

Ordinance for the Regulation of Barking Dogs Within the Town of Greene

SECTION 1- PURPOSE:

This ordinance is adopted in the exercise of municipal home rule powers under the Maine Constitution and 30-A M.R.S.A. Section 3001. The purpose of this ordinance is to regulate dogs in the Town of Greene, to end the problems caused by barking dogs.

SECTION 2- DEFINITION:

As used in this ordinance, unless the text clearly indicates otherwise, the following words and phrases have the following meanings.

- a) "Dog" includes both genders of dogs.
- b) " Owner" means any person or persons, firm, association, corporation or other legal entity amenable to civil process, owning, keeping, harboring, in possession of, or having control of a dog.

SECTION 3- NUISANCE:

Barking dogs are hereby declared to be a public nuisance.

SECTION 4- BARKING DOGS:

No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace of any person. An owner who keeps or maintains a dog whose barking or howling, sustained for one hour or intermittently for three hours, can be heard at or beyond the boundary of the property on which the dog is located violates this section.

SECTION 5- COMPLAINT:

Upon written complaint by a person disturbed by a barking dog, signed and sworn to, the Town's Animal Control Officer and/or any Police Officer, Constable or Humane Officer representing the Town of Greene, may investigate and may give written notice to the owner of such dog(s) of the violation of this ordinance and that said violation must cease. The written warning shall be made part of the complaint

SECTION 6- PENALTIES:

Any owner who violates this section after the initial written warning commits a civil violation for which a civil penalty of not less than \$50.00 nor more than \$250.00 shall be assessed. In determining the amount to be forfeited, the court shall consider any evidence in mitigation, extenuation, or aggravation it considers pertinent to the offense, including but not limited to the civility and degree of cooperation exhibited by the owner. Upon a second and any subsequent violations of this ordinance the penalty shall increase by a minimum of fifty dollars (\$50.00) above the penalty for the immediately preceding violation. Further, upon finding of more than one violation involving the same dog or dogs, the court may order the dog or dogs forthwith removed beyond Town limits, or in the alternative, order the Town to give away or sell the dog or dogs, or some other action the Court may deem appropriate. All penalties awarded, and all sums recovered, shall accrue to the benefit of the Town of Greene. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by the court and shall pay all court cost and expenses, including attorney's fees, incurred by the Town of Greene in the prosecution of said violation.

SECTION 7- WAIVER FEE:

Any owner who is charged with violating this Ordinance may choose to pay a waiver fee to the Town as an alternative to having the Town proceed with prosecution of the complaint in court. The waiver fee option shall only be available to an owner for a total of three violations. The waiver fee must be received at the Town Office within 30 days following issuance of the summons. Waiver fees that are tendered more than 30 days after issuance of the summons shall only be accepted by the Town upon payment of an additional sum of money equal to any expenses and fees that have been

incurred by the Town in preparation for the court hearing. The waiver fee schedule is as follows:

First violation: \$50.00

Second Violation: \$100.00

Third Violation: \$200.00

SECTION 8- EFFECTIVE DATE:

This ordinance shall take effect upon passage.

SECTION 9- SEVERABILITY:

Should any portion of this ordinance be found invalid for any reason by a court of competent jurisdiction, then all portions not found invalid shall remain unaffected and continue in full force and effect.

SECTION 10- PREVIOUS ORDINANCE:

This ordinance shall supersede all previous dog ordinances, which are hereby repealed from and after the effective date of adoption of this ordinance.

Adopted: March 4, 2006

Attested True Copy:

Charles Noonan, Town Clerk