

MEMORANDUM

TO: Conservation Committee
FROM: Maureen O'Meara, Town Planner
DATE: October 9, 2018
SUBJECT: Dog Ordinance Revisions

Introduction

At the March 12, 2018 meeting, the Town Council referred to the Conservation Committee a request to review and recommend updates to the Dog Ordinance (See referral). This memo is provided to assist the Conservation Committee in framing its task.

Scope

The Conservation Committee may want to begin by agreeing on the scope of the review it will perform. The Dog Ordinance is attached. Below are descriptions of 3 options for scope of review.

Option 1: Sec. 7-1-7 only

There has been significant interest and discussion over the last year about appropriate dog regulations on town owned open space. Sec. 7-1-7 of the Dog Ordinance regulates dogs on municipal property and the Conservation Committee review could be limited to just this section.

Option 2: Sec. 7-1-7 plus related sections only as needed

This option anticipates that changes to Sec. 7-1-7 could ripple into other sections, such as Definitions. This option still is a limited scope focused on municipal property.

Option 3: Full Ordinance modernization

This option acknowledges that it has been a long time since the entire Dog Ordinance has been reviewed and modernization changes may be appropriate. The focus would begin on Sec. 7-1-7, but input from the Police Department and the public would be used to update the ordinance.

Research

Attached are summaries of how dog access is regulated on many Maine beaches. Ordinances from Kennebunkport, Old Orchard Beach, and York are provided, as well as Rules and Regulations from the City of South Portland. A request to the Police Department for dog complaints made in the last year can also be made.

authorized under the ordinance and changes must only be made after public notice. For example:

| Town property | Management Authority | Policy change Mechanism |
|-----------------------------|---------------------------------|---|
| Fort Williams Park | Town Council | Public Hearing |
| Athletic Fields | Athletic Director | Thirty day notice on town website |
| Other town owned open space | Conservation Committee | Committee meeting posted on town website |
| Remaining town land | Town Council or department head | Public Hearing Thirty day notice on town website |

It must be emphasized that the ability of the Police Department to enforce this approach requires a clear public record of the management category assigned. There also needs to be a discussion about how much management the Town Council will comfortably delegate to others or if the Town Council wishes to retain the authority it has now by ordinance. Any delegation would need to be adopted into the ordinance.

Using Cliff House Beach as an example, this system would have allowed the proposal developed by the Conservation Committee in May, 2018 to regulate dogs by season and time of day as follows.

Category 1: May 1 to October 1 9:00 am-5:59 am
October 2 - April 30, nighttime hours

Category 3: May 1 to October 1 6:00 am to 8:59 am
October 2 - April 30, day light hours

If the enforcement category approach is not appealing, the committee can instead focus on clarifying / replacing the "groomed" areas language with less ambiguous language.

Next Steps

The Conservation Committee should decide how it would like to proceed, identify additional information that may be needed, request input from town staff and Town Council as needed, and agree on a public input process.



Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Dog Ordinance and other items referred

2 messages

Matthew Sturgis <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Wed, Mar 14, 2018 at 10:43 AM

Dear Maureen,

On Monday, March 12 the Town Council referred section 7-1-7 of Chapter 7 the Dog Ordinance to the Conservation Committee for review and recommendation.

The Council also referred the funding request for purchase of Robinson Woods III to the Conservation Committee for review and recommendation.

Andrew Gilbert of 32 Aster Lane was appointed to the Planning Board.

Finally, the request of Tower Specialists (Justin Strout) to change the existing Tower Overlay District on Map R05 Lot 24 and 29 was referred to the Planning Board for review and recommendation.

Thank you for your assistance,

Matt

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

Maureen O'Meara <maureen.omeara@capeelizabeth.org> Wed, Mar 14, 2018 at 11:29 AM
To: Jeremy Gabrielson <jeremygabrielson@hotmail.com>, Jim Tasse <jamestasse@mac.com>, Mark Fleming <mfleming@maine.rr.com>, Marti Blair <martiblair@maine.rr.com>, Mitch Wacksman <mitch_wacksman@hotmail.com>, Robert Petitt <rgpetitt@gmail.com>, Zach Matzkin <zmatzkin@mac.com>, Carol Anne Jordan <cajordan@jordansfarm.com>, Hiromi Dolliver <dandhdolliver@gmail.com>, Jim Huebener <jhuebener56@gmail.com>, Jonathan Sahrbeck <jonathansahrbeck@hotmail.com>, Josef Chalat <AzimuthBlu@gmail.com>, Peter Curry <peterlc.curry@gmail.com>, Victoria Volent <VVolent@gmail.com>

FYI,

Maureen

[Quoted text hidden]

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New England Dog Travel (/)

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Dog-Friendly Beaches in Maine

Maine beaches are pretty dog-friendly all year with many towns allowing dogs during certain hours even in season. Some listings we found don't mention off-season rules so always err on the side of caution and have your buddy on leash. And as always, observe the rules of petiquette - pick up the poop and don't let your dog off-leash unless you have complete voice control!

Bar Harbor - Dogs are allowed on Hadley Point Beach on leash.

Biddeford - Dogs are allowed on leash at Biddeford Pool and Hills Beach before 9 am and after 8 pm.

Kennebunk - Kennebunk has three beach areas (Gooch's, Middle, and Mother's) that allow dogs on leash before 9 am and after 5 pm from June 15 - Labor Day. They're allowed anytime otherwise.

Kennebunkport - Kennebunkport's two public beaches - Goose Rock and Colony - allow dogs on leash before 8 am and after 6 pm from June 15 to September 15 and anytime otherwise.

