

**Town of Mount Desert
Dog Ordinance
Adopted March 1, 1965
Amended March 2, 1970, March 5, 1973, and
May 5, 2009**

1) **Purpose**

The purpose of this ordinance is to regulate dogs in the Town of Mount Desert, to mitigate the problems, including property damage, caused by dangerous dogs, dogs running at large and barking dogs, and for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the Town. This ordinance seeks to achieve its purposes without unreasonably restricting owners and their dogs in their normal activities, while holding owners responsible for their dogs.

2) **Definitions**

As used in this ordinance, unless the text clearly indicates otherwise, the following words and phrases have the following meanings.

“**Dog**” includes both male and female dogs.

“**Owner**” means any person or persons, firm, association, or corporation, or other legal entity amenable to civil process, owning, keeping, or harboring, or in possession of, or having the control of a dog; and includes the parent or parents, or guardian, of a minor who owns, keeps, harbors, or is in possession, or control of a dog.

“**Keeper**” means a person in possession or control of a dog.

“**Running at Large**” means off the premises of the dog’s owner and not under the control of an owner or keeper of the dog who is physically capable of controlling and restraining the dog by a leash, cord, or chain, or by “at heel” or other voice or other command control to which the dog is obedient.

“**Voice Command**” means dog control by voice or other command where the dog is obedient and responsive.

“**Town**” means the Town of Mount Desert.

3) **Barking Dogs**

No Owner or Keeper of a dog shall allow the dog to unnecessarily annoy or disturb any person by loud and repeated barking, howling, yelping, or other noises. Upon a signed and sworn written complaint of the person disturbed, any animal control officer or other law enforcement

Town of Mount Desert Dog Ordinance

officer may investigate the allegations of the complaint. If the officer finds that there are valid grounds for the complaint, the officer shall serve a written warning upon the Owner or Keeper, notifying them that such annoyance or disturbance must cease. Said written warning shall be served by:

- a) delivering a copy of the warning to the Owner or Keeper, in hand;
- b) leaving a copy with a person of suitable age and discretion at the premises where the dog is kept or where the owner or keeper resides; or
- c) mailing a copy to the owner or keeper at the address shown on the license application for that dog or animal.

Any Owner or Keeper who allows such annoyance or disturbance to continue after notice has been served commits a violation, subject to the penalties set forth in this ordinance.

4) **Running at Large Prohibited**

A. No person shall cause or permit any dog owned or kept to run at large within the Town. And specifically, when on any public way, or municipal property, including but not limited to the Town's parks, municipal sidewalks and recreational and athletic fields, all Owners or Keepers of a dog shall ensure that their dog is:

- i) on a leash or tether at all times; or
- ii) is accompanied by an owner or keeper who is physically or by effective voice or other command able to control and restrain the dog from attacking, who at all times tends the leash or tether or otherwise maintains effective control of their dog, and who does not permit the dog to run at large.

Nothing in this ordinance shall be held to require the Owner or Keeper of a dog to leash their dog while on their private premises.

B. The Owner or Keeper of any dog found running at large in violation of Paragraph A of this section of this ordinance shall be entitled to warnings on the first two alleged violations. On the third and any subsequent alleged violations, the Owner or Keeper of any such dog shall be cited to appear in Court to answer the charge of violating this Ordinance, or another appropriate charge.

5) **Impounding Dogs**

Unlicensed dogs, or dogs found roaming 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 more than ten days. Any dog impounded under the provisions of this article and not reclaimed by its owner within ten days may be humanely destroyed or placed in the custody of another person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article. The Town, or its duly authorized agent, may transfer title of all animals held by it at an animal shelter after the legal detention period has expired and the animal has not been claimed by its owner.

Town of Mount Desert Dog Ordinance

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 may, at its discretion, cite the Owner or Keeper of such dogs to appear in court to answer for their alleged violations of this ordinance.

6) **Penalty and Enforcement**

Any person who violates, disobeys, refuses to comply with, or resists the enforcement of any provision of this ordinance shall upon conviction, be fined not less than One Hundred Dollars (\$100), nor more than Two Thousand Five Hundred Dollars (\$2,500) for each offense. Each violation shall be deemed a separate offense. In addition, pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 6-A, Chapter 187, Subchapter 5 (30-A M.R.S.A. § 4452), the Town may recover all costs of enforcement of this ordinance, including reasonable attorneys fees.

This ordinance shall be enforced by the Town's Police Department, Animal Control Officers appointed by the Town, or by any other duly appointed agents of the Town.

In addition to any other penalty provided by law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the Town seeking an injunction to prohibit further and continued violation thereof.

7) **Separability**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Specifically, this ordinance is in addition to, but does not in any way replace the responsibilities of Owners or Keepers pursuant to, the *Maine Animal Control Act*, Maine Revised Statutes Title 7, Part 9 (7 M.R.S.A. § 3901, *et seq.*), or other Maine law.

8) **Miscellaneous Provisions**

- A) This ordinance, as amended, is adopted pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 4, Chapter 141 (30-A M.R.S.A. § 3001, *et seq.*), and Title 7, Part 9, Chapter 725, § 3950 (7 M.R.S.A. § 3950).
- B) The effective date of this Ordinance is: May 5, 2009.
- C) This Ordinance shall expire and be of no force or effect on May 7, 2024.