

**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, remove (letter) notation]

- (a) "Dog" shall mean a member of the genus and species known as canis familiaris, or any canine, regardless of generation, resulting from the interbreeding of a member of canis familiaris with a wolf hybrid.
- (b) "Owner" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog. When a dog is in the custody of a "Responsible Party," all the provisions of an "Owner" shall apply.
- (c) "At large" shall mean off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
- (d) "Dangerous dog" shall mean a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog's premises at the time of the injury or death; a dog that causes a reasonable and prudent person who is not on the dog owner's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog owner's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog. For the purpose of this definition, "owner's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner. Dangerous dog does not include:
  1. A dog certified by the State and used for law enforcement use;
  2. A dog that injures or threatens to assault an individual who is on the dog owner's premises if the dog has no prior history of assault

1 and was provided by the individual immediately prior to the injury  
2 or threatened assault; or

3 3. A dog that inflicts serious bodily injury on or causes the death of  
4 an individual who is committing a crime against an individual or  
5 property owned by the dog owner.

6 (e) "Leash" shall mean a hand held device, 30 feet or less in length, used to  
7 restrain a dog.

8 (f) "Nuisance dog" shall mean a dog that causes bodily injury, other than  
9 serious bodily injury, to an individual or a domesticated animal who is not  
10 trespassing on the dog owner's premises at the time of the injury; a dog  
11 that causes a reasonable and prudent person who is not on the dog owner's  
12 premises and is acting in a reasonable and nonaggressive manner to fear  
13 bodily injury, other than serious bodily injury, by assaulting or threatening  
14 to assault that individual or individual's domesticated animal; or a dog that  
15 causes damage to property or crops not owned by the dog owner while the  
16 dog is not on the owner's premises. For the purposes of this definition, dog  
17 owner's premises means the residence or residences, including buildings  
18 and land and motor vehicles, belonging to the owner of the dog. Nuisance  
19 dog does not include:

20 1. A dog certified by the State and used for law enforcement use;

21 2. A dog that injures or threatens to assault an individual who is on  
22 the dog owner's premises if the dog has no prior history of assault  
23 and was provoked by the individual immediately prior to the injury  
24 or threatened assault; or

25 3. A dog that inflicts bodily injury on an individual who is  
26 committing a crime against an individual or property owned by the  
27 dog owner.

28 (g) "Sight and Voice control" shall mean that the dog returns immediately to  
29 and remains by the side of the responsible party in response to the  
30 responsible party's verbal command. "Sight control" shall mean that a dog  
31 is always within sight of the Responsible Party and the dog is capable of  
32 complying with Voice Control. A violation of this Ordinance occurs upon  
33 a failure to comply with the definition of either Voice Control or Sight  
34 Control. If a dog approaches or remains within 10 feet of any person other  
35 than the responsible party or if a dog bites a person or animal, that dog is  
36 not under voice control and a violation of this Ordinance occurs unless  
37 such person (or in the case of a minor child, an adult present with the  
38 child) has communicated to the responsible party by spoken word or  
39 gesture that such person consents to the presence of the dog.

1 | (h) "Responsible party" shall mean any person who has possession or  
2 | custody of a dog. If a dog is present in violation of the restrictions of this  
3 | ordinance, the owner of the dog and the responsible party are jointly and  
4 | severally liable for the violation.

5 | **Sec. 7-1-3. License.** Any person who violates any section of the dog licensing  
6 | requirements commits a civil violation for which a forfeiture may be adjudged.

7 |  
8 | (a) License and Tag Requirements. Each owner or keeper of a dog at the age  
9 | of 6 months or over shall, on or before January 1, annually, or at such time  
10 | as such dog becomes 6 months old, obtain a license from the town clerk's  
11 | office in accordance with 7 M.R.S.A. Chapter 721. An owner or keeper of  
12 | a dog declared as a wolf hybrid is also subject as required by the laws of  
13 | the State of Maine.

14 |  
15 | (b) Failure to Display Tags. It shall be unlawful for any dog owner or keeper  
16 | to fail to have affixed to the dog's collar, the license identification and  
17 | rabies tag. Said tags must be securely attached to a collar of leather, metal  
18 | or materials of comparable strength. The collar shall be worn at all times  
19 | by the dog for which the license and rabies tags were issued, except that a  
20 | dog is not required to wear a tag when on premises of the owner or off the  
21 | premises of the owner while hunting, in training, or in an exhibition.

22 |  
23 | **Sec. 7-1-4. Barking and Howling.** No person shall own, keep or harbor any dog which  
24 | by loud, frequent, and habitual barking, howling or yelping, shall disturb the peace of any  
25 | person or persons.

26 |  
27 | **Sec. 7-1-5. Dangerous Dog or Nuisance Dog.** The keeping of a dangerous or nuisance  
28 | dog shall be regulated by Title 7 M.R.S.A Sec. 3952-A and succeeding amendments.

29 |  
30 | If there is an incident where a dog may have engaged in dangerous or nuisance behavior,  
31 | the incident shall immediately be reported to the Cape Elizabeth Police Department. The  
32 | owner of the dog shall remain on scene to provide contact information to the Police  
33 | Department.

34 |  
35 | **Sec. 7-1-6. Dogs At Large.** It shall be unlawful for any dog, licensed or unlicensed, to be  
36 | at large, except when used for hunting. The owner of any dog found at large is subject to  
37 | the penalties provided in Title 7 M.R.S.A. Chapter 719.

