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NYT Global Home - G.O.P. Newcomers Set Out to Undo Obama Victories - 7 hours ago

Web Clip [« Back to Inbox](#)[« Newer 61 of 87 Older »](#)[New window](#)[Print all](#)[Collapse all](#)[Forward all](#)**Roosters / Chickens** Inbox X

		<input type="button" value="Reply"/>
from	Neil Williams	hide details 12/23/10 (11 days ago)
	<neil.williams@capeelizabeth.org>	
to	Maureen O'Meara	
	<maureen.omeara@capeelizabeth.org>	
date	Thu, Dec 23, 2010 at 12:36 PM	
subject	Roosters / Chickens	
mailed-by	capeelizabeth.org	
Maureen,		
In regards to your inquiry as to what the Police Department has on hand for ordinances or laws on controlling roosters or chickens being kept by Cape Elizabeth residents, here is my response:		
Chapter 12 (Miscellaneous Offenses)		
Sec. 12-1-1 (Disturbing the Peace)		
This section specifically states no person shall disturb the peace. It also states that this shall not apply to agricultural activities if you wanted to stretch it that far. Thus this section does not relate to a chicken disturbing the peace.		
Sec. 12-1-2 (Animal Control)		
This section only pertains to certain animals being at large. Again, it states grazing animals and I think that may be a stretch for chickens.		
Chapter 7 (Dogs)		
Sec.7-1-4 (Barking and Howling)		
This section deals solely with dogs disturbing the peace and not other animals.		
It is my belief that most communities have ordinances that define what properties and where these properties are located in their community in order to control the situation. Therefore, the enforcement part would come under something such as Code Enforcement and not the Police Department.		
Should you need anything further please don't hesitate to contact me.		
Neil		
<input type="button" value="Reply"/> <input type="button" value="Forward"/> <input type="button" value="Reply by chat to Neil"/>		

Your message has been sent.**Maureen O'Meara to Ne** [show details](#) 9:52 AM (0 minutes ago)

Thanks Neil. This is a very helpful summary.

Maureen

- Show quoted text -

Maureen O'Meara
Town Planner
Town of Cape Elizabeth

From: "Michael McGovern" <cetm@maine.rr.com>
Subject: **Roosters**
Date: August 10, 2010 10:23:29 AM EDT
To: "Maureen O'Meara" <maureen.omeara@capeelizabeth.org>
Cc: "Anne E. Swift-Kayatta" <aeskay@maine.rr.com>, <pennyjordan@jordansfarm.com>, "Debra M. Lane" <debra.lane@capeelizabeth.org>
 2 Attachments, 39.0 KB 

Dear Maureen:

The Cape Elizabeth Town Council last evening referred to the Planning Board a suggestion that the Town should consider the status of roosters in Cape Elizabeth. I have attached a letter received from a citizen on this topic.

At the Town Council meeting, Councilor Jordan mentioned that the Cape Farm Alliance had some suggestions on this issue. I recommended to Councilor Jordan that she forward the Cape Farm Alliance recommendation directly to the Planning Board.

Best regards,

Mike



[Attach0.html \(3.0 KB\)](#)

June 19th, 2010
Mr. Michael McGovern, Town Manager
320 Ocean House Road
Cape Elizabeth, Maine 04107

Dear Mr. McGovern,

I am writing to request that the town of Cape Elizabeth consider the creation of an ordinance banning roosters in residential areas.

While raising chickens in residential areas for fresh egg production has been allowed in many neighboring cities and towns, most locales have seen fit to exclude roosters since they are not necessary for chickens to produce eggs and the crowing rooster is a very serious noise issue especially in residential areas.

It sounds trivial and almost comical unless you are the one being awakened by a crowing rooster at 4:00 AM or earlier, 50 feet from your bedroom window.

Your help in this matter is greatly appreciated. I hope Cape Elizabeth can give this matter the same thoughtful consideration that our neighboring towns have.

