



Google

Michael McGovern <mcgovern@capeelizabeth.org>

Rooster Ordinance By Lot Size

1 message

Joe Gajda <jgajda@maine.rr.com>
To: cetowncouncil@capeelizabeth.org
Cc: Bridget Boyle <bboyle@maine.rr.com>

Fri, Aug 22, 2014 at 1:02 AM

Hello Cape Elizabeth Town Councilors,

For the past 2 years our family has kept a couple hens in our backyard at 15 Farm Hill Road. We enjoy the fresh eggs, and caring for the animals been a fun learning experience for our 2 children. This is likely what led our neighbors next door at 17 Farm Hill Road to also start keeping chickens this year. Unfortunately our neighbors ended up with 2 roosters that they have decided to keep as permanent pets. Our neighborhood has been forced to start the day when the roosters crow, often before 5:30 am. Unfortunately the crowing also continues throughout the day, only subsiding when the sun sets. The lots in our neighborhood are small so this all takes place less than 50 feet away from our home.

Several neighbors have called the police, who are sympathetic to the situation, but are unable to force a solution due to a lack of an rooster ordinance. One officers comment of "No respectful person would keep a rooster in a neighborhood like this", sums up how most of the neighbors I've spoken to feel about the matter. We're frankly confused why anyone would make such a disruptive choice.

I've had a couple of frustrating conversations with the owner of 17 Farm Hill and it's very clear that he has no plans to find an appropriate home for the roosters. Our talks have ended with his explanation of how a roosters crow is similar to a dog barking. I assure you that a rooster crowing and a dog barking are nothing alike. I also assure you that nobody in the Elizabeth Park neighborhood leaves their barking dog outside at any hour of the day or night.

Last Friday evening I found one of our neighbors roosters attacking one of our hens in our backyard. Their rooster had come over our 6 foot wooden stockade fence and then over another 5 foot wire fence around our coop. We should have called animal control, but I was able to grab the rooster and bring hand it over to the neighbor. Roosters generally become more territorial and aggressive with age so we're obviously concerned about where this might be headed.

What I ask is that you consider a very specific yet simple ordinance that disallows roosters on lots under a certain size, perhaps half an acre or one acre. Many surrounding towns have ordinances regarding chickens and roosters (almost all of them ban roosters explicitly), but these ordinances seem like overkill to me, often limiting the number of chickens etc.

To be very clear, I don't want to make it difficult for anyone to keep backyard chickens, nor do I want to do anything that would affect Cape Elizabeth's farming community. I'm interested in exploring the addition of a simple clear rule that bans roosters by lot size which would offer people in tight neighborhoods the ability to enjoy their property in a reasonable manner.

I'd be happy to discuss this further and answer any questions you may have.

Thank you,

Joe Gajda
15 farm Hill Road

Michael McGovern <michael.mcgovern@capeelizabeth.org>

Fri, Aug 22, 2014 at 6:38 AM

To: "Maureen O'Meara (Maureen O'Meara)" <maureen.omeara@capeelizabeth.org>, Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, "Neil Williams (E-mail)" <Neil.williams@capeelizabeth.org>

FYI

[Quoted text hidden]

Katharine Ray <retbank@maine.rr.com>

Mon, Aug 25, 2014 at 11:29 AM

To: Joe Gajda <jgajda@maine.rr.com>

Cc: Jessica Sullivan <jsullivan08@maine.rr.com>, Michael McGovern <michael.mcgovern@capeelizabeth.org>

Dear Mr. Gajda. Thank you for writing to the Council about the rooster issue. I am Chair of the Ordinance Committee and I am asking the Council Chair via this email to revisit the rooster issue at the next available workshop. I will contact you when I know it has been put on the agenda. If you have any questions in the meantime, please feel free to let me know.

Thank you,

Katharine Ray
Ordinance Chair

-----Original Message-----

From: Joe Gajda [mailto:jgajda@maine.rr.com]

Sent: Friday, August 22, 2014 1:03 AM

To: cetowncouncil@capeelizabeth.org

Cc: Bridget Boyle

Subject: Rooster Ordinance By Lot Size

[Quoted text hidden]

To unsubscribe from this group and stop receiving emails from it, send an email to cetowncouncil+unsubscribe@capeelizabeth.org.

