

**WARRANT
FOR THE
2009 ANNUAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT**

TO: **PATRICIA L. ARNAUDIN**, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center in said Town on **Tuesday, the ninth (9th) day of June 2009**, A.D. at nine o'clock in the morning (9:00 a.m.) until eight o'clock in the evening (8:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

- Article 1:** To elect a Moderator to preside at said Meeting. [**Note:** This question is not intended to be acted upon as part of the official secret ballot at the Annual Town Meeting.]
- Article 2:** To elect two (2) Selectmen for a three (3) year term to commence at the conclusion of the 2009 Annual Town Meeting; term ending ATM 2012.
- Article 3:** To elect one (1) Wells-Ogunquit Community School District Trustee for a two (2) year term to commence on July 1, 2009; term ending June 30, 2011.
- Article 4:** To elect one (1) Wells-Ogunquit Community School District Trustee for a three (3) year term to commence on July 1, 2009; term ending June 30, 2012.
- Article 5:** To elect two (2) Planning Board Members for a three (3) year term to commence at the conclusion of the 2009 Annual Town Meeting; term ending ATM 2012.
- Article 6:** To elect two (2) Budget Review Committee Members for a three (3) year term to commence at the conclusion of the 2009 Annual Town Meeting; term ending ATM 2012.
- Article 7:** To elect a Kennebunk, Kennebunkport & Wells Water District Trustee to a three (3) year term to commence on July 1, 2009; term ending June 30, 2012.
- Article 8:** Shall an Ordinance entitled "**Prohibition of Pesticide Usage on Town Owned Lands**", dated April 7, 2009, be adopted and made a part of **Title II as Chapter 11 of the Health, Safety & Welfare Ordinance**? [**Note:** A copy of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit A** and is available for inspection, use and examination by the public in the Town Clerk's Office.]
- Article 9:** Shall an Ordinance entitled "**Bicycle and Pedestrian Ordinance**", more specifically referenced as **Title VI, Chapter 2, (Bicycles)** of the Ogunquit Municipal Code, be amended as set forth herein?

Chapter 2 Bicycles

~~**201—Registration Required**~~

~~**201.1** A person shall not operate a bicycle in Ogunquit unless that person has registered such bicycle with the Ogunquit Police Department and authorized persons. This requirement shall not apply for fourteen (14) days after a person acquires a bicycle or to persons who do not work or reside in Ogunquit less than fourteen (14) days in any calendar year. The~~

~~registration requirement shall apply to people who rent bicycles in Ogunquit.~~

~~201.2 Each registration shall expire upon transfer of bicycle ownership. The person transferring ownership shall give the new owner written proof of ownership.~~

203-1 Operation

~~203.1~~ **201.1** A person shall not operate a bicycle any wheeled goods (i.e., bicycle, skateboard, roller skates, in-line skates or roller blades) in an unsafe and hazardous manner so as to endanger the operator or other people or property.

~~203.2~~ **201.2** A person shall not operate a bicycle any wheeled goods (i.e., bicycle, skateboard, roller skates, in-line skates or roller blades) so as to impede or hinder traffic.

~~203.3~~ A person shall not operate a bicycle abreast of another bicycle.

~~203.4~~ A person shall operate a bicycle with both hands on the handlebars unless he or she is signaling a turn or stop or unless he or she is carrying a package, article, or bundle in one (1) hand while keeping the other hand on the handlebars at all times.

~~203.5~~ **201.3** A person operating a bicycle shall not pass motor vehicles unless the motor vehicles are stopped or nearly stopped, and the bicyclist can pass the other vehicles safely. Such passing shall be to the right only while proceeding in the same direction as traffic.

~~203.6~~ **201.4** A person shall not operate a bicycle on a sidewalk except that young children riding bicycles having wheels less than twenty inches (20") in diameter may ride on sidewalks.

204-202 Parking

~~204.1~~ **202.1** A person shall park a bicycle at racks or designated areas where provided. Otherwise, the person shall park such bicycle in such manner as not to interfere with traffic or pedestrian movement.

~~204.2~~ **202.2** A person shall not park a bicycle in front of or secured to any of the following:

~~204.2.1~~ **202.2.1** Entrances to buildings or other structures;

~~204.2.2~~ **202.2.2** Fire Hydrants;

~~204.2.3~~ Telephone booths.

205-203 Fines and Penalties

~~205.1~~ **203.1** Fines and penalties provided by Maine statutes shall apply for all violations including local ordinances. In addition, the following provisions shall apply for impounded bicycles.

~~205.2~~ **203.2** Where any bicycle has remained parked for any period exceeding twenty-four (24) hours, authorized officials may remove and impound the bicycle. The owner may recover the bicycle upon payment of ten dollars (\$10).

~~205.3~~203.3 Where the ownership of an impounded bicycle is known or may be reasonably ascertained, the Chief of Police shall notify the owner that such bicycle has been impounded. Any bicycle not claimed within thirty (30) days shall be considered abandoned, and the Town may dispose of any abandoned bicycle.

