



# **TOWN OF SEBAGO**

## **DOG ORDINANCE**

**ADOPTED: MAY 25, 2010**

**AMDENDED AND ADOPTED: JUNE 23, 2020**

**Section 1. Purpose**

The purpose of this ordinance is to control dogs throughout the Town of Sebago in the interest of the health, safety and general welfare of its residents.

**Section 2. Definitions as used in this Ordinance unless the context otherwise indicates:**

**“DOG”** shall mean both male and female dog or wolf hybrid, whether neutered or not.

**“OWNER”** shall mean any person, party, firm, association or corporation owning, keeping or harboring a dog.

**“AT LARGE”** shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.

**“DANGEROUS DOG”** shall mean ~~a dog which has bitten or chased a person who was not a trespasser on the owner’s premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owner’s premises, to be put in apprehension of eminent bodily harm; or a dog who has damaged the property of any person.~~

**PROBLEM DOGS** - shall mean any dog which by loud, frequent and continual barking or howling, annoys or disturbs any person; *or* shall mean a dog which frequently causes damage to property not belonging to the owner; *or* shall mean any dog which frequently defecates on property not belonging to the owner and the owner does not immediately remove and dispose of the feces.

**NUISANCE DOGS** -in accordance with 7 MRSA §3907, §20-A, shall mean any dog which has caused bodily harm to a person or domesticated animal who was not a trespasser on the owner’s premise at the time of the incident; *or* shall mean any dog that causes a reasonable and prudent person, acting in a peaceable manner, and who is not on the dog owner’s property, to be put in fear of imminent bodily harm to themselves or their domesticated animal *or* shall mean any dog that causes damage to property not belonging to the owner.

**DANGEROUS DOGS** – In accordance with 7 MRSA §3907, §12-D, shall mean any dog which has caused the death of or serious bodily harm ~~bitten~~ to a person or domesticated animal who was not a trespasser on the owner’s premises at the time of the incident; *or* shall mean a dog that causes a reasonable and prudent person, acting in a peaceable manner, and who is not on the dog owner’s property, to be put in fear of imminent serious bodily harm to themselves or their domesticated animal, and has been previously found by the court to be a nuisance dog.

### **Section 3. License Required**

~~All dogs kept, harbored or maintained by their respective owners in the Town of Sebago shall be licensed and tagged in accordance with the appropriate laws of the State of Maine 7 M.R.S.A. Section 3921, as amended from time to time.~~

- 3.1 In accordance with the State of Maine, Title 7, MRSA Chapter 721 § 3921, all dogs kept, harbored, and domiciled by their respective owners in the Town of Sebago shall be licensed.
- 3.2 Owners of any dog 6 months old or older, or within 10 days of obtaining a dog 6 months old or older, shall provide proof of rabies certificate, and shall obtain a license from the Town Clerk's Office or online at
- 3.3 Licenses expire annually on December 31<sup>set</sup> and shall be renewed annually by each January 1<sup>set</sup>. Renewing an expired license after January 31<sup>set</sup> will subject the owner to a State mandated fine. (7 MRSA, Ch 721, § 3923-B)
- 3.4 License fees and fines are mandated by the State per Title 7, Part 9, Chapter 721 §3923-A-5.

### **Section 4. Disturbing the Peace-PROBLEM DOGS**

~~It shall be a violation of this ordinance for an owner of a dog to cause or permit such dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more between the hours of 8:00 p.m. and 6:00 a.m. It shall be a violation of this ordinance for an owner to cause or permit a dog to be a dangerous dog.~~

- 4.1 It shall be unlawful for any owner to cause or permit a dog to bark, howl or yelp continuously for thirty (30) minutes or intermittently for (1) hour or more.
- 4.2 .It shall be unlawful for any owner to cause or permit a dog to defecate on property that does not belong to the owner unless the feces are removed immediately by the dog owner.
- 4.3 It shall be unlawful for any owner to cause or permit a dog to repeatedly trespass on property that does not belong to the owner unless permission is granted by the property owner.
- 4.4 Persons afflicted by problem dogs may file a complaint with the town appointed Animal Control Officer

- 4.5 If any owner, after receiving sufficient warning, from the Animal Control Officer, and opportunity to correct the issues, is found in violation of this section they shall be subject to a municipal penalty of \$25 for the first offense; \$50 for the second offense & \$100 for third and any additional offense.

## **Section 5 NUISANCE DOGS**

- 5.1 It shall be unlawful for an owner to permit or cause a dog to inflict bodily harm or otherwise assault or threaten assault against a person or domesticated animal that is not a trespasser on the owner's property.
- 5.2 It shall be unlawful for an owner to permit or cause a dog to inflict bodily harm or otherwise assault or threaten assault against a person or domesticated animal acting in a peaceable manner off of the owner's property.
- 5.3 It shall be unlawful for any owner to cause or permit a dog to damage property that does not belong to the owner and is off the owner's property.
- 5.4 Persons afflicted by nuisance dogs may, within 30 days of the assault or threatened assault, make written complaint, to the town appointed Animal Control Officer or with the Cumberland County Sheriff's Department.
- 5.5 If any owner, after receiving sufficient warning, from the Animal Control Officer, and opportunity to correct the issues, is found in violation of this section they shall be subject to a municipal penalty of \$25 for the first offense; \$50 for the second offense & \$100 for third and any additional offense.
- 5.6 Any owner found in violation of this section by a court of competent jurisdiction will be subject to Title 7, MRSA Chapter 727, § 3952-A.

