

Town of Randolph, Maine

Animal Control Ordinance

Sec. 101 Purpose

The purpose of this ordinance is to provide regulations with respect to controlling animals, including but not limited to dogs, throughout the Town of Randolph, so they will not injure persons or other animals, damage property, or create a public health threat. The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Sec. 102 Definitions

- 102.1** “Animal”, any living cat, dog, or other creature not defined as a human being.
- 102.2** “Owner”, any person, firm or association owning a licensed or unlicensed animal.
- 102.3** “Keeper”, any person, firm or association keeping or in possession of an animal. In situations where the keeper or responsible party is not the owner of the animal, the keeper and the owner are jointly and separately responsible for the violation.
- 102.4** “Dog”, any of the large and varied groups of domesticated animals in the canine family.
- 102.5** “Cat”, any of the large and varied groups of domesticated animals in the feline family.
- 102.6** “Abandoned Animal”, an animal that has been deserted or unattended by its owner or keeper.
- 102.7** “At-Large Animal”, an animal that is off the premises of the owner or keeper, and is not under the supervision of the owner or keeper sufficient to control its behavior.
- 102.8** “Leash”, a hand-held device, no longer than thirty (30) feet in length, which can be used to restrain a dog or other animal.
- 102.9** “Voice Command”, a form of control under which the animal responds to the voice of its owner or keeper in an immediate and obedient way.
- 102.10** “Animal Control”, the control of an animal by leash and voice command of any dog, cat or other animal.
- 102.11** “Animal Control Officer - Any person appointed by the Board of Selectmen for the Town of Randolph to enforce animal control laws.
- 102.12** “Shelter”, a facility that includes a physical structure that provides temporary or permanent shelter to stray, abandoned or owner-surrendered animals.

Sec. 103 Animal Control Officer

- 103.1** The Board of Selectmen for the Town of Randolph shall appoint and employ a qualified individual to perform the duties of Animal Control Officer.
- 103.2** The Animal Control Officer shall be principally responsible for the enforcement of all laws related to animals, domesticated or otherwise.
- 103.3** The qualifications for the Animal Control Officer shall include training and certifications in accordance with Title 7, M.R.S.A., Section 3906-B, including but not limited to:
- 103.3-a successful completion of basic training within six (6) months of appointment;
 - 103.3-b successfully complete eight (8) hours of required advanced training annually.
- 103.4** The appointed Animal Control Officer will attend Municipal Ordinance Prosecution School, held at the Maine Criminal Justice Academy within twelve (12) months of appointment.
- 103.5** The term of the appointed Animal Control Officer will be one-year, with renewing subsequent one-year terms.

Sec. 104 Animal Control Officer Responsibilities

Responsibilities of the Animal Control Officer shall include, but are not limited to the following:

- 104.1** If a complaint is filed with the Town of Randolph or the Animal Control Officer, the Animal Control Officer will make contact with the complainant as appropriate and address any concerns with the owner or keeper of the animal directly.
- 104.2** If a complaint is filed with the Town of Randolph or the Animal Control Officer for noise violations as outlined in this ordinance, the Animal Control Officer will attempt to personally witness the violation of the noise complaint and prepare a written record of his or her observations to be kept on file with the Town Office.
- 104.3** The Animal Control Officer will contact all owners or keepers of unlicensed dogs on an annual basis to ensure the compliance of local and state laws as they relate to the licensing of dogs. Contact with owners or keepers of unlicensed dogs will be made in writing or in person. A list of unlicensed dogs will be provided to the Animal Control Officer by the Clerk for the Town of Randolph. The Animal Control Officer will provide documentation to the Clerk for the Town of Randolph for animals that are reasonably unlicensed due to death or relocation of the dog.

Sec. 105 Impoundment of At-Large Dogs and Other Animals

105.1 All dogs or other animals found at-large in violation of Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter at the discretion of the Animal Control Officer.

105.2 An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met and that all impoundment fees due under the provisions of this ordinance have been paid.

105.2-a any owner may reclaim an impounded animal by first paying to the Kennebec Valley Humane Society an impoundment fee as determined by the Kennebec Valley Humane Society.

105.3 Any animal not claimed after seven (7) days may be classified as an abandoned animal, and the animal's owner or keeper may be subjected to all civil penalties authorized by this ordinance.

105.4 Proof that all tags and licenses are up to date is required before the shelter will release an animal.

Sec. 106 Animal Noise

106.1 No owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds:

106.1-a recur in steady, rapid succession for 20 minutes or more; OR

106.1-b recur intermittently for one hour or more.

106.2 Owners or keepers found to be in violation of Sec. 106.1 shall be subject to warnings or civil penalties for each violation. Sec. 112 establishes the Fee Schedule for violations of this ordinance.

106.3 Sec. 106.1 shall not apply:

106.3-a if any animal is situated near or by a legitimate cause for provocation.

106.3-b shall not apply to farm animals kept on a property located in the Town of Randolph. For purposes of this exception, dogs are not "farm animals" and kennels are not "farms."

Sec. 107 Dangerous Dogs

107.1 Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty (30) days of the assault, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog.

- 107.2 The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. §3952.
- 107.3 After issuing the citation and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog, at the owner's expense, at a place determined by the Animal Control Officer.
- 107.4 If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. §3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Sec. 108 Trespass

- 108.1** An owner or keeper of an animal may not allow that animal to enter onto the property not their own after the owner or keeper of the animal has been warned by the Animal Control Officer or a law enforcement officer that the animal was found on the property of another.
- 108.2** The owner or keeper of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may at the owner's expense, remove and control the animal if:
- 108.2-a the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; OR
- 108.2-b the animal is an immediate danger to itself, to persons, or to another's property;
OR
- 108.2-c any animal so removed shall be considered an "at-large" animal as defined by Sec. 102.7 and subject to the same provisions for "at-large" animals.

Sec. 109 Registration of Dogs – License and Rabies

- 109.1** No dog shall be kept within the limits of the Town of Randolph unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S.A. §3922-B.
- 109.2** License tags obtained from the Town Clerk and rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar worn by the dog for which the tag(s) were issued.

109.3 Sec. 109.2 shall not apply when the dog is hunting, in training, or in an exhibition. The owner or keeper shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request of the Animal Control Officer.

Sec. 110 Violations/Penalties

110.1 Any persons who violate Sec. 106, Animal Noise, shall be subject to civil penalties for each violation, as established by the Board of Selectmen and found in the Fee Schedule.

110.2 Any person who violates any other section of this Ordinance shall be subject to a civil penalty of not less than \$25.00 and not more than \$250.00 plus costs for each offense.

110.3 All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Randolph and deposited in a separate account as required by 7 M.R.S.A., Section 3945.

110.4 A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

Sec. 112 Fee Schedule

112.1 Any fee may be reviewed in Appendix 1, "Fee Schedule".

112.2 The impoundment fee is subject to revision by KVHS.

Sec. 113 Severability Clause

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

Revised: July 5, 2016

Town Meeting vote: affirmative July 27, 2016

Effective Date: August 2, 2016