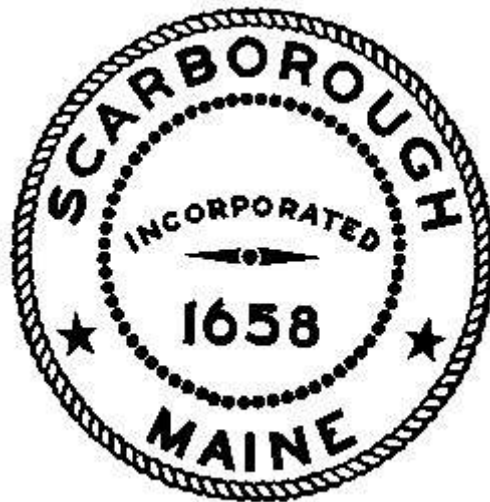


CHAPTER 604

TOWN OF SCARBOROUGH

ANIMAL CONTROL ORDINANCE



Adopted 02/16/2000
Amended 05/19/2004
Amended 04/20/2011
Amended 05/07/2014

604-1	Purpose	1
604-2	Definitions	1
1.	ABANDONED ANIMAL:	1
2.	ANIMAL:	1
3.	ANIMAL CONTROL:	1
4.	ANIMAL CONTROL OFFICER:	1
5.	ANIMAL SHELTER:	1
6.	AT LARGE:.....	1
7.	BEACH:.....	1
8.	DOG:	1
9.	LEASH:	1
10.	OWNER:	2
11.	RESTRICTED AREAS [Adopted 05/07/14]	2
12.	RESPONSIBLE DOG OWNER [Adopted 05/07/14]	2
13.	RESPONSIBLE PARTY:.....	2
14.	VOICE AND SIGHT CONTROL: [Amended 05/07/14]	2
604-3	Animal Control Officer	3
604-4	At Large Dogs.....	3
604-5	Impoundment or Return of At Large Dogs.....	3
604-6	Disposition of Impounded Animal	3
604-7	Impoundment Fee	3
604-8	Animal Noise.....	3
604-9	Control of Animal Waste.....	4
604-10	Public Beaches and Shores (amended 05/19/2004)	4
604-11	Dangerous Dogs	4
604-12	Trespass	5
604-13	Tags [Amended 04/20/2011].....	5
604-14	Rabies Tags	5
604-15	Violations/Penalties.....	5
604-16	Severability Clause.....	6

**CHAPTER 604
TOWN OF SCARBOROUGH
ANIMAL CONTROL ORDINANCE**

604-1 Purpose

The purpose of this ordinance is to require that all animals in the Town of Scarborough be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

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.

604-2 Definitions

1. ABANDONED ANIMAL:

An animal that has been deserted by its owner or keeper.

2. ANIMAL:

Every living, sentient creature not a human being.

3. ANIMAL CONTROL:

Control of dogs, cats and domesticated or undomesticated animals.

4. ANIMAL CONTROL OFFICER:

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

5. ANIMAL SHELTER:

A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals.

6. 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 dog.

7. BEACH:

Any beach area within the Town of Scarborough which is used by the general public.

8. DOG:

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

9. LEASH:

Hand held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by the Animal Control Officer and a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed. A leash of a length no longer than 12 feet shall be used at all time on Beaches of Scarborough from April 1 to Labor Day, unless otherwise stated herein. A failure to comply with this definition shall constitute a violation of this ordinance. (amended 05/19/2004; amended 05/07/2014)

10. OWNER:

Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

11. RESTRICTED AREAS: Restricted Areas are beach areas that may be designated for special protection for piping plovers or other endangered species based upon scientific and historical data. The following are Restricted Areas and restrictions applying thereto from April 1st to the day after Labor Day [Adopted 05/07/2014]:

- a) **Higgins Beach** – The Restricted Area is defined as that part of the beach from Champion Street to the Spurwink River-**no dogs allowed**. See aerial map appended hereto for further details. [Exhibit A]
- b) **Ferry/Western Beach** – The Restricted Area is defined as that portion of the beach commonly known as Ferry Beach, beginning at the southerly end of the municipal parking lot and extending south to Ferry Rock and thence southeast the full length of the beach commonly known as Western Beach – **no dogs allowed**. See aerial map appended hereto for further details. [Exhibit B]
- c) **Pine Point Beach** – The Restricted Area is defined as that portion of the beach from the main beach access path at Hurd Park north to the Scarborough River-**dogs on leash only**. See aerial map appended hereto for further details. [Exhibit C]

12. RESPONSIBLE DOG OWNER: Is an individual who has possession or custody of a dog and has read and affirmed [at the time of licensure], that they will 1) Maintain control of their dog(s) at all times; 2) They will not allow the dog(s) to charge, chase or display aggression towards any person, other dogs or wildlife; and, 3) Behave in any way that a reasonable person would find disturbing or harassing. Except for hunting purposes a Responsible Dog Owner shall not have more than two dogs under Voice and Sight Control at the same time. A responsible party shall have a leash in his or her possession for each dog off leash. A failure to comply with this definition shall constitute a violation of this ordinance.