## **Section 6 DANGEROUS DOGS**

- 6.1 It shall be unlawful for an owner to permit or cause a dog to inflict serious bodily injury or death to a person or domesticated animal that is not a trespasser on the owner's property.
- 6.2 It shall be unlawful for an owner to permit or cause a dog to inflict serious bodily injury or death to a person or domesticated animal acting in a peaceable manner off of the owner's property.

- 6.3 It shall be unlawful for an owner to permit or cause a dog that has been previously determined to be a nuisance dog, by a court of competent jurisdiction, to inflict bodily injury on a person or domesticated animal that is not a trespasser on the owner's property.
- 6.4 Persons afflicted by dangerous dogs may, within 30 days of the assault or threatened assault, make written complaint, to the town appointed Animal Control Officer or with the Cumberland County Sheriff's Department.
- 6.5 Any owner found in violation of this section by a court of competent jurisdiction will be subject to See Title 7, MRSA Chapter 727, § 3952

**Section 7. RUNNING AT LARGE**

~~It shall be a violation of this ordinance for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.~~

- 7.1 It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.
- 7.2 The Town appointed Animal Control Officer, shall seize, impound, or restrain a dog at large, and shall take the dog to its owner if the owner is known; *or* shall deliver it to the Town designated animal shelter if the owner is not known.
- 7.3 A person who finds and takes control of a dog at large shall take that dog to its owner if the owner is known; *or* shall deliver it to the Town designated animal shelter if the owner is not known. (7 MRSA, Ch 719, § 3913)
- 7.4 Owners of dogs delivered to the town designated animal shelter may reclaim their dog within a 6-day period and upon proof of license and payment of all fees including, but not limited to, the municipal impoundment fee and actual fees incurred for food, shelter, and veterinary care.
- 7.5 Any person who is found guilty of this Ordinance shall be imposed a fine in accordance with M.R.S.A. Title 7, Part 9, Chapter 719 §3915 or See Town Fee Schedule

**8. CONFINEMENT OF CERTAIN DOGS**

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public and the dog itself. If the owner or keeper of a fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the Animal Control Officer, and only if all the provisions of the section entitled, "Impoundment Fee" have been met.

**Section 9. IMPOUNDING**

Any Police Officer or Animal Control Officer within the Town of Sebago may seize, impound, or restrain any dog violating this ordinance or State law.

**Section 10. IMPOUNDMENT**

When impounding any dog, the Animal Control Officer or Police Officer shall, at the time of such impoundment, list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the dog as can be reasonably ascertained.

A copy of this registry shall be furnished to a shelter designated by the Town of Sebago with written instructions setting forth conditions under which the dog may be released. When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall make a reasonable effort to notify the owner or keeper if it can be ascertained.

The ultimate disposition of impounded dogs shall be according to M.R.S.A. Title 7 Sections 3912, 3913, and 3952 depending upon which category the dangerous dog or dog in heat, meets.

**Section 11. IMPOUNDMENT FEES**

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and State law and by paying to the Town a fee of fifty dollars (\$50.00) for each offense. The owner will also be responsible for any additional costs incurred by the animal shelter prior to reclamation. Fees must be paid and a receipt of the same presented to the shelter prior to the release of the dog. All fees are to be deposited in a separate account as required by M.R.S.A. Title 7, Section 3945.

**Section 12. ENFORCEMENT**

There shall be appointed an Animal Control Officer(s) who shall have the prime responsibility for enforcing this Ordinance. Police officers and Cumberland County Sheriffs are, should needs arise, also authorized herein to act on behalf of the Town to enforce this ordinance.

**Section ~~11-13~~. PENALTIES**

Any owner found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) to be recovered by a complaint before the Maine District Court, District Nine of Northern Cumberland County. The owner shall also be responsible for the Town of Sebago's attorney's fees and costs. All fines collected shall be recovered to the use of the Town of Sebago and deposited in a separate account as required by M.R.S.A. Title 7 Section 3945.

**Section ~~12-14~~. SEVERABILITY CLAUSE**

If any part of this Ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**Section ~~13~~ 15. AMENDMENTS**

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

**Section ~~14-16~~. EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage.

Adopted: May 25, 2010

Amended and Adopted: June 23, 2020

A true copy attest:

Maureen F. Scanlon,  
Town Clerk

## APPENDIX

OFFENSE	FIRST	SECOND	THIRD
ABANDONMENT	\$150	\$200	\$250
ABUSE	\$500	\$750	\$1,000
BARKING DOG	\$25	\$50	\$100
PROBLEM/NUISENSE	\$25	\$50	\$100
RUNNING AT LARGE	\$25	\$50	\$100