

CS Advisory Board | Agenda

Thursday, May 28, 2025-7:00-8:00pm

Zoom Link: [CS Advisory Board Meeting](#)

Item 1 | Call to Order 7pm - **Emily**

Item 2 | Attendance

Committee Members Present:

Committee Members Absent:

Liaisons Present:

Liaisons Absent:

Guests Present:

Item 3 | Review CSAB proposed Animal Ordinance

Item 4 | Citizen comment (limited to agenda only items)

Item 5 | CSAB Vote to Forward Recommendations to Ordinance Committee

Item 6 | Adjournment - Scheduled for 8 PM

05/07/2025

GREEN TEXT = NEW TEXT

BLUE = MOVED FROM ANOTHER SECTION (DEFINITIONS)

PURPLE = TOWN CLERK/ANIMAL CONTROL OFFICER

CHAPTER 604

TOWN OF SCARBOROUGH

ANIMAL CONTROL ORDINANCE

604-1 PURPOSE

The purpose of this ordinance is to require that all animals in the Town of Scarborough be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

604-2 APPLICABILITY

The provisions of this ordinance apply equally to all animal owners in the Town of Scarborough, as well as related persons keeping, or having control, custody, or possession of that animal.

604-3 GENERAL STANDARDS

1. **License Required.** [Amended 04/20/2011; Amended 05/07/2014] No dog shall be kept within the limits of the Town of Scarborough unless such dog is licensed by its owner in accordance with Maine Law and has acknowledged receipt and affirmation of the requirements of a “Responsible Dog Owner” as defined in Section 604-4 (17). The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under Title 7 M.R.S.A. Part 9 - Chapter 721. Dog Licensing.
2. **Rabies Tags.** Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four hours upon request for the Animal Control Officer.

604-4 DEFINITIONS

1. Abandoned Animal:

An animal that has been deserted by its owner or keeper.

2. Animal:

Every living, sentient creature that is not a human being.

3. Animal Control

Control of dogs, cats,, and domesticated or undomesticated animals.

4. Animal Control Officer:

A qualified person employed by the Scarborough Police Department whose duties shall principally be responsibility for the enforcement of all laws related to dogs, cats, and other domesticated animals and undomesticated animals. At times, other law enforcement officers with the Scarborough Police Department may act on behalf of the Animal Control Officer, with the same authority and duties.

5. Animal Shelter:

A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.

6. Animal Noise:

A sound emitted by an animal in the form of a bark, howl or other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more, or recur intermittently for one hour or more.

7. At Large:

A designation of a dog that is off the premises of its owner, **not within 50 feet of its owner**, and not under voice control of any responsible party, and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.

8. Beach: Any beach area within the Town of Scarborough which is used by the general public.

9. Dangerous Dog:

- a) A dog that causes the death of or inflicts serious bodily injury on an individual or domesticated animal who is not trespassing on the dog owner's premises at the time of the injury or death; or
- b) A dog that causes a reasonable and prudent person who is not on the dog owner's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or
- c) A dog that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog owner's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog.

"Dangerous dog" does *not* include a dog that:

- a) is certified by the State and used for law enforcement use; or
- b) injures or threatens to assault an individual who is on the dog owner's premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or
- c) inflicts serious bodily injury on or causes the death of an individual who is committing a crime against an individual or property owned by the dog owner.

For the purposes of this definition, "dog owner's premises" means the residence or residences including buildings, land, and motor vehicles, belonging to the owner of the dog.

10. Dog:

A domesticated animal in the canine family.

11. Leash:

A hand held device, 30 feet or less in length, which can be used to restrain a dog.

12. Leash Control:

The dog is restrained by a hand held device and remains by the side of the responsible party.

13. Non-Responsible Party Space Barrier:

Person(s) not owning or responsible for dog at issue, has a right to not to have any dog closer than 10 feet to his/her person, unless first giving permission.

14. Nuisance Dog:

- a) A dog that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog owner's premises at the time of the injury; or
- b) A dog that causes a reasonable and prudent person who is not on the dog owner's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or
- c) A dog that causes damage to property or crops not owned by the dog owner while the dog is not on the owner's premises.

"Nuisance dog" does *not* include:

- a) is certified by the State and used for law enforcement use; or
- b) a dog that injures or threatens to assault an individual who is on the dog owner's premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or
- c) a dog that inflicts bodily injury on an individual who is committing a crime against an individual or property owned by the dog owner.

