

## Chapter 4

### ANIMALS\*

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\* **Cross References:** Administration, Ch. 2; buildings and building regulations, Ch. 5; housing, Ch. 8; housing code, § 8-26 et seq.; solid waste, Ch. 13; streets, sidewalks and other public places, Ch. 14; traffic and vehicles, Ch. 15; zoning and subdivision of land, App. A.

**State Law References:** Animals, 7 M.R.S.A. § 3901 et seq.; municipal regulations, 7 M.R.S.A. § 3950.

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#### Art. I. In General, §§ 4-1--4-25

#### Art. II. Dogs, §§ 4-26--4-40

### ARTICLE I.

#### IN GENERAL

#### Sec. 4-1. Animals at large; grazing animals, hitching to trees.

No owner or owner's designee having the care or custody of any animal shall permit or suffer it to go at large or to graze on any street, lane, park, square or other public place within the limits of the town, or permit any animal to go or stand upon any sidewalk therein. No person shall fasten any horse or other grazing animal to any tree growing in any street, public way or park within the town. All complaints for violation of this section shall be made to the chief of police, whose duty it shall be to cause all offenders hereunder to be prosecuted therefor.

(Bylaws of 1942, Art. II, § 12; Emergency/Regular Ord. of 4-22-97)

**Cross References:** Buildings and building regulations, Ch. 5; housing, Ch. 8; housing code, § 8-26 et seq.; streets, sidewalks and other public places, Ch. 14; zoning and subdivision of land, App. A.

#### Secs. 4-2--4-25. Reserved.

### ARTICLE II.

#### DOGS\*

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\* **Cross References:** Buildings and building regulations, Ch. 5; housing, Ch. 8; housing code, § 8-26 et seq.; solid waste, Ch. 13; streets, sidewalks and other public places, Ch. 14; traffic and vehicles, Ch. 15; zoning and subdivision of land, App. A.

**State Law References:** Dogs, 7 M.R.S.A. § 3911 et seq.; municipal duties, 7 M.R.S.A. § 3941 et seq.

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#### Sec. 4-26. Definitions.

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

*At large* shall mean off the premises of the owner or owner's designee charged with the responsibility of control of a dog.

*Dangerous dog* shall mean a dog which has bitten a person who was not a trespasser with criminal intent on the owner's or owner's designee's premises at the time of the incident; a dog which causes serious injury or death to another animal; or a dog which causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner's or owner's designee's premises.

*Nuisance* shall mean loud, frequent or habitual barking, howling or yelping; the causing of unreasonable noise, smell, litter, or property damage; the chasing of automobiles, motorcycles, bicycles, or other vehicles; or the persistent or frequent entry on school grounds while school is in session.

*Nuisance* shall be a separate offense from running at large even though some of the elements of the offense may be the same.

*Owner or owner's designee* shall mean any person or organization which owns, possesses, or has custody of a dog.

(Ord. of 8-22-77, § 103; Emergency/Regular Ord. of 4-22-97)

**Cross References:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 4-27. Purpose.**

The purpose of this article is to require that all dogs in the town be kept under the control of their owners or owner's designees at all times so that they will not injure persons, damage property, or create a nuisance.

(Ord. of 8-22-77, § 101; Emergency/Regular Ord. of 4-22-97)

#### **Sec. 4-28. Registration and identification.**

A dog which is at least six (6) months old must be licensed by its owner in accordance with 7 M.R.S.A. § 3951 et seq. A dog which is at least two (2) months old must wear a collar or harness to which is attached an identification tag with the owner's name and address or telephone number.

(Ord. of 8-22-77, § 104; Emergency/Regular Ord. of 4-22-97)

**Cross References:** Administration, Ch. 2; licenses and business regulations, Ch. 10.

#### **Sec. 4-29. Running at large.**

A dog is not permitted to run at large. A dog which is off the premises of the owner or owner's designee and is not on a leash, or is on a leash exceeding six (6) feet in length, is prima facie running at large. A dog which is under the control of the owner or owner's designee may run at large while engaged in field trials, training or legal hunting.

(Ord. of 8-22-77, § 105; Emergency/Regular Ord. of 4-22-97)

#### **Sec. 4-30. Impounding.**

The animal control officer shall apprehend any dog found running at large and impound it in the animal shelter or other suitable place. At that time the officer shall register the breed, color, sex, license number, and name and address or telephone number of the owner in a book kept for that purpose.

