

CHAPTER 4.

ANIMALS

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CHAPTER 4. ANIMALS
ARTICLE 1. DOGS (Ord. 9/7/2022)

Section 4.01. Authority.

This Ordinance is adopted pursuant to the general authority of municipalities to enact Ordinances under the Maine Home Rule Amendment, 30-A M.R.S. §3001 et seq. and under the State of Maine Constitution, Article VII, Part 2nd, Section 1, and under specific authority, pursuant to 7 M.R.S. § 3950.

Section 4.02. Purpose.

The purpose of this Ordinance is to establish and enact a regulatory basis for ensuring that all dogs residing in the City of Bath are licensed, immunized, and are kept under the control of their owners, keepers, or custodians, at all times so as to end problems caused by dangerous dogs, dogs running at large, barking dogs, and property damage occasioned by dogs. It is the further purpose of this Ordinance to minimize or eliminate these problems, for the protection of the citizens and of their health, safety, comfort, convenience, and general welfare, without reasonably restricting owners and their dogs in their normal activities, while holding owners responsible, where it is appropriate to do so, for the deleterious conduct of their dog.

Section 4.03. Applicability.

The provisions of this Ordinance which apply to the owners of a dog apply equally to any person having custody, control, or possession of the dog.

Section 4.04. Definitions.

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

A. “Animal Control Officer (ACO)” is appointed by the municipal officers of the City of Bath in accordance with 7 M.R.S. §3947. The ACO shall have all of the powers provided under this Ordinance and other applicable Ordinances of the City of Bath and the laws of the State of Maine.

B. “Animal Shelter” is a licensed facility that includes a physical structure or part of a physical structure that provides a temporary or permanent shelter to stray, abandoned, abused, or owner surrendered animals.

C. “Attacks” and “Attacking” means the unprovoked actual biting; they also mean, where they occur without provocation, a mere showing of teeth, or growling or barking, or any other 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.

D. “Dangerous Dog” means a dog which has bitten a person who is not a trespasser on the owner’s premises at the time of the incident; or a dog which causes a reasonable and prudent person, who is not on the dog owner’s or keeper’s premises and is acting in a reasonable and non-aggressive manner, to fear imminent bodily harm or is put in apprehension of imminent bodily harm. It includes a dog that attacks a domestic pet or farm animal and causes harm to the domestic pet or farm animal, and a dog that causes serious injury or death to an animal other than a domestic pet or farm animal.

“Dangerous Dog” does not include a dog certified by the State and used for law enforcement purposes. It does not include a dog that bites or threatens to assault an individual who is on the dog owner’s or keeper’s premises, if the dog has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.

E. “Dog” shall mean any of a large and varied group of domesticated animals, whether male or female, and whether neutered or not, and is a member of the genus and species of canis familiaris.

F. “Effective Restraint,” as used herein, includes, but is not limited to, training, employing audible or visual commands, remote control devices, or other means to control the animal.

G. “Immediate Effective Control.” An animal shall be considered to be under “immediate effective control” when:

1. The animal is used to assist a physically challenged person.
2. The animal is under immediate control of a person by means of (1) a cage, (2) a leash, or (3) an effective restraint.

H. “Nuisance” shall mean to:

1. Annoy or disturb any reasonable person by causing unreasonable noise, smell, litter, or other effect which unreasonably disturbs the peace of another.
2. Create litter off the premises of the owner unless the owner immediately removes and disposes of such litter, including feces, in a safe and healthful manner.

3. Cause damage to property other than the owners.
4. Chase automobile, motorcycles, bicycles, or other vehicles.
5. Run at large.

I. “Owner” shall mean any person, association, corporation, or other entity, which owns, keeps, harbors, has custody or possession and control of the dog.

J. “Pack” means a group of two (2) or more dogs running at large.

K. “Running At Large” means off the premises of the 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 by “at heel” or other command control to which the dog is obedient.

L. Definitions Generally. The definitions in 7 M.R.S. §3907 are incorporated herein by reference, and as may be applicable.

Section 4.05. Licensing.

Each owner or keeper of a dog that is six (6) months of age or older shall, on or before January 1st of each year, or at such time as the dog becomes six (6) months old, cause such dog to be licensed with the City Clerk in accordance with State mandated requirements. Dogs kept in licensed facilities shall require dog licenses in accordance with the provisions of 7 M.R.S. §3939. Dogs covered under a kennel license shall comply with the tag requirements of 7 M.R.S. §3923-C(4), including the kennel operators contact number.

