

**Table of Contents**

ANIMAL CONTROL ORDINANCE ..... 2

Chapter 1 Title, Purpose and Definitions ..... 2

    101 Title ..... 2

    102 Purpose ..... 2

    103 Authority ..... 2

    104 Definitions..... 2

Chapter 2 General Ordinances ..... 3

    201 Disturbing the Peace ..... 3

    202 Running at Large..... 3

    203 Animal Offal ..... 4

    204 Menacing Activity ..... 4

    205 Interference ..... 4

    206 Prohibitions in Specific Areas ..... 4

Chapter 3 Dogs ..... 5

    301 License Required ..... 5

Chapter 4 Enforcement ..... 5

    401 Authorized Officers ..... 5

    402 Impoundment ..... 6

    403 Notification of Impounded Animal..... 6

    404 Disposition of Impounded Animal..... 6

    405 Disposition of Animal Biting a Person ..... 6

    406 Records of Impoundment..... 7

Chapter 5 Fees and Penalties ..... 7

    501 Impoundment Fees..... 7

    502 Boarding Fees ..... 7

    503 Penalties ..... 7

Chapter 6 Severability..... 8

    601..... 8

Chapter 7 Effective Date..... 8

    701..... 8

*Table of Contents not part of original ordinance.*

## TITLE VII

### ANIMAL CONTROL ORDINANCE

#### Chapter 1 Title, Purpose and Definitions

##### 101 Title

This Title shall be known and may be cited as the Animal Control Ordinance of Ogunquit.

##### 102 Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare through regulation of animals and their activity.

##### 103 Authority

Town authority to enact this Ordinance is found generally in Title 30 of the Maine Revised Statutes, the police power to enact ordinances. The State of Maine has also delegated specific authority to regulate dogs and their activity. This authority is found in Title 7, concerning Agriculture and Animals. Besides this delegation of Authority, the State of Maine has enacted other statutes governing animals, and these statutes are also found in Title 7 of the Maine Revised Statutes.

##### 104 Definitions

As used in this Ordinance, the words listed below shall have the following definitions:

104.1 At large: Off the premises of the owner, and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal. **(Amended Annual Town Meeting 06/09/2009)**

104.2 Owner: Any person, firm, organization, association, or corporation owning, keeping, or harboring an animal;

104.3 Pet: Any mammalian animal larger than a domestic cat;

104.4 Animal: Any of the other classes of animal life, including birds and reptiles.

104.5 Voice Control: The standard for voice control is the following: A dog must return immediately to the owner upon owner calling dog to him or her and remain by the side of the responsible party. If a dog approaches within ten feet (10') of any person other than the responsible party, that dog is not under voice control and a violation of the Ordinance occurs unless such person (or in the case of a minor child and adult present with the child) has communicated to the responsible party, by word or gesture, that they consent to the presence of the dog. **(Amended Annual Town Meeting 06/09/2009)**

104.6 Responsible Party: Any person who has possession or custody of a dog. **(Amended Annual Town Meeting 06/09/2009)**

## **Chapter 2    General Ordinances**

### *201    Disturbing the Peace*

201.1 The owner of any pet or other animal shall not permit that pet or animal to bark, crow, cackle, talk, sing, or make other noises that are audible to any person on adjacent private or public property. Any outbreaks of noise between the hours of 9:00 p.m. and 7:00 a.m. or for periods of ten (10) minutes or more at other times shall be a violation of this section.

201.2 The Owner of any pet or other animal shall maintain that pet or animal in an enclosure and a clean and sanitary condition. No owner shall maintain any enclosure in such a manner as to cause objectionable odors that are detectable to any person on adjacent private or public property.

### *202    Running at Large*

The owner of any pet or other animal shall not permit that pet or animal to run at large, except when used for hunting or on private property with the consent of the property owner. Dogs or other animals shall not be allowed to run at large on any public property or rights-of-way in Town. The first offense to this Section may be subject to a \$25 fine issued by an officer of the Town. A second offense, once determined by the Town, shall merit a \$50 fine. The third or additional offense(s), as determined by the Town, shall merit a \$200 fine for each separate offense. The Town may take all equitable and appropriate steps under Maine law to enforce this Section including revoking an owner's dog license and impounding the dog at the owner's expense until all back fines have been paid in full.

**(Amended Annual Town Meeting 04/01/2000, Amended Special Town Meeting 11/06/2001, Amended Annual Town Meeting 04/05/2008)**

203 *Animal Offal*

Except for property belonging to the owner, the owner of any pet or animal shall remove from private or public property any animal offal, which that pet or animal excretes. The first offense, once determined by the Town, shall merit a \$150 fine. The second or additional offenses, once determined by the Town, shall merit a \$250 fine for each separate offense. The Town may take all equitable and appropriate steps under Maine law to enforce this Section including revoking an owner's dog license and impounding the dog at the owner's expense until all back fines have been paid in full. Any owner allowing a pet on Ogunquit Beach must have with them the means for removal of animal offal. **(Amended Annual Town Meeting 04/01/2000, Amended Annual Town Meeting 06/09/2009, Amended Annual Town Meeting 06/14/2016)**

204 *Menacing Activity*

The owner of any pet or other animal confined on private property or in a vehicle shall not permit that pet or animal to menace or bite any person lawfully using any public street or area.

205 *Interference*

Any person shall not interfere with, hinder, or molest any police or animal control officer in the performance of duty or seek to release any pet or animal in the custody of an authorized officer, except as provided in this Ordinance. The penalty for violation of this section shall be not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

206 *Prohibitions in Specific Areas*

These restrictions are the same as those found in Title IV, Public Resources and Conservation.

