

# TOWN OF LIVERMORE FALLS

## ANIMAL CONTROL and DOG CONTROL ORDINANCE

---

\_\_\_\_\_ Town Clerk, Livermore Falls \_\_\_\_\_ Adopted Date

### **Table of Contents**

<b>SECTION I: ANIMAL CONTROL - PURPOSE</b> .....	<b>3</b>
<b>SECTION II: Definitions</b> .....	<b>3</b>
<b>SECTION III: Keeping Domesticated Farm Animals</b> .....	<b>3</b>
<b>SECTION IV: Barns, Stables, and Other Enclosures</b> .....	<b>4</b>
<b>SECTION V: Odor, Noise, Lighting</b> .....	<b>5</b>
<b>SECTION VI: Waste Storage and Removal</b> .....	<b>5</b>
<b>SECTION VII: Complaints</b> .....	<b>5</b>
<b>SECTION VIII: Penalty</b> .....	<b>6</b>
<b>SECTION IX: Removal of Domesticated Farm Animals</b> .....	<b>6</b>
<b>SECTION X: DOG CONTROL</b> .....	<b>7</b>
<b>SECTION XI: Definitions Relative to Dogs</b> .....	<b>7</b>
<b>SECTION XII: Dog Identification</b> .....	<b>7</b>
<b>SECTION XIII: Running at Large</b> .....	<b>8</b>
<b>SECTION XIV: Dangerous Dogs</b> .....	<b>8</b>
<b>SECTION XV: Special Restraint of Dangerous Dogs</b> .....	<b>8</b>
<b>SECTION XVI: Barking Dogs</b> .....	<b>8</b>
<b>SECTION XVII: Penalties</b> .....	<b>9</b>
<b>SECTION XVIII: Effective Date</b> .....	<b>9</b>

# **ANIMAL CONTROL**

## **Section I. Purpose**

The purpose of this Ordinance is to provide standards for the keeping of domesticated large and small farm animals and domesticated fowl within Livermore Falls. This Ordinance is intended to enable residents of single-family homes, not apartments, on small lots-less than an acre, to keep a small number of domesticated farm animals while limiting the potential adverse impacts on the surrounding neighborhood. Residents in the rural area have guidelines for the best management practices to reduce or eliminate problems arising from odors and flies, pesticide drift, contamination of surface and ground waters and damage to neighboring crops. Farming activities may involve full-time, part-time or backyard farmers. Farming on small lots, less than an acre of open space, needs to be an activity done in conjunction with a home or other principal use of the property and needs to be primarily for the use by that person or family (such as a garden or chickens that lay eggs for household consumption).

## **Section II. Definitions**

- A. Domesticated Pet is a companion animal that is kept primarily for a person's companionship, pleasure or entertainment rather than a working animal.
- B. Domesticated large farm animals are defined as bovine, horses, donkeys, mules, llamas, and alpacas.
- C. Domesticated small farm animals are defined as swine, pot-belly pigs, sheep, goats, ostriches, and emus that typically weigh less than 100 lbs. at maturity
- D. Domesticated fowl include chickens, ducks, geese, turkeys, guinea fowl, quail, pigeons, and pheasants that are raised for the production of meat and/or eggs. Domesticated fowl shall not be kept for breeding, fertilizer production for commercial purposes.

## **Section III. Keeping Domesticated Farm Animals**

- A. A single-family residence must have a minimum lot area of two (2) acres for the keeping of domesticated large farm animals.
- B. No more than a maximum of two (2) domesticated small farm animals shall be kept on a lot with a single-family dwelling with a minimum 40,000 square feet of open space other than domestic pets.
- C. A resident or property owner can keep up to a maximum of 6-hens (no roosters) or 6 rabbits on any lot with a minimum of 10,000 square feet of open space. Any number of rabbits, chickens or other fowl can be kept on lots over 40,000 square feet of open space. On lots with an open space area of more than 10,000 square feet and less than 40,000 square feet, in addition to 6 hens or 6 rabbits, a maximum of four (4) fowl (ducks, geese, turkeys, guinea fowl, quail, pigeons, or pheasants) can be kept. These animals must be always kept in an enclosure or fenced area. These animals must be confined within a henhouse or approved enclosure during non-daylight hours and be always kept in an enclosure or fenced area (pen) during daylight hours. This structure must be enclosed on all sides, have a roof and door and the access doors must be able to be shut and locked. This structure must be set back from any property line at least thirty-five (35) feet. The henhouse or other enclosure must be maintained so that it is clean, dry and odor free and always kept in a neat and sanitary condition, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. Uneaten feed shall be removed in a timely manner.
- D. The pen must provide adequate sun and shade and must be inaccessible to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12" in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of non-galvanized chicken wire is not permitted.