Section 4.06. Tags.

The City Clerk shall provide, with each new license issued to a dog, a tag indicating the year the license was issued and such other information as may be required under 7 M.R.S. § 3922-B. The tag shall remain with the dog for as long as the dog is kept within the City of Bath. At each license renewal, the City Clerk shall provide a tag indicating the year for which the license is valid. The owner shall make sure that the tag is securely attached to the collar of leather, metal, or other material of comparable strength, and that the collar is worn at all times by the dog for which the license was issued, except when hunting and training or in an exhibition. If the dog is hunting, training, or in an exhibition, its owner shall produce proof of licensure within twenty-four (24) hours upon request by the Animal Control Officer. If a tag is lost, the owner shall obtain a new license tag from the City Clerk.

Section 4.07. Rabies Tags.

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to the collar of leather, metal, or other material of comparable strength, and must be worn at all times by the dog for which the tag was issued, except when hunting, training or in an exhibition or on the premises of the owner, as required under 7 M.R.S. §3923-B(2-A). If the dog is hunting, training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request by the Animal Control Officer.

Section 4.08. Control of Dogs.

When off the premises of the owner, a dog shall be under the control of a person responsible for the dog's behavior, except as follows:

- A. Dogs used during hunting.
- B. Dogs used for law enforcement.
- C. Service dogs.
- D. Dogs on private property with the owner's permission.

Section 4.09. Leash Requirement.

The owner(s)/person(s) in control of any dog within the City of Bath shall at all times control such dog(s) by means of a leash, confinement to their property, or in their immediate effective control and within sight. The leash requirement shall not apply to the South End Park but any other provisions regarding dogs, including the requirements with respect to sanitation and feces, shall remain applicable.

Section 4.10. Disposition of Dogs Which Have Bitten Persons.

The owner of a dog who knows or has been advised that the dog has bitten a person, shall confine the dog or have it confined by itself in a secure enclosure for at least fourteen (14) consecutive days and shall notify the Animal Control Officer immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the dog nor allow it to be destroyed and shall maintain confinement.

Section 4.11. Examination of Confined Dogs.

The Animal Control Officer shall have a dog, which has been confined because of having bitten a person, kept under observation for symptoms of rabies. During the confinement or at the end of the fourteen (14) day confinement, the Animal Control Officer shall determine whether

the dog is infected with rabies. In making this determination, he/she shall employ such expert assistance as may be necessary. If he/she deems it necessary to keep the animal confined for longer than the fourteen (14) day period, he/she shall order it done. If the dog is found to be rabid, he/she shall notify the owner and the person bitten and shall have the dog destroyed immediately, following procedures recommended by the State Department of Health and Welfare. If the dog is not rabid, the owner shall thereafter muzzle the dog or keep it confined. All expenses incurred by the City in carrying out the procedure provided by this Section, shall be paid for by the owner of the dog.

Section 4.12. Sanitation Requirements – Feces.

An owner or keeper must remove and dispose of any litter created by any dog, including feces, left by the dog on any sidewalk, street, public property, or private property (other than the property of the owner of the animal or the person who has consented to the presence of the animal on his/her property), and dispose of such feces and litter into an appropriate litter receptacle. An owner whose animal is present on any property from which the animal feces is required to be removed pursuant to this Section, must have in his or her possession a plastic bag or similar container not part of the human body for collecting and removing feces. If the dog gets into or opens any garbage bags, bins, or other containers and/or causes refuse to be strewn in the immediate area, the owner or keeper of the dog shall be obligated to properly clean up the strewn refuse. This Section does not apply to the property of the dog's owner or to a dog accompanying a person who is physically unable to comply with the requirements of this Section.

Section 4.13. Special Provisions.

A. Noise – Barking Dogs. No person shall keep or maintain any dog which continuously or repeatedly barks, howls, makes other loud or unusual noises, or in any manner creates a nuisance as that term is defined in this Ordinance, and disturbs neighborhoods and other persons through such unreasonable and objectionable noise. Barking noise or other nuisance activities shall not be permitted or allowed where the dog barks, howls, or makes other sounds common to its species which occur in a steady, rapid succession for twenty (20) or more minutes or occur intermittently for one (1) hour or more. This Section shall not apply to any dog that is situated at or by or near a legitimate cause for provocation. Provocation shall mean any cause beyond the reasonable control of the owner. This Section shall also not apply to farm animals kept on a property located in the City of Bath, trained working dogs (while working), certified guard dogs, and other dogs that are performing their assigned duties (i.e. service dogs).

