

**Town of Waldoboro, Maine  
Dog Ordinance**

**Section 1. Purpose.**

This ordinance is adopted in the exercise of home rule powers under Maine Constitution and 30-A M.R.S.A., Section 3001. The purpose of this ordinance is to regulate dogs in the Town of Waldoboro, including problems caused by dangerous dogs, dogs running at large, and barking dogs for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the town, without unreasonably restricting owners and their dogs in their normal activities, while holding owners responsible, where it is appropriate to do so, for the deleterious conduct of their dog.

**Section 2. Definitions.**

As used in this ordinance, unless the text clearly otherwise indicates, the following words and phrases have the following meanings:

- A. Attack, Attacks, and Attacking: shall mean an unprovoked actual biting. They also mean, where they occur without provocation, jumping, chasing, growling, showing of teeth, or barking to the extent that any of these acts or combination thereof: by which a reasonable person receives an impression of impending or imminent physical harm by the dog to the person himself or herself to another person or persons, or to a domestic pet or farm animal.
- B. Dog: shall be intended to mean both genders of dogs.
- C. Owner: means any person or persons, firm, association, or corporation, or other legal entity amenable to civil process, owning, keeping, or harboring, or in the possession of, or have control of a dog, and includes the parent or parents, or guardian, of a minor who owns, keeps, harbors, or is in possession of a dog.
- D. Dangerous Dog: means the following, regardless of whether the dog is on or off the premises of its owner at the relevant time:
  - 1. A dog that attacks a person, regardless of whether it causes physical harm to the person provided at the time of the attack, the person is not trespassing with criminal intent on the owner's premises.
  - 2. A dog that attacks a domestic pet, farm animal, or wildlife and causes harm to the domestic pet, farm animal, or wildlife.
- E. Running at Large: means off the premises of the dog's owner and not under the control of the dog's owner, who is physically capable of controlling and restraining the dog by a leash, cord, chain, or by the "at heel" or other voice command control to which the dog is obedient.
- F. Prohibited Areas for Domestic Animals: identifies the areas prohibited to domestic animals.

**Section 3. Nuisance.**

Dangerous dogs, dogs running at large, and habitual barking dogs are hereby declared to be a public nuisance.

**Section 4. Identification.**

An owner shall ensure that the owner's dog, if two months old or older and out of doors, whether on or off the premises of the owner, unless confined within a secure enclosure or container, wears a collar or harness to which must be securely attached an identification tag with the owner's name, address, and telephone number (if any). Alternatively, an owner may provide for identification by having the dog wear such a collar that is at all times clearly and legibly embroidered with the information required by this section, or by having the wear such as embroidered collar, which in combination with one or more security tags shows the required information.

**Section 5. Licensing.**

All dogs older than six months shall be licensed in accordance with 7 M.S.R.A., §3922.

**Section 6. Running at Large.**

No owner of a dog shall cause or permit that do to run at large within the town. A dog shall be deemed to be under restraint, within the meaning of this ordinance, if it is controlled by a leash, cord, chain, or is "at heel" or otherwise under the voice or other command control of a person and is obedient to that person's command. Nothing in this section shall require the leashing or restraint of any dog, other than a dangerous dog, while on the owner's premises.

**Section 7. Removal and Disposal of Dog Excrement.**

No owner shall cause or permit any dog excrement to be cast or deposited by the animal upon any street, sidewalk or publicly owned property. An owner accompanying a dog on municipal property shall collect feces or vomitus deposited by the dog and dispose of the same in a sanitary lawful manner.

Failing to immediately remove and lawfully dispose of any dog excrement left upon any street, sidewalk or publicly owned property is a civil violation for which a forfeiture may be adjudged for each offense (see Section 12. Penalties).

This section shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this section.

**Section 8. Prohibited Areas for Domestic Animals.**

The following areas are off limits to domestic animals at all times. Effective following vote to pass on April 28, 2016. Violations of this section is subject to penalties (see Section 13. Penalties)

Pine Street Landing  
Rest area on Rt. 32  
Marine Park

**Section 9. Dangerous Dogs.**

The Animal Control Officer, or any law enforcement officer, upon written complaint may investigate complaints of a dangerous dog, and upon investigation, may issue a civil violation summons for that dog. After hearing, the District Court may order the dog muzzled, restrained or confined to the premises of its owner or keeper or confined in a secure container, or may order the dog euthanized if the dog has killed or inflicted serious bodily injury on a person or has a history of prior assault. However, where a dog poses an immediate or continuing threat to the public, the Animal Control Officer may, after issuing a summons and before the court hearing, order the dog's owner or keeper to muzzle, restrain or confine the dog at a place determined by the Animal Control Officer, and on failure of the owner or keeper to comply with this order, may apply to the District Court for an *ex parte* order to take possession of the dog.

An owner who is given notice (need not be in writing) by the town's Animal Control Officer, any law enforcement officer, or any state official, that the owner's dog has bitten, is reasonably believed to have bitten any person, or has reasonably believed to have in any way injured any person so as to cause abrasion on the skin to that person, shall not without further written authorization by an officer or official, sell, give, or otherwise convey the ownership or possession of that dog, remove it, suffer, or permit that dog to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, the Animal Control Officer, or a law enforcement officer. An owner receiving such notice shall immediately place the dog under confinement for a period of at least ten (10) days and shall promptly obey all rabies detection and control directions of an Animal Control Officer, licensed veterinarian, law enforcement officer, or state official concerning that dog. An owner receiving such notice shall comply with applicable regulations of the Maine Commissioner of Human Services, and the Commissioner of Agriculture, and their authorized officials, employees, and agents in matters of rabies detection and control.

