

TOWN OF GORHAM
ANIMAL CONTROL ORDINANCE

Adopted - April 7, 2009
Effective - May 7, 2009
Amended – March 2, 2010
Amended –November 14, 2023

TOWN OF GORHAM
ANIMAL CONTROL ORDINANCE

Section 1. Purpose

- 1.1 The purpose of this ordinance is to require that all animals in the Town of Gorham be kept under the control of their owner at all times so that they will not injure persons or other animals, damage property or create a public health threat.
- 1.2 The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Section 2. Authority.

- 2.1 This ordinance is enacted pursuant to 30-A, M.R.S. Chapter 141 and 7 M.R.S., Chapter 725.

Section 3. Severability Clause.

- 3.1 If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 4. Definitions

4.1 ABANDONED ANIMAL:

An animal that has been deserted by its owner.

4.2 ANIMAL:

Every living, sentient creature not a human being.

4.3 ANIMAL CONTROL:

Control of dogs, cats and other domesticated animals.

4.4 ANIMAL CONTROL OFFICER:

Any person appointed by the Town of Gorham to enforce animal control laws.

4.5 AT LARGE:

Off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

4.6 DOG:

Any of large and varied groups of domesticated animals in the canine family.

4.7 DOMESTICATED ANIMAL:

Any animal that is normally dependent on humans for food or shelter, including, but not limited to, horses, swine, fowl, sheep, cattle, goats, dogs, deer, buffalo, wildlife hybrids, and other similar animals.

4.8 LEASH:

Hand held device, 30 feet or less in length, which can be used to restrain a dog. A leash must be used if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed.

4.9 OWNER:

Any person owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

4.10 MUNICIPALLY-OWNED RECREATIONAL FACILITY:

Any municipally-owned athletic field, court, playground, skate park, or similar and like facility used for recreational purposes, but not including any municipally-owned trails.

4.11 VOICE CONTROL:

As used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the owner in response to the owner’s verbal command. If a dog approaches or remains within 10 feet of any person other than the owner, that dog is not under voice control and a violation of this ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has clearly communicated to the owner by spoken word or gesture that such person consents to the presence of the dog.

Section 5. Animal Control Officer

5.1 A qualified person may be employed by the police department and shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws and ordinances related to dogs, cats, and other domesticated animals. Any qualified law enforcement officer may also enforce this ordinance in place of or in addition to the Animal Control Officer.

Section 6. Disposition of Impounded Animal

6.1 An owner may regain possession of any impounded animal once all provisions of this ordinance have been met, and all impoundment fees due under this ordinance have been paid. Any animal not claimed within fourteen (14) days after the owner has been notified may be classified as an abandoned animal, and the animal’s owner will remain subject to all penalties authorized by this ordinance.

Section 7. Impoundment Fee

7.1 An owner may reclaim an impounded animal by first paying a fee of thirty dollars (\$30.00) for each animal impounded. All fees will be deposited in the separate account required by 7, M.R.S.. § 3945.

Section 8. Animal Noise

8.1 Except as provided in subsections 8.2 through 8.4 below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 10 minutes or more or recur intermittently for one hour or more.

8.2 It shall not be considered a violation of subsection 8.1 if an animal is provoked by trespassing persons or animals on private property on which the animal is situated or by other legitimate cause for provocation.

8.3 Subsection 8.1 shall not apply to farm animals kept on a property located in the Rural or Rural-Manufactured Housing Districts under the Gorham Land Use and Development Code. In all other zoning districts, section 8 shall not apply to farm animals kept on a property, a use of which is, the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Gorham Land Use and Development Code. For purposes of this subsection, dogs are not “farm animals”.

8.4 Subsection 8.1 also shall not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of dangers to the livestock. For purposes of this subsection, “livestock” means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.

Section 9. Control of Animal Waste

9.1 An owner must remove and dispose of any feces left by their animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal’s feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

Section 10. Dangerous Dogs

10.1 Any person who is assaulted or threatened with bodily injury by a dog or , any person witnessing an assault or threatened assault against a person or domesticated animal by a dog, or any person with knowledge of an assault or threatened assault against a minor, by a dog, may make a written complaint within thirty (30) days to the Animal Control Officer that the dog is a

dangerous or nuisance_dog. The Animal Control Officer may issue a civil violation summons for keeping a dangerous or nuisance_dog pursuant to 7 M.R.S. §3952.

10.2 After issuing the summons under subsection 10.1 and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or may have the dog confined at the owner's expense at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S. ~~A.~~ §3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Section 11. Trespass

11.1 An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer that the animal was found on the property of another.

11.2 The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and impound the animal if: the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or if the animal is an immediate danger to itself, to persons or to another's property. Any animal so removed shall be subject to impoundment under the provisions of sections 6 and 7.

Section 12. Dogs at Large, Prohibited in Cemeteries and Municipal-Owed Recreation Facility, and Leash Requirement

12.1 It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the fees and penalties provided in this ordinance.

12.2 It shall be unlawful for any owner to allow or permit any dog, whether on a leash, under voice control or at large or unrestricted, to enter any cemetery or playing surface of any municipal-owned recreation facility in the Town of Gorham, except that a service animal providing assistance to a person with disability may enter a cemetery.

12.3 It shall be unlawful for any owner to allow or permit any unleashed dog on any property owned or leased by the Town of Gorham, except for any service animal providing assistance to a person with disability may enter a Town owned or leased Property.

Section 13. -Licensed Required

13.1 No dog shall be kept within the limits of the Town of Gorham unless such dog is licensed by its owner in accordance with Maine law. The Town Clerk shall provide with each new license

issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S §3922.

Section 14. Rabies Tags

14.1 Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training, in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request by the Animal Control Officer.

Section 15. Public Health Threat

15.1 The owner of an animal that may have been exposed to a contagious or viral disease may be served with a quarantine notice. The owner shall confine and control the animal in accordance with the instructions in the notice. Failure to comply with the notice will be considered a violation of this ordinance and may result in a court ordered seizure of the quarantined animal. The owner may also be subject to the penalties found in section 16.

Section 16. Violation and Penalties

16.1 Except as otherwise provided by State law, anyone guilty of violating any provisions of sections 8, 10 or 11 of this ordinance shall be subject to a fine of not less than one hundred and fifty dollars (\$150) nor more than one thousand dollars (\$1,000). Such fine is due and payable to the Town of Gorham and is recoverable through any and all means available to the Town by law. Each day such violation continues shall be deemed a new offense. The fines and fees included in this ordinance are in addition to any other penalties provided by law

16.2 Except as otherwise provided by State law, anyone guilty of violating any provisions of sections 9 or 12 of this ordinance shall be subject to a fine of not less than one hundred dollars and fifty (\$150) for the first violation and a doubling of the fine for each violation after the first in the same calendar year. Such fine is due and payable to the Town of Gorham and is recoverable through any and all means available to the Town by law. The fines and fees included in this ordinance are in addition to any other penalties provided by law.