

**Chapter 3 ANIMALS**

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## Article 1- Dogs

### Sec. 3-1. License required; owner defined.

- (a) No dogs shall be kept within the limits of the town, unless such dog has been licensed by its owner in accordance with the statutes of the state.
- (b) *Owner* shall mean any person owning, keeping or harboring a dog.

(Town Warrant, 1969, Art. 20, § 1)

**State law reference(s)**--Licensing of dogs, 7 M.R.S.A., § 1454.

### Sec. 3-2. Vaccination required; penalty.

- (a) No owner of any dog older than six (6) months, less one (1) day, shall keep or maintain such dog unless it has been vaccinated by a veterinary surgeon with anti-rabies vaccine, within one (1) year preceding the date on which such dog is kept or maintained.
- (b) Any person found violating this section shall be fined not less than ten dollars (\$10.00), nor more than twenty-five dollars (\$25.00), plus costs of prosecution.

(Town Warrant, 1969, Art. 20, § 6)

**State law reference(s)**--Requirement of vaccination, 7 M.R.S.A., § 1801.

### Sec. 3-3. Dogs running at large prohibited; definition.

- (a) No person shall permit any dog licensed or unlicensed to run at large.
- (b) *At large* shall mean off the premises of the owner, and not under the control of any person by means of a chain, rope, or cord of sufficient strength to control the action of the dog (or such other personal presence and attentions as will reasonably control the conduct of such dog).

(Town Warrant, 1969, Art. 20, § 2)

**State law reference(s)**--Dogs running at large, 7 M.R.S.A., § 3455.

### Sec. 3-4. Vicious and noisy dogs prohibited.

- (a) No person shall keep a noisy or vicious dog in the town which disturbs the peace and quiet of any person.
- (b) No person shall keep any dog which has bitten any person. The chief of police, following a complaint by any person that a vicious or noisy dog is being kept within the town, shall cause an investigation of the complaint to be made.

- (c) If a vicious or noisy dog is found by the chief of police, he shall give written notice to the person owning or keeping such dog. Such notice shall require that the dog be quieted, removed from the town or destroyed.
- (d) Failure to comply with the provisions of this section shall be a violation of this Code and subject to a fine of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00). Such fine shall be imposed following proceedings before a court of competent jurisdiction.

(Town Warrant, 1961, Art. 79)

**State law reference(s)**--Complaints of assault by dog, 7 M.R.S.A., § 3605.

**Sec. 3-5. Dogs constituting a nuisance.**

- (a) *Definitions.* For use in this section, the following terms are defined:
  - (1) *Dogs* shall mean both male and female animals of the canine species, whether altered or not.
  - (2) *Owner* shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.
- (b) *Action constituting a nuisance.* It shall be unlawful for an owner, or keeper of a dog to allow such dog to cause annoyance or disturbance to any persons by frequent and habitual howling, yelping, barking, or by running after or chasing persons, bicycles, automobiles or other vehicles.
- (c) *Impoundment of nuisance dogs.* Any dog constituting a nuisance as set out in subsection (b) may be impounded by any member of the humane shelter, or any Winslow police officer, if the owner cannot be reasonably located. The owner of the dog shall pay the full cost incurred for the board and shelter of the animal.
- (d) *Penalty.* Any owner violating any of the provisions of this section shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00).

(Ord. No. 5-1983, §§ 1--4, 8-8-85)

**Sec. 3-6. Impounding dogs; procedure.**

- (a) Any police officer within the town shall seize, impound or restrain:
  - (1) Any dog kept in violation of section 3-1; or
  - (2) Any dog running at large.

The officer shall deliver such dog to the person who is duly authorized to have control of impounding.

- (b) If the owner of such dog is known or can be located with reasonable diligence, then the person who has control of impounding shall personally notify the owner within three (3) days of receipt of such dog. If the owner is not known and cannot be located with reasonable diligence, then the person who has control of impounding shall post, within forty-eight (48) hours of the time such person has taken such dog into his possession, within notices in three (3) places in the town, giving a description of the dog, stating where it is impounded and the condition for its release. If the owner, within seven (7) days after receiving notice, or within seven (7) days after notice has been posted, does not claim such dog, then the person having control of impounding, shall dispose of the dog by sale or otherwise, in a proper and humane manner.
- (c) The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. The record shall include:
  - (1) Description which identifies the dog with reasonable certainty;
  - (2) The manner of disposing of the dog;
  - (3) If the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his name, address, and the date of delivery or receipt of the dog.

(Town Warrant, 1969, Art. 20, § 3)

**State law reference(s)**--Impounding dogs running at large, 7 M.R.S.A., § 3456.

**Sec. 3-7. Conditions of release from impoundment.**

- (a) In accordance with section 3-5, before any dog may be transferred to another person:
  - (1) Such dog shall be vaccinated with anti-rabies vaccine, or the transferee shall show proof of vaccination within the previous year;
  - (2) Such dog must be licensed in accordance with the statutes of the state; and
  - (3) The transferee shall pay to the town treasurer the sum of five dollars (\$5.00) for vaccination, and the sum of two dollars (\$2.00) per day for each day, or part thereof, the dog has been impounded.