B. Running At Large. Special restrictions governing dogs on municipal property. No owner of a dog shall cause or permit that dog to run at large within the City. 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 otherwise controlled by a leash, cord,

or chain, or is “at heel” or otherwise under the voice or other command control of a person and obedient to that person’s command. An owner of a dog shall ensure that dog, when on any public way, and on all municipal property, including but not limited to the City’s 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 or by effective voice or other command 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 acuity accompanying a seeing eye dog, so-called, on municipal property, shall collect any feces or vomitus deposited by the dog and dispose of the 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.

C. Dangerous Dogs.

1. Designation. An owner who is given notice (which need not be in writing) by the City’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 City, except to 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 fourteen (14) days and shall promptly obey all rabies detection and control directions of and 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.

2. 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 an animal control officer or law enforcement officer. The owner of such a dog will ensure that the dog , when out of doors on the owners premises, is either contained within secure enclosure 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 to any mail receptacle or entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of a lawn, property boundary or public sidewalk, or home fill pipe or utility meter or point on the ground generally below any other wiring or piping. The owner shall ensure that the

restraint is maintained and secure at all times the dog is out of doors on the owner's premises and not in a secure fenced in enclosure.

Section 4.14. Immediate Threat to the Public.

After filing a complaint in District Court and before hearing, the dog shall be subject to muzzling, restraint, or confinement upon its owners premises upon order of the law enforcement officer or animal control officer who filed the complaint to the owner, if that officer's belief is that the dog poses an immediate threat to the public. The officer may proscribe the degree and means of restraint or confinement. Failure to comply shall constitute a distinct violation of this Ordinance. Upon failure to comply, and after notice to the owner, the officer may apply to the District Court for authorization to take possession of the dog that poses an immediate threat to the public and turn it over to the care of a suitable person or organization, at the owner's expense. The court in its final order shall include an order to the owner to pay such expense in a stated amount.

Section 4.15. Public Nuisance.

Dangerous dogs, dogs running at large, and barking dogs are hereby declared to be a public nuisance.

Section 4.16. Cruelty.

No person shall harm in any way any dog on an owner's premises or under control of the owner except that the Animal Control Officer may initiate necessary actions to control any animal not maintained in accordance with this Ordinance, other applicable local and State laws, whether on public or private property.

Section 4.17. Administration and Enforcement.

A. The Animal Control Officer (ACO) shall enforce this Ordinance, applicable State laws, and other applicable City of Bath Ordinances.

B. With regard to violations of this Ordinance, the ACO is authorized to respond to and investigate reports of any dog running at large, reports of dogs barking, nuisance dogs, dangerous dogs, or any other reports of violations of this Ordinance. The ACO is authorized and charged to take enforcement action, to include to the extent applicable, including:

- (1). Record the breed, color, sex, license number, and name, address and telephone number of the dog's owner.
- (2). Attempt to locate the dog's owner and, if impoundment is not necessary, return the dog to the owner.

(3). If the owner cannot be readily located or the violation requires impoundment, the ACO may transfer the dog to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees established by the Animal Shelter.

(4). Assess the penalties set forth in Section 4.19 below and, if the dog is unlicensed, require that it be licensed.

C. Impounding.

(1) Authority. The Animal Control Officer (ACO) shall apprehend any dog found running at large, any nuisance dog, any dangerous dog, and any dog where the owner cannot be located, and impound it in an Animal Shelter.

(2) Refusing to Reclaim Dog. It is unlawful for a person to fail or refuse to reclaim his/her dog and/or fail to pay the cost required by Section (3) below within one (1) week after receiving oral or written notice of its impoundment.

(3) Notice and Reclamation. The ACO shall immediately notify the owner by telephone that the dog has been impounded by the ACO and that the owner may reclaim it by licensing the dog if it is unlicensed and paying the following fees:

- (a). Pick-up Fee - \$25.00.
- (b). Impoundment Fee - \$25.00.
- (c). Boarding Fee – As assessed by Shelter.

If the impoundment is at an animal shelter the owner shall pay all costs required or imposed by the shelter and reimburse the City for any costs assessed by the shelter to the City.

If the owner of the dog is unknown or cannot be found, the ACO shall immediately notify the City Office staff and provide a public notice.

(4). Disposition of Unclaimed Dogs. The ACO shall place the dog with the Animal Shelter that the City of Bath has a contract with for the current year and if the dog is not reclaimed by the owner within seven (7) days then the dog shall be put up for adoption in accordance with the protocols of the Animal Shelter.