- E. On lots that have more than 10,000 square feet and less than 40,000 square feet of open space, each coop or house shall be detached from residential structures. In the case of traditional New England barn structures attached to the main house by an ell, the fowl can be permitted in the barn, if they are enclosed in a separate coop area and not roaming throughout the barn.
- F. Coops and houses shall be located only in the yard to the rear of the principal dwelling, or in the case of a barn attached to the side of the house by an ell, the coop may be located in said barn, or in an enclosure located at the rear of the barn. Coops and houses shall be at least thirty-five (35) feet from the property line(s) and at least one hundred (100) feet from residences on abutting lots. Coops, houses, or pens may **not** be in any front yard, nor in the interior of any home or other personal dwelling unit.
- G. Waste Storage and Removal. All domesticated rabbit, chicken or other fowl manure shall either be promptly composted or tilled into cultivated earth in such manner as to prevent run-off and minimize odor, be safely stored, or be removed and properly disposed. All stored manure shall be placed in a fully enclosed thirty-gallon container. No more than one thirty-gallon airtight container of manure shall be stored on any one parcel where domesticated fowl are kept. In addition, the coop or house, pen, and surrounding area must be kept free from animals, trash and accumulated droppings. Odors from these animals, manure, or other related substances shall not be perceptible at the property boundaries.
- H. All reasonable precautions should be taken to reduce the attraction of predators and rodents and the potential infestation by insects and parasites. Where such conditions are found to exist by a Code Enforcement Officer or Animal Control Officer, the Town Manager or Select Board may order the removal of the fowl, enclosure(s), and coop(s) or house(s) or may arrange for such removal the cost of which shall be borne entirely by the property owner.
- I. Lights used to illuminate exterior areas around coops or houses must be turned off when no one is present; motion-sensor lighting may be used for this purpose.
- J. The sale of products produced on the property more than what is consumed by the occupants of the property is permitted. The sales must occur in a designated area not more than twenty (20) square feet in area and may include a display stand or table. The stand or table may only be in place during the season when products are being sold and must be removed during the "off-season."
- K. Outside slaughtering and processing is prohibited in all cases.

#### **Section IV. Barns, Stables, and Other Enclosures**

- A. Minimum setback: Any structure used to house domesticated farm animals must be at least thirty-five (35) feet from a property line and at least one hundred (100) feet from any residential dwelling unit located on a neighboring lot. Securely enclosed roaming or grazing areas must be at least thirty-five (35) feet from any property line, at least one hundred (100) feet from any residential dwelling unit located on a neighboring lot. Existing enclosures in place as of the date of this Ordinance may remain but may not be expanded or replaced except in full compliance with this Ordinance.
- B. Any new structure or existing structure proposed for conversion to house domesticated farm animals shall be located in the rear yard of the lot. In the case of a corner lot, a side yard may be used in accordance with applicable building setbacks.
- C. The structure shall be provided and assigned to provide safe and healthy living conditions for the domesticated farm animals while minimizing adverse impacts to neighboring lot owners.
- D. The structure shall be well maintained. The use of scrap, waste board, sheet metal or similar materials as construction material is prohibited.
- E. Domesticated farm animals shall be securely enclosed in a roaming or grazing area sufficient to keep them contained.

- F. Any such structures of 190 square feet or greater will require a building permit from the Code Enforcement Officer.

## **Section V. Odor, Noise and Lighting**

- A. Excessive odors from domesticated farm animals, manure, or related substances shall not be perceptible at the property boundaries as determined by the Code Enforcement Officer.
- B. Excessive noise, as determined by the Code Enforcement Officer or Animal Control Officer, from domesticated fowl, small or large farm animals shall not be a disturbance to neighboring lot owners.
- C. Only motion-activated cut-off luminaire lighting may be used to light the exterior of the structure.

