

# TOWN OF CHELSEA

## ANIMAL CONTROL ORDINANCE

### I. TITLE:

This ordinance shall be known and cited as the Animal Control Ordinance of the Town of Chelsea, Maine, and is referred to herein as "this ordinance".

### II. AUTHORITY:

This ordinance is adopted pursuant to the enabling provisions of Title 30-A, MRSA § 3001 (Home Rule).

### III. RELATION TO OTHER ORDINANCES:

This ordinance cancels and supersedes the "Animal Control Ordinance" which was enacted March 8, 1997 and amended June 17, 2004.

### IV. PURPOSE:

The purpose of this ordinance is to require that all animals in the town of Chelsea be kept under the control of their owners at all times so that they will not injure persons, damage property or create a nuisance.

The provisions which apply to the owners of an animal apply equally to any person having its custody or possession.

It is also the Town's responsibility to prevent the spread of contagious disease and virus in relation to domesticated and undomesticated animals.

### V. DEFINITIONS:

1. **Owner:** Any person owning, keeping or harboring a dog or other animal.
2. **At Large:** Any animal 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.
3. **Dangerous Dog:** Any dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.
4. **Municipality:** A city, town or plantation.

5. **Nuisance:** The causing of unreasonable noise, offensive odor, litter and other property damage; the chasing of automobiles, motorcycles and bicycles or other vehicles.
6. **Leash:** A hand held device no longer than 10 feet in length.
7. **Pack:** A dog in the company of three or more other dogs.
8. **Animal:** Includes all domesticated and undomesticated animals.
9. **Rabies:** A viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.
10. **Confirmed Rabid Animal:** An animal that has been confirmed by the health and Testing Laboratory using the direct fluorescent antibody (DFA) test of nervous tissue.
11. **Quarantine:** Term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.
12. **Currently Vaccinated:** Domesticated animals are considered currently vaccinated for rabies if at least thirty days have elapsed since the initial vaccination and duration of vaccination has not exceeded the time period recommendation for that species based upon the type of vaccine used. A Maine "Certificate of Rabies Vaccination" or a form approved by the Commissioner of the Maine Department of Agriculture, Food and Rural Resources is proof of immunization.
13. **Suspected Rabid Animal:**
- a. Any mammal, undomesticated or domesticated, showing signs of rabies.
  - b. Any undomesticated mammal which has potentially exposed, through bite or non-bite exposure, a human or domesticated animal to rabies.
  - c. Any domesticated mammal which has bitten a human or domesticated animal.
14. **Undomesticated Animal:** A mammal considered to be wild by nature by the Maine Department of Inland Fisheries and Wildlife.
15. **Domesticated Animal:** A mammal accustomed to home life and tamed for man's use. A typical household pet to include, but not be limited to: dogs, cats, ferrets, wildlife hybrids and livestock.
16. **Unvaccinated Animal:** An Animal with no previous rabies vaccination, an animal whose first vaccination was given within the last thirty days, an animal whose last vaccination has expired (per vaccine manufacturer's recommendation) or an animal for which no approved vaccine exists.
17. **Wildlife Hybrid:** The offspring of a breeding between a domesticated animal and a wild counterpart. This would include but is not limited to: coydog, wild/domesticated cat hybrid and wolf/dog hybrids. These animals are considered domesticated but have no established quarantine or isolation period for the incubation of the rabies virus.
18. **Control:** To limit by reasonable means all unnecessary exposure for the suspected rabid animal to humans or to other animals.
19. **Shelter:** Any animal shelter to which the Animal Control Officer takes a stray animal that's running at large.
20. **Henhouse:** A house or shelter for fowl.

21. **Chicken Pen:** An outdoor fenced in area connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

22. **Enclosure:** The combined area of a henhouse and chicken pen.

24. **Offensive Odor:** Is a smell detected beyond the boundary of a property line which over a period of 48 hours unreasonably interferes with the enjoyment of life or the use of a property by another person.

#### **VI. ANIMALS CREATING A NUISANCE BY NOISE:**

Anyone owning, possessing or harboring any animal which barks, howls or makes other sounds common to its species continuously for twenty minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. **EXCEPTIONS:** Dogs barking at trespassers or threatening trespasser on private property on which dog is situated or any legitimate cause for provocation.

#### **VII. RUNNING AT LARGE:**

It is unlawful for any animal, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned animal roaming at large shall be impounded by the Animal control Officer (ACO) and taken to a shelter. Any dog leaving the property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and verbal control of its owner or custodian. Any animal in violation may be impounded by the ACO. Any animal so impounded shall be subject to Article XII (b) below or the ACO or his or her designee may take the animal to its owner, if known. However, the offender will be subject to a charge of \$20.00 for services rendered, payable to the Town of Chelsea.

#### **VIII. 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 ACO and only if all provisions of the Section entitled "Impoundment Fees" have been met.

#### **IX. ANIMAL CONTROL OFFICER (ACO):**

A suitable person shall be employed by the Town of Chelsea who shall be known as and perform the duties of Animal Control Officer. The ACO shall have the powers given to them by this ordinance. They shall be under the supervision and direction of the Town Manager. The ACO shall hold their office for such time as the Town Manager may direct and shall receive as compensation an amount as may from time to time be authorized at Town Meeting. The ACO shall be responsible for the control, regulation

and enforcement of all laws related to dogs, cats, domesticated and undomesticated animals in accordance with Title 7 MRSA Chapter 725.

