

Town of Alna

Dog Noise Nuisance Ordinance

I PURPOSE

The purpose of this ordinance is to require that all dogs in the Town of Alna be kept under noise control by their owners at all times so they will not create a nuisance to others by barking, howling or making other noises common to their species.

II AUTHORITY AND EFFECTIVE DATE

This Ordinance has been prepared in accordance with the provisions of Title 30A, Section 3001 of the Maine Revised Statutes Annotated (MRSA) and the Home Rule Powers as provided for in Article VIII-A of the Constitution of the State of Maine. This Ordinance is effective upon adoption at the Annual Town Meeting on March 19, 2005.

III APPLICATION

The provisions of this Ordinance apply to any party who has ownership, care, custody or control of a dog or dogs, including boarded animals, in the Town of

Alna. Also, property owners are responsible for dogs that reside on their property.

IV ADMINISTRATION

A. Noise Defined as Constituting a Nuisance:

Any dog(s) that barks, howls or makes other noises common to its species at a sound level that is clearly audible on abutting or nearby property to a level and/or at a frequency that would unreasonably intrude on the peace and quiet enjoyment of a resident of such abutting or nearby property will be deemed a nuisance.

B. Enforcement:

Upon receipt of an oral or written a complaint from any resident which cites the date, time and duration of the noise, the Animal Control Officer, the Deputy Animal Control Officer, or any other law enforcement officer shall undertake the following actions, in the sequence listed:

1. Upon the first complaint, verbally notify the party residing at the property containing the offending dog or dogs that a complaint has been made and request that they control their dog(s) in a manner consistent with the Purpose of this Ordinance.

2. Upon a second complaint involving the same property within six months of the first complaint, issue a written warning to the resident citing: the particulars of the complaint (date, time, duration of noise).

1. Upon receipt of a third complaint involving the same property within six months of the first complaint, the Animal Control Officer, Deputy Animal Control Officer, or other law enforcement officer must personally respond to the complaint and, if he or she determines that the dog or dogs are making noise in a manner that reasonably falls within the description of Section III (A.) he or she must commence process in District Court alleging a civil violation of this Ordinance. Such process must include a written complaint from the investigating officer attesting to: (a) the nature of the noise, (b) the date(s), times, and duration of the noise, (c) the location from which the noise was observed, and (d) the history of prior warnings.

2. The identity of any complainant(s) may be held anonymous, upon request.

V VIOLATIONS

Any person found by a court of law to be in violation of this Ordinance shall be subject to a fine of not more than \$100.00 for the first offense and not less than \$100.00 or more than \$250.00 for each subsequent violation. Any fine(s) collected shall be recovered to the use of the Town of Alna and deposited in a separate account as required by Maine law. In addition, the Town may also petition the Court for recovery from the offending party of any enforcement costs, attorney fees, court costs or other costs directly associated with enforcement of this ordinance.