

TOWN OF MEXICO ANIMAL CONTROL ORDINANCE

It is the intention of the Town of Mexico to regulate animals so that dangerous dogs, the grouping of dogs in packs, the unrestricted travel of dogs in heat, property damage, nuisance and noise shall be eliminated or kept a minimum for the health, safety, comfort, convenience and general welfare of the residents of the Town of Mexico without unreasonably restricting owners and dogs in their normal activities and while taking such actions as are consistent with all laws and mandates of the State of Maine.

The Town of Mexico accepts responsibility for the control only of domesticated dogs and ferrets, as required by State mandate, and for cats and kittens which have been abandoned, create a nuisance or hazard of significant impact, or are sick or injured and in need of immediate intervention by authorities to ensure their humane treatment or to protect the health and safety of the citizens of Mexico.

SECTION 1 - DEFINITIONS

As used in this ordinance, unless the context otherwise indicates, shall mean:

- A. "Animal" - means every living, sentient creature not a human being.
- B. "Abandoned Animal" - means a dog or cat that has been deserted or given up by its owner, including litters left in a public place or animals left with some means indicating abandonment; it does not include a dog wearing a collar and tags or a dog at large as defined in this section.
- C. "Animal Control" - means control of dogs, cats, domesticated or undomesticated animals, which may be a problem in the community and which are not controlled by any other law.
- D. "Animal Control Officer" - means the person appointed periodically by the municipal officers pursuant to Title 7 M.R.S.A. Part 9 et seq.
- E. "Animal Shelter" - means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.
- F. "At Large" - shall mean off the premises of the "owner" as defined in K. below, and not under the control of any person either by leash, cord, chain, or voice command such as will reasonably control the conduct of the animal.
- G. "Cat" - shall mean both male and female cats.
- H. "Constable" - means a law enforcement officer appointed by municipal officers pursuant to law.
- I. "Dangerous Animal" - means an animal which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or an animal which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.

- J. "Dog" - shall mean both male and female dogs.
- K. "Owner" - shall mean any person or persons, firm, association or corporation, or other entity owning, keeping, harboring or in possession of, or having control of a dog.
- L. "Kennel" - shall mean three (3) dogs or more kept under one ownership in a single premises for housing, breeding, buying, selling, hunting, showing, training, field trials, exhibition purposes, racing, or other similar purposes.
- M. "Nuisance" - means the causing of unreasonable noise, litter, filth, or property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles; and the entry on school grounds while school is in session.
- N. "Torment, torture and cruelty" - means every act, omission or neglect, whether by the owner or any other person, where justifiable physical pain, suffering, or death is caused or permitted.
- O. "Well cared for" - means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been or is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated, or exposed to a poison with the intent that it be taken by the animal.

SECTION 2 - RUNNING AT LARGE

- A. It shall be unlawful for the owner of any dog, if licensed or unlicensed, to permit such dog to run at large. It shall be prima facie evidence that the causing or permitting of a dog to run at large within town limits was done by the owner of such dog. Dogs, while on any public way or place, shall be under the restraint of a minimum of a Six (6)-Foot leash. All dogs should be with no one under 16 years of age unless accompanied by an adult 21 years old or older. Dog owners are held responsible for all their dogs waste.
- B. All farm animals must be contained on their property.
- C. Nothing in this ordinance shall be held to require the leashing of any dog while on private premises.
- D. All dogs tied outside will have a chain/leash of no less than 12 feet long.
- E. This section shall not interfere with Sections 3551 to 3555 inclusive of Title 7 M.R.S.A.; Chapter 707 relative to the training of dogs and the conducting of field trials.

SECTION 3 - DOG IN HEAT

It shall be unlawful for the owner of a female dog to cause or permit such dog to be beyond the owner's premises at any time she is in heat, unless such dog is restrained by a leash, cord, or chain which shall not be more than eight (8) feet long.

SECTION 4 - NUISANCE ANIMALS

- A. No owner or person having custody of any animal within the legal limits of the Town shall keep, maintain or permit an animal which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace and quiet of any person. A person who keeps, maintains or permits an animal whose barking or howling can be heard at or beyond the boundary of the property on which the animal is located violates this section.
- B. No person shall keep or maintain an animal which creates a nuisance by habitually barking, chasing, biting, jumping, or in any other manner causing fear or harm to any other person. For purposes of this ordinance, "habitually" means more than two (2) such incidents.
- C. No person shall keep, maintain, or permit an animal which causes a nuisance by littering, damage of property or by habitual defecation or urination on the property of another.

SECTION 5 - IMPOUNDMENT

- A. Dogs found running at large, abandoned cats and ferrets shall be taken up and impounded in a kennel designated by the Town and there confined in a humane manner for a period of time of not less than three days; and may thereafter be disposed of in a humane manner if not claimed by their owners.
- B. The Town or its duly authorized agent may transfer title of all animals held by it after the legal detention period has expired and the animal has not been claimed by its owner.
- C. No animal will be released to its owner or released for adoption to another until the fees for its impoundment and licensing have been paid to the Town of Mexico in full.
- D. When dogs are found running at large and their ownership is known, such dogs need not be impounded, but the Town, through its duly authorized agents, shall cite the owners of such dogs to appear in court to answer charges of violation of this ordinance and unlicensed dogs must be licensed within two (2) working days. Said owners shall be responsible to pay the fees listed in Section 7 below.
- E. The owner shall be entitled to resume possession of any impounded upon the payment of impoundment and license fees as set forth herein.
- F. Any dog impounded under the provisions of this ordinance and not reclaimed by its owner within three days may be humanely destroyed or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this ordinance and ensure the animal is well cared for.
- G. The Animal Control Officer or other constable of the Town of Mexico shall apprehend any dog found running at large and impound it in a shelter or other suitable place. At that time, s/he shall register the breed, color, sex, license number, and name and address or telephone number of the owner in a book kept for that purpose.

