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CHAPTER 7
DOGS

Article I. Dog Control. [Adopted eff. 7/23/69, pursuant to R.S. 1964, T. 7, Sec. 3451 ff.; amended eff. 6/13/73; amended eff. 2/8/90; amended eff. 2/08/2018]

Sec. 7-1-1. Purpose. The purpose of this ordinance is to control dogs throughout the Town of Cape Elizabeth in the interest of the health, safety and general welfare of its residents.

Sec. 7-1-2. Definitions. As used in this ordinance, unless the context otherwise indicates.

[Put definitions in alphabetical order]

- (a) "Dog" shall apply to both male and female dogs.
- (b) "Owner" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- (c) "At large" shall mean off the premises of the owner or responsible party and not being under ~~the voice~~the control of the owner or responsible party. ~~of any person by means of that person's proximity to the dog, and their ability to manipulate and command the animal.~~
- (d) "Leash" shall mean a hand held device, 30 feet or less in length, used to restrain a dog.
- (e) "Voice control" shall mean that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight control" shall mean that a dog is always within sight of the Responsible Party and the dog is capable of complying with Voice Control. A violation of this Ordinance occurs upon a failure to comply with the definition of either Voice Control or Sight Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and a violation of this Ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog.
- (f) "Responsible party" shall mean any person who has possession or custody of a dog. If a dog is present in violation of the restrictions of this ordinance, the owner of the dog and the responsible party are jointly and severally liable for the violation.

1
2 **Sec. 7-1-3. License**

3
4 (a) License. License, record and tag requirements shall be as prescribed and
5 required by Maine Statutes Annotated, and all rules and regulations duly
6 promulgated thereunder.

7
8 (b) Failure to Display Tags. It shall be unlawful for any dog owner or keeper
9 to fail to have affixed to the dog's collar, the license identification tag.
10 Said tag must be displayed on a collar constructed of a durable material
11 and sized so as to ensure the tag's attachment.

12
13 **Sec. 7-1-4. Barking and Howling.** No person shall own, keep or harbor any dog which
14 by loud, frequent, and habitual barking, howling or yelping, shall disturb the peace of any
15 person or persons.

16
17 **Sec. 7-1-5. Dangerous Dogs.** A dangerous dog is hereby defined to be a dog which by its
18 conduct shall cause reasonable fear of bodily injury to any person. The owner of any
19 dangerous dog shall keep same confined in a secure enclosure or on a chain or leash
20 controlled by the owner or his agent at all times. Procedures resulting in the disposal or
21 method of restraint of an animal who has assaulted a person shall be as prescribed and
22 required by Maine Statutes Annotated, Title 7 and succeeding amendments.

23
24 [A dangerous dog is not allowed on any municipal property unless it is on a leash no
25 longer than 12' and held by a responsible party.]

26
27 **Sec. 7-1-6. Failure to Restrain.** It shall be unlawful for any dog owner or keeper to fail
28 to restrain such an animal either by enclosed run, leash, tether, radio collar, choke collar
29 or voice command so that the animal attacks, harasses or menaces any pedestrian, jogger,
30 cyclist or passerby on any property, other than that which is in the care and control of the
31 dog owner.

32
33 **Sec. 7-1-7 Management of Dogs to be Restrained on Municipal Property.**

34
35 (a) Dogs on municipal property shall be controlled based on the Property
36 Management Category Designation.

37
38 1. Category 1: No dogs allowed. No dogs shall be allowed on any
39 municipal property assigned as Category 1 for the purpose of dog
40 control.

41
42 2. Category 2: Dogs allowed on leash only. Dogs that are restrained by
43 leash held by a responsible party, defined herein, are allowed on any
44 municipal property assigned Category 2.
45

1 3. Category 3: Dogs allowed on voice or leash control. Dogs that are under
2 the control of a responsible party by either voice or leash control are
3 allowed on any municipal property assigned Category 3.

4
5 (b) Property Management Category Designation shall be by property location
6 and may include 1 or more categories designated by location, time of day,
7 month, event or other measurement. The property manager shall be
8 responsible for posting signage when more than 1 category is applicable to
9 a municipal property. Property managers are designated as follows:

10
11 1. Fort Williams Park: Town Council

12
13 2. Municipal Athletic Fields: Athletic Director

14
15 3. Riverside Cemetery: Town Council

16
17 4. Municipal town open space (excluding property specified above):
18 Conservation Committee

19
20 5. All other municipal property: Town Council

21
22 (c) Property Management Category Designation shall be assigned by the
23 Town Council, and in the case of subsection b(2) and b(4) above, may be
24 changed by the designated property manager to promote sound property
25 management after proposed changes have been posted on the town website
26 for 30 days. The Town Council retains the authority, but not the
27 obligation, to change a Property Management Category Designation.
28 Notification of Property Management Category Designation shall be
29 provided to the Cape Elizabeth Police Chief.

