

**TOWN OF SUMNER  
DOG CONTROL ORDINANCE**

**Section I**

Definitions<sup>1</sup> as used in this ordinance, unless the context otherwise indicates:

- A. *Dog* - shall mean both male and female dogs.
- B. *Owner* - shall mean any person or persons, firm, association, or corporation owning or keeping, harboring, or in possession of, or having the control of a dog.
- C. *At Large* - shall mean off the premises of the "owner" and not under the control of the "owner" or member of his/her immediate family or person left in charge, by either leash, cord, or chain.
- D. *Kennel* - shall mean five or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.
- E. *Family* - shall mean all persons related or unrelated, living at one address, apartment, home, or other residence.
- F. *Under Restraint* - shall mean a dog is under control by a leash or within a vehicle being driven/parked on the streets of Sumner or in a pen reasonably designed to protect children and other members of the public.
- G. *ACO* - shall mean Animal Control Officer
- H. *Dangerous Dog* - shall mean a domesticated animal which has bitten person or caused abrasion of the skin; or an animal which has caused a reasonable fear of bodily injury to any person acting in a peaceful manner by attacking or threatening to attack the person; or an animal which has attacked another person's animal shall be deemed a dangerous animal.

**Section II**

Issuance of License<sup>2</sup>

Each owner or keeper of a dog 6 months of age, on or before January 1<sup>st</sup> of each year, shall obtain a license by presenting proof of rabies immunization and paying the licensing fee established in Title 7, Chapter 721, subsection 3923-A.

**Section III**

Running at Large<sup>3</sup>

No person shall cause or permit any dog owned or kept by him/her to run at large, except for hunting. The owner or keeper of any dog found at large is subject to the penalties provided below. A dog, while on any public way or place, shall be under

restraint within the meaning of this Ordinance, if controlled by a leash, or in a vehicle being driven/parked on the streets, or within the property limits of its owner or keeper. Nothing in this Ordinance shall require the leashing of any dog while on the owner's premises.

#### **Section IV**

##### 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. Any dog in heat needs to be restrained by a leash, cord, or chain, which shall not be more than eight feet long, by the owner or a member of his/her immediate family or person left in charge, or within a vehicle being driven or parked on the streets or highway.

#### **Section V**

##### Barking or Howling Dog

No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog that 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.

##### Noise Control:

It is unlawful for any person to allow a dog to create frequent, repetitive, or continuous howling, barking, or other noises made by a dog that unreasonably disturbs or interferes with the peace, comfort, and repose of any property owner or possessor. The exception is for sounds made by dogs on land that is zoned properly to allow keeping of dogs. Such sounds, when made in pet shops, grooming parlors and kennels licensed in the Town and in compliance with this chapter, shall be exempt under this subsection.

It is unlawful for any owner of a dog or place of any business to permit a dog to bark, bay, cry, howl, or make any other noise continuously for a period of ten minutes or more. Including but not limited to barking intermittently for one-half hour or more, to the disturbance of any person at any time of day or night, regardless of whether the dog is physically on property under the control of the owner or custodian of the dog. An exception to this is for dogs that are engaged in protecting livestock, warning their owners of danger to livestock, herding livestock, or engaged in legal hunting.

#### **Section VI**

##### Habitual Chasing, Biting Dog:

No person shall keep or maintain a dog which creates a nuisance by habitually chasing, biting, jumping or in any other manner causing fear to any other person.

## **Section VII**

### **Impoundments**

Dogs found running at large shall be taken up and impounded in a shelter designated by the town and there confined in a humane manner for a period of not less than eight days unless beforehand claimed by their owner. If unclaimed, at the end of eight days, the dog may be disposed of in a humane manner or the town or its duly authorized agent may transfer title of said dog.

When a dog is found running at large and their ownership is known, such dogs need not be impounded, however the Town, through its duly authorized agents may cite the owners of such dogs to appear in court to answer charges of violation of this ordinance.

The owner shall be entitled to resume possession of any impounded dog upon the payment of impoundment fees as set forth herein, unless charges of cruelty to animals, M.R.S.A. Title 7, Section 4011, have been filed against the owner for cruelty to said impounded dog within the preceding three years. In this event, the dog shall stay in the custody of the impounding shelter until such time that a court judgment has been made. In this event, the owner will be responsible for all impoundment and board fees as well as any other fees absorbed assessed during the period of impoundment.

## **Section VIII**

### **Impoundment and Release Fees**

Any animal impounded hereunder, except as provided in section below, the owner of the following fees may reclaim Paragraph C, as herein provided upon payment:

**Release Fee:** For each animal picked up by the ACO or the Town's duly authorized agent, whether impounded or otherwise returned to its owner, the owner must first show proof of current dog licensing, then pay a release fee of \$15.00 for each animal being released. Upon the second impoundment, the fee shall be \$20.00 and on the third and all subsequent impoundments of the same animal, the fee shall be \$25.00, to be paid directly to the Animal Control Officer or Town Clerk.