13. RESPONSIBLE PARTY:

As used in this ordinance, the term “responsible party” means any person who has possession or custody of a dog. If a dog is present on a beach in violation of the restrictions of this section, the owner of the dog and the responsible party are jointly and severally liable for the violation. (amended 05/19/2004)

14. VOICE AND SIGHT CONTROL:

As used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party’s verbal command. “Sight Control” means that a dog is always within sight of the Responsible Party and the dog is capable of complying with Voice Control. A violation of this Ordinance occurs upon a failure to comply with the definition of either Voice Control or Sight Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, 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 communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. (amended 05/19/2004)

604-3 Animal Control Officer

A qualified person shall be employed by the police department who 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 related to dogs, cats, and other domesticated animals and also to undomesticated animals.

604-4 At Large Dogs

Dogs shall be considered at-large unless leashed or under Voice and Sight Control. 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 civil penalties provided in this ordinance.[Amended 05/07/2014]

604-5 Impoundment or Return of At Large Dogs

All dogs found at large in violation to Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer. If the Animal Control Officer returns the dog to its owner, the owner shall pay a \$15.00 (fifteen dollars) return fee to the Town of Scarborough before the dog is returned. The payment must be made at the police dispatch center, which shall issue a receipt therefor.

604-6 Disposition of Impounded Animal

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met, and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal’s owner may be subjected to all civil penalties authorized by this ordinance.

604-7 Impoundment Fee

An owner may reclaim an impounded animal by first paying to the Town of Scarborough at the Town Clerk’s Office, a fee of \$30.00 (thirty dollars) for each animal impounded. If the Town Clerk’s Office is closed, the fee shall be paid at the Police Dispatch Center. Fees must be paid and a receipt from the Town must be presented to the animal shelter before the release of an animal. All fees will be deposited in the separate account required by Title 7, M.R.S.A. 3945.

604-8 Animal Noise

- a. Except as provided in subparagraph (b) and (c) 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 20 minutes or more or recur intermittently for one hour or more.
- b. Section 604-8(a) shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
- c. Section 604-8(b) shall not apply to farm animals kept on a property located in the R-F or R-F-M Districts under the Scarborough Zoning Ordinance. In all other zoning districts, Section 604-8(a) shall not apply to farm animals kept on a property [the principal use of which is] [a use of which is] the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Scarborough Zoning Ordinance. For purposes of this exception, dogs are not “farm animals” and kennels are not “farms.”

604-9 Control of Animal Waste

An owner must remove and dispose of any feces left by his/her 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.

604-10. Public Beaches and Shores (amended 05/19/2004; [Amended 05/07/2014])

The following restrictions apply to dogs on beaches:

The following restrictions apply to dogs on beaches:

- a. From April 1 to Labor Day dogs shall be restricted in the Restricted Areas of each Beach as set forth in Section 604.2(11).
- b. From May 15th to Labor Day (i) no dogs on any Beach from 9:00 a.m. to 5:00 p.m.; and (ii) dogs on leash from 5:00 p.m. to dusk.
- c. From the day after Labor Day to May 14th dogs on leash from 1:00 p.m. to 3:00 p.m.
- d. If directed by the Animal Control Officer or a law enforcement officer a Responsible Party may be required to leash their dog.
- e. No dogs on any beach from 30 minutes after sunset (dusk) to 30 minutes before sunrise (dawn).
- f. Whenever a portion of a beach has been roped off, fenced off or otherwise demarcated or posted as a protected area in order to protect the nesting site of a piping plover or of any other endangered species protected under federal law, no dog shall approach within 200 feet of such protected area.
- g. Dogs shall be on leash while entering or exiting vehicles and the Beach.
- h. At all times not otherwise addressed above, dogs shall be under Voice and Sight Control.

604-11 Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty days of the assault, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog. The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. §3952. After issuing the citation 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 to have the dog 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.

604-12 Trespass

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 property owner or a representative of the property owner or by the Animal Control Officer or a law enforcement officer that the animal was found on the property of another.

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 control 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 the animal is an immediate danger to itself, to persons or to another's property.

Any animal so removed shall be subject to the provisions of Sections 604-5, 604-6 and 604-7 in the same manner as an at large dog.

604-13 Licenses[Amended 04/20/2011; Amended 05/07/2014]

No dog shall be kept within the limits of the Town of Scarborough unless such dog is licensed by its owner in accordance with Maine Law and has acknowledged receipt and affirmation of the requirements of a "Responsible Dog Owner" as defined in Section 604-2-11. 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 Title 7 M.R.S.A. Part 9 - Chapter 721. Dog Licensing.

604-14 Rabies Tags

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 or 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 hours upon request for the Animal Control Officer.

604-15 Violations/Penalties

Any persons who violates Section 604-8 (Animal Noise) or Section 604-9 (Control of Animal Waste) shall be subject to civil penalties for each violation, as follows:

First violation: not less than \$50.00 and not more than \$100.00, plus costs.