Regards,



John E and Debra Maley
42 Ocean House Road
Caple Elizabeth, Maine 04107

August 17, 2010

Attention: Councilor David Sherman
Ordinance Subcommittee
c/o Town of Cape Elizabeth
P.O. Box 6260
Cape Elizabeth, Maine 04107

Dear Councilor Sherman:

I am writing with regard to the proposed "rooster" ordinance. I had the unfortunate experience of living adjacent to a rooster in a residential neighborhood in Cape Elizabeth and was very surprised to learn our town has nothing in place to deal with this issue.

And the issue goes well beyond whether or not a rooster is a public disturbance or whether or not roosters should be restricted to agricultural zones; the problem is rooted in the town's lack of protocol for dealing with what types of "domesticated" animals may be allowed in a residential area.

While my neighbor finally removed the rooster, our problem did not disappear. This particular neighbor decided goats would make a nice addition to our neighborhood. The goats were followed by ducks (which make as much noise as a rooster, although they are not as annoying) and are in addition to the rabbits and dogs. What's next? An ostrich, three pigs and an alpaca? Our neighbor has more living creatures per capita on less than a half acre than most commercial breeders in our town! Yet, there is absolutely nothing in our town ordinance to help the neighborhood remedy this situation.

So, I am writing to ask the ordinance subcommittee to take a wider look at the entire issue of animals and fowl in residential neighborhoods. Zoning for roosters is only part of the picture.

If I could recommend a proposal, it would simply be that any neighbor who wants to have an outdoor animal must get the written permission of all abutting neighbors. If a new person moves into the neighborhood, those particular animals would already be permitted (i.e., a new neighbor should be aware of what they are getting themselves involved with), but it would prevent one neighbor from single-handedly violating the character of any particular neighborhood by unilaterally deciding to become a pig farmer.

This solution would seem to take care of agricultural areas (don't buy a house next to a farm, then complain that you live next to a farm), but would also seem in line with recent attempts to create new farm land by getting permission of surrounding neighbors and also preserving the quiet sanctity of residential neighborhoods that should not have outdoor animals.

Thank you for your consideration,

Robert Chatfield
22 Beacon Lane
Cape Elizabeth, Maine 04107

From: "Bruce Smith" <bruce.smith@capeelizabeth.org>
Subject: **Re: Fwd: Rooster Ordinance - please forward**
Date: August 24, 2010 12:55:01 PM EDT
To: robchat@exitstage.com
Cc: David Sherman <dsherman@dwmlaw.com>, James Walsh <jwalsh2@maine.rr.com>, Frank Governali <governalipublic@maine.rr.com>, "Maureen O'Meara" <maureen.omeara@capeelizabeth.org>

Dear Mr. Chatfield,

The current Ordinance does not allow livestock such as a horse, cow, pig, goat, sheep or similar animal on any lot with an area of less than 100,000 sf. I have told Ms. Page to get rid of the goats and will check on that issue this afternoon.

Bruce A. Smith
Code Enforcement Officer
Town of Cape Elizabeth, Maine
Tel: 1-207-7991619
Fax: 1-207-7995598
email: bruce.smith@capeelizabeth.org

"Maureen O'Meara" <maureen.omeara@capeelizabeth.org> writes:
FYI,

Maureen

Begin forwarded message:

> From: "Michael McGovern" <cetm@maine.rr.com>
> Date: August 24, 2010 9:28:15 AM EDT
> To: "Maureen O'Meara" <maureen.omeara@capeelizabeth.org>
> Subject: FW: Rooster Ordinance - please forward

> From: Debra M. Lane [<mailto:debra.lane@capeelizabeth.org>]
> Sent: Monday, August 23, 2010 8:32 AM
> To: 'Michael McGovern'
> Subject: FW: Rooster Ordinance - please forward

> Michael:

> I am uncertain if you received a copy of the email while I was on

Steve Sullivan

August 14, 2010

Dear Mr. Sherman,

I own two homes on Beacon Lane at Two Lights. Recently a neighbor decided she would start raising chickens on her property which is in close proximity to my properties. As part of the program she brought in a rooster. In the early morning hours the rooster made his presence known. I received complaints from tenants and a month later one moved out. I do not know if it was because of the rooster or some other reason. I do know that people have a right to quiet and there is no place for roosters in a neighborhood setting.

