

DRAFT Rooster Amendments

**CHAPTER 12
MISCELLANEOUS OFFENSES
(Revisions Eff. Through 05/15/14)**

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Sec. 12-1-1. Disturbing the Peace.

(a) Within the Town of Cape Elizabeth, no person shall make, continue or cause to be made, any loud, profane, boisterous, unnecessary or unusual noises, including an excessive volume of noise which shall either annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others. In addition to the person making or causing the noise, the property owner of any building, dwelling, structure, premises, boat or conveyance or any part thereof in the town shall also be responsible for such activity.

1. The Town believes that residents have a reasonable expectation of peaceful quiet and enjoyment of their property during nighttime hours. During nighttime hours, no person shall generate substantial noise as defined above beyond the property line. For the purposes of this Article, nighttime hours shall be 10:00 p.m. to 7:00 a.m. on Sunday through Thursday, and from 11:00 p.m. to 7:00 a.m. on Friday and Saturday.

2. The level of noise during daytime hours shall not exceed what is reasonable and consistent with daily living.

(b) The above provisions shall not apply to agricultural activities, school sponsored events, fireworks shows approved by the Chief of the Fire Department or concerts or any other activity or event approved in advance by the Town Council.

(c) No person shall perform or carry on, or cause to be performed, or carried on, any construction or excavation work during the hours between 10:00 p.m. and 7:00 a.m. that produces noise of a sufficient volume to disturb the sleep or repose of occupants of neighboring properties. This paragraph shall not apply in the event of an emergency in which a sewer, conduit or utility in or under any street breaks, burst or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual. It shall also not apply to repairs necessitated by storm events, earthquakes, "acts of God" and utility coordination of projects under construction. [Revised eff. 02/07/13.]

Sec. 12-1-2. Animal Control. No owner or person having charge of any horse, cow, ox, swine, goat or other grazing animal shall turn such animal into, or permit the same to go at large in any street, highway or public place within the town. A rooster may not be kept on a lot of less than _____ sq. ft. in size.