**Impoundment Fee:** Impoundment fees of \$15.00 for each animal, to be paid to the designated shelter.

**Board Fee:** Board fees for \$25.00 per day for each dog, made payable to the designated shelter.

Any additional fees such as medical, legal, and others, incurred (or assessed) by the Town or its designated shelter. Shelter fees may vary depending on the shelter.

When any animal has been impounded and the owner knows of its whereabouts and fails to reclaim the animal, the animal will be, at the end of eight days from the date of impoundment, disposed of in a humane manner or the Town or its duly authorized

agent may transfer title of said animal. Also in this event, the owner will be responsible for all fees in this section as well as disposition fees if so incurred.

## **Section IX**

### Rabies

Upon positive diagnosis of rabies in any dog animal within the Town, the Animal Control Officer shall proclaim and invoke a town-wide quarantine for a period of thirty days, and upon the invoking of such quarantine no animal shall be taken into the streets or be permitted to be in the streets during the period of quarantine.

During a period of a rabies quarantine as herein described, every animal bitten by an animal adjudged rabid shall be destroyed. The other option would be, at the owner's expense shall be treated for rabies infection by a licensed veterinarian and held thirty days under quarantine by the owner in the same manner as other animals are quarantined under the supervision of a licensed Veterinarian.

In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of the quarantine may be extended by the Animal Control Officer for an additional six months. The carcass of any dead animal suspected of having been exposed to rabies shall be surrendered to the Animal Control Officer. The Animal Control Officer shall direct the disposition of any animal found to be infected by rabies. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the ACO.

## **Section X**

### Killing for Assault Permitted<sup>4</sup>

Any person may lawfully kill a dog if necessary to protect that person, another person, or a domesticated animal during the course of a sudden, unprovoked assault. If any dangerous, fierce, or vicious dogs cannot be safely taken and impounded, such dogs may be slain by any Law Enforcement or duly authorized Animal Control Officer, in addition to any person who feels he or others are in danger of immediate attack by the animal. In all cases where any dog has bitten a person or caused an abrasion of the skin of any person, if slain, whether by order of the court or otherwise, and a period of less than fifteen days has elapsed since the day on which such dog bit any person, it shall be the duty of the person slaying said dog to forthwith deliver the carcass and brain to the Animal Control Officer (ACO), who shall forward the brain intact to the State Veterinarian's Office.

## **Section XI**

### Keeping a Dangerous Dog<sup>5</sup>

A person who owns or keeps a dangerous dog commits a civil violation for which the court shall adjudge a fine of not less than \$250.00 and not more than \$1000.00, plus costs, none of which may be suspended.

## **Section XII**

### Penalty

Every person convicted of a violation of any provision of this ordinance shall be punishable by a fine of not less than \$50.00 nor more than \$1000.00 per incident. In addition, must pay all court costs borne by the Municipality, to be recovered by a complaint before the District Court, subject, however, to the rights of exception and appeal as are provided by law.

### Additional Penalties for Sections III through VI

Any person who violates these sections commits a civil violation for which a civil penalty will be enforced as a fine in the following manner:

First Offense: \$100.00

Second Offense, depending on severity: \$250.00

Third Offense, depending on severity: \$500.00

*These fees do not include legal fees or shelter fees.*

Upon a finding of more than one violation involving the same dog or dogs, the court may order the dog, or dogs forthwith removed beyond town limits or, in the alternative, order the Town to humanely dispose of, give away or sell the dog or dogs. All fines recovered shall be deposited in the Town's Animal Control Account. For the first violation of Section III through V., a warning may be issued by the ACO before penalties are charged.

## **Section XIII**

### Validity:

It is the intention of the Municipality that each separate section of this Ordinance shall be deemed independent of all other sections herein, and it is further the intentions of the Municipality that if any provisions of the Ordinance were to be declared invalid by the courts, all other sections thereof shall remain valid and enforceable.

## **Section XIV**

Enforcement: The Animal Control Officer in conjunction with the Selectmen shall enforce this Ordinance.

Footnotes:

<sup>1</sup>Title 7, Animal Welfare Act; Chapter 717, subsection 3907

<sup>2</sup>Title 7, Chapter 721, subsection 3922

<sup>3</sup>Title 7, Chapter 719, subsection 3911

<sup>4</sup>Title 7, Chapter 727, subsection 3951

<sup>5</sup>Title 7, Chapter 727, subsection 3952

*This ordinance replaces the Dog Ordinance for the Town of Sumner adopted on September 5, 1989*

Adopted by vote of Annual Town Meeting on August 14, 2006

Filed with the Town Clerk on August 15, 2006

Revised April 2024

Amendments Adopted by vote of Annual Town Meeting on June 22, 2024

Filed with Town Clerk on June 25, 2024