For the purposes of this definition, "dog owner's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.

15. Owner:

A person, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of, a dog. Also, the person who or organization that registered for a dog license.

16. Public Property:

Any area within the Town of Scarborough which can be used by the general public.

17. Responsible Dog Owner:

Is an individual who has possession or custody of a dog and has read and affirmed [at the time of licensure], that they will 1) Maintain control of their dog(s) at all times; 2) They will not allow the dog(s) to charge, chase or display aggression towards any person, other dogs or wildlife; and, 3) Behave in any way that a reasonable person would find disturbing or harassing. Except for hunting

purposes, a Responsible Dog Owner shall not have more than two dogs under Voice and Sight Control at the same time. A responsible party shall have a leash in his or her possession for each dog off leash. A failure to comply with this definition shall constitute a violation of this ordinance.

18. Responsible Party:

As used in this ordinance, the term “responsible party” means any person who has possession or custody of a dog. If a dog is present on a beach in violation of the restrictions of this section, the owner of the dog and the responsible party are jointly and severally liable for the violation. (amended 05/19/2004)

19. Restricted Areas:

Beach areas that may be designated for special protection for piping plovers or other endangered species based upon scientific and historical data. Restricted areas extend the entire width of the beach, from the dune to the waterline. The following are Restricted Areas in the Town of Scarborough in which dog access is limited:

- a) **Higgins Beach** – Portion of the beach from Champion Street to the Spurwink River. **No dogs allowed.** *See Exhibit A.*
- b) **Ferry/Western Beach** – Portion of the beach commonly known as Ferry Beach, beginning at the southerly end of the municipal parking lot and extending south to Ferry Rock, then southeast along the full length of the beach commonly known as Western Beach. **No dogs allowed.** *See Exhibit B.*
- c) **Pine Point Beach** – Portion of the beach from the main beach access path at Hurd Park, then north to the Scarborough River. **Dogs allowed on leash.** *See Exhibit C.*

20. Voice and Sight Control:

For purposes of this definition, the dog must always be within 50 feet of the responsible party.

“**Voice control**” means the dog returns immediately to and remains by the side of the responsible party in response to the responsible party’s verbal command.

“**Sight Control**” means that the responsible party maintains constant sight of the dog, and the dog is capable of complying with Voice Control.

604-5 PUBLIC PROPERTY STANDARDS

- a. **ATHLETIC FIELDS, SCHOOLYARDS, COURTS, AND PLAYGROUNDS**
Dogs are not permitted at/on athletic fields, schoolyards, courts and playgrounds.
- b. **PUBLIC PROPERTY STANDARDS: PUBLIC STREETS AND SIDEWALKS AND TRAILS**
Dogs must be under leash control at all times using a leash no longer than 8 feet and no further than 10 feet from the owner at all times.
- c. **PUBLIC PROPERTY STANDARDS: BEACHES**

Beach Restrictions General

1. If directed by the Animal Control Officer or a law enforcement officer, a Responsible Party may be required to leash their dog.
2. Dogs are prohibited on any beach from 30 minutes after sunset (dusk) to 30 minutes before sunrise (dawn).
3. Dogs shall be on a leash while entering and exiting vehicles and the beach.
4. Whenever a portion of a beach has been roped off, fenced off or otherwise demarcated or posted as a protected area in order to protect the nesting site of a piping plover or of any other endangered species protected under state or federal law, no dog shall approach within 200 feet of such protected area.
5. Leash needs to allow the owner to bring the dog within 10 feet of him/her to ensure that all non-responsible parties' space barriers are honored at all times.
6. At all times not otherwise addressed above or following, dogs shall be under Voice and Sight Control.

Beach Restrictions: In-Season

April 1 to Labor Day

Dogs shall be prohibited from entering any Restricted Areas set forth in Section 604-4 (19).

May 15 to Labor Day

In addition to the above restrictions:

1. Dogs are prohibited on any beach from 9:00 am to 5:00 pm.
2. Dogs must be on leash at all times. Leash must be no longer than 8 feet and the dog must be no further than 10 feet from the owner..