Section 4.18. Prohibitions and Fines.

A. Prohibitions:

Barking Dogs

Dangerous Dogs

Failure to Confine Biting Dog
Trespass
Dog At Large – No Tags
Dog At Large – After Causing Nuisance
Dog At Large – Travelling in a Pack
Dog At Large – In Heat
Dog At Large – Generally
Dog Creating Nuisance
Refusal to Reclaim Dog
Dog Disturbing the Peace
Dog Not Being on a Leash
Dog Violating Sanitation Provisions
Any other violations of the provisions of this Ordinance

B. Fines:

First Offense - \$50.00 - \$250.00

Second and Subsequent Offense(s) - \$100.00 - \$500.00

All fines assessed under this provision shall be payable to, and for the exclusive use of, the City.

Multiple Violations: Each time a violation is determined, for which the fine above is prescribed, it shall be considered a separate violation and multiple tickets may be issued for violations in the same location.

C. Waiver Fees:

Any person, firm, or corporation, accused of a violation of the provisions of this Animal Ordinance as defined in this Chapter, may voluntarily waive his right to appear and to defend the matter before any Court or judicial tribunal, by paying the City, in accordance with the following waiver fee provisions:

First offense:	Second and additional Offense(s):
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Unlicensed Dog-Failure to register with the town	\$50	\$100
Unvaccinated dog- Failure to vaccinate your dog for rabies	\$50	\$100
Dog running at large - Released to owner	\$25	\$50
Dog running at large w/out ID (transported to Humane soc.)	\$50	\$100
Dog running at large/Nuisance	\$75	\$150
Disturbing the peace	\$50	\$100
Failure to pick up feces	\$50	\$100
Animal Cruelty (i.e. dog in hot car) by ordinance (May also be handled by summons)	\$50	\$200

These waiver fees and other fees subsequently enacted by City Council pursuant to this Ordinance may subsequently be changed or amended by Resolution of Council.

Any fees collected under this Section, shall be designated to Revenue Account 01-2023 for use in accordance with the provisions of 30-A M.R.S. Section 3945. That Section requires that certain fees be separate and used for salaries and costs of animal control, enforcement of licensing law, care of injured or abandoned animals, and support of animal control shelters. These funds are required to be carried forward from year to year, shall not lapse, and shall not be reappropriated for other purposes.

Section 4.19. Fees.

The following fees shall be in effect:

A. Fee for Keeping /Contacting/Transporting Any Dog, Cat or Other Animal - \$50.00 Per Incident (These fees may be in addition to any other fines/fees or penalties for other violations.)

These fees and any other fees subsequently enacted by City Council under this Section may subsequently be changed or amended by Resolution of Council.

Section 4.20. Severability.

Should any portion of this Ordinance be found to be 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.

ARTICLE 2. CATS (Ord. 9/9/2022)

Section 4.21. Cats.

All cats owned by residents of Bath must be vaccinated against rabies.

Section 4.22. Seizure of stray cats.

While there is no leash law for cats, cat owners are still prohibited from allowing their cats to be nuisances to others. Sometimes, free-roaming cats trespass onto other peoples' properties, using flower beds or sandboxes for litter boxes. This causes unsanitary conditions and is unlawful.

1. Definition. For the purposes of this chapter, a "stray cat" means a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.

2. Stray cats causing a nuisance are subject to seizure, impoundment and the owner of the cat may be liable for damages done to others property or pets.

3. Seizure by animal control officer. An animal control officer or person acting in that capacity may seize or humanely trap a stray cat or small animal and deliver it to an animal shelter as provided for in this section or to the owner, if the owner is known. If ownership cannot be established, such a cat or small animal may be handled as a homeless cat or small animal for the purpose of acceptance and disposition by an animal shelter.

4. Person finding stray cat. A person finding a stray cat or small animal and not knowing the owner or residence of the cat or small animal may take that cat or small animal to the animal shelter designated by the municipality in which the cat or small animal was found.

5. Fines. The owner of any stray cat causing a nuisance may be subject to a wavier penalty of Fifty Dollars (\$50.00) in addition to any transportation and impoundment fees.

Any fees collected under this Section shall be designated to Revenue Account 01-2023 for use in accordance with the provisions of 30-A M.R.S. Section 3945. That Section requires that certain fees be separate and used for salaries and costs of animal control, enforcement of licensing law, care of injured or abandoned animals, and support of animal control shelters. These funds are required to be carried forward from year to year, shall not lapse, and shall not be reappropriated for other purposes.

