

Be it enacted and ordained at Annual Town Meeting of the Town of Baldwin that the provisions of the TOWN OF BALDWIN BARKING DOG ORDINANCE, and §10.8 of the TOWN OF BALDWIN LAND USE ORDINANCE are hereby repealed and replaced with a "TOWN OF BALDWIN DOGS AND OTHER ANIMALS ORDINANCE" to read as follows:

TOWN OF BALDWIN
DOGS AND OTHER ANIMALS ORDINANCE

Section 1: Purpose

The purpose of this article is to control and regulate barking dogs, dogs running at large, dangerous dogs as well as other domesticated animals, and the enforcement Title 7, M.R.S.A, subsection 4011, pertaining to animal cruelty within the Town of Baldwin. Implementation and administration of this ordinance shall be accomplished through a series of protocols established by the Board of Selectmen, and may include a schedule of waiver fees in the case of howling or barking dog(s).

Section 2: Violations.

- A. Barking dogs. No owner or keeper of any dog kept within the legal limits of the Town of Baldwin shall allow such dog to unnecessarily annoy or disturb any person by loud, frequent, and habitual, or repeated barking, howling or other loud or unusual noises (hereinafter "loud noise") anytime day or night.

Upon written complaint by the person disturbed, signed and sworn to, any constable, duly qualified law enforcement official, animal control officer or person acting in that capacity of the Town of Baldwin may investigate and may give written notice to the owner or keeper of such dog that such loud noise must cease. The written warning shall be made part of the civil violation complaint filed with the court. Thereafter, upon continuance of such loud noise, such owner shall be guilty of a civil violation and upon conviction thereof shall be punished by a fine and attorney's fees may be awarded to the Town. All fines so assessed by the Court, and attorney fees shall be recovered for the use of the Town of Baldwin through District Court.

- B. Dogs running at large. No person shall allow a dog to run at large, except when used for hunting. At large shall be defined as "off the premises of the owner and not under the control of any person whose presence and attention would reasonably control the conduct of the dog."

- C. Biting dogs. A dog which bites a human being in an unprovoked situation shall be considered to be keeping a dangerous dog or a nuisance dog, as defined in Maine Revised Statutes Title 7, Section 3952-A or any successor statute.
- D. Animal cruelty. No person owning, overseeing, or interacting with a domesticated animal shall subject the animal to: injury, overworking, torture, torment, abandonment, cruelly beating, mutilating or ingesting of poison (this includes exposure to a poison with an intent that it be taken internally by an animal). In addition, no person shall deprive an animal (owned or in possession of) of necessary sustenance, necessary medical attention, proper shelter, protection from the weather, or humanely clean conditions.

Section 3. Enforcement.

- A. Any person found by the animal control officer to be keeping a barking dog shall receive a verbal warning for the first offense.
- B. Any person found by the animal control officer to be keeping a barking dog within six months of receiving a verbal warning shall be issued a written warning.
- C. Any person found by the animal control officer to be keeping a barking dog within six months of receiving a written warning maybe issued a Uniform Summons and Complaint to appear in court, or required to pay the waiver fee established by set by the Board of Selectmen foreach offense.
- D. Any dog(s) found running at large whose owner cannot be located shall be seized and transported to the Animal Shelter. In addition, the owner shall be warned or summoned as prescribed herein. Owners may reclaim their animal by first licensing, if applicable, and by paying to the Town a fee established by the Board of Selectmen for each offense. The owner will also be responsible for any additional costs incurred by the animal at the Shelter prior to the release of the animal.
- E. Any person owning, keeping or harboring a biting dog as defined in this ordinance may issue a Uniform Summons and Complaint to appear in court pursuant to Maine Revised Statutes Title 7, Section 3952-A or any successor statute.
- F. The Animal Control Officer shall also be empowered to enforce all provisions of the Maine Animal Control Law in Title 7 of Maine Revised Statutes not specifically addressed in this article.
- G. Any person found in violation of this ordinance who does not pay the waiver fee established by the selectmen within 10 days thereafter

shall be charged by way of Uniform Summons and Complaint to appear in District Court. All animals listed within the summons shall be confiscated by the Animal Control Officer, if found to be alive. Any deceased animals will be subject to a necropsy by a state veterinarian. All results will be held until the court date.

- H. Any person found guilty by the Court of violation of this ordinance shall be fined no more than \$1,000, except in the case of animal cruelty, where the fine shall be no more than \$10,000 for the first violation depending on the severity of the cruelty and the number of animals.
- I. All fees to be deposited in a separate Town of Baldwin municipal account as required by 7 M.R.S.A, subsection 3945, as it may be amended from time to time.