

MEMORANDUM

TO: Conservation Committee
FROM: Maureen O'Meara, Town Planner
DATE: February 8, 2019
SUBJECT: Dog Ordinance Revisions

Introduction

The Town Council has referred to the Conservation Committee a review of the Dog Ordinance. At its November, 2018 meeting, the Conservation Committee discussed a new approach to managing dog activities on municipal property, as well as conducting a review of the entire Dog Ordinance for updating. At the December, 2018 meeting, the Town Council endorsed this approach.

Discussion items

Draft amendments to the Dog Ordinance are attached. The Dog Ordinance is enforced by the Police Department and licensing is handled by the Town Clerk. For these reasons, staff has solicited comments from these departments and ongoing coordination of the ordinance should continue. Portions of the draft have not been reviewed by the Police Department as of this writing. Some discussion items include:

1. Alignment with state law. The current ordinance generally is consistent with state law. The committee and the Police Department may want to discuss amending the ordinance to mirror state language. Some of the proposed amendments replace dated town text with state language. Examples of this are in the definitions section (Dog, At Large, Dangerous dog, Nuisance Dog). License provisions have been updated to reflect state law as well as the Dogs at Large section.

Impoundment does not mirror state law. This section may need more work to add state references when appropriate, while still incorporating language that better reflects local practice. For example, it is local practice for the Police Department to keep a dog for up to 1 day in an effort to locate the owner before transferring the dog to the Animal control shelter.

2. Limited Privileges List. The primary motivation for updating the Dog Ordinance is to provide for better management on town owned open space. Currently, when there are violations, the main option is to go to court to have a dog declared dangerous. To better manage town open

space, it may be appropriate to create an interim enforcement tool before the court option. The draft suggests creating a "Limited Privileges List" for dog owners who have been cited for not controlling a dog. Dog owners on the list would not be allowed to have a dog off-leash on town owned open space. If this interim management tool has support, the concept will probably need more work. For example, would a dog owner have the option to be removed from the list if they completed a dog training course? Should there be a first, second, third step offense ladder? Information on how often the town has pursued the dangerous dog declaration may also be helpful.

3. Municipal property rules. The Conservation Committee has previously supported adding a requirement that dogs must be on leash within 25' of a parking lot. This needs to be added to the draft. Another issue has been if all dog owners must carry a leash on municipal property. Does the town want to establish leash length rules?
4. Time for department input. Before the amendments are finalized, the Police Department and Animal Control Officer should have an opportunity to review a complete draft. A review by the Town Attorney for clarity and appropriate M.R.S.A. citation is also recommended.

Next Steps

After a full review and discussion of the draft, the Conservation Committee may want to table this to the next meeting.