302-204 Skateboards Prohibited Prohibitions

~~302.1~~ 204.1 ¹No person shall use, ride or operate, or attempt to use, ride or operate a **any wheeled goods (i.e., skateboard, roller skates, roller blades, or in-line skates)** ~~or roller skates~~ on U.S. Route One, Shore Road, Beach Street, River Road, Hoyt's Lane and Berwick Road or upon a lawful sidewalk, or upon private property without permission from the property owner. The operation of a skateboard and use of roller blades or roller skates within public parking areas is permitted, if undertaken in a manner which does not interfere with the flow of traffic associated with vehicular parking and vehicular and pedestrian passage.

ADD

~~204.3~~ 204.2

²A person shall not ride a bicycle on any lawful sidewalk or Marginal Way, on any private property without permission of the owner, on Ogunquit Beach from May 15 until September 15 of each year, or in a fashion which causes damage to any municipal property. A bicyclist is permitted to walk a bicycle over any grassy area, wooded trail, or any paved surface, including sidewalks, reserved for pedestrian use.

~~302.2~~ 204.3

For the purposes of this Ordinance, skateboard shall mean any wheeled vehicle intended and designed to be propelled by foot with one (1) foot on the vehicle at the moment of initial propulsion.

~~302.3~~ 204.4

Any person convicted of a violation of this Ordinance shall be liable to a penalty of not more than twenty-five dollars (\$25) and may suffer in the sound discretion of the court forfeiture of his interest in the skateboard in question to the Town of Ogunquit for disposition in such a manner as the court may direct.

Article 10: Shall an Ordinance entitled "**Animal Control Ordinance**", more specifically referenced as **Title VII, Chapter 1, Section 104, §104.1 (Definitions)** of the Ogunquit Municipal Code, be amended as set forth herein?

104 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** ~~unless controlled by a leash, cord, chain, or unless within a vehicle, or under restraint in an open vehicle being driven or parked in any public area,³ or under voice control as demonstrated to, and accepted, by the Animal Control Officer.~~

Article 11: Shall an Ordinance entitled "**Animal Control Ordinance**", more specifically referenced as **Title VII, Chapter 1, Section 104, §104.5 and §104.6 (Definitions)** of the Ogunquit Municipal Code, be amended as set forth herein?

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.**

104.6 **Responsible Party: Any person who has possession or custody of a dog.**

Article 12: Shall an Ordinance entitled “**Animal Control Ordinance**”, more specifically referenced as **Title VII, Chapter 2, Section 203 (Animal Offal)** of the Ogunquit Municipal Code, be amended as set forth herein?

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, ~~to this Section once~~ **determined by the Town**, shall merit a **\$100 fine**, ~~warning from an officer of the Town. A~~ **The second or additional** offenses, once determined by the Town, shall merit a ~~\$50~~**\$200 fine for each separate offense**. ~~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. (ATM 4/1/00) **Any owner allowing a pet on Ogunquit Beach must have with them the means for removal of animal offal.**

Article 13: Shall an Ordinance entitled “**Animal Control Ordinance**”, more specifically referenced as **Title VII, Chapter 3, Section 301, § 301.2 and §301.3 (License Required)** of the Ogunquit Municipal Code, be amended as set forth herein?

301 **License Required**

~~**301.2** The licensing requirement of this section shall not apply to any dog licensed by the Town of Wells in 1980 prior to the enactment of this Ordinance.~~

301.32 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.

Article 14: Shall an Ordinance entitled, “**Animal Control Ordinance**”, more specifically referenced as **Title VII, Chapter 4, Section 404, §404.2 (Disposition of Impounded Animal)** of the Ogunquit Municipal Code, be amended as set forth herein?

404.2 The animal control officer shall make arrangements with any licensed veterinarian, humane society or **no-kill** shelter for disposition of the pet or animal, including sale or gift.

Article 15: Shall an Ordinance entitled “Animal Control Ordinance”, more specifically referenced as **Title VII, Chapter 5, Section 502 (Boarding Fees) and Section 503, §503.3 (Penalties)** of the Ogunquit Municipal Code, be amended as set forth herein?

502 Boarding Fees

In addition to impoundment fees, a further fee for board shall be paid at a rate established by the ~~Board of Selectmen~~ **Select Board**.

503 Penalties

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 dollars (\$100) for each violation plus costs which ~~fine and costs~~ shall be recovered on complaint to the use of the Town. **(4/8/91 ATM)**

[Petitioned Article]

Article 16: Shall an ordinance entitled “An Ordinance to Amend Title VII of the Ogunquit Municipal Code (Animal Control Ordinance) Chapter 2, section 206.1.1” be amended to provide as follows [**Note:** Language proposed to be removed is indicated by a strikeout].