30
31 ~~(a) Any dog within the boundaries of a groomed and/or regularly maintained~~
32 ~~municipal property including, but not limited to, Fort Williams Park,~~
33 ~~public roads, municipal sidewalks and athletic fields, will be walked on a~~
34 ~~leash or tether at all times. The person accompanying the dog in these~~
35 ~~situations is required to collect any feces dropped by the animal and~~
36 ~~dispose of same in an area where it will not likely be encountered by any~~
37 ~~persons. The Cape Elizabeth Poor Farm, Lions' Field excluding the Little~~
38 ~~League field, and a portion of Fort Williams Park Southerly of Humphreys~~
39 ~~Road (as defined in paragraph (b) are not considered to be groomed and/or~~
40 ~~regularly maintained for purposes of this ordinance.~~

41
42 (b) The Unleashed Dog Area in Fort Williams Park (encompassing the
43 MultiPurpose Field) is defined as an area abutting the Southerly edge of
44 the Central Parking Lot and extending westerly along the Southerly side of
45 the Heavy Equipment Storage Building, continuing Westerly directly
46 behind the long garages at the rear of the Officers Row buildings to

1 Harrison Road; continuing on (and including) Merriman Road along the
2 northerly border of Delano Park to the water's edge; then extending
3 northerly along the shoreline turning westerly across "The Green" to the
4 southern end of Battery Blair; turning northerly then westerly back to the
5 Southerly edge of the Central Parking Lot (as referenced on the Unleashed
6 Dog Area Map dated (insert date)). Unleashed dogs are prohibited on the
7 Multi-Purpose Athletic Field from April 1st to November 1st.
8

9 **Sec. 7-1-8. Impoundment.** Unlicensed dog, whether or not at large, and dogs found
10 running at large, whether or not licensed, shall with or without complaint be taken up and
11 impounded by a police officer or dog control officer in a shelter designated by the Town
12 as the Town Animal Shelter and there confined in a humane manner for a period of not
13 more than fourteen (14) days.
14

15 **Sec. 7-1-9. Disposition of Impounded Dogs.**

16
17 (a) Any owner may regain possession of an impounded dog upon compliance
18 with provision of Section 7-1-3 (a) of this ordinance, and upon payment of
19 the impoundment and boarding fees set forth herein. Any dog impounded
20 under the provisions of this ordinance and not reclaimed by the owner
21 within said fourteen (14) days, shall be considered to be abandoned by the
22 owner and the property of the Town Animal Shelter and may, after
23 consultation with the Humane Society and/or the Animal Refuge League,
24 be humanely destroyed or given to the Humane Society and/or the Animal
25 Refuge League, or any person deemed to be responsible and a suitable
26 owner.
27

28 (b) Where the ownership of any such dog is known, or can be reasonably
29 ascertained by a police officer or dog control officer, such officer shall, if
30 possible, notify the owner within three (3) days of such impoundment, but
31 failure to give such notice shall in no way impose any liability upon the
32 Town for the destruction or transfer to another of any dog so impounded
33 and not reclaimed within said period of fourteen (14) days.
34

35 **Sec. 7-1-10. Fees and Boarding Charges.** Any dog impounded hereunder may be
36 reclaimed upon payment to the Town, through the Cape Elizabeth Police Department of
37 an impoundment fee of \$5.00 for each dog, except upon the second impoundment of the
38 same dog the fee shall be \$20.00, and upon the third and all subsequent impoundments of
39 the same dog the fee shall be \$40.00; and upon presentation to the Animal Shelter,
40 currently designated by the Town to receive impounded dogs, of evidence of such
41 payment to the Town and upon payment to that animal shelter of a further board fee in
42 accordance with the current fee schedule of the animal shelter.
43

44 [Perhaps specify fees in Town Fee Schedule to facilitate periodic updating?]
45

1 **Sec. 7-1-11. Interference Forbidden.** No person shall interfere with, hinder or molest
2 any police officer or dog control officer in the performance of any duty of such officer, or
3 seek release of any dog in the custody of a police officer or dog control officer, except as
4 herein provided.

5
6 **Sec. 7-1-12. Records.** It shall be the duty of a police officer or dog control officer to
7 keep, or cause to be kept, an accurate and detailed record of the licensing, impoundment
8 and disposition of all dogs coming into his custody.

9
10 **Sec. 7-1-13. Enforcement.** The Cape Elizabeth dog control officer and the Cape
11 Elizabeth Police Department are hereby directed and empowered to enforce the
12 provisions of this ordinance.

13
14 **Sec. 7-1-14. Penalties.** Whoever keeps a dog contrary to the provisions of Sections 7- 1-
15 3, 4, 5, 6, 7, or 11 of this ordinance shall be punished by a fine of not more than One
16 Hundred Dollars (\$100.00) to be recovered by complaint for the use of the Town of Cape
17 Elizabeth before the 9th District Court of Maine, Division of Southern Cumberland. In
18 addition, said Court may make such further order regarding the destruction, restraint or
19 other disposition of the offending dog as the Court deems appropriate. (Revised eff .
20 2/8/2018)

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