

**TOWN OF NAPLES
DOG CONTROL ORDINANCE**

Adopted November 2, 1999

Amended February 7, 2002

Amended June 12, 2002

Attested by Town Clerk

Section 1. Purpose

The purpose of this ordinance is to control dogs throughout the Town of Naples in the interest of health, safety and general welfare of its residents.

Section 2. Definitions as used in this Ordinance unless the context otherwise indicates:

- A. "DOG" shall mean both male and female whether neutered or not.
- B. "OWNER" shall mean any person, 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 personal presence and attention, or ability to manipulate and command the conduct of the dog.
- D. "DANGEROUS DOG" shall mean a dog which has bitten or chased a person who was not a trespasser on the owners premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owners premises, to be put in apprehension of eminent bodily harm; or a dog who has damaged the property of any person.

Section 3. License Required

All dogs kept, harbored or maintained by their respective owners in the Town of Naples shall be licensed and tagged in accordance with the appropriate laws of the State of Maine 7, M.R.S.A. 3921.

Section 4. Disturbing the Peace

It shall be a violation of this ordinance for an owner of a dog to cause or permit such dog to bark, howl, yelp continuously for twenty (20) minutes or intermittently for one (1) hour. However, this provision shall not apply to State licensed kennels operating in the Town of Naples as of the date of this amendment. It shall be a violation of this ordinance for an owner to cause or permit a dog to be a dangerous dog.

Section 5. Running at Large

It shall be a violation of this ordinance for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

Section 6. Confinement of Certain Dogs

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the Animal Control Officer, and only if all the provisions of the section entitled "Impoundment Fee" have been met.

Section 7. Impounding

Any Police Officer, Animal Control Officer or Constable within the Town of Naples may seize, impound, or restrain any dog violating this ordinance or State law.

Section 8. Impoundment

When impounding any dog, the Animal Control Officer or Police Officer shall, at the time of such impoundment, list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the dog as can be reasonably ascertained.

A copy of this registry shall be furnished to a shelter designated by the Town of Naples with written instructions setting forth conditions under which the dog may be released. When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police officer, or person in control of the Animal Shelter shall make a reasonable effort to notify the owner or keeper if it can be ascertained.

The ultimate disposition of impounded dogs shall be according to Title 7, Sections 3912, 3913 and 3952 depending upon which category the dangerous dog or dog in heat, meets.

Section 9. Impoundment Fees

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and State law and by paying to the Town a fee of thirty dollars (\$30.00) for each offense. The owner will also be responsible for any additional costs incurred by the animal shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of the dog. All fees to be deposited in the separate account as required by M.R.S.A. 7, Section 3945.

Section 10. Enforcement

There shall be appointed an Animal Control Officer(s) who shall have the prime responsibility for enforcing this Ordinance. Police officers,

Cumberland County Sheriffs and constables of the Town of Naples may also enforce this ordinance.

Section 11. Penalties

Any owner found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) to be recovered by a complaint before the Maine District Court, District Nine of Northern Cumberland County. The owner shall also be responsible for the Town of Naples' attorney's fees and costs. All fines collected shall be recovered to the use of the Town of Naples and deposited in a separate account as required by M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).

Section 12. Severability Clause

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 13. Amendments

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

Section 14. Effective Date

This Ordinance shall be in full force and effect when enacted.