

## Town of Lyman Dog Ordinance

### Section 1: Purpose

The purpose of this ordinance is to control dogs throughout the Town of Lyman in the interest of health, safety and general welfare of its residents, in addition to those contained in current state law.

### Section 2: Definitions as used in this Ordinance

**Dog** shall mean both male and female whether neutered or not.

**Owner** shall mean any person, 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 by attacking or threatening to attack that individual or individual's domestic animal; or a dog who has damaged the property of any person.

**Nuisance** shall mean a dog which by loud, frequent, and habitual barking, howling or yelping, disturbs the peace.

### Section 3: License Required

Licensing of all dogs and kennels shall be in accordance with this section and the current laws of the state of Maine.

Each owner or keeper of a dog shall, on or before January 1 annually, or at such time the dog becomes 6 months old, license the dog in the Town Clerk's office. The Town Clerk shall not issue a license for any dog until the applicant has filed proof that the dog has been immunized against rabies in accordance with rules promulgated by the Commissioner of Human Services. The license shall state the breed, sex, color and markings of the dog and name and address of the owner or keeper.

A suitable tag showing the year such license is issued shall be given with each license and must be securely attached to a collar which must be worn at all times by the dog for which the license was issued. It shall be a violation of law for any person to remove such tag or to place either collar or tag on any dog not described or for which license was not issued.

**Section 4: Disturbing the Peace / Nuisance**

It shall be a violation of this ordinance for an owner of a dog to allow such dog to bark, howl or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more.

**Section 5: 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.

**Section 6: Sanitation**

It shall be unlawful for any person who owns, possesses or controls a dog to fail to promptly remove and dispose of any feces left by his/her dog on any sidewalk, street, beach or public owned property or private property (other than the property of the owner of the dog or a person who has consented to the presence of the dog on his/her property).

**Section 7: Dangerous Dog**

It shall be a violation of this ordinance for an owner to allow a dog to be a dangerous dog.

**Section 8: Impounding**

Any Police Officer, Animal Control Officer or Constable employed by the Town of Lyman may seize, impound or restrain any dog violating this Ordinance or State Law.

**Section 9: Impoundment**

Stray dogs that have been taken to the shelter currently used by the Town may be claimed by the owner after first paying an impoundment fee of \$50 to the Town, payable at the Town Clerk's Office. Upon satisfactory payment, the Town Clerk shall issue to the owner an original receipt marked "paid in full" to be presented to the shelter. The owner will also be responsible for any additional costs incurred by the animal shelter prior to reclamation. All fees are to be deposited in a separate account as required by current state law.

**Section 10 : Enforcement**

There shall be appointed an Animal Control Officer(s) who shall have the prime responsibility for enforcing this Ordinance. Police Officers and constables of the Town of Lyman may also enforce this ordinance.

Upon complaint by the person(s) disturbed, the Animal Control Officer or any authorized Law Enforcement Officer may investigate and give written notice to the owner or keeper of such dog that any violation(s) of this ordinance must cease. The warning shall be made part of the complaint.



**Section 11: Penalties**

A. Any owner found in violation of Sections 4, 5 and 6 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 of York County. The owner shall be responsible for the Town of Lyman's attorney fees and costs. All fines collected shall be recovered to the use of the Town of Lyman and deposited in a separate account as required by current state law.

B. Penalties for violation of Section 7 keeping a Dangerous Dog:

1. Any person convicted of keeping a dangerous dog shall be punished by a penalty of not less than \$250 nor more than \$1,000 for the first offense.

2. Any person convicted of keeping a dangerous dog on a second offense shall be punished by a fine of not less than \$500 nor more than \$1,000.

3. Any person convicted of keeping a dangerous dog on a third or subsequent offense shall be punished by a fine of \$1,000.

4. In addition, the court may make such further order regarding the destruction, restraint or other disposition of the offending dog as the court deems appropriate.

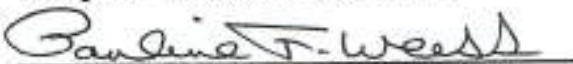
**Section 12: Severability Clause**

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: Effective Date**

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

Adopted: October 18, 2012

  
Pauline F. Weiss, Town Clerk

Date submitted to the Board of Selectmen: 7-16-12