Town of Porter

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TOWN OF PORTER
DOG CONTROL ORDINANCE

SECTION 1. PURPOSE

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

SECTION 2. DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES

A. "DOG" shall mean both male and female whether neutered or not.
B. "OWNER" shall mean any person, firm, association, or corporation owning, keeping or harboring a dog.
C. "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.
D. "DANGEROUS DOG" shall mean a dog which has bitten 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.

SECTION 3. LICENSE REQUIRED

All dogs kept, harbored or maintained by their respective owners in the Town of Porter shall be licensed and tagged in accordance with the appropriate laws of the State of Maine, M.S.R.A. 3921

SECTION 4. DISTURBING THE PEACE

It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit such dog to disturb the peace of any person. Any owner or keeper causing a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing or damaging the property of any person.

SECTION 5. RUNNING AT LARGE

It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

SECTION 6. CONFINEMENT OF CERTAIN DOGS

A. It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while the dog is in heat unless such dog is restrained with a leash, cord, or chain, which shall not be more than eight (8) feet long, by the owner or agent.

B. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious.

Procedures regarding the complaints of dangerous dogs and the method of restraint, confinement or disposal shall be prescribed and required by Maine Statutes Annotated, Title 7, Section 3952 and succeeding amendments.

SECTION 7. IMPOUNDING

Any police Officer or Animal Control Officer within the Town of Porter shall impound, or restrain any dog violating this ordinance or State law. A dog found in violation of Section 5 shall be delivered to the owner when possible if the owner or keeper can be determined, and is readily available to take possession of the dog.

When a dog of known ownership is found in violation of Section 5 three (3) or more times in a six (6) month period, and Animal Control Officer or person acting in that capacity, may take the dog to the animal shelter and notify the owner in accordance with Section 8.

SECTION 8. 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 reasonably ascertained.

A copy of this registry shall be furnished to a shelter designated by the Town of Porter 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 when possible, notify the owner or keeper if it can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Porter or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

If the owner does not claim the dog within six (6) days following impoundment then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws.

SECTION 9. IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulations and by paying to the Town a fee of thirty ($30) 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 same presented to the shelter prior to the release of the dog. All fees are to be deposited in the separate account as required by M.S.R.A. 7, Section 3945.

SECTION 10. ENFORCEMENT

There shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance.

SECTION 11. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and, upon conviction, therefore shall be fined not less than fifty ($50) dollars nor more than two hundred ($200) dollars, to be recovered by a complaint before the Maine District Court, District Nine of Northern Cumberland County, subject to the rights of exception and appeal as provided by law. All fines collected shall be recovered to the use of the Town of Porter and deposited in a separate account as required by M.S.R.A. Section 3945 (Use and License Fees Retained by Municipalities).

SECTION 12. REPEAL OF CONFLICTING ORDINANCE

This Ordinance specifically repeals "The Control of Dogs Ordinance: enacted by the Town of Porter in March of 1971.

SECTION 13. SEVERABILITY CLAUSE

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

SECTION 14. 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 15. EFFECTIVE DATE

This Ordinance shall be in full force and effect when enacted.

Approved on March 15, 2008

Proposed Changes

2026 STM 'Stand-Alone' Ordinance amendments for warrant

To consolidate fees into a single document managed by Town Officers

A.) Shall changes to the TOWN OF PORTER DOG CONTROL ORDINANCE be enacted?

SECTION 9. IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulations and by paying to the Town a fee ~~of one hundred dollars ($100)~~ for each dog involved. The Select Board shall annually set the amount of all fees required by this Ordinance. 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 same presented to the shelter prior to the release of the dog. All fees are to be deposited in the separate account as required by M.S.R.A. 7, Section 3945.

SECTION 11. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and, upon conviction, therefore shall be fined per dog involved ~~not less than one hundred twenty-five ($125) dollars nor more than two hundred fifty ($250) dollars for the first violation, and fined not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) for the second offense,~~ to be recovered by a complaint before the Maine District Court, subject to the rights of exception and appeal as provided by law. The Select Board shall annually set the amount of all fees required by this Ordinance All fines collected shall be recovered to the use of the Town of Porter and deposited in a separate account as required by M.S.R.A. 7 Section 3945 (Use and License Fees Retained by Municipalities).

B.) Shall changes to the AMUSEMENT ORDINANCE of the Town of Porter be enacted?

Section 1.10 Penalty *– Whoever violates any of the provisions of this Article shall be punished by ~~a~~ fines set annually by the Select Board as required by this Ordinance. ~~of not more than two hundred dollars ($200) for the first offense, and up to four hundred dollars ($400) for the subsequent offense(s),~~ to be recovered, on complaint, to the use of the Town of Porter.*