

**ANIMAL TRESPASS AND NUISANCE ORDINANCE
FOR THE
TOWN OF WINDSOR, MAINE**

THESE REGULATIONS ARE EFFECTIVE AS OF: JUNE 15, 2013

Town of Windsor, Maine

Animal Trespass and Nuisance Ordinance

Authority, Administration, and Effective Date

AUTHORITY: This ordinance is enacted pursuant to and consistent with Article VIII-A of the State of Maine constitution, and with Title 7, M.R.S.A., Section 3948.

ADMINISTRATION: This ordinance shall be administered by the Board of Selectmen or designee with assistance from the Town Code Enforcement Officer and Animal Control Officer and Law Enforcement Officers for the town.

EFFECTIVE DATE: The effective date of this ordinance is _____, which was the date of adoption by the town meeting.

1. ANIMAL NUISANCE

(a) No livestock, domestic/exotic animals, rodents or reptiles shall be kept within the Town in such a manner as to constitute a public nuisance.

(b) On complaint, the Animal Control Officer or his/her designee may give notice to any person so keeping livestock, domestic/exotic animals, rodents, or reptiles to abate the nuisance, and upon his/her failure to comply therewith and upon conviction, such person shall be fined in accordance with Section 3 below.

2. ANIMAL TRESPASS

(a) An owner or keeper of an animal may not allow that animal to enter onto or remain on the property of another or unattended on any local, county or state road or highway after the owner or keeper has been informed by a Law Enforcement Officer, authorized employee of the town or Animal Control Officer that that animal was found on that property or on that local, county or state road or highway.

(b) Removal. The owner or keeper of an animal is responsible, at the owner's or keeper's expense, for removing any animal found trespassing. An Animal Control Officer, authorized employee of the town or Law Enforcement Officer may, at the owner's or keeper's expense, remove and control an animal found trespassing if:

- 1.) The owner or keeper fails to remove the animal after having been notified by an Animal Control Officer, authorized employee of the town or Law Enforcement Officer that the animal was trespassing; or

2.) The animal is an immediate danger to itself, persons or another's property.

(c) Civil violation. A person commits a civil violation if an animal owned or kept by that person is found trespassing or to be a nuisance and:

1.) That person fails to remove the animal within 12 hours, or immediately if public safety or private or public property is threatened, after having been notified by an Animal Control Officer, authorized employee of the town or Law Enforcement Officer that the animal was trespassing; or

2.) That person owns an animal or animals that have been found trespassing on 5 or more days within a 30-day period or 3 or more days within a 7-day period.

3. PENALTIES

A fine of not less than \$50 nor more than \$500 may be adjudged for a civil violation. In addition, the town may as part of the penalty include an order of restitution and/or lien to recoup costs incurred in removing and controlling the animal as well as legal fees.

4. EXEMPTION

A person is not liable under this ordinance if, at the time of the alleged trespass, that person was licensed or privileged to allow the animal to be on the property.

5. DEFINITIONS

As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

"Animal" means every living, sentient creature not a human being.

"Domestic animal" means a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.

"Exotic Animal" means any pet that is not a dog, cat, fish or horse.

"Livestock" means cattle; equines; sheep; goats; swine; fowl and rabbits.

"Owner" means a person owning, keeping, feeding or harboring an animal.

"Public nuisance" is an unreasonable interference with the public's right to property. It includes conduct that interferes with public health, safety, peace or convenience.

contract with a contractor to be selected by the Board of Selectmen for winter maintenance as deemed necessary by the Road Commissioner.

SELECTMEN RECOMMENDS (5-0-0)

Moved and seconded to accept as written. By voice vote, motion carried.

ARTICLE 34. To see if the Town will vote to accept donations of money or materials already or hereafter made for renovations to the town garage and town hall including but not limited to those renovations necessary to accommodate the food bank, and to authorize the Selectmen to expend and utilize the same for said purposes.

SELECTMEN RECOMMENDS (5-0-0)

Moved and seconded to accept as written. By voice vote, motion carried.

ARTICLE 35. Shall an Ordinance entitled "Animal Trespass and Nuisance Ordinance" be enacted?

A town resident said that there was not enough publicity concerning this article. He said we need additional publicity. He was told that there was a Public Hearing on April 27, 2013, and that the hearing had been advertised in the paper. KVCOG helped write this article and the minutes were on the Town of Windsor's web site.

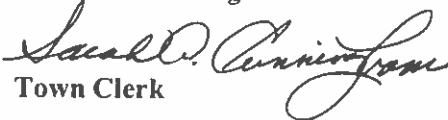
Moved and seconded to accept as written. By voice vote, motion carried.

ARTICLE 36. Shall an Ordinance entitled "Acceptance of Streets and Ways" as revised and dated June 15, 2013, be enacted?

It was asked "why we needed to make changes to this ordinance?" The answer was that there had been no changes since March 16, 2002 until the present time, so it needed to be updated. Also it was asked, "who puts in culverts in a driveway, the town or the homeowner?" The answer was, "the homeowner puts in the first culvert then the town maintains it." **Moved and seconded to accept as written. By voice vote, motion carried.**

Moved and seconded to adjourn at 11:55 am.

Sarah A. Cunningham


Town Clerk