Second violation: not less than \$100.00 and not more than \$250.00, plus costs.

Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs.

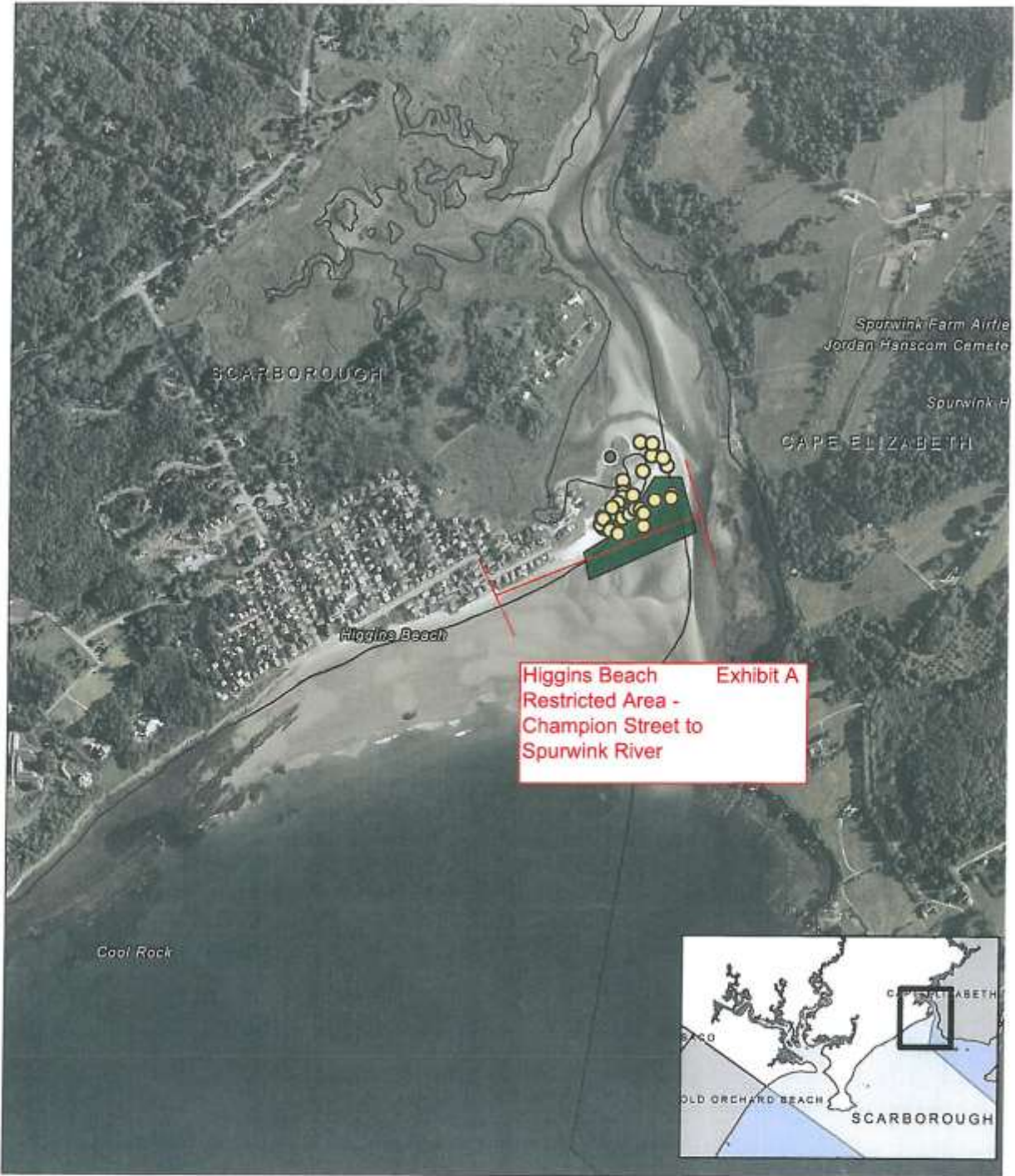
Any person who violates any other Section of this ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$500.00 plus costs for each offense.

All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Scarborough and deposited in the separate account required by 7 M.R.S.A. Section 3945.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

604-16 Severability Clause

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



Higgins Beach Exhibit A
 Restricted Area -
 Champion Street to
 Spurwink River

Piping Plover Nest Locations - Town of Scarborough (Higgins Beach)



- Piping Plover Nest Locations 2000-2013
- Piping Plover Brood Locations 2011 & 2012
- Historic Piping Plover Nest Locations



Projection: UTM, NAD83, Zone 19
 Date: 9/11/2013




 Maine Department of
 Inland Fisheries and Wildlife



Pine Point Exhibit C
 Restricted Area - Hurd Park Access
 Path to Jetty

Piping Plover Nest Locations - Town of Scarborough (Pine Point Beach)

