

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Maureen O'Meara, Town Planner
DATE: September 5, 2017
SUBJECT: Domestic Fowl Amendments

Introduction

At the July 10, 2017 meeting, the Town Council referred to Ordinance Committee amendments to regulate domestic fowl. The Ordinance Committee discussed possible amendments at the August 8th and August 15th meeting.

Draft amendment

The Ordinance Committee considered an amendment to the Miscellaneous Offenses Ordinance (Chapter 12) that would require the owners of domestic fowl to keep them off private property absent permission of the property owner.

The Ordinance Committee asked Police Chief Neil Williams about the town's experience with animal control issues. Chief Williams explained that the department's priority is to cooperatively address animal control issues. Town Attorney John Wall has reviewed the proposed amendment and the recommendation reflects his revisions.

Recommendation

The Ordinance Committee voted 3 - 0 to recommend the Domestic Fowl Amendments to the Town Council for consideration.

CHAPTER 12 MISCELLANEOUS OFFENSES (Revisions Eff. 10/08/08)

Article I. Offenses	12-1
Article II. Camping on Public Property	12-2
Article III. Loitering Dispersal	12-3
Article IV. Fort Williams Park Regulations	12-4
Article V. Consumer Fireworks Regulations	12-5

Sec. 12-1-1. Disturbing the Peace.

(a) Within the Town of Cape Elizabeth, no person shall make, continue or cause to be made, any loud, profane, boisterous, unnecessary or unusual noises, including an excessive volume of noise which shall either annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others. In addition to the person making or causing the noise, the property owner of any building, dwelling, structure, premises, boat or conveyance or any part thereof in the town shall also be responsible for such activity.

1. The Town believes that residents have a reasonable expectation of peaceful quiet and enjoyment of their property during nighttime hours. During nighttime hours, no person shall generate substantial noise as defined beyond the property line. For the purposes of this Article, nighttime hours shall be 10:00 p.m. to 7:00 a.m. on Sunday through Thursday, and from 11:00 p.m. to 7:00 a.m. on Friday and Saturday.

2. The level of noise during daytime hours shall not exceed what is reasonable and consistent with daily living.

(b) No person shall perform or carry on, or cause to be performed, or carried on, any construction or excavation work during the hours between 10:00 p.m. and 7:00 a.m. that produces noise of a sufficient volume to disturb the sleep or repose of occupants of neighboring properties. This paragraph shall not apply in the event of an emergency in which a sewer, conduit or utility in or under any street breaks, burst or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual. It shall also not apply to repairs necessitated by storm events, earthquakes and other "acts of God". [Revised eff. 11/11/88.]

Sec. 12-1-2. Animal Control.

No owner or person having charge of any animal shall turn such animal into, or permit the same to go at large in, any street, highway or public place within the town, or onto private property without the permission of the property owner. For the purposes of this section, "animal" shall not include dogs, which are regulated under Chapter 7 of the Ordinance.

Deleted: horse, cow, ox, swine, goat or other grazing

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