

CHAPTER 7

DOGS

Article I. Dog Control. [Adopted eff. 7/23/69, pursuant to R.S. 1964, T. 7, Sec. 3451 ff.; amended eff. 6/13/73; amended eff. 2/8/90]

Sec. 7-1-1. Purpose. The purpose of this ordinance is to control dogs throughout the Town of Cape Elizabeth in the interest of the health, safety and general welfare of its residents.

Sec. 7-1-2. Definitions. As used in this ordinance, unless the context otherwise indicates.

(a) "Dog" shall apply to both male and female dogs.

(b) "Owner" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

(c) "At large" shall mean off the premises of the owner and not being under the control of any person by means of that person's proximity to the dog, and their ability to manipulate and command the animal.

Sec. 7-1-3.

(a) License. License, record and tag requirements shall be as prescribed and required by Maine Statutes Annotated, and all rules and regulations duly promulgated thereunder.

(b) Failure to Display Tags. It shall be unlawful for any dog owner or keeper to fail to have affixed to the dog's collar, the license identification tag. Said tag must be displayed on a collar constructed of a durable material and sized so as to ensure the tag's attachment.

Sec. 7-1-4. Barking and Howling. No person shall own, keep or harbor any dog which by loud, frequent, and habitual barking, howling or yelping, shall disturb the peace of any person or persons.

Sec. 7-1-5. Dangerous Dogs. A dangerous dog is hereby defined to be a dog which by its conduct shall cause reasonable fear of bodily injury to any person. The owner of any dangerous dog shall keep same confined in a secure enclosure or on a chain or leash controlled by the owner or his agent at all times. Procedures resulting in the disposal or method of restraint of an animal who has assaulted a person shall be as prescribed and required by Maine Statutes Annotated, Title 7 and succeeding amendments.

Sec. 7-1-6. Failure to Restrain. It shall be unlawful for any dog owner or keeper to fail to restrain such an animal either by enclosed run, leash, tether, radio collar, choke collar or voice command so that the animal attacks, harasses or menaces any pedestrian, jogger, cyclist or passerby on any property other than that which is in the care and control of the dog owner.

Sec. 7-1-7 Dogs to be Restrained on Municipal Property. Any dog within the boundaries of a groomed and/or regularly maintained municipal property including, but not limited to, Fort Williams Park, public roads, municipal sidewalks and athletic fields, will

be walked on a leash or tether at all times. The person accompanying the dog in these situations is required to collect any feces dropped by the animal and dispose of same in an area where it will not likely be encountered by any persons. The Cape Elizabeth Poor Farm, Lions' Field excluding the Little League field, and a 20+- acre portion of Fort Williams Park Southerly of Humphreys Road (the road fronting the Parks Maintenance Building) and extending along a line to the rear of the long garages at the rear of Officers Row buildings, (but excluding the fields immediately south of Portland Head Light and in front of Battery Blair) are not considered to be groomed and/or regularly maintained for purposes of this ordinance.

Sec. 7-1-8. Impoundment. Unlicensed dog, whether or not at large, and dogs found running at large, whether or not licensed, shall with or without complaint be taken up and impounded by a police officer or dog control officer in a shelter designated by the Town as the Town Animal Shelter and there confined in a humane manner for a period of not more than fourteen (14) days.

Sec. 7-1-9. Disposition of Impounded Dogs.

(a) Any owner may regain possession of an impounded dog upon compliance with provision of Section 7-1-3 (a) of this ordinance, and upon payment of the impoundment and boarding fees set forth herein. Any dog impounded under the provisions of this ordinance and not reclaimed by the owner within said fourteen (14) days, shall be considered to be abandoned by the owner and the property of the Town Animal Shelter and may, after consultation with the Humane Society and/or the Animal Refuge League, be humanely destroyed or given to the Humane Society and/or the Animal Refuge League, or any person deemed to be responsible and a suitable owner.

(b) Where the ownership of any such dog is known, or can be reasonably ascertained by a police officer or dog control officer, such officer shall, if possible, notify the owner within three (3) days of such impoundment, but failure to give such notice shall in no way impose any liability upon the Town for the destruction or transfer to another of any dog so impounded and not reclaimed within said period of fourteen (14) days.

Sec. 7-1-10. Fees and Boarding Charges. Any dog impounded hereunder may be reclaimed upon payment to the Town, through the Cape Elizabeth Police Department of an impoundment fee of \$5.00 for each dog, except upon the second impoundment of the same dog the fee shall be \$20.00, and upon the third and all subsequent impoundments of the same dog the fee shall be \$40.00; and upon presentation to the Animal Shelter, currently designated by the Town to receive impounded dogs, of evidence of such payment to the Town and upon payment to that animal shelter of a further board fee in accordance with the current fee schedule of the animal shelter.

Sec. 7-1-11. Interference Forbidden. No person shall interfere with, hinder or molest any police officer or dog control officer in the performance of any duty of such officer, or seek release of any dog in the custody of a police officer or dog control officer, except as herein provided.

Sec. 7-1-12. Records. It shall be the duty of a police officer or dog control officer to keep, or cause to be kept, an accurate and detailed record of the licensing, impoundment and disposition of all dogs coming into his custody.

Sec. 7-1-13. Enforcement. The Cape Elizabeth dog control officer and the Cape Elizabeth Police Department are hereby directed and empowered to enforce the provisions of this ordinance.

Sec. 7-1-14. Penalties. Whoever keeps a dog contrary to the provisions of Sections 7-1-3, 4, 5, 6, 7, or 11 of this ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00) to be recovered by complaint for the use of the Town of Cape Elizabeth before the 9th District Court of Maine, Division of Southern Cumberland. In addition, said Court may make such further order regarding the destruction, restraint or other disposition of the offending dog as the Court deems appropriate.

(Revised eff. 9/11/91)3