

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Conservation Committee
DATE: April 12, 2019
SUBJECT: Dog Ordinance Revisions

Introduction

The Town Council referred to the Conservation Committee revisions to the Dog Ordinance, Sec. 7-1-7, in March, 2018. The Conservation Committee recommended in an October 18, 2018 memo to the Town Council 3 options on the scope of ordinance review. The Town Council voted at its November 14, 2018 meeting to direct the Conservation Committee to perform a full review of the Dog Ordinance.

Methodology

The Conservation Committee met twice to discuss amendments to the Dog Ordinance before recommending three options for how to proceed. Following further direction from the Town Council, the Conservation Committee discussed the Dog Ordinance at the January 8, 2019, March 12, 2019 and April 9, 2019 meetings.

As part of its work, the Conservation Committee reviewed dog regulations from several area communities and also reviewed selected state laws and proposed state legislation.

During the process, the Conservation Committee received public comment at meetings and in emails. Committee staff interfaced with the Police Department, including Chief Paul Fenton, Captain Brent Sinclair and Animal Control Officer Corey Hamilton, Town Clerk Debra Lane, Superintendent of Schools Donna Wolfrom, Community Services Director Kathy Raftice and Fort Williams Park Committee Chair Jim Walsh. Chief Fenton also attended the March Conservation Committee meeting.

Summary of revisions

As recommended in October, 2018, the Conservation Committee completed a "full ordinance modernization," instead of limiting their review to the municipal property section of the ordinance. Most of the modernization involved updating

sections as recommended by various town staff. Several definitions were also added to aid in property management.

The most significant change (Sec. 7-1-7) is the creation of a new structure for managing dogs on municipal property. A Property Management category designation has been created as follows:

Category 1: No dogs allowed

Category 2: Dogs on leash only

Category 3: Dogs under voice control or on leash.

All municipal property is included on a list that will accompany the ordinance. Each property has been assigned a category of how dogs should be managed. In order to allow more nimble management of public properties, some open space category assignments may be changed by the Conservation Committee or the Superintendent of Schools after a 30 notice on the town website. At any time, the Town Council may also make category changes.

Using the category structure, dog management at Cliff House Beach has been tailored to on and off season. Most municipal property has been assigned category 3, dogs under voice control or on leash.

The Fort Williams Park Committee recommended that Fort Williams Park (FWP) be designated category 2, which would eliminate the off-leash area in the park. This recommendation moved several dog owners to attend the Conservation Committee meeting and express their displeasure at this abrupt change of policy. The Conservation Committee understands that the authority to change dog policy at Fort Williams Park resides with the Town Council. For this reason, the Conservation Committee did not incorporate the FWP recommendation into the draft Dog Ordinance.

In order to enhance local management, a Limited Privileges List (LPL) is also proposed. This creates an interim tool to address irresponsible behavior by individuals on town open space while still preserving pursuing action in court, which is time consuming for the Police Department and limited.

The draft ordinance introduces a new definition of sight and voice control that generally advances a policy that dogs should be under control on municipal open space, and if not, should be on a leash. The Conservation Committee continues to believe that dogs should be allowed off-leash on most town open spaces, but that the safety and comfort of all open space users must be maintained. The draft amendments establish more management tools to address problems quickly, and hopefully will eliminate the need for further restrictions.

Conclusion

At the April 9, 2019 meeting, the Conservation Committee voted 5-0 to recommend the Dog Ordinance Amendments to the Town Council for consideration.

The committee will be available to meet with and/or answer questions from the Town Council.