

Sabattus, Maine – Code of Ordinances

DANGEROUS DOGS ORDINANCE

Section 1. Purpose

To ensure that the inhabitants of the Town of Sabattus are safe from injury or endangerment as a result of dangerous dogs posing a threat to public health and safety and are kept by other inhabitants. Statutory Authority: 7 M.R.S.A., Sections 3947, 3948, 3950, and 3952.

Section 2. Definitions

Dangerous Dog:

1. *Dangerous Dog* - means a dog that bites an individual who is not trespassing on the owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premise's and is acting in a reasonable and non-aggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal; or

2. Any dog, the subject of a civil violation pursuant to 7 M.R.S.A. Section 3952 or a criminal charge pursuant to Section 3952(7), whose owner has admitted or been found guilty of the violation or criminal charge, when such dog was the subject of said infraction.

A Dangerous Dog does not include a dog certified by the State and used for law enforcement use.

Dangerous Dog Enclosure:

The pen, cage, or enclosure for a dangerous dog must be constructed from materials of sufficient strength to prevent the dog's escape, and must have secured sides, a secure top attached to the sides, and a secured bottom which is either attached to the sides or constructed so that sides of the structure are embedded in the ground no less than three feet. Enclosures shall be of suitable size for the dog. No person shall permit a dangerous dog to be kept outside its enclosure on a chain, rope or other type of leash to inanimate objects such as trees, posts, buildings, etc. Dangerous dogs shall not be left outside in any enclosure when no one is home. For purposes of this Ordinance, the term "enclosure" refers to Dangerous Dog Enclosures as defined herein. The enclosure shall be posted with no less than one prominently displayed notice warning of the presence of a dangerous dog within the enclosure.

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Section 3. Requirements

The owner of a Dangerous Dog shall be required to:

1. Annually register the dog with the Town Clerk as a Dangerous Dog in addition to the State of Maine annual license requirements pursuant to 7 M.R.S.A. 3921. The required Dangerous Dog registration fee, according to Town of Sabattus Fee Schedule, shall be due at the time of registration. All Dangerous Dogs must be registered on or before January 31st of the calendar year. In the event of late registration, an additional late fee, according to Town of Sabattus Fee Schedule, will be assessed by and paid to the Town Clerk. In the event an owner of Dangerous Dog relocates to the Town of Sabattus or a Dangerous Dog is transferred to the Town of Sabattus during the year, said Dangerous Dog must be registered pursuant to this section within thirty (30) days of the relocation or transfer. The Town Clerk shall provide to the owner a tag designating the dog as dangerous. The owner shall place the tag on the dog's collar and must ensure that the dog wears such tag and collar at all times;

2. Obtain and show proof of liability insurance in an amount of not less than \$300,000.00 covering bodily injury or death of any person, domesticated animal, or livestock, or for damages to any person or entity's other property, resulting from the keeping of such a Dangerous Dog. A copy of a current certificate of liability insurance on file with the Sabattus Town Clerk shall constitute "proof" of such insurance;

3. Provide to the Animal Control Officer/Police Department the name and address of the owner, breed, age, sex, color, and any other identifying marks of said dog; the location of where the dog is to be kept if not at the address of the owner and two color photographs of the Dangerous Dog;

a. Not allow the dog to go outside its enclosure unless the dog is under physical restraint and securely muzzled and under the immediate control of the owner.

b. Post no less than two (2) signs giving notice of the presence of a Dangerous Dog prominently displayed so that all persons entering said property are immediately notified a Dangerous Dog is being kept at the location. One (1) of said signs may be that required by Section 2 "Dangerous Dog Enclosure".

Section 4. Transfer of Ownership or Owner Change of Address

The owner of a Dangerous Dog shall notify the Animal Control Officer or Police Department that said animal is to be relocated. The owner shall, in writing, no less than seven (7) days prior to the relocation, give the name of the new owner, mailing address, physical address, and telephone number where the animal shall be kept. The owner shall make the new owner aware that the courts have declared said dog to be

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dangerous. If the owner is moving with said dog, the owner shall provide the same information to the Animal Control Officer or Police Department no less than seven (7) days prior to the move.

Section 5. Enforcement

The Animal Control Officer/Police Department shall be responsible for enforcement of this chapter. Any violation of this Ordinance shall be enforced by one or more of the following methods:

1. The prompt application to a court or Justice of the Peace for an ex-parte order for the immediate removal of the animal.
2. Service of a Summons and the filing of a civil Complaint with the Lewiston District Court.
3. If Applicable, filing of a report with the Androscoggin County District Attorney for the criminal prosecution for violation of 7 M.R.S.A. Section 3952(7) or other applicable law.

Section 6. Penalties

The minimum monetary penalty for any violation of this ordinance is listed in Town of Sabattus Fee Schedule (none of which may be suspended). In the event any dog causes injury or damage to any person, dog or property, the court shall award restitution in addition to the monetary penalties.

Accepted:

Original Adoption:

Revision Dates:
