

**Town of Canaan
Somerset County
Dog Ordinance**

An Ordinance Amending the Dog Ordinance of the Town of Canaan

Amend the Dog Ordinance adopted by Article 8 at the March 18, 2006 annual meeting as follows:

Article 1. Dog Control

§ 1-1. Definitions.

As used in this article unless the context otherwise indicates:

At Large

Shall be intended to mean off the premises of the dog's owner, and not under the control and restraint of the dog's owner or a member of their immediate family, either by leash, cord, chain, "at heel" or under command.

Dog

Shall be intended to mean both male and female canines whether ~~full breed or mixed breed~~ dogs.

Owner

- A. Shall be intended to mean any person or persons, firm, association or corporation owning, keeping, harboring or in possession of or having the control of a dog.
- B. Shall also be intended to mean and include, when used in this ordinance ~~article~~, the parent or parents or guardian of a minor who owns, keeps or has in their possession a dog:

§ 1-2. Running at Large

- A. No owner shall cause or permit any dog owned or kept by him/her them, or in his/her their possession or under him/her their control to run at large within the Town. A dog, while in or on any public way or place, or in or on any other place, except as hereinafter provided, shall be under restraint, within the meaning of the ordinance article, if it is controlled by a leash, cord, chain, or "at heel" or under the control of the person and obedient to that person's command, or on or within a vehicle driven or parked on the streets, or within the property limits of its owner or keeper.
- B. Nothing in this ordinance article shall be held to require the leashing or restraint of any dog while on its owner's or keeper's premises, or in or on any premises used or occupied as a dwelling house.
- C. It shall be unlawful for a person keeping or harboring any dog when notified that such dog has bitten any person or has injured any person as to cause abrasion of the skin to, 1. Sell or give away such dog or to permit such dog to be taken beyond the limits of the town, except under the care of a licensed veterinarian or 2. Destroy such dog without permission from the Animal Control Officer.

§ 1-3. Reimbursement of Damage done by Animals

- A. Injuries and damages by Animal, when an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3961)
- B. Injuries by dog, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of the damages. Any fault on the part of the person injured may not reduce the damages recovered for physical injury to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3961, 2)

§ 1-4. Attack on Service Animal

- A. A person who owns or keeps a dog that attacks, injures or kills a service animal while the service animal is in discharge of its duties commits a civil violation. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3961-A)

§ 1-5. Damage to Livestock or pets by Animals

- A. The owner or keeper of an animal that die to negligence of the animal's owner or keeper kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3962-A)
- B. A Person who suffers damage as a result of a violation of this may also pursue a civil action against the owner or keeper of the animal. (Maine Animal Welfare Chapter 729, Section 7, Subsection 3962-A, 2)
- C. The only exception to this is if the owner or keeper of an animal that kills or injures another animal establishes that the animal that was killed or injured provoked the killing or injury or that the animal that committed the killing or injury was leased or controlled on the owner's or keep's property at the time of the killing or injury. (Maine Animal Law Chapter 729, Section 7, Subsection 3962-A, 3)

§ 1-6. Barking or Howling Dogs

No person shall keep or harbor any dog within the Town which, by frequent and habitual barking, howling or yelping, creates unreasonable loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Town. Any person shall allow any dog habitually to remain, be lodged or fed within dwelling, building, yard or enclosure, which they occupy or owns, shall be considered as harboring such a dog.

By the owner's request, which shall be in writing, dogs may be disposed of by the Town for situations not cited above upon payment of a fee of twenty five dollars (\$25.00) ~~\$1.50 per pound by owner to the town.~~

No person shall own, keep or harbor any dog which by loud frequent, or habitual barking, howling, or yelping shall disturb the peace of any person.—(replaced §1-6. Barking or Howling Dog)

This ordinance shall take effect upon passage. (replaced §1-8. Passage and Compliance)

§ 1-7. Fees

Any person who owns or keeps a dog within the Town that has been picked up and transported by the Animal Control Officer will be charged a \$20.00 fee plus any mileage expenses. Failure to pay such fee within 30 days of billing date is a violation of this article.

§ 1-8. Passage & Compliance

This ordinance shall take effect upon passage. Failure to comply with any of these ordinances the Owner or keeper of such dog shall be subject to a civil violation fine and a court date will be set.

Upon written complaint signed and sworn to, any duly qualified town, state or county law enforcement official may investigate and may give written notice to the owner or keeper of such dogs that such annoyance or disturbance must cease.

This ordinance shall supersede all previous dog ordinances which are hereby repealed from and after the effective date of the ordinance if accepted by the people of the town.

Any violation of this ordinance shall be punished by a fine of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (100.00) nor more than ~~two hundred (\$200.00)~~ four hundred dollars (\$400.00), and legal fees.

Attest:

A true copy of an ordinance entitled "Dog Ordinance" as certified to me by the municipal officers of Canaan on the 30th day of January, 2012.

Signature: Denise B. Stetkis
Denise Stetkis, Canaan Town Clerk