Dogs are permitted within the Ogunquit Beach Area from October 1 to March 31, ~~if on a leash, cord or chain~~. Dogs are not permitted within the entire Ogunquit Beach Area, from Main Beach to the Moody Beach Town Line from April 1 to September 30. Dogs are not permitted in the Ogunquit River Estuary.

Article 17: Shall the Town vote to raise and appropriate the sum of **\$575,000** for **General Government** expenditures? (**Note:** If this article is defeated, the appropriation for General Government will default to \$648,884 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 5-0

Article 18: Shall the Town vote to raise and appropriate the sum of **\$347,420** for **Land Use Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Land Use Department will default to \$418,277 pursuant to Section 503 of the Town Charter.)

Select Board recommends a: Yes 5-0
Budget Review Committee recommends: Yes 3-2

Article 19: Shall the Town vote to raise and appropriate the sum of **\$1,200,000** for **Police Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Police Department will default to \$1,480,211 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2 for **\$1,200,000**

OR

Shall the Town vote to raise and appropriate the sum of **\$1,299,132** for **Police Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Police Department will default to \$1,480,211 pursuant to Section 503 of the Town Charter.)

Budget Review Committee recommends: Yes 4-1 for **\$1,299,132**

Article 20: Shall the Town vote to raise and appropriate the sum of **\$1,089,888** for **Fire-Rescue Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Fire-Rescue Department will default to \$1,097,274 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 5-0

Article 21: Shall the Town vote to raise and appropriate the sum of **\$184,000** to provide for **Utilities (Street Lights, Sewer Fees and Water Hydrants)**? (**Note:** If this article is defeated, the appropriation for Utilities will default to \$177,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 22: Shall the Town vote to raise and appropriate the sum of **\$735,000** for **Public Works Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Public Works Department will default to \$705,972 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 5-0

Article 23: Shall the Town vote to raise and appropriate the sum of **\$385,574** for **Transfer Station** expenditures? (**Note:** If this article is defeated, the appropriation for the Transfer Station will default to \$404,332 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 24: Shall the Town vote to raise and appropriate the sum of **\$76,282** for **Harbormaster** expenditures? (**Note:** If this article is defeated, the appropriation for the Harbormaster will default to \$81,197 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 25: Shall the Town vote to raise and appropriate the sum of **\$5,600** for **General Assistance** expenditures? (**Note:** If this article is defeated, the appropriation for General Assistance will default to \$5,600 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 26: Shall the Town vote to raise and appropriate the sum of **\$141,235** for **Insurance** expenditures? (**Note:** If this article is defeated, the appropriation for Insurance will default to \$175,609 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 27: Shall the Town vote to raise and appropriate the sum of **\$264,666** for **Administrative Services Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Administrative Services Department will default to \$269,974 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 28: Shall the Town vote to raise and appropriate the sum of **\$17,052** for **Conservation** expenditures? (**Note:** If this article is defeated, the appropriation for Conservation will default to \$17,777 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 29: Shall the Town vote to raise and appropriate the sum of **\$48,685** for **Information Services** expenditures? (**Note:** If this article is defeated, the appropriation for the Information Services Department will default to \$49,294 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 30: Shall the Town vote to raise and appropriate the sum of **\$500** for the **American Legion**? (**Note:** If this article is defeated, the appropriation for the American Legion will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 31: Shall the Town vote to raise and appropriate the sum of **\$257** to **Caring Unlimited**? (**Note:** If this article is defeated, the appropriation for Caring Unlimited will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 4-1

Article 32: Shall the Town vote to raise and appropriate the sum of **\$500** to **Child Abuse/Prevention**? (**Note:** If this article is defeated, the appropriation for Child Abuse/Prevention will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 4-1

Article 33: Shall the Town vote to raise and appropriate the sum of **\$1,000** to **Counseling Services of York, Inc.**? (**Note:** If this article is defeated, the appropriation for Counseling Services of York, Inc. will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 4-1

Article 34: Shall the Town vote to raise and appropriate the sum of **\$1,000** to **Frannie Peabody Center**? (**Note:** If this article is defeated, the appropriation Frannie Peabody Center will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 3-0, 1A

Article 35: Shall the Town vote to raise and appropriate the sum of **\$1,000** to the **Home Health Visiting Nurses**? (**Note:** If this article is defeated, the appropriation for Home Health Visiting Nurses will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 4-1

Article 36: Shall the Town vote to raise and appropriate the sum of **\$500** to the **Hospice of York**? (**Note:** If this article is defeated, the appropriation for Hospice of York will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 4-1

Article 37: Shall the Town vote to raise and appropriate the sum of **\$1,800** for the care and maintenance of area **Cemeteries**? (**Note:** If this article is defeated, the appropriation for Cemeteries will default to \$1,800 pursuant to Section 503 of the Town Charter.)

