

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Maureen O'Meara, Town Planner
DATE: August 30, 2019
SUBJECT: Dog Ordinance Revisions

Below is a summary of changes made to the draft Dog Ordinance based on comments made at the August 12, 2019 Town Council meeting.

1. Straw comments. Councilor Straw suggested several revisions, which are highlighted in yellow. Note on page 3, line 13, a suggestion to delete Sec. 7-1-6 is highlighted for Town Council discussion.
2. Sec. 7-1-7/8 numbering. The numbering of Sec. 7-1-7 and references has been corrected.
3. Property Management Category Designation Table. A note has been added to the athletic category (line 86 and 95) to call out that portions of a municipal lot may have different designations, which is provided for in Sec. 7-1-7(c).

The listing of municipal property mirrors the listing in the Management of Greenbelt and Open Space Plan. That list is presented in two parts, primary and secondary open space properties. In each part, open spaces are further organized by region. The Management Plan includes a map of each municipal property, which should be an enforcement aide to the Police Department, and an advantage in preserving the listed order of the properties.

4. Fort Williams multipurpose field. The multipurpose field is separately listed on line 8 of the category designation table. A generic listing for athletic fields is located on line 86. Once the Town Council decides what designation to assign to the Fort Williams multipurpose field, these two lines should be revised to complement each other.
5. Impoundment fee. The Town Council should update the Town Fee Schedule with an Impoundment Fee which was previously included in the Dog Ordinance.
6. Park Management Plans. The Town Council has previously approved a Management Plan for Cliff House Beach Park. Adoption of the Dog

Ordinance should include clarification that the ordinance will automatically update applicable provisions of the management plan. (All of the ordinance category assignments for Cliff House Beach Park are the same as the management plan.)

7. Leash definitions. The process for reviewing the Dog Ordinance included reviews of ordinances in other communities, including Falmouth, Kennebunkport, Old Orchard Beach, Scarborough, South Portland, and York. Those ordinances included the following definitions of "leash."

- LEASH: Hand held device, 15 feet or less in length, which can be used to restrain a dog.

- LEASH: Hand held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by the Animal Control Officer and a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed. A leash of a length no longer than 12 feet shall be used at all time on Beaches of Scarborough from April 1 to Labor Day, unless otherwise stated herein. A failure to comply with this definition shall constitute a violation of this ordinance.

- LEASH: a hand held device (lead, chain, or cord) which can be used to restrain a dog if the dog fails to respond to voice commands. In cases where a leash is required by law, ordinance or by order of a law enforcement officer, the owner or responsible party will be required to use a leash of 15 foot or less.