

**Town of Cape Elizabeth  
Ordinance Committee Minutes - DRAFT**

September 19, 2014

8:00 a.m., Town Hall

Present: Kathy Ray, Chair  
Jamie Wagner  
Jim Walsh

Staff: Neil Williams, Police Chief  
Maureen O'Meara, Town Planner

The minutes of the June 26, 2014 meeting were approved as amended.

Public Comment

Joe Gadjia, 15 Farm Hill Rd - Mr. Gadjia noted that a rooster impacts the people who live in the neighborhood. There are emails from his neighborhood and other neighborhoods about the impact of noise from a rooster. He supports Cape Elizabeth joining other communities that have banned roosters from small lots.

Joe Gadjia, Sr, 13 Spoondrift Ln - He is here not to just support his son but to support a ban on roosters on small lots. He does not agree that a rooster is a pet that is trainable and can respond to commands. Roosters naturally crow, which can be more than 30 times an hour. In his neighborhood of Broad Cove, his new neighbor has built a chicken coop and he is fine with chickens, but he does not want a rooster 40' from his home. He supports a 1 acre ban to preserve peace and quiet in a neighborhood.

Rooster regulation on small lots

Ms. O'Meara was asked to provide a summary. She noted a similar process in 2011, a possible amendment to the Miscellaneous Offenses Ordinance to ban roosters on lots below a certain size, and a map showing lots in groups of under 40,000 sq. ft., 40,000 - 80,000 sq. ft. and 80,000-100,000 sq. ft, and rooster regulations in other towns and cities. Backyard chickens is a growing trend and, as folks purchase chicks, a rooster may inadvertently be included.

Mr. Walsh asked if peer community regulations were the responsibility of the Code Enforcement Officer. Ms. O'Meara said that where communities explicitly addressed roosters, it was usually in the Zoning Ordinance. Mr. Walsh followed that up with a question to the Police Chief regarding animal control officer policing. Chief Williams said it would be similar to the barking dog regulations

and civil action would ultimately include assistance from an attorney. He emphasized, however, the standard approach is to receive a complaint, engage with the property owner and work it out. He referenced an issue several years ago in the Cheverus neighborhood where the owner removed the rooster.

Mr. Wagner asked about a rooster issue on Beacon Lane. That issue started the 2011 rooster discussion, but when the rooster disappeared, the ordinance amendment was eventually dropped, in part due to objections from the Cape Farm Alliance.

Mr. Walsh asked if a lot size restriction would make enforcement simpler. Chief Williams agreed. He thought 40,000 sq. ft. would cover most neighborhoods where this problem tends to occur.

Mr. Wagner pointed out that the distance of the coop from the property line could be a concern for neighbors, and then a fencing requirement would also be needed.

Mr. Walsh noted this is another example where people are reluctant to call the police. Chief Williams said we prefer neighbors talking to neighbors first. Chief Williams noted that with cases in the past, when we received a complaint, we would ask for cooperation. If they do not want to cooperate, we need an ordinance.

The committee discussed creating a distance setback for the coop. Mr. Wagner noted the issue of roosters on a neighbor's property. Mrs. Ray wondered if the ordinance should reflect some time for chicks to grow until they can be identified as a rooster before the owner is considered in violation. Mr. Wagner noted some ordinances allowed roosters up to four months old. Roosters can begin crowing at 6 weeks old. Mr. Wagner noted his experience working on a chicken farm and that chicks grow very fast.

Mr. Wagner shared information from the "mypetchicken" website on a crowing collar that reduces the frequency and volume of crowing. Mrs. Ray asked about the regulations in South Portland. Ms. O'Meara said they were detailed, and noted there can be some difference in the level of rooster regulation between a city and a suburban town. Also, if the committee wanted to pursue setbacks for coops, then the ordinance amendment should probably be placed in the Zoning Ordinance.

The committee decided that setting an age limit for a rooster might make police enforcement more difficult. The process of determining one has a rooster, getting

a complaint, and taking steps to remove the rooster has time enough for folks to comply before a fine is imposed by a judge.

Mr. Walsh made a motion to recommend that Chapter 12, Miscellaneous Offenses, be amended to ban roosters on lots of less than 40,000 sq. ft. in size. Mr. Wagner seconded the motion, and also noted that he would also do research on the rooster collar and roosters on neighbors' properties. In response to a question, Chief Williams said that roosters off their property may not fall under any existing ordinance.

The committee expressed appreciation for Ms. Volent's comments and all the other emails received.

The Ordinance Committee voted 3-0 to recommend the ordinance amendment.

Mrs. Ray explained the expected schedule of town council meetings on the proposed amendment.

Mr. Walsh noted there are 2,824 lots under 40,000 sq. ft and asked if we should mail a notice? Mr. Wagner asked about the expense and staff estimated \$1,400 for postage. The committee agreed that the expense is high and instead instructed staff to prepare an article for publication in local newspapers and on the town website.

#### Public Comment

No public comment was made.

#### Next meeting

As there are no pending items before the committee, no future meeting was scheduled.

The meeting was adjourned at 9:00 a.m.