ARTICLE 3. SMALL-SCALE CHICKEN FLOCKS (Ord. 6/1/2016, 9/9/2022)

Section 4.301. Purpose.

The purpose of this Article is to provide standards for the keeping of domesticated chickens in urban, residential areas in the City of Bath. It is intended to enable and to regulate the keeping of a small number of chickens on a non-commercial basis by residents while limiting the potential adverse effects on the surrounding neighborhood. The City recognizes that adverse neighborhood impacts may result from the keeping of small-scale chicken flocks as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and handling, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This Article is intended to create licensing requirements and standards of use that ensure that small-scale chicken flocks do not adversely impact the neighborhood on which the chickens are kept.

Section 4.302. Definitions.

The terms in this Article shall be in accordance with the definitions in the Land Use Code, Article 2, Section 2.02.

Section 4.303. License Required; Fees.

A. License. A license is required for the keeping of any domesticated chickens in enclosed areas within the City of Bath where it is permitted. The license is personal to the permittee and may not be assigned or transferred and does not run with the land. An applicant for a license to keep chickens must be the occupant of the property and must demonstrate compliance with the criteria, requirements and standards in this Article in order to acquire a permit. Application for a license shall be submitted on a form provided by the City. Where the applicant for a license is not the owner of the property where the use is proposed, then written permission from the owner for a small-scale chicken flock is required.

B. Fees. The fee for the license shall initially be forty dollars (\$40.00). This fee may be revised and adjusted by the Bath City Council by Resolution. In addition, inspections and reviews may incur additional administrative fees.

Section 4.304. Use Limitations and Restrictions.

A. Number. The number of domesticated chickens kept on a lot shall not exceed six (6), regardless of the number of dwelling units on that particular lot. A condominium complex for purposes of the number of chickens shall be considered a single lot and shall be limited to six (6) chickens. Chicks that are acquired to replenish the flock or as pets and which are kept within the dwelling are not counted as part of the flock, until introduced into the flock.

B. Gender. The chickens (*gallus domesticus*) shall be female only. No males or roosters shall be allowed. There shall be no restriction on species.

C. Non-Commercial Use Only. The chickens shall be kept for personal use only. No sale of eggs, breeding, sale of fertilizer, or fertilizer production shall be permitted. The slaughtering of chickens is prohibited.

D. Confinement. The domesticated chickens shall at all times be within the coop and enclosure perimeters and shall not be allowed to run free on the property occupied by the permit holder. No trespassing on adjacent property shall be permitted.

E. No Other Poultry. No ducks, geese, turkeys, pea-fowl, roosters or any other type of poultry are permitted.

Section 4.305. Lot Requirements.

The following requirements are minimum requirements and are not subject to waiver or variance.

A. Lot Size. The minimum lot size for the keeping of domesticated chickens shall be six thousand (6,000) square feet.

B. Setbacks. Coop/henhouse and the enclosure shall meet setback requirements for the zoning district where located but not less than fifteen feet (15') from any lot line.

C. Location. The coop/henhouse and enclosure shall only be located in rear areas. For a corner lot, a rear area is the two areas that are not front areas. In no case may a henhouse/coop or enclosure be placed in a front area (i.e. between the dwelling and the street).

D. Screening. Natural screening or fencing shall be provided so that the henhouse/coop and enclosure are not visible from adjacent properties at any time of the year.

E. Restrictive Zones. Domesticated chickens are not allowed in the Shoreline and Natural Resource Protection Overlay Zones.

F. Building Permit. If the combined size of the enclosure and the henhouse/coop exceeds one hundred (100) square feet, then a building permit from the Codes Enforcement Officer shall be required.

Section 4.306. Housing.

A. General. Chickens must be kept in a secure, henhouse/coop or enclosure at all times during daylight hours and within the henhouse/coop during non-daylight hours. Neither chickens nor structures housing chickens may be located within a residential structure.

B. Coops/Henhouses Construction Standards.

1. The structure shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Any openings or vents must be covered with predator and bird proof wire of less than one and a half (1.5) square inch openings.

2. There shall be a minimum of six (6) contiguous square feet of interior floor space per chicken with a minimum of fifteen (15) continuous square feet of interior floor space regardless of the number of chickens.

3. The materials used in constructing the structure shall be uniform for each element of the structure such that walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials.