38 |  
39 | **Sec. 7-1-8 Management of Dogs on Municipal Property.**

40 |  
41 | At all times, dogs on municipal property shall be controlled to the extent necessary to  
42 | preserve access and safety for all members of the public. Any dog in or within ten feet  
43 | (10') of a municipal parking lot must be restrained on a leash.

- 1 (a) Dogs on municipal property shall be controlled based on the Property  
2 Management Category Designation.  
3  
4 1. Category 1: No dogs allowed. No dogs shall be allowed on any  
5 municipal property assigned as Category 1 for the purpose of dog  
6 control.  
7  
8 2. Category 2: Dogs allowed on leash only. Dogs that are restrained by  
9 leash held by a responsible party, defined herein, are allowed on any  
10 municipal property assigned Category 2.  
11  
12 3. Category 3: Dogs allowed on voice or leash control. Dogs that are under  
13 the control of a responsible party by either voice or leash control are  
14 allowed on any municipal property assigned Category 3.  
15  
16 (b) Property Manager. Property Management Category Designation shall be  
17 by property location and may include 1 or more categories designated by  
18 location, time of day, month, event or other measurement. Property  
19 managers are designated as follows:  
20  
21 1. Athletic Fields located on the school campus: Superintendent of  
22 Schools  
23  
24 2. Municipal town open space (excluding Fort Williams Park):  
25 Conservation Committee  
26  
27 3. All other municipal property: Town Council  
28  
29 (c) Designation change. Property Management Category Designation shall be  
30 assigned by the Town Council, and in the case of subsection b(1) and b(2)  
31 above, may be changed by the designated property manager to promote  
32 sound property management after proposed changes have been posted on  
33 the town website for 30 days. The Town Council retains the authority, but  
34 not the obligation, to change a Property Management Category  
35 Designation. Notification of Property Management Category Designation  
36 shall be provided to the Cape Elizabeth Police Chief.  
37  
38 (d) Limited Privileges List. When the Cape Elizabeth Police  
39 Department has determined that a dog has not been under control in accordance with  
40 Sec. 7-1-8(a) above, the Owner shall be added to the Limited Privileges List. Dog  
41 owners on the Limited Privileges List may only allow a dog on a Category 3 municipal  
42 property if the dog is on a leash.  
43

44 **Sec. 7-1-8. Removal of Dog Waste.** An owner must remove and dispose of any feces  
45 left by the owner's dog on any sidewalk, street, beach, public property or private property  
46 (other than the property of dog owner or a person who has consented to the presence of

1 the dog on the person's property) and deposit such feces into an appropriate litter  
2 receptacle. When the dog is at a location where removal of dog waste is required, the  
3 owner must be in possession of a plastic bag or similar utensil not part of the human body  
4 for collecting and removing dog feces. Dog feces placed in plastic bags may not be left  
5 where removal of dog waste is required. Removal of dog waste shall not be required of  
6 any owner who, by reason of physical handicap, is unable to comply with this  
7 requirement.

8  
9 **Sec. 7-1-9. Impoundment.** The Cape Elizabeth Police Department may impound any  
10 dog in violation of this ordinance, or otherwise in possession of the Cape Elizabeth Police  
11 Department. An impounded dog may be temporarily housed in the Cape Elizabeth Police  
12 Department for a period not to exceed 24 hours and then, if necessary in an animal shelter  
13 designated by the Town and there confined in a humane manner for a period of not more  
14 than fourteen (14) days.

15  
16 **Sec. 7-1-10. Disposition of Impounded Dogs.**

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18 (a) Any owner may regain possession of an impounded dog upon compliance  
19 with the provisions of this ordinance,. Any dog impounded under the  
20 provisions of this ordinance and not reclaimed by the owner within said  
21 fourteen (14) days, shall be considered to be abandoned by the owner.

22  
23 (b) Where the ownership of any such dog is known, or can be reasonably  
24 ascertained by a police officer or dog control officer, such officer shall, if  
25 possible, notify the owner within three (3) days of such impoundment, but  
26 failure to give such notice shall in no way impose any liability upon the  
27 Town for the destruction or transfer to another of any dog so impounded  
28 and not reclaimed within said period of fourteen (14) days.

29  
30 **Sec. 7-1-11. Fees and Boarding Charges.** Any dog impounded hereunder may be  
31 reclaimed upon payment to the Town, through the Cape Elizabeth Police Department of  
32 an impoundment fee as established in the Town Fee Schedule.

33  
34 **Sec. 7-1-12. Interference Forbidden.** No person shall interfere with, hinder or molest  
35 any police officer or dog control officer in the performance of any duty of such officer, or  
36 seek release of any dog in the custody of a police officer or dog control officer, except as  
37 herein provided.

38  
39 **Sec. 7-1-13. Records.** It shall be the duty of a police officer or dog control officer to  
40 keep, or cause to be kept, an accurate and detailed record of the licensing, impoundment  
41 and disposition of all dogs coming into his custody.

42  
43 **Sec. 7-1-14. Enforcement.** The Cape Elizabeth dog control officer and the Cape  
44 Elizabeth Police Department are hereby directed and empowered to enforce the  
45 provisions of this ordinance.

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

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