

AMENDMENTS TO THE TOWN OF BRIDGTON  
DOG CONTROL ORDINANCE

PREPARED FOR TOWN REFERENDUM TO BE HELD ON  
NOVEMBER 8, 2022

*The Town of Bridgton Dog Control Ordinance is proposed to be amended by adding the words shown in underline (underline) and by removing the words shown in strikethrough (~~strikethrough~~), as follows:*

**TOWN OF BRIDGTON  
DOG CONTROL ORDINANCE**

**SECTION 1 ARTICLE I. - AUTHORITY; PURPOSE**

**Section 1.1. Authority**

This ordinance shall be known as the Town of Bridgton Dog Control Ordinance, and is referred to herein as "this Ordinance." The Town of Bridgton is referred to herein as "the Town." This Ordinance is adopted pursuant to Article VIII, Part Second, of the Maine Constitution; 30-A M.R.S. § 3001 et seq.; and 7 M.R.S. § 3950.

**Section 1.2. Purpose**

The purpose of this Ordinance is to require that all dogs in the Town be licensed and under reasonable control dogs throughout the Town of Bridgton in the interest of in order to protect the health, safety, and general welfare of its the Town's residents and visitors.

**SECTION 2 ARTICLE II. DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES**

The following definitions apply to this Ordinance, unless the context clearly otherwise requires. Any reference to a state law includes amendments thereto and successor provisions.

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.

Section 2.1.C. "AT LARGE" shall means off the premises of the owner and not being under the control of any person by means of whose personal presence and attention would reasonably contro l, or ability to manipulate and command the conduct of the dog. "Reasonable control," for purpos es of this Ordinance, shall mean that the dog is (i) located within a vehicle; (ii) on a lease, cord, c hain, or other similar restraining device not more than eight (8) feet in length; (iii) under voice control or command provided that such control is effective and strictly maintained; or (iv) (iii) confined within a secure cage or enclosure.

Section 2.2.D. "DANGEROUS OR NUISANCE DOG" shall means a dog which has bitten 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. (i) a dog that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the premises of the owner; (ii) a dog that causes a reasonable and prudent person who is not on the owner's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury by assaulting or threatening to assault that person or person's domesticated animal; or (iii) a dog that causes damage to property or crops not owned by the owner while the dog is not on the owner's premises. "Dangerous or nuisance dog" does not include (i) a dog certified by the State of Maine and used for law enforcement use; (ii) a dog that injures or threatens to assault an individual who is on the owner's premises if the dog has no prior

history of assault and was provoked by the individual immediately prior to the injury or threatened assault; (iii) a dog that inflicts bodily injury on an individual who is committing a crime against an individual or property owned by the owner.

Section 2.3. “DOG” means (i) a member of the genus and species known as *Canis familiaris*; (ii) a wolf hybrid, as defined in 7 M.R.S. § 3907(30); or (iii) any canine, regardless of generation, resulting from the interbreeding of a member of *Canis familiaris* with a wolf hybrid. “Dog” includes both male and female dogs, whether or not neutered or spayed.

Section 2.4. “LIVESTOCK” has the same meaning as in 7 M.R.S. § 3907(18-A).

Section 2.4.B. “OWNER” shall means any person, firm, association, or corporation owning, keeping, or harboring a dog. The provisions of this Ordinance that apply to the owner of a dog shall apply equally to any person having its custody or possession.

Section 2.5. “PREMISES” means the residence or residences, including buildings and land and motor vehicles, belonging to the owner of a dog.

~~C. “DANGEROUS DOG” shall mean a dog which has bitten 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.~~

### ARTICLE III. LICENSE REQUIRED

Section 3.1. All dogs kept, housed, harbored, or maintained by their respective owners in the Town of Bridgton shall be licensed when the dog becomes six (6) months old and annually thereafter on January 1 of each year, in accordance with the appropriate laws of the State of Maine, 7 M.R.S.A.M.R.S. 3921 Chapter 721 and this Ordinance.

Section 3.2. All license applications to the Town shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance except applications that are exempt from the payment of license fees pursuant to 7 M.R.S. §§ 3923-A(3) and 3921.

### ~~SECTION 4~~ARTICLE IV. ~~DISTURBING THE PEACE~~RESPONSIBILITIES OF OWNERS

Section 4.1. It shall be unlawful for ~~anyone owning, possessing or harboring a dog~~an owner to cause or permit ~~such their~~ dog to disturb the peace of any person. Any owner ~~or keeper~~ causing or permitting ~~theira~~ dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section, except that this provision shall not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock.

Section 4.2. It shall be unlawful for any ~~dog~~owner ~~or keeper~~ to cause or permit ~~such their~~ dog to ~~disturb the peace by biteing, chascing, or damageing~~ the property of any person.