## **Section VI. Waste Storage and Removal**

Provision must be made for the storage and removal of all domesticated farm animal manure and other waste material. All stored manure and other waste material shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. Said structure shall be constructed as not to allow any manure run-off onto neighboring lots or into town road and/or storm drains. On lots with less than an acre of open space, manure and other waste material shall be contained in a 30-gallon sealed container and not be permitted to accumulate on the premises for a period exceeding thirty (30) days.

## **Section VII. Complaints**

When any person files a written complaint with the Code Enforcement Officer that this Ordinance is being violated, the Code Enforcement Officer shall examine the subject of the complaint and take appropriate action within a reasonable amount of time not to exceed five (5) working days. The Code Enforcement Office shall keep a record of these complaints and their action on them, and report to the complainant, upon request. If the Code Enforcement Officer declines to act on a complaint, neither that non-action nor any written record or report of the complaint constitutes an order, requirement, decision, or determination which can be appealed to the Town's Appeals Board. Whether or not to act on a complaint is committed to the sole and exclusive discretion of the Code Enforcement Officer.

## **Section VIII. Penalty**

In addition to any other enforcement action which the town may take, violation of any provision of this Ordinance shall be a civil violation and a fine not exceeding one hundred dollars (\$100.00) may be imposed. Each day that a violation continues, will be treated as a separate offense.

## **Section IX. Removal of Domesticated Farm Animals**

When the lot has more than 10,000 square feet and less than 40,000 square feet, when one of the existing two (2) domesticated farm animals or four (4) fowl have one or more offspring, the following

would apply. At which time, the offspring reaches the age of 6 months, either the offspring or one of the existing domesticated farm animals or fowl must be permanently removed from the property so as not to exceed the maximum number of domesticated farm animals per Sec. III. If a veterinarian determines that the offspring cannot be removed by the age of 6 months, the owner shall submit a written request for time extension to the Code Enforcement Office stating the specific medical reason/s for the delay and the time necessary to resolve the matter. Any violation of the provisions of this Ordinance shall be grounds for an order from the Code Enforcement Officer to remove the domesticated farm animals. The Animal Control Officer may also order the removal of the domesticated farm animals upon a determination that the domesticated farm animals pose a health risk. If a domesticated farm animal dies, it must be disposed of immediately in a sanitary manner.

## **DOG CONTROL**

**Section X.** This Section of the Animal Control Ordinance is adopted in the exercise of municipal home rule power under the Maine Constitution and 30-A MRSA Section §3001. The purpose is to regulate dogs in the Town of Livermore Falls, to prevent problems caused by dangerous dogs, dogs running at large, barking dogs, and property damage occasioned by dogs.

### **Section XI.** Definitions Relative to Dogs

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

- A. "Attack", "attacks", and "attacking" means an unprovoked actual biting; this also means, where an attack may occur without provocation, a mere showing of the teeth, or growling and barking, or any combination of these acts, from which a person reasonably receives an impression of impending or imminent physical harm by the dog to himself or herself, to another or others, or to a domestic pet or farm animal.
- B. "Dog" includes both genders of dogs.
- C. "Owner" means any person or persons, firm, association, or corporation, or other legal entity amenable to civil process, owning, keeping, or harboring, or in possession of, or having the control of a dog, and includes the parent or parents, or guardian of a minor who owns, keeps, harbors, or is in possession or control of a dog.
- D. "Dangerous dog" means the following, regardless of whether the dog is on or off the premises of its owner at the relevant time:
- a. A dog that attacks a person regardless of whether it causes physical harm to that person, provided at the time of the attack, that the person is not trespassing with criminal intent on the owner's premises or harassing the dog.
  - b. A dog that attacks a domestic pet or farm animal and causes harm to that domestic pet or farm animal.
  - c. If an attack occurs outside the Town of Livermore Falls, or outside the State of Maine. these definitions of a dangerous dog are not relevant.
  - d. "Running at large" means off the premises of the dog's owner and not under the control of an owner of the dog who is physically capable of controlling and restraining the dog by a leash, cord, chain or command.
- E. Nuisance Dogs are dangerous dogs running at large and/or unremitting barking dogs. These dogs are hereby declared a public nuisance.