CHAPTER 12 MISCELLANEOUS OFFENSES (Revisions Eff. 10/08/08)

Article I. Offenses 12-1
Article II. Camping on Public Property 12-2
Article III. Loitering Dispersal 12-3
Article IV. Fort Williams Park Regulations 12-4

*Council Consensus
3/5/2012
Not to Pursue This
Draft Further*

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 which shall either annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others. This shall not apply to agricultural activities, to school sponsored events, to fireworks shows approved by the Fire Chief or to concerts approved by the Town Council.

(b) 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 and other "acts of God". [Revised eff. 11/11/88.]

Sec. 12-1-2. Animal Control.

(a) No owner or person having charge of any horse, cow, ox, swine, goat, chicken, rooster or other animal shall turn such animal into, or permit the same to go at large in any street, highway or public place within the town, or onto private property without the permission of the property owner.

Deleted: grazing

Deleted: .

(b) No owner or person having charge of any horse, cow, ox, swine, goat, chicken, rooster or other animal shall allow any loud noises from the animal which shall either annoy, disturb, injure, disturb the peace or otherwise deprive abutting property owners of the peaceful and quiet enjoyment of their property.

Deleted: ¶

Sec. 12-1-3. Nude, Topless Bathing. No person in a nude state shall appear

on a public way, nor swim or bathe in the waters of the town or waters adjacent thereto so as to be exposed to view of spectators.

Sec. 12-1-4. Disturbing Public Meeting. No person shall disturb any public meeting, school activity, or meeting of any kind, by making loud or unusual noises, by shouting, stamping, whistling, or standing around and obstructing the steps, passageways or entrance of any buildings where such meetings are held. [Revised eff. 10/08/08.]

Sec. 12-1-5. Destruction of Fruit Trees. No person shall willfully cut or scar or bruise any ornamental or fruit tree on any street, whether it be planted by the Town or by individuals who were duly authorized to plant it.

Sec. 12-1--6. Defacing, Injuring Public Property. No person shall mark or write on any public building, nor on any fence not his own nor any sidewalk, nor any other public place in this Town.

Sec. 12-1-7 Abandoned Well or Cistern. No person shall willfully abandon or cause to be abandoned any well or cistern without providing adequate protection by filling or covering the same. [Added eff. 3/14/60.]

Sec. 12-1-8. Use of Fish Fertilizer. All persons who apply fish or fish refuse as fertilizer to their land shall cause the same to be thoroughly plowed under within thirty six hours after the time when it is deposited on the land.

Sec. 12-1-9. Penalty. Any person found to have committed any of the foregoing listed offenses shall be punished by a fine not exceeding Two Hundred Fifty (\$250.00) for each offense, to be forfeited and paid to the use of the Town, unless different provision is made by the laws of the State of Maine. In addition, restitution shall be made for any damage to public property. [Revised eff. 10/08/08.]

Article II. Camping on Public Property. [Adopted eff. 10/13/71, under R. S. 1964, T. 30, Sec. 2151.]

Sec. 12-2-1. Permit Required. No person shall sleep, tent, camp or be housed in a camper, trailer or other mobile home upon any property owned by the Town of Cape Elizabeth after sunset or before sunrise except in accordance with a permit issued by the Chief of Police upon conditions sufficient to assure that adequate water and sanitary facilities will be

preserved, that the normal use of the town property will not be disrupted, that the peace and property of any abutters will not be disturbed, and that any liability which the Town might incur has been waived; such permit may be summarily revoked by the Chief of Police, or his duly authorized agent, upon the violation of any of the conditions recited therein.

Sec. 12-2-2. Penalty. Any person found to have violated Sec. 12-2-1 shall be punishable by a fine not to exceed Two Hundred Fifty (\$250.00) to be recovered for the use of the Town. [Revised eff. 10/08/08.]