(Ord. of 8-22-77, § 106; Emergency/Regular Ord. of 4-22-97; Ord. of 11-01-06(1))

**Sec. 4-31. Notice and reclamation.**

The animal control officer shall immediately notify the owner by telephone or by certified mail that the dog has been impounded, and that owner may reclaim it by licensing the dog if it is unlicensed, and by paying to the town the following fees:

- (1) Cost of impounding the dog shall be twenty five dollars (\$25.00), except upon the second impoundment of the same dog, the fee shall be fifty dollars (\$50.00), and upon the third and all subsequent impoundments of the same dog, the fee shall be one hundred dollars (\$100.00).
- (2) Cost of keeping the dog shall be five dollars (\$5.00) per day.
- (3) Cost of notice by mail or by posting shall be three dollars (\$3.00).

(Ord. of 8-22-77, § 107; Emergency/Regular Ord. of 4-22-97; Ord. of 11-01-06(1))

**Sec. 4-32. Disposition of unclaimed dogs.**

The animal shelter shall keep all impounded dogs for ten (10) days. If the owner or owner's designee has not reclaimed the dog within that time or if the owner is unknown and if the animal control officer is not able to place the dog, the Brunswick Area Humane Society shall dispose of the dog as appropriate.

(Ord. of 8-22-77, § 108; Emergency/Regular Ord. of 4-22-97)

**Sec. 4-33. Disposition of dogs which have bitten persons.**

The owner or owner's designee of a dog who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least fourteen (14) consecutive days and shall notify the health officer immediately of the time, place, and reason for the confinement. During the period of confinement, the owner or owner's designee shall not destroy the dog nor allow it to be destroyed.

(Ord. of 8-22-77, § 109)

**State Law References:** Rabies regulations, 22 M.R.S.A. § 1311.

**Sec. 4-34. Examination of confined dogs.**

The animal control officer shall have a dog which has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the fourteen-day period of confinement, the health officer shall determine whether the dog is infected with rabies. In making this determination he shall employ such expert assistance as may be necessary. If he deems it necessary to keep the animal confined for longer than the fourteen-day period, he shall order it done. If the dog is found to be rabid, he shall notify the owner and person bitten, and shall have the dog destroyed immediately, following any procedure recommended by health and welfare. If the dog is not rabid, the owner shall thereafter muzzle the dog or keep it confined. All expenses incurred by the town in carrying out the procedure provided by this section shall be paid for by the owner of the dog.

(Ord. of 8-22-77, § 110; Emergency/Regular Ord. of 4-22-97)

**Sec. 4-35. Dangerous dog.**

The owner or owner's designee shall not permit a dangerous dog to be unconfined without a muzzle.  
(Emergency/Regular Ord. of 4-22-97)

**Sec. 4-36. Nuisance.**

A dog shall not be permitted by the owner or owner's designee to cause a nuisance.  
(Emergency/Regular Ord. of 4-22-97)

**Sec. 4-37. Refusing to reclaim dog.**

The owner or owner's designee shall not fail or refuse to reclaim a dog and pay the cost required by section 4-32 within one (1) week after receiving oral or written notice of its impoundment.  
(Emergency/Regular Ord. of 4-22-97)

**Sec. 4-38. Penalties.**

Any person who is found to have violated any provision of this chapter shall pay a civil penalty of not more than twenty-five dollars (\$25.00) for the first offense; not more than two hundred dollars (\$200.00) for the second offense; and not more than five hundred dollars (\$500.00) for the third and subsequent offenses. Each day of violation shall constitute a separate violation. All civil penalties shall be paid to town. In addition to the civil penalties, the person violating this article shall pay the town's attorney's fees for the prosecution of the action. Finally the town may seek appropriate legal and equitable relief in a court of competent jurisdiction to enforce the provisions of this article.  
(Ord. of 8-22-77, § 111(1)--(6); Emergency/Regular Ord. of 4-22-97)

**Sec. 4-39. Unlicensed dogs; warrant.**

The town council shall annually issue a warrant to the animal control officer, pursuant to 7 M.R.S.A. § 3943.  
(Ord. of 8-22-77, § 111(7); Ord. of 3-23-92; Ord. of 10-5-92; Ord. of 2-7-94; Ord. of 2-22-94;  
Emergency/Regular Ord. of 4-22-97; Emergency/Regular Ord. of 2-22-00(1); Ord. of 11-01-06(1)  
**State Law References:** Similar provisions, 7 M.R.S.A. § 3943.

**Sec. 4-40. Enforcement.**

Except for the provisions required to be enforced by the health officer, the animal control officer shall enforce this article and shall notify the health officer of all incidents of rabies.  
(Ord. of 8-22-77, § 112; Emergency/Regular Ord. of 4-22-97)