(Town Warrant, 1969, Art. 20, § 4)

**Sec. 3-8. Running at large; penalty.**

Instead of or in addition to seizing and impounding the dog, the town may prosecute the

owner of any dog running at large. Any person, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), plus the cost of prosecution.

(Town Warrant, 1969, Art. 20, § 5)

**State law reference(s)**--Penalty for dogs running at large, 7 M.R.S.A., § 3457.

**Sec. 3-9. Duty to Protect the Health and Safety of the Public.**

- a. No person shall allow any dog owned by him/her or under his/her control to defecate upon public street, road, sidewalk, park or other public property within the Town of Winslow, or upon private property (except for that property owned by the owner of the dog) unless such defecation is immediately bagged, and removed, and properly and adequately disposed of in a sanitary manner in a proper waste receptacle by said owner or controller of the dog. This paragraph shall not apply to any dog trained for the purpose of aiding a sight-impaired person and engaged in that function or to any person with a handicap who, by reason of that handicap, is physically unable to comply with the requirements of this paragraph.
- b. Any owner or person who has a dog under his/her control who violates any provision of this Section shall, upon adjudication, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), plus the costs and expenses of prosecution including but not limited to the Town's attorney's fees and expenses, and the salaries and wages of Town personnel involved in investigating, preparing, and prosecuting such violation. All such fines, fees, costs, and expenses shall be paid to the Town of Winslow.

(Ord. No. 3-2002, §§ 9, 11/12/02)

**Article 2 – Domesticated Chickens**

**Sec. 3-10. Purpose.**

The purpose of this article is to provide standards for the keeping of domesticated chickens. The article is intended to enable residents in the Mixed Use zoning district with less than 2 acre lots, as well as, Medium Density Residential (MR) and High Density Residential (HR) zoning districts to keep a small number of chickens on appropriately sized lots while limiting the potential adverse impacts on the surrounding neighborhood.

**Sec. 3-11. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Chicken pen.** An outdoor fenced-in area connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

**Enclosure.** The combined area of a henhouse and chicken pen.

**Henhouse.** A structure for the sheltering, roosting and nesting of female chickens. A new or legally existing detached shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this article.

**Broiler Chicken.** A male or female chicken raised for its meat and not older than 10 weeks.

**Sec. 3-12. Keeping of domesticated chickens on appropriately sized lots, unless as otherwise permitted within a specific zoning district.**

- (a) No more than six (6) female chickens shall be allowed on lots of 7000 sq. ft. or more and up to one acre. No more than twelve (12) female chickens shall be allowed on lots 1 acre or more. No chickens shall be permitted within multi-family complexes, including duplexes.
- (b) Only female chickens are permitted with no restriction on chicken species. The only exception is broiler chickens of either sex that are not more than 10 weeks old.
- (c) Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.
- (d) Outdoor slaughtering of chickens is prohibited.

**Sec. 3-13. Enclosure.**

- (a) Chickens must be kept in a secure enclosure at all times on lots less than two (2) acres.
- (b) Chickens shall be secured within the henhouse during non-daylight hours.
- (c) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor or other adverse impact.
- (d) An enclosure shall not be located in the front yard.

**Sec. 3-14. Henhouse.**

- (a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens, while minimizing adverse impacts to abutters.
- (b) The henhouse shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and bird proof wire with openings one-inch or less.
- (c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
- (d) Henhouses shall only be located in rear yards and in accordance with applicable zoning district setbacks. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks.

**Sec. 3-15. Chicken pens.**

- (a) Chicken pens must be provided. Where provided on lots less than two (2) acres, the chicken pen shall be attached to the henhouse and the fence shall be constructed to prevent the escape of chickens.
- (b) Chicken pens shall only be located in rear yards and in accordance with applicable zoning district setbacks. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks.

**Sec. 3-16. Odor, noise and lighting.**

- (a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- (b) Perceptible noise from chickens shall not be a nuisance to abutters.

**Sec. 3-17. Waste management. .**

Provision must be made for the proper management of chicken manure and chicken waste.

**Sec. 3-18. Licensing requirements.**

The initial license shall be issued by the Town Code Enforcement Office after favorable inspection of the premises by the Town Code Enforcement Officer or designee. Licenses shall expire annually on the last day of April. There is no fee for license renewal however licenses shall only be renewed after a review of complaints and inspections, if necessary, to verify that corrective actions are in place.

**Sec. 3-19. Removal of chickens.**

Any violation of the provisions of this article or of the license shall be grounds for an order from the code enforcement officer to remove the chickens and any non-compliant chicken-related structures. The animal control officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

(Ord. No. 2-2016; 6-13-16)