Kittery - Dogs are allowed on leash at Crescent Beach, Fort Foster Park, and Seapoint beach.

Ogunquit - Not so dog-friendly! Dogs are banned from April 1 to October 1.

Old Orchard Beach - Sleep in! Dogs are allowed before 10 am and after 5 pm.

Portland - East End Beach says no dogs from the day before Memorial day to the day after Labor day. Willard Beach allows dogs on leash from 6-9 am from May 1 to September 30.

Saco - We love Saco! Dogs are allowed on all Saco beaches (except for Ferry Beach State Park beach only) on leash ALL YEAR! The beaches are Bayview, Camp Ellis, and Kenney Shores. Dogs are also allowed at Diamond Riverside Boat Ramp which includes a picnic area.

Scarborough - Scarborough has some complex new rules (as of May 2014) for their beaches so I recommend reading about them before you go - Scarborough Beach Ordinance (<http://www.scarboroughmaine.org/departments/community-services/news/reminderupdatedanimalcontrolordinance>).

Stockton Springs - There's a lot to love about Sandy Point Beach - parking, trails, restrooms, and off-leash fun for dogs (Just keep them under voice control and don't forget the poop bags!).

South Portland - Willard Beach has off-leash hours 7-9AM and 7-9PM from May 1-October 1 and free-range in the off-season. It's also located near The Whole Dog Market (<http://sopo.thewhologmarket.com>).

Wells - Dogs are allowed on Wells beaches from April 1 - June 15 on leash and from June 16 - September 15 before 8 am and after 6 pm.

York - We may love York even more than Saco because it has even more dog-friendly beaches. From May 20 to September 20 dogs can run free (owner should be leash-ready) from sunrise 'til 8 am. No dogs allowed between 8 am and 6 pm. From 6 pm - sunset, dogs are allowed on leash. The rest of the year they can run amok! Beaches include Cape Neddick, York Harbor, Long Sands, Short Sands, and Steadman Woods.

9/10/2018

Dog-Friendly Beaches in Maine - New England Dog Travel

Did we miss your favorite beach? Let us know (<http://www.newenglanddogtravel.com/Contact-Us.html>)! Send us your pictures of your dog at the beach in Maine! Find out about other fun activities (<http://www.newenglanddogtravel.com/Dog-Friendly-Events.html>) and places to stay (<http://www.newenglanddogtravel.com/Dog-Friendly-Lodging-in-Maine.html>) in Maine.

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BOOK ONLINE

Arriving: 9/10/2018 Departing:

CHECK AVAILABILITY

Property Type:

Bedrooms: Guests:

Beach Rules & Tips

"The Law of the Land"

Even in paradise, there are few rules. Fortunately, at Higgins Beach, there aren't too many of them.

No Parking on Streets April 1 to October 1.

Summer Dog Rules

From May 15 to Labor Day: 9 a.m. to 5 p.m. no dogs on beach; from sunrise to 9 a.m. dogs ok on leash or voice control; after 5 p.m. to sunset dogs ok only on leash. Look for posted red signs indicating restricted areas.

From April 1 to Labor Day, dogs are not allowed in restricted beach area between Champion Street and the Spurwink River.

Off-Season Dog Rules

From after Labor Day to May 14: on leash between 1-3 p.m. Dogs ok all other hours on voice control.

No Surfing 11 a.m. to 5 p.m., June 15 to Sept 15.

And remember, the beach doesn't clean itself... Please pick up after your pets and carry out your trash!

Striper Regulations

Download the latest [State of Maine Striped Bass Regulations](#) (PDF)



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We Support Maine Healthy Beaches

Let's Keep Maine Beaches Healthy: We're all in this together and Higgins Beach deserves our respect and protection. Please pitch in and carry out what you carry in.

Check out the [Higgins Beach Status and Data](#) and learn more about [Maine Healthy Beaches](#).




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50°
BREEZY

Willard Beach

[Home \(/\)](#) / [Departments \(/departments/\)](#)

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/ [Parks Department \(/departments/parks-recreation-aquaticspool/parks-department/\)](#)

/ [Parks, Trails & Beaches \(/departments/parks-recreation-aquaticspool/parks-department/parks-trails-beaches/\)](#)

/ Willard Beach

[Section Menu](#)

Willard Beach

Willard Beach is a small sand and pebble beach tucked between Fisherman's Point and the campus of Southern Maine Community College in a quiet neighborhood of South Portland. Just four acres in size, the beach hugs Simonton Cove and is enjoyed immensely by visitors and locals alike. Spread out in the sun and take in the views of Cushing Island and Ram Island Light in Casco Bay. Go for a refreshing swim, breathe in the salty air, listen to the buoys clang offshore and watch the ferries ply the waters of the bay.

The bathhouse is open in summer, and has restrooms, a snack bar and showers. There is parking for 75 cars a short walk from the beach on [Willow St](#)



(<https://www.google.com/maps/@43.6408866,-70.2281842,3a,75y,167.84h,79.32t/data=!3m6!1e1!3m4!1sC6s7so-EdKil5hWnCFrjxQI2e0!7i1331218i6656!6m1!1e1>). Dogs are allowed in summer, but only before 9 a.m. and after 7 p.m.

From the north end of the beach, stairs lead up to the Spring Point Shoreway Trail on SMCC's campus. The trail leads a short distance to Spring Point Ledge Lighthouse, in operation since 1897 at the entrance to Portland Harbor.