

Chapter 4

ANIMALS*

* **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.

Art. I. In General, §§ 4-1--4-25

Art. II. Dogs, §§ 4-26--4-60

Art. III. Domesticated Chickens, §§ 4-61--4-71

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*

* **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.

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)

Secs. 4-41--4-60. Reserved.

ARTICLE III.

DOMESTICATED CHICKENS*

* **Editors Note:** Sections I--IX of an ordinance adopted Oct. 19, 2009, did not specify manner of inclusion; hence, codification as a new art. III, §§ 4-61--4-71 was at the discretion of the editor.

Sec. 4-61. Purpose.

The purpose of this article is to provide standards for the keeping of domesticated chickens. The article is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.

(Ord. of 10-19-09)

Sec. 4-62. 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:]

Chicken pen. An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Enclosure. The combined area of a henhouse and chicken pen.

Henhouse. A structure for the sheltering of female chickens. A legally existing nonconforming detached shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this article.

(Ord. of 10-19-09)

Sec. 4-63. Keeping of domesticated chickens located in the growth area.

(a) No more than six (6) chickens shall be allowed per single-family detached dwelling property. No chickens shall be permitted within multi-family complexes, including duplexes.

(b) Only female chickens are permitted with no restriction on chicken species.

(c) Chickens shall be kept only for personal use.

(d) Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.

(e) Outside slaughtering of chickens is prohibited.

(Ord. of 10-19-09, § I)

Sec. 4-64. Enclosure.

(a) Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence including attached structures.

(b) Chickens shall be secured within the henhouse during nondaylight hours.

(c) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor or other adverse impact.

(d) An enclosure shall not be located in the front yard.
(Ord. of 10-19-09, § II)

Sec. 4-65. Henhouse.

(a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.

(b) The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and birdproof wire of less than one-inch openings.

(c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.

(d) Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than ten (10) feet to the side property line.

(e) No henhouse shall be located within ten (10) feet of a rear or side property line.
(Ord. of 10-19-09, § III)

Sec. 4-66. Chicken pens.

(a) Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve (12) inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire or solid roofing in a manner to prevent the escape of chickens.

(b) Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than ten (10) feet to the side property line.

(c) No chicken pen shall be located within ten (10) feet of a rear or side property line.
(Ord. of 10-19-09, § IV)

Sec. 4-67. Odor, noise and lighting.

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be a disturbance to abutters.

(c) Only motion-activated lighting may be used to light the exterior of the henhouse.
(Ord. of 10-19-09, § V)

Sec. 4-68. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.
(Ord. of 10-19-09, § VI)

Sec. 4-69. Licensing requirements.

A person who keeps domesticated chickens shall obtain a license for a fee of ten dollars (\$10.00). The license shall expire annually on the last day of April. The license shall be issued by the town clerk after favorable inspection by the Brunswick Animal Control Officer or designee. The ten dollar (\$10.00) fee is nonrefundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of ten dollars (\$10.00). The fine will double after the license has been expired for more than thirty (30) days.
(Ord. of 10-19-09, § VII)

Sec. 4-70. Penalty.

In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine not exceeding one hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.
(Ord. of 10-19-09, § VIII)

Sec. 4-71. Removal of chickens.

Any violation of the provisions of this article or of the license shall be grounds for an order from the code enforcement officer to remove the chickens and the chicken-related structures. The animal control officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.
(Ord. of 10-19-09, § IX)