Section 4.3. It shall be unlawful for any owner to cause or permit their dog to get into or open any garbage bags, bins, or other containers, or to cause garbage to be strewn from such containers. The owner must clean up and dispose of any strewn garbage.

Section 4.4. An owner must promptly remove and properly dispose of their dog's feces left on any sidewalk, street, beach, public property, or private property other than the property of the owner or of a person who has consented to the presence of the dog on the person's property.

Section 4.5. A handicapped owner, who, by reason of the handicap, is physically unable to comply with the requirements of Section 4.3 or Section 4.4 is exempt from those requirements.

#### SECTION 5ARTICLE V. RUNNING DOGS AT LARGE

Section 5.1. All dogs must be under the owner's reasonable control when off the owner's property while within the Town limits.

Section 5.2. It shall be unlawful for any dog, licensed or unlicensed, to ~~run~~ be at large within the Town limits, except a dog which is engaged in legal, ~~except when used for hunting purposes.~~

#### SECTION 6ARTICLE VI. CONFINEMENT OF CERTAIN DANGEROUS OR NUISANCE DOGS

~~A. It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while the dog is in heat unless such dog is restrained with a leash, cord, or chain which shall not be more than eight (8) feet long by the owner or agent.~~

Section 6.1.B. Any person who is assaulted or threatened with bodily injury by a dog, ~~without provocation~~ or any person witnessing ~~an unprovoked~~ such an assault or threatened assault against a person or domesticated animal, or any person with knowledge of such an assault or threatened assault against a minor, or a person whose property or crops have been damaged by a dog may file a written complaint with a ~~Police Officer~~ law enforcement officer or ~~A~~ animal Control ~~O~~fficer of the Town, within 30 days of the incident, that the dog is a dangerous or vicious nuisance dog. For the purposes of this section "domesticated animal" includes, but is not limited to, livestock.

Section 6.2. Procedures regarding the investigation and disposition of complaints of dangerous or nuisance dogs and the method of restraint, confinement, or disposal ~~shall be~~ prescribed and required by Maine Statutes Annotated, Title 7 M.R.S.A., Section § 3952-A and succeeding amendments.

#### SECTION 7ARTICLE VII. IMPOUNDING

Section 7.1. Any ~~Town law enforcement officer or Police Officer, A~~ animal Control ~~O~~fficer ~~or Constable within the Town of Bridgton~~ shall seize, impound, or restrain any dog that is in violation of this ordinance or State law.

**Section 7.2.** A dog found ~~in violation of Section 5 at large pursuant to Article V~~ shall be delivered to ~~the its~~ owner ~~when possible if the owner or keeper can be determined, and is readily available to take possession of the dog if known or, if the owner is not known, to the animal shelter designated by the Town's municipal officers.~~

**Section 7.3.** When a dog of known ownership is found ~~in violation of Section 5 at large pursuant to Article V and is apprehended by a Town law enforcement officer or animal control officer~~ three (3) or more times in a six (6) month period, ~~an the law enforcement officer or A animal C control O officer or person acting in that capacity, may shall~~ take the dog to the designated animal shelter and notify the Oowner in accordance with Section 87.6.

## **SECTION 8. IMPOUNDMENT**

**Section 7.4.** When impounding any dog, the law enforcement officer or a Animal C control O officer ~~or Police Officer~~ shall at the time of such impoundment list in writing the a number and description of any violations(s) of this Ordinance or state law, and shall make a complete registry of the date of impoundment, breed, color, sex, license number, name and address or telephone number of the owner, if known, and general condition of the dog as can be reasonably ascertained.

**Section 7.5.** A copy of ~~this the~~ registry record described in Section 7.4 shall be furnished to athe designated animal shelter ~~designated by the Town of Bridgton~~ with written instructions setting forth conditions under which the dog may be released.

**Section 7.6.** When a dog is impounded under the provisions of this Article VII, the law enforcement officer or A animal C control O officer, Police Officer, or person in control of the Animal Shelter shall when possible, shall notify the owner ~~or keep~~ if the owner can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town ~~of Bridgton~~ or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

**Section 7.7.** If ~~the an~~ owner of an impounded dog does not claim the dog within six (6) days following impoundment, ownership of the dog is vested in the animal shelter and then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws in accordance with 7 M.R.S. §§ 3911-B and 3913.