I've been told you head an ordinance committee looking at such matters. I thought you should have my input.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Sullivan", with a long horizontal line extending to the right.

Steve Sullivan

5 Van Rose Drive
North Haven, CT 06473
860-248-1744
info@stevesullivan.com
www.stevesullivan.com

David Sherman, Chairman
Cape Elizabeth Ordinance Committee
Town Hall
Cape Elizabeth, ME 04107

August 14, 2010

Re: Rooster Ordinance

Dear David:

My husband and I moved to Cape Elizabeth in 2002, attracted to its beauty and access to the ocean and outdoors. During our first summer here, we were delighted to also discover our farms and farm markets. We have found a community here where people treat one another with extraordinary concern and respect and we love our life here. These aspects of our town that we value so highly should be compatible and not in conflict.

Our neighbors recently acquired chickens and shortly thereafter, a rooster. Their pen is located approximately forty feet from our bedroom window. We were awakened one morning at 3:12 AM with 10 crows from the rooster, followed by eight crows at 3:40AM. This continued until dawn and then sporadically throughout the day. Our sleep patterns were disrupted nightly for weeks.

Fortunately for us, our neighbor returned the rooster to the farm where they acquired it and we are now able to sleep undisturbed.

Maintaining the serenity of this extraordinary community and the spirit of concern and cooperation we have come to expect should not be a difficult problem. Roosters may be necessary and appropriate in actual farm settings, but they cause conflict and disturbance in more densely populated residential areas. Cape Elizabeth has an ordinance to preclude disturbance from barking dogs. We assure you that this problem is every bit as disturbing if not more so. Please take measures to ensure that roosters are banned from neighborhoods such as ours. Thank you for your consideration.

Sincerely,



Sherry & Gib Mendelson
20 Beacon Lane
207-767-1777
gib.mendelson@yahoo.com

From: Maureen O'Meara <maureen.omeara@capeelizabeth.org>
Subject: Chickens and Roosters
Date: August 17, 2010 10:06:48 AM EDT
To: Bruce Smith <Bruce.smith@capeelizabeth.org>


Bruce,

The Town Council has forwarded to the Planning Board a request to prepare recommendations regarding roosters.

I anticipate that the subject of chickens may also come up during discussion. Would you please describe how you are currently regulating both roosters and chickens under the current Zoning regulations, including specific ordinance section citations? I expect that the Planning Board will want this information when they are preparing their recommendation.

Thank you.

Maureen

From: "Bruce Smith" <bruce.smith@capeelizabeth.org>
Subject: **Re: Chickens and Roosters**
Date: August 31, 2010 8:16:35 AM EDT
To: "Maureen O'Meara" <maureen.omeara@capeelizabeth.org>
 1 Attachment, 5.8 KB

Maureen,

Sorry for the delay in getting back to you.

The RA, RB and RC Districts' permitted use sections allow agriculture and the keeping of livestock for commercial purposes only on lots of 100,000 sf or more. Under agriculture, residents may keep fowl such as chickens, roosters, ducks, geese, etc. for their own personal use on lots of less than 100,000 sf. (See Article VI, Section 19-6-1(B)(1), 19-6-2(B)(1) and 19-6-3(B)(3) respectively).

The BA District allows agriculture on any size lot but only in the Ocean House Road Business A District but does not allow commercial animal husbandry. (See Section 19-6-5(B)(1).

The BB District allows agriculture for personal or commercial use on any size lot and the keeping of livestock only on lots of 100,000 sf. (See Section 19-6-6(B)(1).

The TC District does not allow agriculture or the keeping of livestock nor does it allow animal husbandry, but does allow farming. (See Section 19-6-4(B)(1)

A letter from Michael Hill dated 5/15/06 addressed the specific issue of raising chickens for personal use and it was his opinion that it was allowed on any size lot in a RA District. That opinion would apply to any fowl in any District that allows agriculture. I will leave a copy of that letter in your message box.