## **Section XII. Dog Identification**

An owner shall ensure that the owner's dog, if two months old or older and out of doors, whether on or off the premises of the owner, unless confined within a secure enclosure or container, wears a collar or harness with an identification tag. The tag must have the owner's name, address (if any), and telephone number (if any). Alternatively, the dog may wear a collar that it is always clearly and legibly embroidered with the owner's information.

## **Section XIII. Running at Large**

There are special restrictions governing dogs on municipal property. No owner of a dog shall cause or permit a dog to run at large within the Town.

A dog, while in or on the way or place other than a public way or other municipal property, shall be deemed to be under restraint within the meaning of this Ordinance if it is controlled by a leash, cord, or chain. An owner of a dog shall ensure that the dog, when on any public way, and on all municipal property, including but not limited to the Town parks and public ways, municipal sidewalks and recreational and athletic fields, is on a leash or tether at all times and is accompanied by an owner who is physically able to control and restrain the dog from an attack and who tends the leash or tether at all times while the dog is on municipal property, and who does not permit the dog to run at large on municipal property. An owner accompanying a dog on municipal property, other than an owner with visual challenges accompanying a 'seeing eye dog' on municipal property, shall collect any feces or emesis deposited by the dog and dispose of same in a sanitary, lawful manner.

Nothing in this Ordinance shall be held to require the leashing or restraint of any dog other than a dangerous dog while on the owner's premises.

#### **Section XIV. Dangerous Dogs**

An owner who is given notice in writing by the Town's Animal Control Officer, any Law Enforcement Officer, or any State Official that the owner's dog has bitten or is reasonably believed to have bitten any person, or has or is reasonably believed to have in any way injured any person so as to cause an abrasion of the skin to that person, shall not without further written authorization by an officer or official, sell, give, or otherwise convey the ownership or possession of that dog, or remove or suffer or permit that dog to be moved beyond the boundaries of the Town, except or under the care of a licensed veterinarian, or of an Animal Control Officer, or a law enforcement officer. An owner receiving such notice shall immediately place the dog under confinement for a period of at least 10 days and shall promptly obey all rabies detection and control directions of an Animal Control Officer, licensed veterinarian, law enforcement officer, or state official concerning that dog. An owner receiving such notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Human Services and their authorized officials, employees, and agents in matters of rabies detection and control.

#### **Section XV. Special Restraint of Dangerous Dogs**

An owner of a dog that has been determined by a court to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of that owner, or to the custody of the Animal Control Officer or Law Enforcement Officer. The owner of such a dog will ensure that the dog, when out of doors on the owner's premises, is either contained within secure enclosures or is fastened with a secured latch to a reinforced chain restraint, the length of which is such that the dog may in no event approach any closer than three (3) feet from the sidewalk or road edge, whichever is applicable. The owner shall ensure that the restraint is always maintained and secure when the dog is outside on the owner's premises and not in a secured fenced-in enclosure.

#### **Section XVI. Barking Dogs**

No owner of a dog shall suffer or permit that a dog, by loud, frequent, or habitual barking, howling or yelping for longer than thirty (30) minutes to disturb the peace of another person. When a written complaint is filed against a barking dog(s), the complaint must include the date, time(s) of day, length of barking session and ideally accompanied by a recording of the incident.

#### **Section XVII. Penalties**

When there is a written complaint, the Animal Control Officer or Law Enforcement Officer shall verify and investigate prior to giving notice to any owner, keeper or persons who are keeping the dog. The dog owner or keeper must abate the nuisance within 30 days. Any violation of this Dog Ordinance, after thirty (30) days by the owner or person keeping these animals, shall be subject to a fine, not to exceed \$100 per violation. For an initial violation of this Ordinance by an owner, the owner shall pay a fine of fifty dollars (\$50.00). Each day that a violation continues shall be treated as a separate offense. All the fines shall accrue to benefit the Town of Livermore Falls.

#### **Section XVIII. Effective Date**

This Ordinance shall take effect upon passage. This Ordinance shall supersede all previous dog Ordinances, which are hereby repealed from and after the effective date of adoption of this Ordinance.



Adopted: November