## **SECTION 9. IMPOUNDMENT FEES**

**Section 7.8.** An oOwners may reclaim ~~their an~~ impounded dog by any time within six (6) days following impoundment by (i) paying all impoundment fees, including and any actual fees incurred by the animal shelter for food, shelter, veterinary care, and any other fees required by state law for each day that the dog has been sheltered; (ii) first licensing the dog, if applicable, according to Section 3, above Article III, and by (iii) paying to the Town any penalties imposed on the owner for violations of the provisions of this Ordinance, in accordance with Article VIII fee for each offense as provided in the Town of Bridgton Uniform Fee Ordinance. All licenses must be secured and all fThe owner will also be responsible for any additional costs incurred by the Animal Shelter ~~prior to reclamation. Fees and penalties~~ must be paid, and a receipt of same presented to the animal

shelter, prior to the release of the impounded dog. ~~All License fees and court fines~~ shall be deposited by the Town in the separate account as required by 7 ~~M.R.S.A.M.R.S.~~, ~~Section §~~ 3945.

#### ~~SECTION 10. SANITATION REQUIREMENTS BY DOG OWNERS~~

~~A. Any person who, as defined by this Ordinance as an owner of a dog, shall be responsible for failing to promptly remove and properly dispose of their dog's feces left on any sidewalk, street, beach or publicly owned property or private property other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property.~~

~~B. A dog shall be considered a nuisance if it defecates on any public or private property, other than the owner's or keeper's property and the owner and or the keeper shall be obligated to remove and properly dispose of such wastes promptly from any such public or private property.~~

~~A dog shall be considered a nuisance if it gets into or opens any garbage bags, bins or other containers and/or causes the garbage to be strewn in the immediate area. The owner and or keeper of the dog shall be obligated to properly clean up the strewn garbage.~~

~~This section does not apply if it occurs on the property of the dog(s) owner or to a dog accompanying any handicapped person, who, by reason of his/her handicap, is physically unable to comply with the requirements of this section.~~

#### ~~SECTION 4~~ ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Section 8.1. It shall be the duty of the Town Clerk to administer the licensing provisions of this Ordinance and the municipal duties set forth in 7 M.R.S. §§ 3941-3945 and 3949.

Section 8.2. It shall be the duty of all ~~Municipal Police Officers~~ Town law enforcement officers to enforce all the provisions of this Ordinance and to perform the duties imposed by applicable state law. Further, there shall be appointed ~~an one or more qualified A~~ animal C ~~control O~~ officer(s) who shall have the ~~primary~~ responsibility of enforcing this Ordinance and of performing the duties imposed by applicable state law, including without limitation 7 M.R.S. § 3947.

Section 8.3. Upon a determination that an owner is in violation of any provision of this Ordinance, a Town law enforcement officer or animal control officer shall have the authority to issue a summons. Execution of the summons may lead to imposition of a fine. All files so assessed shall be recovered for use by the Town. The Town shall be entitled to recover any attorney's fees incurred in recovering fines assessed under this section.

#### ~~SECTION 12~~ ARTICLE IX. PENALTIES

Section 9.1. Any person found in ~~A~~ violation of any of the provisions of this Ordinance or applicable state law shall be guilty of is a civil violation and liable to punishment by a fine ~~punishable by a fine of not to exceed fifty (\$50.00)~~ for the first offense, and \$100 for a second or subsequent offense.

~~A second or subsequent offense shall result in a one hundred (\$100.00) fine to the owner and or keeper of the dog(s).~~

~~**Section 9.2.** Upon notification to the owner ~~or keeper and of~~ the persistence of ~~the a~~ violation, each day of such a violation shall constitute a separate offense and subject the owner ~~or keeper~~ to the fine as stipulated for a second or subsequent offense for each day the violation exists. ~~All fines collected shall be recovered to the use of the Town of Bridgton and deposited in a separate account as required by M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).~~~~

### ~~SECTION 13. REPEAL OF CONFLICTING ORDINANCE~~

~~This Ordinance specifically repeals “The Control of Dogs Ordinance” enacted by the Town of Bridgton in March of 1973 and re-enacted with amendments on June 3, 1993.~~

### ~~ARTICLE X~~**SECTION 14. SEVERABILITY CLAUSE**~~MISCELLANEOUS~~

~~**Section 10.1.** 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 10.2.** This Ordinance shall not affect the requirement to comply with any other law, ordinance, rule, or regulation. When this Ordinance imposes a greater restriction on owners of dogs than provisions of any other law, ordinance, rule, or regulation, the provisions of this Ordinance shall control.~~

### ~~SECTION 15. 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 16. EFFECTIVE DATE~~

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

Enacted: June 9, 1999 (repealing and replacing *The Control of Dogs Ordinance*, enacted in March 1973 and re-enacted with amendments June 3, 1993).

~~Revised~~Amended: November 3, 2009; ad June 11, 2019; June 14, 2022.