H. Any animal found to be victim of torture, torment, or cruelty shall be impounded by the Animal Control Officer or other constable of the Town of Mexico as provided above.

SECTION 6 - REGISTRATION AND IDENTIFICATION

A dog which is at least six (6) months old must be licensed by its owner in accordance with State law. A dog which is at least two (2) months old must wear a collar or harness to which is attached an identification tag with the owner's name and address or telephone number.

SECTION 7 - NOTICE AND RECLAMATION

A. The Animal Control Officer shall immediately notify the owner by telephone, if possible, or by regular mail that the dog has been impounded, and that s/he may reclaim it by licensing the dog if it is unlicensed, and by paying to the Town the following fees:

1. Fines for Dogs at Large:

First Offense - \$50.00

Second Offense - \$100.00

Third or Subsequent Offenses - \$250.00

2. Cost for keeping a dog - \$10.00 per day

3. Cost of notice by mail or by posting - \$25.00

If the owner of the dog is unknown or cannot be found, the Animal Control Office shall immediately post the notice on the bulletin board in the entrance of the town offices.

B. Any abandoned cats or ferrets may be reclaimed by paying like impoundment fees, although licensing will not be required.

SECTION 8 - DISPOSITION OF ANIMAL WHICH HAS BITTEN PERSONS

A. The owner of an animal who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least fourteen (14) consecutive days and shall notify the Health Officer immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the animal nor allow it to be destroyed on recommendation from anyone other than a licensed veterinarian or the Animal Control Officer.

B. The Health Officer shall have an animal which has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the 14th day period of confinement, the Health Officer shall determine whether the dog is infected with rabies. In making

this determination, s/he shall employ such expert assistance as may be necessary. It s/he deems it necessary to keep the animal confined for longer than the fourteen-day period, s/he shall order it done. If the animal is found to be rabid, s/he shall notify the owner and the person bitten, and shall have the animal destroyed immediately, following any procedure recommended by the State Department of Health and Welfare. If the dog is not rabid, the owner shall thereafter muzzle the animal or keep it confined. All expenses incurred by the Town in carrying out the procedure provided by this section shall be paid for by the owner of the animal.

SECTION 9 - PENALTIES

- A. A person who violates this article by permitting a dog to run at large without identification as required herein shall be punished by a fine as specified in Section 7 above.
- B. The owner of any female dog in heat found running at large hereof shall be punished by a fine of not more than One-Hundred Dollars (\$100.00).
- C. The owner of a dog or dogs travelling in a pack shall be punished by a fine of not more than One-Hundred Fifty Dollars (\$150.00).
- D. The owner of the dog found running at large who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his premises or under his/her control, shall be punished on the first offense by a fine of Fifty Dollars (\$50.00), for the second offense One-Hundred Dollars (\$100.00), third offense and every offense thereafter will be Two-Hundred Fifty Dollars (\$250.00).
- E. The owner of any animal which disturbs the peace of any person by frequently and habitually barking, howling, littering, destroying property or other similar activity shall be punished on the first offense by a fine of Fifty Dollars (\$50.00). The second offense shall be One-Hundred Dollars (\$100.00). The third offense and every offense thereafter will be Two-Hundred Fifty Dollars (\$250.00).
- F. The owner of the dangerous animal which is unconfined shall be punished by a fine of Two-Hundred Fifty Dollars (\$250.00) and the court shall order the Animal Control Officer to destroy the animal immediately.
- G. A person who fails or refuses to reclaim his/her animal and pay the cost required herein within a week after receiving oral or written notice of its impoundment, shall be punished by a fine of One-Hundred Fifty Dollars (\$150.00).
- H. A person who violates any other provisions of this ordinance shall be punished by a fine of Two-Hundred Fifty Dollars (\$250.00).
- I. Any person who permits or inflicts torture, torment, or cruelty upon any animal within the town of Mexico shall be punished by a fine of Five-Hundred Dollars (\$500.00).
- J. Failure to obtain proper inspection and licensing before the construction and operation of a commercial kennel shall be fined Three-Hundred Dollars (\$300.00).

SECTION 10 - ENFORCEMENT

Except for the provisions required to be enforced by the Health Officer, the Animal Control Officer, constable, or a member of the Police Department delegated by the Town Manager, shall enforce this ordinance.

SECTION 11 - SEVERABILITY

It is the intention of the Town of Mexico that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intention of the town that if any provisions of this ordinance be declared invalid by the courts, all other sections herein shall remain valid and enforceable.

SECTION 12 - REPEAL OF CONFLICTING ORDINANCES

This ordinance shall supersede and repeal any and all existing ordinances in the Town of Mexico relative to animal and dog control.

SECTION 13 - EFFECTIVE DATE

This ordinance shall be in full force and effect upon adoption by a majority of the voters present at any Regular or Special Town Meeting or Referendum Election.

****Adopted September 8, 1993**

****Amendments adopted June 9, 2015**

Attested: 
Penny S. Duguay, Town Clerk