Riverside Cemetery	\$ 500.00
Locust Grove Cemetery	\$ 500.00
Old Burying Ground	\$ 300.00
Ocean View Cemetery	\$ 500.00

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0, 1Recluse (Locust Grove)

Article 38: Shall the Town vote to raise and appropriate the sum of **\$3,500** for the **Ogunquit Performing Arts**? (**Note:** If this article is defeated, the appropriation for Performing Arts will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0

Article 39: Shall the Town vote to raise and appropriate the sum of **\$700** for the **Southern Maine Beach Profile Monitoring Program**? (**Note:** If this article is defeated, the appropriation for the Southern Maine Beach Profile Monitoring Program will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 5-0

Article 40: Shall the Town vote to raise and appropriate the sum of **\$500** for the **Southern Maine Area Agency on Aging**? (**Note:** If this article is defeated, the appropriation for the Southern Maine Area Agency on Aging will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 4-1

Article 41: Shall the Town vote to raise and appropriate the sum of **\$2,500** for the **Wells-Ogunquit Historical Society**? (**Note:** If this article is defeated, the appropriation for the Wells-Ogunquit Historical Society will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 5-0

Article 42: Shall the Town vote to raise and appropriate the sum of **\$500** for the **Wells-Ogunquit Youth Baseball**? (**Note:** If this article is defeated, the appropriation for the Wells-Ogunquit Youth Baseball will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 4-1

Article 43: Shall the vote to raise and appropriate the sum of **\$100** for the **Woodford Family Services**? (**Note:** If this article is defeated, the appropriation for the Woodford Family Services will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 4-1

Article 44: Shall the Town vote to raise and appropriate the sum of **\$694,845** for **Debt Management** expenditures? (**Note:** If this article is defeated, the appropriation for the Debt Management will default to \$410,005 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 45: Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **Unemployment Reserve Account**? (**Note:** If this article is defeated, the appropriation for the Unemployment Reserve Account shall be \$10,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 46: Shall the Town vote to raise and appropriate the sum of **\$40,000** for **Accrued Liabilities**? (**Note:** If this article is defeated, the appropriation for Accrued Liabilities shall be \$20,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 47: Shall the Town vote to raise and appropriate the sum of **\$5,000** for **Union Contracts and salary adjustments**, as needed? (**Note:** If this article is defeated, the appropriation for Union Contracts and salary adjustments shall be \$12,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 48: Shall the Town vote to raise and appropriate the sum of **\$10,000** to be deposited into the previously established **Land Conservation Reserve Fund**? [**Note:** If this article is defeated, the appropriation for the Land Conservation Reserve Fund shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 4-0

Article 49: Shall the Town vote to raise and appropriate the sum of **\$15,000** for the **Crack Seal of Municipal Parking Lots**? (**Note:** If this article is defeated, the appropriation for the Crack Sealing of Municipal Parking Lots will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 50: Shall the Town vote to raise and appropriate the sum of **\$50,000** for the **Paving Capital Reserve Account**? (Note: If this article is defeated, the appropriation for the **Paving Capital Reserve Account** will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 51: Shall the Town vote to raise and appropriate the sum of **\$35,000** for the purchase of a **2009 Pickup with Plow Package** for the **Public Works Department**? (Note: If this article is defeated, the appropriation for the purchase of a **2009 Pickup with Plow** will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 52: Shall the Town appropriate a sum not to exceed **\$60,000** to stabilize the structure of the Ogunquit Village School (OVS) building by replacing the non-functioning furnace, install some heating duct work, install additional attic ventilation, stabilize a wall and paint the exterior trim? (Note: These actions are deemed necessary to stabilize the building's structure. The building has been vacant for five (5) years, and such conditions are harsh on building structures.) (Note: If this article is defeated, the appropriation for the OVS Stabilization will default to \$0 pursuant to Section 503 of the Town Charter.)

AND

Shall the Town vote to fund said appropriation from **Undesignated Fund Balances**? (Note: If this article is defeated, the appropriation for the Undesignated Fund Balance will default to \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0

Article 53: Shall the Town vote to raise and appropriate the sum of **\$5,000** for the **Computer Reserve Account**? [Established STM 11/8/05] [Note: If this article is defeated, the appropriation for the **Computer Reserve Account** will default to \$35,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-0
Budget Review Committee recommends: Yes 4-0

Article 54: Shall the Town vote to increase the property tax levy limit established for Ogunquit by State law in the event that the municipal budget approved for fiscal year 2009/10 will result in a tax commitment that is greater than the property tax levy limit?

Article 55: Shall the Town vote to allow the Highway Department to plow and sand private roads on which the Town holds a recorded public easement during the upcoming winter season as otherwise allowed by Title 23 M.R.S.A. §3105 and previously authorized by a vote on Article 3 of a Special Town Meeting held on November 5, 2002, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

Article 56: Shall the Town authorize the Select Board to apply for and accept grant funds, donations and gifts; and authorize the Selectmen to spend such funds for the purposes intended as allowed by law?

