

TOWN OF MILO

DOG NUISANCE ORDINANCE

An act adopted and enacted by the citizens of the Town of Milo at a Special Town Meeting, to amend the misdemeanor offense of keeping a habitually barking dog.

Section I. Definitions

The following ordinance language is specifically defined below.

- A. Municipality mean the Town of Milo.
- B. Person: Any resident of the Town of Milo who owns, rents, leases, or otherwise maintains a dwelling, apartment or other living place in Milo as the main place of domicile.
- C. Nuisance Dog means a dog, male or female, which creates a nuisance by repeatedly disturbing people by prolonged, repeated or habitual barking, whining, crying, howling or yelping.
- D. Dog owner/keeper: Any person who retains physical possession, ownership by standard licensing by the State of Maine, or any obvious caretaking of any dog, male or female.

Section II. Enforcement

Any person who observes a dog acting in violation of the ordinance may file a written complaint with a Municipal Constable, Police Officer or Animal Control Officer specifying the objectionable conduct of the dog, the date and time thereof, a description of the dog, and name and residence, if known of the owner or other person harboring said dog. Upon receipt of such complaint, the Animal Control Officer, Constable, or Police Officer, shall issue a warning to said owner or other person harboring said dog. In the event that another complain of such nature is received by the Animal Control Officer, Constable or Police Officer within one (1) month from the date of the initial complaint, the Animal Control Officer shall cause a complaint to be filed before any District Court in the County where such owner or keeper resides. It shall be the duty of all Animal Control Officers, Constables or Police Officers to enforce the provisions of the Ordinance.

Section III. Penalty

Upon complaint before any District Court in the County where such owner or keeper resides, any person found violating any of the provisions of this Ordinance shall be guilty of a civil violation and punishable by a fine of \$50.00 for each first offense, \$75.00 for a second offense and \$100.00 for each third and subsequent offense. All fines so assessed shall be recovered for the use of the Town of Milo through the District Court. The defense will be responsible for all costs, including attorney fees.

****EFFECTIVE DATE – 12/17/1997 at a Special Town Meeting**

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 Milo; specifically to address 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 representing the Town of Milo, 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. All penalties awarded, and all sums recovered, shall accrue to the benefit of the Town of Milo. 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 Milo 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.



MILO POLICE DEPARTMENT



6 Pleasant Street
Milo, ME 04463

Tel: 207-943-2522
Fax: 207-943-5304

Sustained Barking or Howling for One Hour or More Log

Date	Time barking or howling began	Time barking or howling ended	Number of dogs	Witnesses Information

Signature of Complainant

§453. Unsworn falsification

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1. A person is guilty of unsworn falsification if:

A. He makes a written false statement which he does not believe to be true, on or pursuant to, a form conspicuously bearing notification authorized by statute or regulation to the effect that false statements made therein are punishable.

Unsworn falsification is a Class D crime