

**TOWN OF LUBEC  
ANIMAL CONTROL ORDINANCE**

**AMENDED: ANNUAL TOWN MEETING AUGUST 6, 2013**

**ENACTED AT ANNUAL TOWN MEETING  
EFFECTIVE DATE: AUGUST 16, 1995**

ATTESTED: *Betty L. Case* 8/15/13  
Betty L. Case, Town Clerk

Section 1: Purpose

**Definitions:**

- A. "Dog" Shall be intended to include both male and female
- B. "Owner" Shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog or animal.
- C. "At Large" Shall mean off the premises of the owner and not under the control of any person by means of personal presence and attention as will reasonable control the conduct of such an animal or fowl.
- D. "Keeper" Shall mean a person in possession or control of a dog or animal.
- E. "Animal" Shall mean every living, sentient creature, not a human being.

**Section 2: Appointment of the Animal Control Officer:**

The Town of Lubec will appoint one or more Animal Control Officers who meets the qualifications and has the training required by law. This officer shall hereafter be referred as to being an agent of the Town and have all of the powers provided under this ordinance and the laws of the State of Maine. The duties are to include but not limited to, the enforcement of state law in accordance with the State of Maine Animal Welfare Laws and Regulations and to perform any other duties as the Town may require.

Upon appointment of the Animal Control Officer, the Municipal Clerk shall notify the Commissioner of Agriculture of the name, address and telephone number of the Animal Control Officer within ten (10) business days. In the event the position is vacant upon termination or resignation of the officer, the municipal clerk shall notify the Commissioner within ten (10) business days of the vacancy.

**Section 3: Dogs**

- A. Licensing – Dogs shall be licensed in accordance with the State of Maine Animal Welfare Laws and Regulations of the State of Maine. No dog shall be kept within the limits of the Town of Lubec, County of Washington, State of Maine, unless such dog has been licensed by its owner or keeper in accordance with the Statutes of the State of Maine and this ordinance.
- B. Dogs at Large – It shall be unlawful for any dog, licensed or unlicensed to be at large. Exceptions are for hunting, cadaverous or law enforcement activities.
- C. License- Each owner or keeper of a dog, age six (6) months or more, shall obtain a license by December 31<sup>st</sup> each year. If a dog reaches the age of six (6) months or more, or a person becomes the owner or keeper of a dog aged six (6) months or

more after January 1<sup>st</sup>, a license must be obtained within ten (10) days of the occurrence of either of these events. The license amount and late fees will be set by State Statute.

Exemption from fees: The Municipal Clerk shall issue a license upon application and without payment of a license fee for the following types of dogs: 1) A service dog owned or kept by a person with a physical or mental disability; 2) a trained search and rescue dog recognized by the Department of Inland Fisheries and Wildlife ( DIFW) or the statewide association of search and rescue that cooperates with the DIFW in developing standards for search and rescue or such a dog awaiting training; and 3) a dog certified by the State and used for law enforcement purposes.

- D. Vaccinations- A person owning or keeping a dog shall, within thirty (30) days after the dog attains the age of six (6) months, cause the dog to be vaccinated against rabies and shall have booster vaccinations administered periodically in accordance with rules adopted by the Commissioner of Health and Human Services under Section 3922., Subsection 3. A wolf hybrid is required to be vaccinated in accordance with this section. The procedure described under Title 22, Chapter 251, Subchapter 5 for wolf hybrid suspected of having rabies does not change based on proof that the wolf hybrid has received a rabies vaccination.

A licensed veterinarian who vaccinates or supervises the vaccination of a cat or dog shall issue to the owner or keeper a certificate of rabies vaccination approved by the State and shall indicate on the certificate the date by which a booster vaccination is required pursuant to subsection 1 or 1-A.

- E. Barking Dog- No owner or keeper of a dog shall allow the dog to unnecessarily annoy or disturb any person not on the premises of the owner or keeper by unreasonable barking or other noises. For the purpose of this section, unreasonable barking or other noises shall mean; barks, bays, cries, howls or other noises that are continuous or incessant for a period of ten (10) minutes or intermittent for a period of thirty(30) minutes or more. Barking or noises shall not be considered unreasonable if the animal is responding to a trespass or attempted trespass on private property or any other legitimate cause which provoked the animal. Upon written complaint of the person disturbed, signed and sworn to, the Animal Control Officer or other law enforcement may investigate the allegations of the complaint. If the agent of officer finds that there are valid grounds for the complaint, the agent or officer shall serve a warning upon the owner or keeper, notifying the owner or keeper that such annoyance or disturbance must cease. Warning shall be served by delivering a copy of the warning to the owner or keeper, in hand, by leaving a copy with a person of suitable age and discretion at the premises where the dog is kept or where the owner or keeper resides; or by mailing a copy to the owner or keeper at his or her last known address. Any owner or keeper, who allows such an annoyance or

disturbance to continue after notice has been served, commits a violation subject to the penalties set forth in this ordinance.

Exception to the barking dog section: Dogs engaged in the herding of livestock or agricultural dogs engaged in protecting livestock, are exempt from the barking dog section of this ordinance.