Article 57: Shall the Town vote to accept the categories of funds, listed herein, as provided by the Maine Legislature:

<u>ITEM</u>	<u>AMOUNT</u>
Homestead Reimbursement	\$Unknown
State Aid Road Grant	\$Unknown
Municipal Revenue Sharing	\$Unknown
State Education Tax Relief	\$Unknown
Emergency Management Funds	\$Unknown
General Assistance Rebate	\$Unknown
Snowmobile Registration	\$Unknown
Tree Growth Reimbursement	\$Unknown
Veteran's Exemption Rebate	\$Unknown
Public Library Aid	\$Unknown
Specialized State Grants/Funds	\$Unknown

Article 58: Shall the Town vote to fix the date when property taxes shall be due and payable as follows:

- One-half (1/2) of the tax commitment shall be due 45 days after the commitment; on or about October 31
- The other one-half (1/2) of the tax commitment shall be due on or about April 30; and further
- Interest at the rate of nine-percent (9%) per annum shall be charged for taxes not paid within 45 days following each due date.

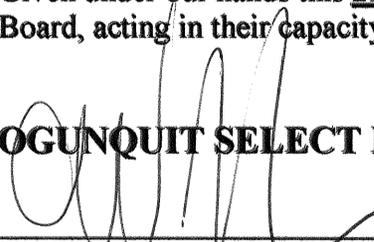
Article 59: Shall the Town vote to pay no more than 5% per annum to taxpayers who pay taxes in excess of the amounts finally assessed, and to authorize such interest paid or abatements granted to be charged against the Town's annual overlay, or if necessary, against the Town's undesignated surplus fund balance?

Article 60: Shall the Town vote to authorize the Select Board to sell and convey tax acquired property as they shall deem to be necessary and/or in the best interests of the Town; provided, however, that a delinquent taxpayer shall be given a thirty (30) day grace period after approval of this warrant article in which to redeem his/her property upon payment of all taxes, liens, interest and other applicable costs; and furthermore, shall the Town vote to authorize the Select Board to execute and deliver quit claim deeds, without covenant, for the conveyance of such property and/or the removal of tax liens from public records as justice may require?

Article 61: Shall the Town vote to authorize the Select Board to dispose of town-owned surplus property upon such terms and conditions as the Selectmen may deem to be in the best interests of the Town as otherwise allowed by law?

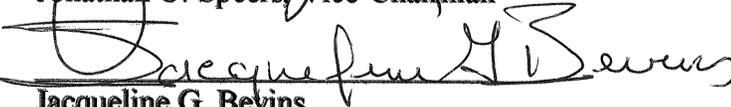
Given under our hands this 21st day of April 2009, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the municipal officers. ATTEST:

OGUNQUIT SELECT BOARD


Donato J. Pramuto, Chairman


Jonathan O. Speers, Vice-Chairman


John J. Abbott


Jacqueline G. Bevins

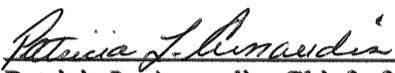

Philip J. Cavaretta

VOTER INFORMATION: The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any election.

RETURN OF WARRANT CERTIFICATION

In the Town of Ogunquit, County of York, State of Maine, ss.

Pursuant to the foregoing Warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purpose herein stated by posting upon the _____ day of May 2009, A.D. copy of said Warrant at the Dunaway Community Center, Ogunquit Post Office, and WOGT, those being three (3) conspicuous and public places in said Town.



Patricia L. Arnaudin, Chief of Police
Town of Ogunquit

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

Office of the Town Clerk

OGUNQUIT

Beautiful Place by the Sea

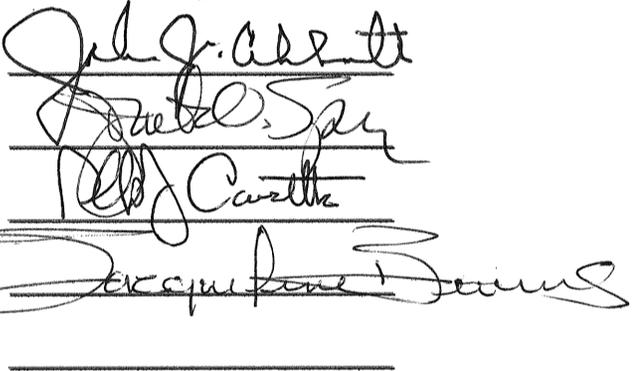
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend Title II, (Health, Safety and Welfare Ordinance) of the Ogunquit Municipal Code by adding a new Chapter 11 "Pesticide/Herbicide Usage on Town-Owned Lands". These amendments will be presented to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 9, 2009.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: April 14, 2009

**OGUNQUIT
BOARD OF SELECTMEN**


The image shows four handwritten signatures, each written over a horizontal line. From top to bottom, the signatures appear to be: 1. John J. Abbott, 2. Robert L. Spier, 3. [Illegible signature], and 4. [Illegible signature].