**Section 10. Special Restraint of Dangerous Dogs.**

An owner of a dog that has been determined to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of the owner, or to the custody of the Animal Control Officer or law enforcement officer. The owner of such a dog will ensure that the dog, when out of doors on the owner's premises, is either constrained within a secure enclosure or is fastened with a secured latch to a reinforced chain restraint, the length of which is such that the dog may in no event approach any closer than three (3) feet to any mail receptacle or entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop, or stairs leading to an entrance, edge of a lawn, property boundary or public sidewalk, or home fill pipe or utility meter or point on the ground generally below any other wiring or piping. The owner shall ensure that the restraint is maintained and secure at all times the dog is out of doors on the owner's premises and not in a secure fenced in enclosure.

**Section 11. Barking Dogs.**

No owner of a dog shall permit or allow that a dog by loud, frequent, or habitual barking, howling, or yelping, disturb the peace of another person.

**Section 12. Procedures on Violation.**

The Animal Control Officer (ACO) or Police Department (WPD), on complaint of any person, or on his own initiative, may initiate prosecution for violation of this ordinance by filing a complaint with the Maine District Court for the division that includes the Town of Waldoboro and serving a summons and a copy of the complaint upon the owner. In the alternative, the municipal officers may, if they desire and if funds are available, engage and appoint counsel to prosecute the alleged violations.

The ACO or WPD shall quickly and fully investigate all known or suspected violations of this ordinance received from any citizen and keep a record thereof the ACO or WPD will report complaint and findings to the Chief of Police. The ACO or WPD is required to maintain a public file, located in the police department, of all complaints and findings. Nothing in this ordinance is intended to bar or limit the right of individuals to make written complaints concerning dangerous dogs pursuant to State Law, or bar or limit any law enforcement officer from proceeding to act upon such a written complaint in accordance with the State Law.

- A. Order of the court. If, upon hearing, the court determines that the ordinance has been violated, the court may impose an appropriate penalty. If the court determines that a dog is a dangerous dog, the court may order the owner to muzzle the dog, and to restrain it and confine it to the owner's premises; however, if the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person, or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks, then the court should ordinarily order the dog to be euthanized. Such euthanasia shall be at the owner's expense.
- B. Failure to abide by a court order. An owner's failure to comply with an order issued pursuant to Section 11, Paragraph A, constitutes a violation of this ordinance, and may be punishable upon a new summons or as contempt, following issuance of a show cause order on affidavit of a law enforcement officer. If an order of euthanasia is not complied with by the time set upon by the court, the court may, upon application by the ACO or WPD or other person, upon notice to the owner, issue a warrant to the ACO or WPD to destroy the dog and make return of the warrant to the court within fourteen (14) days from the date of the warrant. The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by anytime stated in the order of the court for making such payment constitutes a distant violation of this ordinance, which may also be punished on proceedings for contempt after issuance of a show cause order.
- C. Complaint for dogs presenting immediate threat to the public. After filing a complaint in District Court and before hearing, the dog shall be subject to muzzling, restraint, or confinement upon the owner's premises upon order of the law enforcement officer who filed the complaint to the owner, if that officer believes that the dog poses a threat to the public. The owner may prescribe the degree of restraint or confinement. Failure to comply shall constitute a distinct violation of the ordinance. Upon failure to comply, and after notice to the owner, the officer may apply to the District Court for an order of authorization to take possession of the dog that poses an immediate threat to the public and turn it over to care of a suitable person or organization, at the owner's expense. The Court in its final order shall include an order to the owner to pay such expense in a stated amount.

**Section 13. Penalties.**

For initial violation of this ordinance by an owner, the owner shall be ordered to pay a penalty of not less than fifty dollars (\$50) nor more than two-hundred dollars (\$200). In determining the amount to be forfeited, the court shall consider any evidence in mitigation, extenuation, or aggravation, it considers pertinent to the offense, including but not limited to the civility and degree of cooperation exhibited by the owner. For further violations the penalty shall be increased by a minimum of fifty dollars (\$50) above the immediate proceeding violation. All penalties awarded shall accrue to the Town of Waldoboro. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule and shall pay court costs.

**Section 14. Effective Date.**

This ordinance shall take effect upon passage at any municipal town meeting.

**Section 15. Severability.**

Should any portion of this ordinance be found invalid for any reason by a court of competent jurisdiction, then all portions not found invalid shall remain unaffected and will continue in full force.

**Section 16. Repeal.**

This ordinance shall supercede the Town of Waldoboro Ordinance Regulating the Control of Dogs adopted March 4, 1968 and as amended June 10, 1971 and June 10, 2004, which is hereby repealed from and after effective date of the adoption of this ordinance which is April 28, 2016.

Certification of Municipal Officers

Attest to all:

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Joanne C. Minzy, Chairman

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Ronald L. Miller, Vice-chair

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Clinton E. Collamore, Sr.

\_\_\_\_\_  
Abden S. Simmons

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Katherine W. Winchenbach