Bruce

"Maureen O'Meara" <maureen.omeara@capeelizabeth.org> writes:
Bruce,

The Town Council has forwarded to the Planning Board a request to prepare recommendations regarding roosters.

I anticipate that the subject of chickens may also come up during discussion. Would you please describe how you are currently regulating both roosters and chickens under the current Zoning regulations, including specific ordinance section citations? I expect that the Planning Board will want this information when they are preparing their recommendation.

Thank you.

Maureen

MONAGHAN LEAHY, LLP

ATTORNEYS AT LAW

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KEVIN G. LIBBY
CHRISTOPHER C. DINAN
MICHAEL H. HILL
JOHN J. WALL, III
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OF COUNSEL

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P.O. BOX 7046
PORTLAND, MAINE
04112-7046

TEL 207-774-3906
FAX 207-774-3833
mhill@monaghanleahy.com

May 15, 2006

Bruce Smith, Code Enforcement Officer
Town of Cape Elizabeth
P.O. Box 6260
Cape Elizabeth, ME 04107

RE: Definition of Agriculture

Dear Bruce:

You asked me to review the Ordinance with regard to the definition of agriculture and permitted uses in the RA District. Specifically, your question regards whether the raising of chickens for one's own use would be permitted in the RA District.

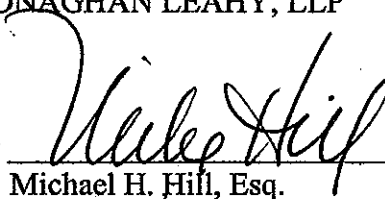
Section 19-6-1B.1.b. allows agriculture provided that "no animal or fowl shall be raised for commercial purposes on any lot containing less than one hundred thousand (100,000) square feet." Agriculture is defined as "the production, keeping or maintenance for sale or lease, of plants and/or animals." It is the opinion of this office that so long as the raising of the chickens is not for commercial purposes, then it would be permitted in the RA District.

If you have any additional questions, please do not hesitate to give me a call.

Very truly yours,

MONAGHAN LEAHY, LLP

By


Michael H. Hill, Esq.

MHH/jh



Message

Tue, Aug 31, 2010 8:16 AM

From: **Bruce Smith**
To: **"Maureen O'Meara"** <maureen.omeara@capeelizabeth.org>

Subject: **Re: Chickens and Roosters**

Maureen,

Sorry for the delay in getting back to you.

The RA, RB and RC Districts' permitted use sections allow agriculture and the keeping of livestock for commercial purposes only on lots of 100,000 sf or more. Under agriculture, residents may keep fowl such as chickens, roosters, ducks, geese, etc. for their own personal use on lots of less than 100,000 sf. (See Article VI, Section 19-6-1(B)(1), 19-6-2(B))1) and 19-6-3(B)(3) respectively).

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Bruce

"Maureen O'Meara" <maureen.omeara@capeelizabeth.org> writes:
Bruce,

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preparing their recommendation.

Thank you.

Maureen



September 3, 2010

Members of the Planning Board:

Thank you for the opportunity to provide input on the issue of roosters in Cape Elizabeth. The Cape Farm Alliance ordinance sub-committee met several times to research and discuss roosters and their impact in town. After review of local and regional ordinances and a discussion with the code enforcement officer, we came to the following conclusions:

If our understanding is correct that there have been only three recent complaints and that these have been resolved to the owners and neighbors satisfaction, there is not an immediate rooster problem in town necessitating an ordinance. Regardless of crowing roosters, noise can be an annoyance in residential areas regardless of the source; motorcycles, loud music, or barking dogs. When a noise complaint does arise, the issue should be remedied between neighbors before resorting to further action. That seems to have been the case in the three recent complaints about roosters.

Current noise complaints are addressed on a case by case basis by town police officers under Chapter 12 Miscellaneous Offenses Article I. Sec. 12-1-1. Disturbing the Peace. Given the current level of complaints, this seems to offer the best case scenario to deal with noisy animals or roosters.