A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

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**Proposed Amendments to Title II
Health, Safety and Welfare Ordinance
To be voted on at the June 9, 2009
Annual Town Meeting**

Chapter 11 – Pesticide/Herbicide Usage on Town-Owned Lands

1101. Purpose

The purpose of this chapter is to safeguard the health and welfare of the residents of the Town of Ogunquit and to conserve and protect the town's ground water, estuarine, marine and other natural resources, while ensuring preservation and enhancement of town-owned lands.

1102. Provisions.

The following provisions shall be applicable to all turf, landscape and outdoor pest management activities on town-owned land.

(a) Permitted:

1102.1. Use or application of natural, organic land care protocols.

1102.2. All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program.

1102.3. Use or application of sludge or sludge-derived products to the extent permitted by the Maine Hazardous Waste, Septage and Solid Waste Management Act 38 M.R.S.A. §§1301-1319-Y, the Protection of Natural Resources Act 38 M.R.S.A. §§ 480-A-480-Z, the Site Location of Development Act 38 M.R.S.A. § 481-490, and any rules related thereto, as amended from time to time.

(b) Prohibited:

1102.4 Use or application of chemical pesticides, other than pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25, and those products permitted by the Organic Materials Review Institute.

1102.5 Use or application of sludge or sludge-derived products not listed as permitted above.

1103. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Natural, organic land care shall mean an extension of the principles and practices of organic agriculture to the care of turf and landscape.

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Sludge is defined in 38 M.R.S.A. § 1303-C(28-A), as amended from time to time.

Town-owned land means all land owned or leased by the Town of Ogunquit and/or managed by the Town, including outdoor grounds such as parks, playing fields, the Marginal Way, or conservation and open space.

Pest shall include any undesirable insect, plant, fungi, bacteria, virus or micro-organism.

1104. Exemptions.

The following processes are exempt: drinking water and wastewater treatment; indoor pesticide use; contained baits or traps for rodent control; use of pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25 or pesticides permitted by the Organic Materials Review Institute; management of town-owned land not used or used infrequently by the public (roadway medians, for example).

A specific exemption is made for poison ivy control on the Marginal Way, using the least toxic product in accordance with the US Environmental Protection Agency under 40 CFR 152.5, the Maine State Regulations Title 7 and Title 22: "Use of Pesticides", and the *Best*

Management Practices for the Application of Turf Pesticides and Fertilizers of the Maine Board of Pesticide Control.

1105. Emergency waiver.

If an emergency situation warrants the use of non-exempt pesticides, the Codes Enforcement Officer may, upon written request to the Board of Selectmen, grant a thirty (30) day temporary waiver. The waiver may be extended to a six (6) month total period. Waiver approval shall be subject to the use of the least toxic material available to address the given emergency. The

presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

(a) Waiver determination shall be based on the following criteria:

1105.1 The pest situation presents a) an immediate threat to human health or environmental quality, or b) an immediate threat of substantial property damage or loss; and

1105.2 Viable alternatives consistent with this article do not exist.

The Board of Selectmen shall request the Conservation Commission to review any waiver requests made under this section, and to recommend a course of action.

1106. Enforcement and permits.

This article shall be enforced by the Code Enforcement Officer, according to the policies governing enforcement of municipal ordinances of the Town of Ogunquit.

1107. Conflict and invalidity.

If a conflict or inconsistency is found between this article and other sections of the zoning ordinance or town charter, the terms of the stricter provisions shall prevail. The invalidity of a provision of this article shall not invalidate any other provision of this article.

1108. Authority.

Pursuant to 30-A M.R.S.A. § 3001, municipalities may enact ordinances to protect the welfare of their inhabitants. Pursuant to 22 M.R.S.A. § 1471-U, Maine municipalities may enact ordinances that apply to pesticide storage, distribution, or use. Pursuant to 38 M.R.S.A., § 1310-U, municipalities may enact ordinances with respect to solid waste facilities with standards that are not more strict than those contained in the Maine Hazardous Waste, Septage and Solid Waste Management Act 38 M.R.S.A. §§ 1301-1319-Y, the Protection of Natural Resources Act 38 M.R.S.A. §§ 480-A-480-Z, the Site Location of Development Act 38 M.R.S.A. § 481-490, and the rules adopted under those articles, as amended from time to time.

OGUNQUIT

Beautiful Place by the Sea

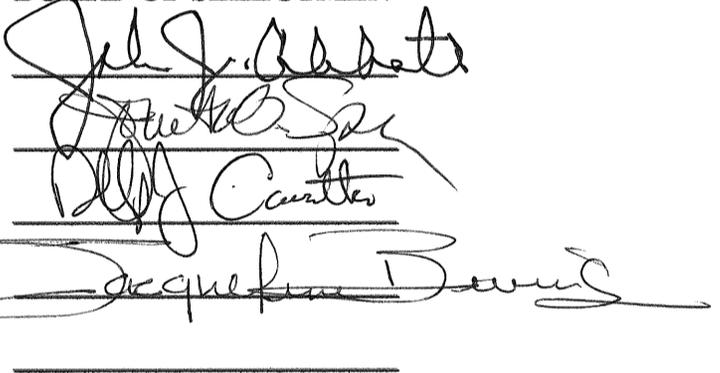
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend Title VI, Chapter 2, (Bicycles) of the Ogunquit Municipal Code (Bicycle and Pedestrian Ordinance) These amendments will be presented to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 9, 2009.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: April 14, 2009