Beach Restrictions: Off-Season

Labor Day to May 14

In addition to the general beach restrictions above:

1. Dogs must be on leash from 1:00 pm to 3:00 pm.

604-6 VIOLATIONS AND PENALTIES

1. **Animal Control.** A violation of this Ordinance occurs upon a failure to comply with the definition of either Voice Control, Sight Control or Leash Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and a violation of this Ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. (amended 05/19/2004)

2. **At-Large Dogs.** Dogs shall be considered at-large unless leashed or under Voice and Sight Control. It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the civil penalties provided in this ordinance.[Amended 05/07/2014]

All dogs found at large in violation to Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer. If the Animal Control Officer returns the dog to its owner, the owner shall pay a \$15.00 (fifteen dollars) return fee to the Town of Scarborough before the dog is returned. The payment must be made at the police dispatch center, which shall issue a receipt therefore.

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met, and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal's owner may be subjected to all civil penalties authorized by this ordinance.

An owner may reclaim an impounded animal by first paying to the Town of Scarborough at the Town Clerk's Office, a fee of \$30.00 (thirty dollars) for each animal impounded. If the Town Clerk's Office is closed, the fee shall be paid at the Police Dispatch Center. Fees must be paid and a receipt from the Town must be presented to the animal shelter before the release of an animal. **Alternatively, the fee may be paid to the animal shelter directly and reimbursed to the Town of Scarborough.** All fees will be deposited in the separate account required by Title 7, M.R.S.A. 3945

3. **Animal Noise.**

- a. Except as provided in subparagraph (b) and (c) below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more.
- b. Section 604-6 (3a) shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
- c. Section 604-6 (3b) shall not apply to farm animals kept on a property located in the R-F or R-F-M Districts under the Scarborough Zoning Ordinance. In all other zoning districts, Section 604-6 (3a) shall not apply to farm animals kept on a property [the principal use of which is] [a use of which is] the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Scarborough Zoning Ordinance. For purposes of this exception, dogs are not "farm animals" and kennels are not "farms."

4. **Control of Animal Waste.** An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must **possess means of waste disposal.** ~~have in his or her~~

~~possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces.~~ This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

5. **Dangerous and Nuisance Dogs.** Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty days of the assault, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog.

The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. §3952. After issuing the citation and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog at the owner's expense at a place determined by the Animal Control Officer.

If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. §3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

6. **Trespass.** An owner of an animal may not allow that animal to enter onto the property of another ~~after the owner has been~~ being warned by the property owner or their a representative of the property owner or by the an Animal Control Officer or a law enforcement officer that the animal was found on the property of another.

The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and control the animal if:

- a. The owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or the animal is an immediate danger to itself, to persons or to another's property.

Any animal so removed shall be subject to the provisions of Section 604-6 (2) in the same manner as an at-large dog.

7. **Penalties.** Any person who violates Section 604-3 (Animal Noise) or Section 604-4 (Control of Animal Waste) shall be subject to civil penalties for each violation, as follows:
 - a. First violation: not less than \$50.00 and not more than \$100.00, plus costs.
 - b. Second violation: not less than \$100.00 and not more than \$250.00, plus costs.
 - c. Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs.

Any person who violates any other Section of this ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$500.00 plus costs for each offense.

All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Scarborough and deposited in the separate account required by 7 M.R.S.A. Section 3945.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