**X. LICENSE REQUIRED:**

All dogs kept, harbored or maintained by their respective owners in the Town of Chelsea shall be licensed and tagged in accordance with the appropriate laws of the State of Maine. (7 MRSA Section 3921)

**XI. LICENSING TIMING:**

Beginning January 1 and no later than April 1, all dogs over the age of six months must be licensed in the Town of Chelsea by registering the dog(s) at the Town Clerk's office. Proof of a rabies vaccination must be shown to obtain a license.

**XII. REGISTRY AND NOTIFICATION OF IMPOUNDMENT:**

(a) When impounding any animal, the ACO or other law enforcement officer shall at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the animal as can be reasonably ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instruction setting forth the conditions under which the animal may be released.

(b) When any animal is impounded under the provisions of this Article or Article VII, the person who has control of the shelter shall, when possible, contact the owner within forty-eight hours and report to the Town Clerk a description of the animal and its place of impoundment. If the owner does not claim said animal, then the Animal Shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with applicable state laws.

**XIII. IMPOUNDMENT FEES:**

All owners may reclaim their animal by first licensing, if applicable, according to this ordinance, and by paying to the Shelter where animal is being held, a fee of \$25.00, for a second offense \$50.00 for a third offense and \$75.00 for a fourth offense. Impoundment fee never to exceed \$100.00 as noted in Section XVII. The Shelter shall turn over all impoundment fees to the Town of Chelsea. The Owner will also be responsible for any additional costs incurred by the animal at the Shelter prior to reclamation. All fees must be paid to Shelter prior to the release of an animal.

**XIV. DISPOSITION OF ANIMALS WHICH HAVE BITTEN HUMANS AND/OR HAVE BEEN EXPOSED TO A CONTAGIOUS DISEASE OR VIRAL DISEASE:**

The owner or keeper of an animal which has bitten a human or may have been exposed to a contagious or viral disease shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least ten days, forty-five days or six months or as ordered. The owner or keeper must observe and obey all written instructions and procedures included in the quarantine notice. Failure to comply with this section may result in fines or penalties described in the section entitled "Violations". Further, failure to comply with this section may result in a court ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All related expenses shall be paid by the owner or keeper.

**XV. ANIMALS CREATING A PUBLIC HEALTH THREAT:**

The municipal health officer or their designee shall order suppression and removal of animals and conditions posing a public health threat when there is a reasonable cause to suspect the presence of a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

**XVI. KEEPING OF ANIMALS NOT DOGS OR CATS:**

Animals kept incidental to a residential use of a property shall be kept in accordance with the following:

1. Horses, donkeys, cattle, oxen, goats, sheep, llamas, pigs and fowl (i.e. emu, ostrich, turkey, duck, geese and rooster).
  - a. Require a minimum of 80,000 square feet of land,
  - b. Farm buildings, sheds, feedlots, fenced pens used for shelter and containment shall be kept no closer than 10 feet from any property line, 100 feet from existing residences
  - c. Farm buildings, sheds, feedlots, fenced pens used for shelter and containment must be clean, dry and free of offensive odor, kept in a neat and sanitary condition at all times in a manner that will not disturb the use or enjoyment of abutters due to noise, offensive odor or other adverse impacts

At all times, animals shall be contained in suitable safe housing and pens

2. Chickens and Rabbits
  - a. No more than six (6) hens and/or rabbits kept as pets or for personal use only shall be on premises having a lot area of over 7,000 square feet up to one acre.
  - b. No more than twelve (12) hens and/or rabbits kept as pets or for personal use only shall be on premises having a lot area of one acre or more.

- c. Chickens and rabbits shall be kept in clean and secure enclosures at all times on lots less than one acre.
- d. Chickens shall be secured within a henhouse during non-daylight hours. The henhouse shall be well maintained.
- e. The outdoor slaughtering of animals is prohibited.

At all times, animals shall be contained in suitable safe housing and pens which shall meet a minimum setback requirement of 10 feet from any property line.

Any structure, feedlot or pen which is subject to the provisions of this section and which existed prior to the enactment of this Ordinance shall not be considered to be in violation of this Ordinance but shall not be expanded or relocated so as to reduce the property line setback requirements set forth in this section.

**XVII. VIOLATIONS:**

Any person found in violation of any provision contained in Sections VI, VII, VIII and XVI shall be subject to a fine of not less than \$25.00 and not more than \$100.00 for each offense. Any person found in violation of Sections XV and/or XVI, shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00 for each offense. Any fine collected shall be recovered to the use of the Town of Chelsea. In addition to the civil penalties, the person violating this ordinance shall pay the Town's attorney's fees for the prosecution of the action. Finally, the Town may seek appropriate legal and equitable relief in a court of competent jurisdiction to enforce the provisions of the Ordinance.

**XVIII. 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.

Approved at a Town Meeting held June 15, 2017.

*This is a true and attested copy of  
the Town of Chelsea's Animal  
Control Ordinance.*

*Shirley McPartly  
Town Clerk*