- F. Notification- The Town of Lubec will provide written notification to all residents in the Town informing them that dogs must be licensed by December 31 or a late fee will be assessed after January 31. Notices will be placed in the lobby of the Lubec Town Office and on the local TV channel. In addition, the municipal clerk will post the dog licensing requirement and Ordinance in the Municipal Office on an annual basis at least twenty (20) days before January 1<sup>st</sup>.
- G. Seizing or Impounding of a Dog- If the Animal Control Officer seizes and or impounds a dog, the owner will pay a penalty to get the dog back. If a dog is taken to a shelter, the owner is responsible for all fees imposed by the shelter. If the dog is not licensed, the owner will be required to license the dog within fourteen (14) days of the seizure and or impoundment. If the fee(s) are not paid within that time the Animal Control Officer may summon the owner to court.
- H. Duty to dispose of Canine Waste- No person shall fail to immediately remove and lawfully dispose of any feces left in any public way, park or other public or town-owned property by a dog owned or controlled by such person or under his/her control. It is also a violation of this ordinance for a person to allow a canine under his/her control to defecate on any private property not owned by the owner of the canine or without the permission of the property owner.

A reasonable effort must be made by a person to not allow a canine in his / her control to defecate on property not owned by that person owning or controlling the canine. If the person controlling the canine makes a reasonable attempt to remove the feces of the canine in a timely manner, they may not be held in violation of this ordinance.

This regulation shall not apply to a dog accompanying any handicapped individual who, by reason of his / her handicap, is physically unable to comply with the requirements of this section. Also, cadaver, search and law enforcement canines are exempt from this section in performance of their duties.

#### Section 4 Domestic Animals

- A. No owner or keeper of domestic animals, including but not limited to; horse, cow or beef cattle, swine, goat, sheep or other domestic animal shall allow loose or permit the same to go at large in any street or road or property of another.
- B. Containment- Domestic animals shall be cared for in accordance with the State

of Maine Welfare Laws and Regulations. No owner or keeper of a domestic animal shall allow the animal to unnecessarily annoy or disturb any person. Upon written complaint of the person disturbed, signed and sworn to, the Animal Control Officer or other law enforcement officer may investigate the allegations of the complaint. If the agent or officer finds there are valid grounds for the complaint, the agent or officer shall serve a warning upon the owner or keeper that such annoyance or disturbance must cease. Warning shall be served by delivering a copy of the warning to the owner or keeper, in hand, by leaving a copy with a person of suitable age and discretion at the premises where the domestic animal is kept or the owner or keeper resides; or by mailing a copy to the owner or keeper at his or her last known address. Any owner or keeper who allows such an annoyance or disturbance to continue after notice has been served commits a violation subject to the penalties set forth in this ordinance and state statute.

- C. Cruelty- No person shall worry, taunt, torment or injure any animal on the premises of or under control of its owner providing that such animal is controlled and maintained in accordance with state and local law. This prohibition does not bar such actions by any agent of the Town or a law enforcement officer, when necessary, to carry out any requirements of State and local law.
- D. Rabies- Upon positive diagnosis of rabies in any animal within the Town, a notice shall be posted in areas of public gathering and the local TV channel to warn the inhabitants of the Town of Lubec of the location of the rabid animal. Notification shall be sent to the Town Health Officer and the Animal Control Officer. Any animal suspected of being infected can be quarantined by the Animal Control Officer or the Town Health Officer. At no time shall an animal that has been quarantined be taken off quarantine unless approved by a licensed veterinarian.
- E. Disposition of Animals which have Bitten Persons- It shall be unlawful for the owner or persons keeping or harboring any animal when notified that such animal has bitten any person or so injured any person as to cause abrasion to the skin, to sell or give away such animal or to permit or allow such animal to be taken beyond the limits of the Town, except under the care of a licensed veterinarian or the Animal Control Officer. The only exception will be to take the animal to an impound shelter. It shall be the duty of the Animal Control Officer upon receiving notice of the character aforesaid, to immediately place such animal under confinement for a period of at least 14 days or to deliver such dog to the Impoundment shelter. The Director of Public Health and the Town Health Officer shall be notified immediately by the person in charge of the death of any animal while in confinement. Any animal which shall have been bitten by another animal having or suspected of having rabies shall immediately be impounded for observation as provided in this section. It shall be unlawful for the owner or person keeping or harboring any animal when notified that such animal

has bitten any person or so has injured any person as to cause abrasion to the skin, to destroy such animal without permission from the Town Health Officer.

- F. Public Nuisance- Any owner or keeper of an animal which causes damage to property located within the Town of Lubec and belonging to another, said damage occurring while the animal is not on the property of the owner or keeper, commits a civil violation subject to the penalties set forth in this ordinance.

#### Section 5 Animals not included in this Ordinance

- A. Animals under the control of Fisheries and Wildlife are not included in this Ordinance. These animals include, but not limited to, fowl, raccoon, skunk, and wild animals.

#### Section 6 Violations

- A. Violations- Any person who violates this Ordinance commits a civil violation for which a penalty shall be imposed by the Animal Control Officer according to State Statute.
- B. Enforcement and Penalties- Any person who violates any provision of this ordinance commits a civil violation. The penalty for this violation is a fine not less than \$ 25.00 or more than \$ 100.00 per violation. Each day that a violation continues constitutes a separate violation. If the Town is the prevailing party in an action to enforce any provision of this ordinance, it must be awarded its reasonable attorney fees, expert witness fees and costs, unless extraordinary circumstances make the award and fees unjust.

#### Section 7 Severability

- A. Severability – If any section or provision of this ordinance is declared invalid by a court, such decision shall not invalidate any other section or provision of this ordinance.

#### Section 8 Effective Date

Effective Date- This Ordinance shall take effect immediately upon enactment of the Municipal Legislative Body unless otherwise provided and should remain in effect unless it is amended or repealed. A copy of this ordinance will be filed with the Town Clerk.