604-7 STATUTORY REFERENCE

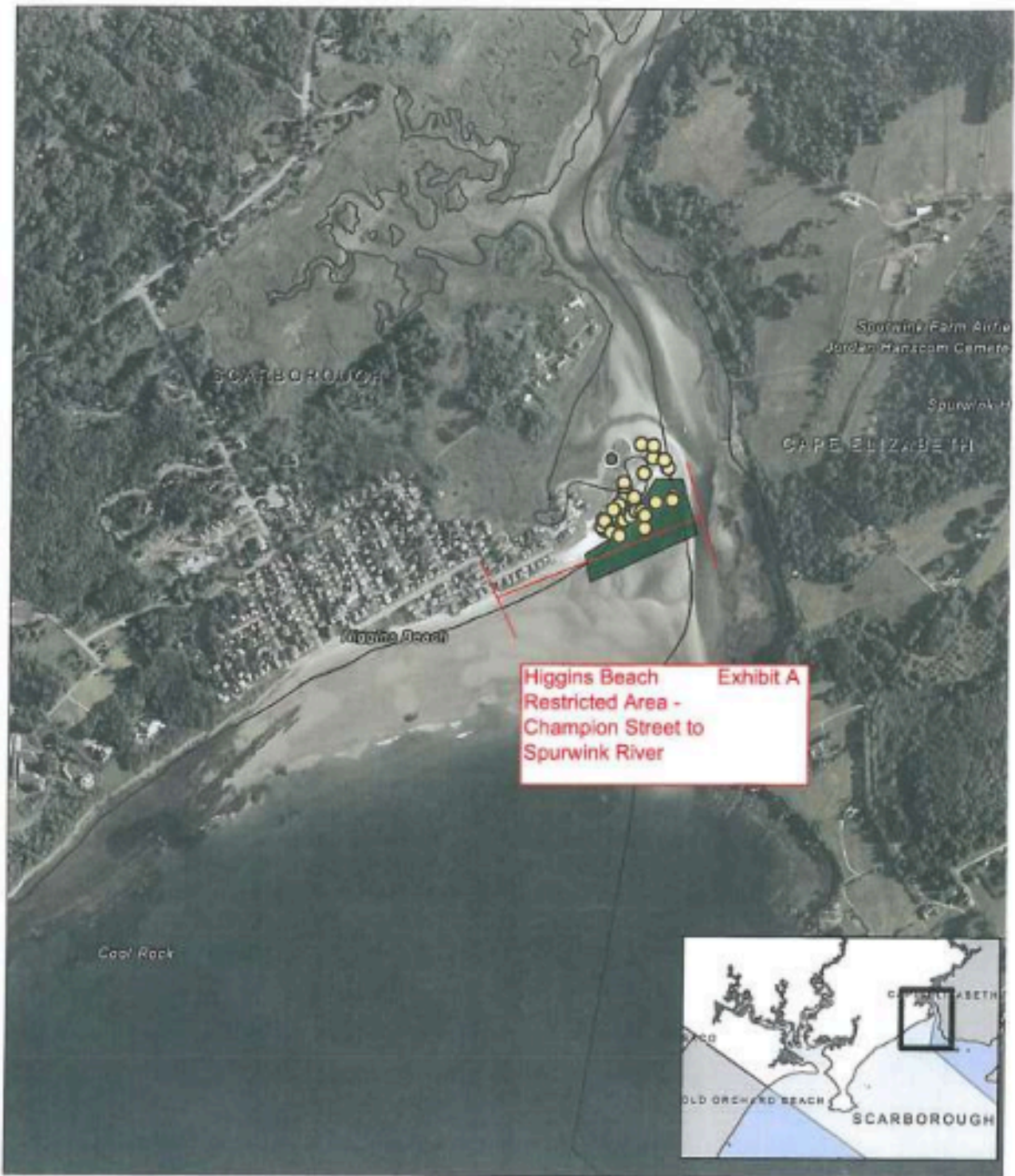
Any definitions, rules, violations, or penalties not outlined in this Ordinance related to dog and/or animal control will be enforced as outlined in Title 7 M.R.S.A. Part 9: ANIMAL WELFARE.

604-8 SEVERABILITY CLAUSE

If any part of this ordinance shall be held valid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

604-9 APPENDIX

Exhibits A, B, and C as referenced in definitions of Restricted Areas.



Piping Plover Nest Locations - Town of Scarborough (Higgins Beach)



- Piping Plover Nest Locations 2009-2012
- Piping Plover Brood Locations 2011 & 2012
- Historic Piping Plover Nest Locations

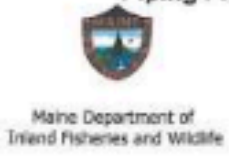


Projection: UTM, NAD83, Zone 19

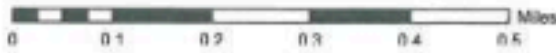
Date: 9/11/2013



Piping Plover Nest Locations - Town of Scarborough (Ferry Beach & Western Beach)



- Piping Plover Nest Locations: 2000-2013
- Piping Plover Nest Locations: 2011 & 2012
- Historic Piping Plover Nest Locations



Projection: UTM, NAD83, Zone 18
Date: 9/11/2013



Piping Plover Nest Locations - Town of Scarborough (Pine Point Beach)



- Piping Plover Nest Locations 2000-2013
- Piping Plover Brood Locations 2011 & 2012
- Historic Piping Plover Nest Locations



Projection: UTM, NAD83, Zone 18

Date: 9/11/2013