dogs in public are responsible to have dogs on leashes at all times and are responsible for the removal of animal waste. No person shall fail to immediately remove and lawfully dispose of any feces left in any street, sidewalk, esplanade, park or other public place or town owned property by a dog owned by such person or under his/her control, with the exception of handicapped persons physically unable to comply with the requirements of this section.

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Signage shall be prominently displayed at public ball fields, play and recreational areas to prohibit dogs from such areas and the Board of Selectpersons shall be insure enforcement of this prohibition.

**8 INVESTIGATION OF COMPLAINT**

If the Animal Control Officer after investigation of the complaint, finds valid grounds, the officer shall serve a written warning upon the owner or keeper, notifying the owner or keeper that such annoyance or disturbance is unacceptable and must cease. Any owner or keeper, who allows such annoyance or nuisance to continue after notice has been served, commits a civil violation subject to the penalties set forth in the Corinth fee schedule and will be subject to pay any additional fees, summons or other expenses incurred.

8.1 Should the Animal Control Officer of the Town of Corinth, be unable to persuade the owner to cooperate, or should the owner be unwilling to comply with this Ordinance, measures may be taken to have the dog seized from the location of violation. Said owner of the dog will be subject to all services and fees rendered for such violation, including but not limited to offense fees, warrants, boarding and services rendered.

8.2 Should the Animal Control Officer of the Town of Corinth find the dog to be abandoned, he/she shall take appropriate action necessary according to Maine Law.

**9 EFFECTIVE DATE**

The effective date of this Ordinance and any subsequent amendments shall be the date of adoption at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be on file at the Town Office.

**10 REPEAL OF PRIOR ORDINANCE**

Any existing Dog Control Ordinance, Barking Dog Ordinance and any other existing or conflicting Town ordinance or policy addressing barking dogs or dog control are repealed as of the effective date of this Ordinance. However, the adoption of this Ordinance shall not affect nor prevent any pending or future prosecution of, or action to abate, the violation of any ordinances repealed by this Section if the violation is also a violation of the provisions of this Ordinance.

It is also the intention and direction of this Section that if this Ordinance is, for any reason, held to be invalid or void in its entirety, the ordinances repealed by this Section shall be automatically revived.

**11 SEVERABILITY**

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

**12 CHANGE CONTROL**

03/17/09 Ordinance adopted at Annual Town Meeting March 17, 2009 via passage of Article 67.