4. The structure shall be a minimum of four (4) feet in height and no more than seven (7) feet in height as measured from the mean grade level to the top surface of the roof. It shall be easily accessible for cleaning and maintenance.

5. The structure shall be covered and adequately ventilated and must be completely secured from access by predators, including all openings, ventilation holes, doors and gates. The structure shall be properly maintained so as to provide continuing security.

C. Enclosures.

1. The purpose of the enclosure is to provide an area where air and light may permeate but which will securely contain the chickens. It shall be a fully enclosed and protected space for chickens with unfettered access to the flock when in the enclosed outdoor space.

2. The enclosure must consist of sturdy wire fencing buried at least twelve (12) inches below ground level. The use of chicken wire is not permitted. The roof shall be covered with wire, aviary netting, or solid roofing material. The enclosure must be of substantial enough construction to prohibit the escape of the small-scale chicken flock and to exclude predators and to provide adequate shade for the flock.

3. A minimum of ten (10) contiguous square feet of exterior space per chicken shall be required with a minimum of twenty-five (25) contiguous square feet of exterior space regardless of the number of chickens.

4. The enclosure shall be no less than four (4) feet tall and shall have no greater height than seven (7) feet, measured as the vertical distance from the mean grade level to the top surface of the roof of the structure.

Section 4.307. Sanitation and Maintenance Standards.

- A. Enclosures. 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 the neighboring lots due to noise, odor, or other adverse impact. The chicken enclosure must provide adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- B. Henhouses/Coops. The chickens shall be secured within a coop/henhouse during non-daylight hours.
- C. Odor. Odors from chickens, chicken manure, or any other chicken related substances shall not be perceptible at the property line.
- D. Noise. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- E. Feed and Water. Chickens must be provided with access to feed and clean water at all times. Such feed and water shall be protected so as to be unavailable to rodents, wild birds, domestic animals and predators.
- F. Waste Storage and Removal. Provisions shall be made for the storage and removal of chicken manure and other waste material. All stored materials shall be covered and within a fully enclosed container. No more than three (3) cubic feet of manure may be stored. All other manure shall be removed from the site. The henhouse/coop, enclosure and surrounding area shall be kept free from trash and accumulating droppings. Uneaten feed shall be removed in a timely manner.
- G. Vicinity to Water. No manure shall be stored within one hundred (100) feet of a waterbody or water supply.
- H. Predators, Rodents, Insects and Parasites. The owner of the chickens and/or property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- I. Removal. Chickens found to be infested with insects and parasites that may result in unhealthy condition to human habitation shall be removed by the Animal Control Officer, Health Officer, or Codes Enforcement Officer or their designee(s). They may also order removal of chickens upon a determination that chickens otherwise pose a health risk. If a chicken dies, it shall be disposed of properly by the owner in a sanitary manner.

Section 4.308. Administration, Enforcement and Penalties.

A. Administration. The license required in Section 4.302 shall be issued by the Codes Enforcement Officer or designee upon a favorable inspection of the site, to determine that all of the provisions and requirements of this Ordinance have been met.

B. Enforcing Agent(s). Provisions of this Ordinance shall be enforced by the Codes Enforcement Officer, Animal Control Officer and/or Health Inspector or their designee(s).

C. Non-Waiver. The standards set forth in this Article are considered minimal standards and are not subject to waiver.

D. Violation(s) Enforcement. Failure to conform to the provisions of this Article or to obey an Order issued pursuant to the provisions of this Ordinance shall be considered a violation. In addition to any other enforcement action which the City may take, including injunctive relief if determined to be necessary, a violation of any provision or Order issued under this Article shall be enforced pursuant to the provisions of 30-A M.R.S. § 4452. Penalties and costs, including attorney's fees, shall ensure to the benefit of the City. Or by waiver penalties set by the City of Bath for less serious violations.

E. General Penalty by waiver. A person who violates any other provisions of this Chapter shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) by waiver penalty. Monetary penalties may be assessed on a per-day basis and are civil penalties. All penalties assessed under this Article shall be to the use and benefit of the City of Bath.

F. Waiver penalties.

Failure to license or permit chick flock/coop	\$100
Violation of the number or sex of chickens	\$ 50 Each
Commercial activity violation	\$100
No free range- each day in violation	\$ 50
Lot or housing violation	\$100
Sanitation and Maintenance Standards violation	\$100

Waiver fines will double for each second offense violations of the same nature.

Waiver fines will triple for each offense thereafter for violations of the same nature.