206.1 Ogunquit Beach

206.1.1 Dogs are permitted within the Ogunquit Beach Area from September 9 to March 31. Dogs are not permitted within the entire Ogunquit Beach Area, from the Main Beach to the Moody Beach Town Line from April 1 to September 8. Dogs are not

permitted in the Ogunquit River Estuary.  
**(Amended Special Town Meeting 11/04/2008,  
Amended Annual Town Meeting 06/09/2009,  
Amended Annual Town Meeting 06/14/2016)**

206.1.2 Ponies or horses are not permitted on Ogunquit Beach, including the Ogunquit River Estuary, year-round. **(Amended Special Town Meeting 11/04/2008)**

206.2 Marginal Way

206.2.1 Dogs are permitted on the Marginal Way from October 1 to March 31, if on a leash, cord or chain. Dogs are not permitted on the Marginal Way from April 1 to September 30. **(Amended Annual Town Meeting 04/09/2001, Amended Annual Town Meeting 04/08/1991)**

**Chapter 3 Dogs**

*301 License Required*

301.1 A person shall not own or keep a dog in Ogunquit unless the owner or keeper has licensed that dog in accordance with State of Maine Statutes. *(See 7 MRSA. Section 3451)*

301.2 The licensing requirement of this section shall not apply to any dog belonging to a non-resident visitor or seasonal resident, but the owner shall comply with all other provisions of this Ordinance.

\*State Law reference: Dogs generally, 7 MRSA, Section 3402, and following sections.

**Chapter 4 Enforcement**

*401 Authorized Officers*

Ogunquit Police Officers and the Ogunquit Animal Control Officer are authorized to impound pets and animals and to inspect dog licenses. Ogunquit Police Officers shall issue citations and make arrests as authorized by this Ordinance and applicable State of Maine laws.

402 *Impoundment*

Authorized officers shall take unlicensed dogs, wherever found, or pets or animals running at large and impound them in a shelter designated by the Board of Selectmen as a Town Animal Shelter.

403 *Notification of Impounded Animal*

403.1 Where the ownership of an impounded pet or animal is known or can be reasonably ascertained, the animal control officer shall notify the owner by mail or in person within three (3) days of such impoundment.

403.2 Where the ownership cannot be reasonably ascertained, the animal control officer shall post in three (3) public places a notice giving a description of the pet or animal, where it was impounded, and how it may be recovered.

404 *Disposition of Impounded Animal*

404.1 The owner of an impounded pet or animal may recover that pet or animal upon payment of the impoundment and boarding fees specified in Sections 501 and 502. The owner of an unlicensed dog shall also obtain a dog license before the impounded dog is released.

404.2 Any impounded pet or animal not recovered within ten (10) days after receiving notice or notice is posted, according to Section 403, shall be considered abandoned by the owner and the property of the Town Animal Shelter.

The animal control officer shall then make arrangements with any licensed veterinarian, humane society or no-kill shelter for disposition of the pet or animal, including sale or gift. **(Amended Annual Town Meeting 06/09/2009)**

405 *Disposition of Animal Biting a Person*

405.1 The owner of a pet or animal, which bites another person, shall immediately notify the dog control officer.

405.2 Whenever a pet or animal bites a person, the animal control officer shall order the owner to have the pet or animal examined by a licensed veterinarian, confined on the owner's premises for

period of two (2) weeks, and examined again. The animal control officer shall impound the pet or animal if the owner is unwilling or unable to do so. The owner shall pay the expense of examination and impoundment unless financially unable to pay.

405.3 If at the end of two (2) weeks, a veterinarian is convinced that the pet or animal is free from rabies, the pet or animal shall then be released from confinement or from the pound after payment of fees, as the case may be. If the pet or animal dies within the period, its head shall be sent to the appropriate state agency for examination for rabies.

406 *Records of Impoundment*

The animal control officer shall keep an accurate and detailed record of the impoundment and disposition of all pets and animals coming into custody.

**Chapter 5 Fees and Penalties**

501 *Impoundment Fees*

Any pet or animal found running at large, stray or abandoned shall be impounded at the Animal Shelter under contract with the Town. Owners may reclaim their animal by first licensing, if applicable, and upon payment of an impoundment fee of \$40.00 to the Town. Owners will be responsible for any additional costs incurred by the animal while at the Shelter. **(Select Board 08/05/1997, Select Board 05/07/2002)**

502 *Boarding Fees*

In addition to impoundment fees, a further fee for board shall be paid at a rate established by the Select Board. **(Amended Annual Town Meeting 06/09/2009)**

503 *Penalties*

503.1 State laws provide the penalty for dogs running at large. The same penalties shall apply for unleashed dogs, other pets and animals in Ogunquit

503.2 State laws provide the penalty for keeping an unlicensed dog.

503.3 The penalty for other violations of Chapters 2 and 3, except where specified, shall be a fine of not more than one hundred-fifty dollars (\$150) for each violation plus costs which shall be recovered on complaint to the use of the Town. (***Amended Annual Town Meeting 04/08/1991, Amended Annual Town Meeting 06/09/2009, Amended Annual Town Meeting 06/14/2016***)

503.4 Fine collected for violations of this Ordinance shall be recovered for the use of the Town of Ogunquit.

## **Chapter 6 Severability**

*601* If any provision of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

## **Chapter 7 Effective Date**

*701* This Ordinance, upon its adoption by the Municipality, shall become effective immediately. (Adopted by vote of the Ogunquit Village Corporation on June 2, 1980, Articles 8, 9, 10, and 12 of the Warrant)

**AMENDED:** April 8, 1991  
August 5, 1997  
April 1, 2000  
April 9, 2001  
November 6, 2001  
May 7, 2002  
April 5, 2003  
April 5, 2008  
June 9, 2009  
June 14, 2016