It is also worth noting that existing farms may operate under the state of Maine's "Right to Farm" law. The language for these statues may be found at www.nationalaglawcenter.org/assets/righttofarm/maine.pdf. (see attached)

In conclusion, the Cape Farm Alliance Ordinance Committee believes that a rooster complaint should be dealt with under current town regulations regarding noise. Should a need arise whereby rooster complaints rise dramatically, the Alliance would be willing to work with town officials to draft specific ordinance language. We will be following this issue closely and will offer additional advice if requested.



Sincerely,

John Greene,
Ordinance Committee Chair
Cape Farm Alliance

Cc: Committee members Bethany Angle, Lisa Fernandes, Frank Miles, and
Beth Richardson
Maureen O'Meara, Cape Elizabeth Town Planner

Aria P. Tuki
16 Beacon Lane
Cape Elizabeth, Maine 04107
207.899-0698 ~ 207.317.6692 (c)

November 3, 2010

Maureen O'Meara
Planning Board
Town of Cape Elizabeth

Déar Maureen,

I am writing to express my concern to the Planning Board about roosters being permitted on small lots in residential neighborhoods in Cape Elizabeth.

I appreciate the right to keep chickens, though I think the number of hens should be limited to not more than a 8 - 12 because of associated odors.

Roosters are a noise nuisance on small lots in residential neighborhoods.

While it is great to think that neighbors are respectful and considerate of those living around them; that is not always the case. Without that respect, working out inconsiderate behavior among neighbors can be most unpleasant and disruptive to an otherwise peaceful and delightful neighborhood.

I strongly urge the Planning Board and the Town Council to prohibit the keeping of roosters on small lots in residential neighborhood.

Thank you for your consideration.

Sincerely,

Aria Tuki

Good evening!

My name is Gib Mendelson and my wife Sherry and I live at 20 Beacon Lane in Two Lights.

Early last summer, we were awakened by the crowing of a rooster at around 3:30 in the morning. Aside from the fact that we had no idea that our neighbor had acquired a rooster, we were shocked that it would begin crowing even before first light. The crowing continued thereafter throughout the morning and during the better part of the afternoon. Our neighbor's coop is directly across from our bedroom window and like most of us we do not have air-conditioning but rely on the wonderful ocean breezes that we enjoy in Cape Elizabeth to keep us cool on summer nights. We closed our windows in an attempt to mute the annoying sounds of this bird's incessant crowing but could still hear it for hours on end and of course lost our breeze. Each of our other neighbors joined with us in complaining about this disruption to our lives both to the offending neighbor as well as municipal officials with no success. Approximately one month after the rooster arrived, he disappeared as mysteriously as he had come. Our understanding is that its owner couldn't stand the crowing anymore either. The rooster appeared once more for a brief period of time but is now not present.

When we moved to Cape Elizabeth from a suburb in Pittsburgh nine years ago, we were drawn to this community for those reasons which make it

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Re: Rooster Issue Inbox X

Michael McGovern to John, me [show details](#) Nov 24 (4 days ago)

Dear Mr. Maley:

The issue was referred to the Planning Board as any amendment to the Zoning Ordinance is required to first go to the Board. The Board has scheduled a public hearing on proposed language that would limit roosters to lots of more than 40,000 square feet. The required public hearing will be on Tuesday, December 21st at 7:00 p.m.

If the Planning Board moves forward with a recommendation, the Town Council will receive that recommendation in January and refer it to the Ordinance Committee. The Ordinance Committee would likely report back in February and a public hearing would be set for March 14th. It always takes a while to amend the Zoning Ordinance. There also may still be some opposition to doing anything. Time will tell.

Happy Thanksgiving!

Mike McGovern

On Tue, Nov 23, 2010 at 5:49 PM, John E. Maley <jmaley@maine.rr.com> wrote:

Mr. McGovern,

Just wondering about the status of an ordinance pertaining to crowing roosters in Cape Elizabeth residential areas?

My situation remains "rooster free", but I think the matter will come up again...if not for me then for some other citizen of Cape.

John E. Maley
42 Ocean House Road
Cape Elizabeth, Maine
04107

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Maureen O'Meara to Barbara, Carol, Ela [show details](#) 9:54 AM (0 minutes ago)

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