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Chapter 3 Animal and Fowl

ARTICLE I ~~DOG~~ ANIMAL CONTROL ORDINANCE

Sec. 3-101 ~~“Owner” and/or “Keeper” Defined Purpose~~

~~The word “owner” when applied to the proprietorship of a dog shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in their care, and every person who permits such dog to remain on or about any premises occupied by them. The word “keeper” means a person in possession or control of a dog. A person becomes a “keeper” of a stray dog if the person feeds that animal for at least 10 consecutive days.~~

The purpose of this Ordinance is to control unreasonable noise disturbances created by domesticated animals or livestock living as domesticated animals and to control domesticated animals running at large. This Ordinance also assists a municipal officer of the City of Caribou to make a judgement call as to whether an animal is in distress due to cruelty or neglect as defined in Section 3-105.

Sec. 3-102 ~~Disturbance Owner~~

~~On complaint being made to the Dog Constable that any dog within the City has unreasonably disturbed the quiet of any persons whosoever by continued barking or howling, or in any manner, the Dog Constable shall issue notice to the “owner” and/or “keeper” of such dog ordering that such dog be kept under proper control.~~

The word “owner” when applied to the proprietorship of a domesticated pet shall include every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in their care, and every person who permits such animal to remain on our about any premises they occupy.

Sec. 3-103 ~~Dogs Running At Large Disturbance~~

~~No person who is an “owner” and/or “keeper” of a dog, as defined by Section 3-101 of this Article, shall cause or permit any dog to run at large within the City, as herein defined. Dogs, while on any public way or public place shall be under restraint. The word “restraint” shall mean that a dog shall be controlled by a leash; or, at “heel”, beside the competent person and obedient to that person’s commands; or, on or within a vehicle being driven or parked on any public way. A leash shall not be more than eight (8) feet long. Nothing, within this Article shall be held to require the leashing of any dog while on the property of its “owner” and/or “keeper”.~~

On compliant being made to any City of Caribou Official that any domesticated animal within the City has unreasonably disturbed the quiet of any persons whosever by continued barking or howling, or in any manner, the Officer shall issue notice to the owner of such animal ordering that such animal shall be kept under proper control.

Sec. 3-104 Impounding Dogs Found Running At Large Not to Create a Nuisance

A domesticated animal shall be considered a nuisance if it soils, defiles or defecates on any public or private property, other than the owner's property; and the owner shall be obligated to remove and properly dispose of such waste promptly from any such public or private property.

No person who is an "owner" and/or "keeper" of an animal, as defined by Section 3-102 of this Article, shall cause or permit any animal to run at large within the City, as herein defined. Animals, while on any public way or public place shall be under restraint. The word "restraint" shall mean that a animal shall be controlled by a leash; or, at "heel", beside the competent person and obedient to that person's commands; or, on or within a vehicle being driven or parked on any public way. A leash shall not be more than eight (8) feet long. Nothing, within this Article shall be held to require the leashing of any animal while on the property of its "owner" and/or "keeper".

Any ~~Constable or Police~~ Caribou Official or Officer is hereby authorized and empowered to go upon any premises and enter any building other than a dwelling to seize and impound any ~~dog animal~~ or ~~dogs animals~~ which have been found running at large or which are in violation of any of the provisions of this Article or of any order issued hereunder when such ~~Constable or Police~~ Official or Officer is in immediate pursuit of such ~~dog animal~~ or ~~dogs animals~~. Upon seizing and impounding such ~~an dog animal~~, the ~~Constable or Police~~ Official or Officer shall collect a fee of \$25.00 from the "owner" and/or "keeper" upon releasing the ~~dog animal~~. In the alternative the ~~Constable or Police~~ Caribou Official or Officer may prosecute the "owner" and/or "keeper" of the ~~dog animal~~.

Sec. 3-104-B Removal & Disposal of Feces

~~It is a violation of this Section for any person who possesses or controls a dog, except guide dogs who fails to properly remove, dispose of any feces left by his or her dog on any publicly-owned property or upon the premises of any person other than the owner without that person's permission.~~

Sec. 3-105 Dogs Presenting an Immediate Threat Animal Cruelty and Abuse

~~After filing of complaint to the Dog Constable and/or Police Officer, if the dog poses an immediate threat to the public, the dog shall, at the discretion of the officer, be subject to muzzling, restraint and/or transported to the animal shelter for quarantine purposes at the "owner's" and/or "keeper's" expense for a period of ten (10) days.~~

Animals shall have the right to the five freedoms of animal welfare: freedom to turn around, get up, lie down, scratch, and stretch their limbs completely.

A. Definitions

- i. "Animal Cruelty" means any act of inflicting unnecessary physical or mental pain on a living creature.
- ii. "Animal Neglect" means any willful omission of lack of care for a living animal in a confined space.

Sec. 3-106 Violation

Any person found to be in violation of any provision of this Ordinance or any order issued

hereunder, shall be liable to punishment by fine not less than fifty dollars (\$50.00) but not to exceed one hundred dollars (\$100.00); and each day during which such violation continues shall constitute a new offense. Said fine to be payable to the City of Caribou.

Sec. 3-107 Right to Enforcement

It shall be the duty of any designated official under the authority of the City of Caribou City Manager to include, but not limited to the Chief of Police, the Code Enforcement Office, the City Health Officer or any other authorized designee to enforce the provisions of this section.