**OGUNQUIT
BOARD OF SELECTMEN**

The image shows four handwritten signatures, each written over a horizontal line. From top to bottom, the signatures appear to be: 1. A signature that looks like 'John J. Barrett'. 2. A signature that looks like 'John A. ...'. 3. A signature that looks like 'D. Carter'. 4. A signature that looks like 'Jacqueline ...'. Below the fourth signature is a solid horizontal line.

A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

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**Proposed Amendments to Title VI, Chapter 2
Bicycle and Pedestrian Ordinance
To be voted on at the June 9, 2009
Annual Town Meeting**

Chapter 2 Bicycles

~~201~~ Registration Required

~~201.1~~ A person shall not operate a bicycle in Ogunquit unless that person has registered such bicycle with the Ogunquit Police Department and authorized persons. This requirement shall not apply for fourteen (14) days after a person acquires a bicycle or to persons who do not work or reside in Ogunquit less than fourteen (14) days in any calendar year. The registration requirement shall apply to people who rent bicycles in Ogunquit.

~~201.2~~ Each registration shall expire upon transfer of bicycle ownership. The person transferring ownership shall give the new owner written proof of ownership.

203-1 Operation

~~203.1~~ **201.1** A person shall not operate a bicycle **any wheeled goods (i.e., bicycle, skateboard, roller skates, in-line skates or roller blades)** in an unsafe and hazardous manner so as to endanger the operator or other people or property.

~~203.2~~ **201.2** A person shall not operate a bicycle **any wheeled goods (i.e., bicycle, skateboard, roller skates, in-line skates or roller blades)** so as to impede or hinder traffic.

~~203.3~~ A person shall not operate a bicycle abreast of another bicycle.

~~203.4~~ A person shall operate a bicycle with both hands on the handlebars unless he or she is signaling a turn or stop or unless he or she is carrying a package, article, or bundle in one (1) hand while keeping the other hand on the handlebars at all times.

~~203.5~~ **201.3** A person operating a bicycle shall not pass motor vehicles unless the motor vehicles are stopped or nearly stopped, and the bicyclist can pass the other vehicles safely. Such passing shall be to the right only while proceeding in the same direction as traffic.

~~203.6~~ 201.4 A person shall not operate a bicycle on a sidewalk except that young children riding bicycles having wheels less than twenty inches (20") in diameter may ride on sidewalks.

~~204.202~~ **Parking**

~~204.1~~202.1 A person shall park a bicycle at racks or designated areas where provided. Otherwise, the person shall park such bicycle in such manner as not to interfere with traffic or pedestrian movement.

~~204.2~~ 202.2 A person shall not park a bicycle in front of or secured to any of the following:

~~204.2.1~~ 202.2.1 Entrances to buildings or other structures;

~~204.2.2~~ 202.2.2 Fire Hydrants;

~~204.2.3~~ _____ Telephone booths.

~~205.203~~ **Fines and Penalties**

~~205.1~~ 203.1 Fines and penalties provided by Maine statutes shall apply for all violations including local ordinances. In addition, the following provisions shall apply for impounded bicycles.

~~205.2~~ 203.2 Where any bicycle has remained parked for any period exceeding twenty-four (24) hours, authorized officials may remove and impound the bicycle. The owner may recover the bicycle upon payment of ten dollars (\$10).

~~205.3~~203.3 Where the ownership of an impounded bicycle is known or may be reasonably ascertained, the Chief of Police shall notify the owner that such bicycle has been impounded. Any bicycle not claimed within thirty (30) days shall be considered abandoned, and the Town may dispose of any abandoned bicycle.

~~302.204~~ **Skateboards Prohibited Prohibitions**

~~302.1~~ 204.1 ¹No person shall use, ride or operate, or attempt to use, ride or operate a **any wheeled goods (i.e., skateboard, roller skates, roller blades, or in-line skates)** or roller skates on U.S. Route One, Shore Road, Beach Street, River Road, Hoyt's Lane and Berwick Road or upon a lawful sidewalk, or upon private property without permission from the property owner. The operation of a skate board and use of roller blades or roller skates within public parking areas is permitted, if undertaken in a manner which does

not interfere with the flow of traffic associated with vehicular parking and vehicular and pedestrian passage.

ADD

~~304.3~~ 204.2

²A person shall not ride a bicycle on any lawful sidewalk or Marginal Way, on any private property without permission of the owner, on Ogunquit Beach from May 15 until September 15 of each year, or in a fashion which causes damage to any municipal property. A bicyclist is permitted to walk a bicycle over any grassy area, wooded trail, or any paved surface, including sidewalks, reserved for pedestrian use.

