

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

August 8, 2017

12:00 p.m.

Town Hall

Present:     Patty Grennon, Chair  
              Caitlin Jordan  
              Jamie Garvin

Staff: Maureen O'Meara, Town Planner, Robert Malley, Public Works Director

Guests: Kara Lavender Law, Recycling Committee Chair

Councilor Grennon called the meeting to order at 12:00 p.m. The minutes of the July 11, 2017 meeting were approved 3-0.

Public Comment

No member of the public was present.

Polystyrene Foam

The Ordinance Committee recognized Council Chair Jamie Garvin participating as a member of the committee due to Councilor Caitlin Jordan's recusal from the polystyrene foam and plastic bag items.

The committee began a review of proposed amendments to Chapter 11, Health and Sanitation, where the recommendations of the Recycling Committee have been incorporated into the ordinance. The committee agreed that staff should reorganize the definitions section to put it in alphabetical order.

The committee discussed the exemptions section. The committee considered phasing in the ordinance, but agreed that a fixed date would be clearer for the public. Kara Lavendar Law, representing the Recycling Committee, said the committee would do both targeted and broad range education about the new rules. They will include outreach to organizations like booster clubs, etc.

The committee reviewed the emergency exemption. It was revised to not require the town manager to "declare" an emergency, but instead reference federal, state and local government emergency.

Single Use Carryout (plastic) Bags

The Ordinance Committee noted that the bag charge applies to food stores (as defined) and agreed not to expand it to all stores. Food stores generate the most volume of plastic bags that enter the waste stream.

The committee discussed the single use carryout bag definition and why a thicker plastic bag would be acceptable. Ms. Law explained that the focus is to reuse the bag, and thicker plastics are more durable and therefore can be reused. It was noted that the fee would be retained by the store owner.

The committee reviewed the enforcement provisions and looked at enforcement provisions in other ordinances, such as the Construction Code, Sign Ordinance and Short Term Rental provisions. The committee agreed to lower the violation fees, but delete the 1 year duration.

#### Public Comment

Caitlin Jordan, 83 Old Ocean House Rd - She would like "farm stand" to be explicitly added to the "food store" definition. She questioned the thinness of the plastic bags and noted they are worse for the environment. She also was skeptical that asking businesses to track the number of bags sold would produce accurate numbers.

The committee briefly considered adding a tracking provisions to the amendments, but agreed to leave it out due to probably inaccuracy of the data and potential burden on businesses.

#### Domestic Fowl

Council Chair Garvin left and Councilor Caitlin Jordan joined the committee.

No one was present to offer public comment.

The committee reviewed an amendment to Chapter 12, Miscellaneous Offenses, that has been drafted in 2011 and not adopted. The portion discussed by the committee restricts people from allowing their animals to enter private property without permission. The committee discussed the advantages and disadvantages of listing types of animals, as the current ordinance appears, or referencing "animals" without a list. Staff will provide two options for the next meeting.

The committee would like Chief Williams to provide information about the range of animal control complaints received. They also want to know about the Police Department's strategy for providing warnings.

#### Public Comment

No member of the public was present.

Next meeting

The committee agreed to meet on Tuesday, August 15th at noon, to review the Chapter 11 and Chapter 12 amendments. The meeting adjourned at 1:36 p.m.