Article III. Loitering Dispersal. [Adopted eff. 9/27/72 under R.S. 1964, T. 30, Sec. 2151.]

Sec. 12-3-1 Unlawful Acts. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such a manner as to:

(a) Obstruct any public street, public area, public sidewalk or any other public place or public building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

(b) Commit in or upon any public street, public highway, public sidewalk or any other public place or public building any act or thing which is an obstruction to or interference with the free and uninterrupted use of property, or any business lawfully conducted by anyone in, upon, facing or fronting on any such street, public highway, public sidewalk or any other public place or public building, and which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

12-3-2 Violation. When any person causes or commits any of the conditions, acts or things enumerated in Sec. 12-3-1 hereof, a police officer or any law enforcement officer shall order that person to stop causing or committing the same and to move on or disperse. Any person who fails or refuses to obey such order, or any person who obeys such order but within a period of four (4) hours after such order again causes or commits any of said conditions, acts or things, shall be guilty of a violation of this Article and upon conviction thereof in the District Court shall be subject to a fine not exceeding Two Hundred Fifty (\$250.00) to be recovered for the use of the Town. Any such violation shall constitute a separate offense on each

successive day committed. [Revised eff. 10/08/08.]

Article IV. Fort Williams Park Regulations. [Adopted eff. 11/11/77 under R. S. 1964, T. 30, Sec. 2151 and Revised eff. 10/08/08.]

Sec. 12-4-1 Fires Restricted. No use which requires fires or burning of any kind shall be permitted within Fort Williams Park except as specifically authorized by the Town Council and as permitted by the Chief of the Fire Department in accordance with Sec. 8- 2-5 or as may be allowed in accordance with Sec. 12-4-2.

Sec. 12-4-2 Permitted Fires. Any person or group of persons may use facilities provided by the Town within Fort Williams Park for fires for the sole purpose of cooking food for picnics upon the following conditions:

- (a) Such use shall be limited to the hours during which Fort Williams Park is open to the general public;
- (b) Such use shall be only within those areas posted for such use; and;
- (c) Such persons or groups of persons shall use no facility other than provided by the Town and shall burn no fuel other than charcoal or charcoal brickets; however, any Underwriters Laboratory listed gas grill or appliance with a gas cylinder of no larger than 20 pounds may be utilized. Gas cylinders between 20 pounds and 100 pounds may be utilized with permission of the Cape Elizabeth Fire Department. Firewood may be used only at the fire pit area next to the picnic shelter. [Rev. eff. 4/29/88.]

Sec. 12-4-3 Open Hours. Fort Williams Park shall be open for use by the general public during daylight hours throughout the year, and it shall be closed to public use between sunset and sunrise during which time it shall be unlawful for any person to be within the limits of Fort Williams Park excepting for the use of leased premises by the lessees and their employees and agents within rights granted by their leases, and excepting during special events approved by the Town Council.

Sec. 12-4-4 Filming Any commercial filming at Fort Williams Park and at Portland Head Light shall receive a permit from the Director of Public Works with all fees and regulations for the issuance of commercial filming permits to be determined by Town Council order.

Sec. 12-4-5 Weddings. All wedding and partnership ceremonies to be held at Fort Williams Park which include an assembly of more than 20 persons shall receive a permit from the Director of Public Works with all fees and regulations for the issuance of such permits to be determined by Town Council order. Weddings and similar ceremonies are not permitted on the Portland Head Light parcel.

Sec 12-4-6 Waste Materials All refuse and recyclable materials brought into Fort Williams Park by visitors shall be removed by the same visitors from Fort Williams Park except that groups permitted to utilize the park may remove material for all of their guests.

Sec 12-4-7 Pet Excrement Removal All pet excrement deposited in Fort Williams Park shall be removed by the person in care of the pet.

Sec. 12-4-8 Penalty. Any person found to have violated any provision in Article IV shall be punishable by a fine not to exceed Two Hundred Fifty (\$250.00) to be recovered for the use of the Town. The Town shall also recover any fee that would have been assessed if a proper and timely permit had been granted.