~~302.2~~ 204.3

For the purposes of this Ordinance, skateboard shall mean any wheeled vehicle intended and designed to be propelled by foot with one (1) foot on the vehicle at the moment of initial propulsion.

~~302.3~~ 204.4

Any person convicted of a violation of this Ordinance shall be liable to a penalty of not more than twenty-five dollars (\$25) and may suffer in the sound discretion of the court forfeiture of his interest in the skateboard in question to the Town of Ogunquit for disposition in such a manner as the court may direct.

OGUNQUIT

Beautiful Place by the Sea

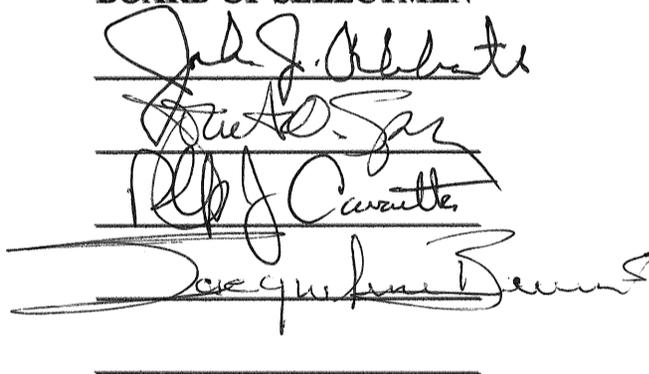
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend Title VII, (Animal Control Ordinance) Chapter 1, as it relates to (Definitions), Chapter 2, as it relates to (General Ordinances), Chapter 3, as it relates to (Dogs), Chapter 4, as it relates to (Enforcement) and Chapter 5, as it relates to (Fees and Penalties) of the Ogunquit Municipal Code. These amendments will be presented to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 9, 2009.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: April 14, 2009

**OGUNQUIT
BOARD OF SELECTMEN**



A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

P:\Clerk\Ordinance Certification.doc

**Proposed Amendments to Title VII
Animal Control Ordinance
To be voted on at the June 9, 2009
Annual Town Meeting**

Chapter 1 Title, Purpose and Definitions

104 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** unless controlled by a leash, cord, chain, or unless within a vehicle, or under restraint in an open vehicle being driven or parked in any public area, ¹ or under voice control as demonstrated to, and accepted, by the Animal Control Officer.

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.**

104.6 Responsible Party: **Any person who has possession or custody of a dog.**

Chapter 2 General Ordinances

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, to this Section once **determined by the Town**, shall merit a **\$100 fine**. ~~warning from an officer of the Town. Second or additional offenses, once determined by the Town, shall merit a \$50~~**\$200 fine for each separate offense**. ~~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. (ATM 4/1/00)

Any owner allowing a pet on Ogunquit Beach must have with them the means for removal of animal offal.

**TITLE VII
ANIMAL CONTROL ORDINANCE**

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 (ATM 04/05/08) The first offense to this Section may be subject to a \$25 fine issued by an officer of the Town. (STM 11/6/01) 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. (ATM 4/1/00)

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, ~~to this Section~~ **once determined by the Town**, shall merit a **\$100 fine**. ~~warning from an officer of the Town. A~~ The second **or additional** offenses, once determined by the Town, shall merit a ~~\$50~~**\$200 fine for each separate offense**. ~~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. (ATM 4/1/00)
Any owner allowing a pet on Ogunquit Beach must have with them the means for removal of animal offal.

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 ¹October 1 to March 31, if on a leash, cord or chain. 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 30.
²Dogs are not permitted in the Ogunquit River Estuary.**

206.1.2 ³Ponies or horses are not permitted on Ogunquit Beach, including the Ogunquit River Estuary, year-round.

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. (ATM 4/8/91, 4/9/01) Dogs are not permitted on the Marginal Way from April 1 to September 30. (ATM 4/9/01)

¹ Section 206.1.1 – STM 11/04/2008

² Section 206.1.1 – STM 11/04/2008

³ Section 206.1.2 – STM 11/04/2008

**TITLE VII
ANIMAL CONTROL ORDINANCE**

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 licensed by the Town of Wells in 1980 prior to the enactment of this Ordinance.~~

301.32 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.

302 License to be Displayed

The owner of any dog shall attach to the dog by a collar the dog's license; or identification, if the dog belongs to a non-resident visitor or seasonal resident.

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

**TITLE VII
ANIMAL CONTROL ORDINANCE**

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.

**TITLE VII
ANIMAL CONTROL ORDINANCE**

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. (BOS 8/5/97, BOS 5/7/02)

502 Boarding Fees

In addition to impoundment fees, a further fee for board shall be paid at a rate established by the ~~Board of Selectmen~~ Select Board.

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 dollars (\$100) for each violation plus costs which ~~fine and costs~~ shall be recovered on complaint to the use of the Town. (4/8/91 ATM)

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