ARTICLE II IMPOUNDMENT FEES

Sec. 3-201 Impoundment Fees

Any animal impounded hereunder may be reclaimed during shelter business hours, as herein provided upon payment by the owner to City's designated shelter provider, of impoundment fees and board charges, plus the price of any shots which the animal may have received while in the care of the shelter. If the City of Caribou has incurred these costs, the owner of the animal must pay the fees outlined above to the City. The Caribou Police Department may waive fees owed to the City under this section at its discretion, with the decision designated to the Chief of Police.

ARTICLE III NUMBER OF DOGS LIMITED

Sec. 3-301 Number of Dogs Limited

It shall be unlawful for any person or persons to keep or harbor within the City more than three dogs over six months old on any premises, house, barn, or other building or in or about all buildings occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared a nuisance pursuant to Article I of this Ordinance.

- A. The payment of a license or licenses on dogs shall not be construed to allow the keeping of more than three dogs, as aforesaid, on any one premises.
- B. This limitation shall not apply to any person, group of persons, or corporation engaged in the commercial business of racing, breeding, buying, selling or boarding of dogs or operating a veterinary establishment.

ARTICLE IV BARKING OR HOWLING DOGS

Sec. 3-401 Barking or Howling Dogs

- A. Nighttime.
 - i. It shall be unlawful for any person to confine a dog(s) in an open-air enclosure, including a fenced yard, where its barking may disturb the quiet of the neighborhood after 10:00 p.m. or before 6:00 a.m. Said dog(s) shall be confined within a reasonably soundproof building during those hours so that any barking will not annoy, disturb, injure or endanger the comfort, repose, peace or safety of any individual in the City. Said dog(s) shall be allowed outdoors, however, so long as it is accompanied by a person at all times and does not bark for longer than 30 seconds.

- ii. Notwithstanding the provisions of Subsection A(1) of this section, sled dogs covered by a valid kennel license issued by the municipality or a State authority may be confined in an open-air enclosure after 10:00 p.m. or before 6:00 a.m. so long as any barking does not annoy, disturb, injure or endanger the comfort, repose, peace or safety of any individual in the City.
- B. Daytime. It shall be unlawful for any owner or person responsible to said owner to permit the continual barking of any dog(s) between 6:00 a.m. and 10:00 p.m. Continued barking shall mean the barking of any dog or dogs for a period of 15 minutes or more, during which the dog or dogs do not fall silent for more than one minute.
- C. Warning. It shall be the policy of the City of Caribou to issue a written warning for a violation of this section and take no further enforcement action, provided that no complaint has been made of a previous violation of this section regarding the owner of the dog or the property in question within the 90 days prior to the violation date.
- D. This section does 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.

ARTICLE V ANIMAL WASTE AND OTHER DISTURBANCES

Sec. 3-501 Animal Waste and Other Disturbances

- A. No person shall dispense, feed, or otherwise make available to any species of wildlife, including birds, either on such person's property or on the property of another or of the City, any type or amount of food in a manner that:
 - i. Creates an unclean, unsafe, or unsanitary condition;
 - ii. Results in the accumulation of droppings, feces, or feathers;
 - iii. Attracts other wildlife; vermin, or pests;
 - iv. Creates an unreasonable disturbance;
 - v. Constitutes a private or public nuisance; or
 - vi. Otherwise deleteriously affects the quiet enjoyment by others of any private or public property.

ARTICLE VI DISPOSITION OF DOGS THAT HAVE BITTEN PERSONS

Sec. 3-601 Disposition of Dogs that Have Bitten Persons

- A. It shall be unlawful for the owner or person keeping or harboring any dog, when notified that such dog has bitten any person or has so injured any persons as to cause abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the City, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper, upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least 10 days. The Caribou Animal Control Official or Officer shall be notified immediately by the person in charge of the death of any dog while under confinement.
- B. The City Animal Control Official or Officer shall investigate all dog bites referred to them.
- C. Any dog which shall have been bitten by another dog suspected of having rabies shall be immediately impounded for observation as provided in this section.

- D. It shall be unlawful for the owner or person keeping or harboring any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin, to destroy such animal without permission from the City Animal Control Official or Officer.

ARTICLE VII RABIES

Sec. 3-701 Rabies

- A. Upon positive diagnosis of rabies in any animal within the City, the Chair of the Council shall proclaim and invoke a City-wide quarantine for a period of 30 days, and upon the invoking of such quarantine no animal shall be taken into the streets or be permitted to be in the streets during such period of quarantine.
- B. During such period of rabies quarantine as herein described, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian or held 30 days under quarantine by the owner in the same manner as other animals are quarantined.
- C. In the event that there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended by the Chair of the Council for an additional six months.
- D. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Official or Officer.
- E. The Animal Control Official or Officer shall direct the disposition of any animal found to be infected with rabies.
- F. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Control Official or Officer.

ARTICLE VIII WHEN DOGS MAY BE KILLED

Sec. 3-801 When Dogs May Be Killed

If any dangerous, fierce or vicious dog cannot be safely taken up and impounded, such dog may be slain by any police officer of duly authorized animal control officer. In all cases where any dog which has bitten a person or caused an abrasion of the skin of any person is slain by any police officer, whether by order of the court or otherwise, and a period of less than 15 days has elapsed since the day on which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the police officer slaying such dog to forthwith deliver the carcass and brain to the Chief of Police.

