

**TOWN COUNCIL WORKSHOP
ON REPORT FROM AD-HOC
ANIMAL CONTROL COMMITTEE**

**WEDNESDAY, MARCH 5, 2014 – 6:00 P.M.
CHAMBER A**

Item 1. Call to Order.

Item 2. Those Present.

Item 3. Discussion on the following proposed recommendations:

- a. Recommendations Not Requiring Ordinance Amendments.
- b. Recommendations Requiring Ordinance Amendments.
- c. Compromise Proposal.

Item 5. Adjournment.

Recommendations Not Requiring Ordinance Amendments

Recommendations for Beaches

➤ **Establish an On-going Committee- Implementation of Recommendations**

- Broad representation (geography and interests) including beach areas
- Recommended areas for review:
 - Preparation of educational materials
 - Monitoring program/coordination of volunteers
 - Establish consistent signage
 - Consider Dog Parks
 - Work with Piping Plover Coordinator and agency partners

ACTION: Order establishing new Committee

➤ **Designate Co-op Beach as a year-round dog beach**

- Explore process for de-listing essential habitat designation (Exhibit F)
- Consult with Shellfish Commission and Coastal Waters and Harbor Committee

ACTION: Refer matter to On-going Committee

➤ **Plover Coordinator**

- Oversee and coordinate monitoring program and volunteers

ACTION: Fund position in FY 2015 budget

➤ **Improve Signage at all Beach Access Points**

ACTION: Refer to staff and On-going Committee for implementation

➤ **Enhanced focus on Education and Enforcement**

ACTION: Refer to staff and On-going Committee for implementation

➤ **Formulate educational materials and coordination with other agencies regarding the issue of keeping cats indoors (no mandate)**

ACTION: Refer to staff and On-going Committee for implementation

Item 3.a.

- **Engage the golf courses in Town regarding their use of weed and pest control management products**

ACTION: Refer to Pest Management Advisory Committee

- **Petition for the inclusion of the areas north and east of Scarborough Beach in the essential habitat designation (See Exhibit G)**

ACTION: Refer to On-going Committee

- **Heightened fireworks enforcement on the beach during July 3,4 and 5 and coordinate with other agencies to discourage the use of fireworks around documented nest locations; emphasis the fireworks ban on beaches in all educational materials**

ACTION: Refer to Police Department

- **Evaluate trash collection procedures with the hope of reducing the number of receptacles on Pine Point Beach and that they be moved as far away as practicable from any known nest locations**

ACTION: Refer to Community Services for evaluation and implementation

- **Seek input from state and federal agencies regarding suggested "best practices" for beach raking**

ACTION: Refer to staff to seek consultation and implement suggest changes to the policy

Recommendations – Town-Wide

- **Current Animal Control Ordinance is appropriate as it allows off-leash under voice control; better signage at all town facilities to publicize rules and responsibilities (See Exhibit H)**
 - Community Services should recommend changes, when and if appropriate
 - Town should consider dog parks at one or more town facilities, considering such factors as location, cost and amenities

ACTION: Refer to staff and On-going Committee for review and recommendation

Item 3.a.

- **Encourage Scarborough Conservation Land Trust and the Eastern Trail Management District to maintain current practices relating to dog access and Town should support this endeavor**

ACTION: Refer to staff to communicate with partner agencies

- **Require distribution of educational materials at the time of annual licensure renewal**
 - Require affirmation of dog owner of receipt of educational materials
 - Permit system for temporary use

ACTION: Refer to staff and On-Going Committee for implementation

Chapter 604 - Animal Control Ordinance

➤ In-Season Beach Regulations

- In-Season defined as April 1 to the day after Labor Day each year
- April 1 through May 14:
 - Dogs allowed on beaches from dawn until dusk on an 8 ft. (or less) leash.
- May 15 through the Tuesday after Labor Day:
 - Dogs allowed on beaches from dawn until 9:00AM on an 8 ft. (or less) leash.
 - No dogs on beaches from 9:00AM until 5:00PM.
 - Dogs allowed on beaches from 5:00PM until dark on an 8 ft. (or less) leash.
 - The following conditions would allow an individual beach to be "released" on or after July 15 whereby dogs can be off-leash but on voice control from dawn until 9:00AM:
 - No plover nesting has been detected between April 1 and July 14.
 - 40 days have passed since the last chick hatched

➤ Off-Season Beach Regulations

- Off-Season defined as the day after Labor Day to March 31 each year
- Dogs allowed on the beach from dawn to dusk, but must be leashed between 11:00 AM and 2:00 PM each day

➤ Include "sight" in the voice control definition

➤ Establish a 200' setback from protective fencing (enclosures)

➤ Establish standards for "Responsible Dog Ownership" that must be read and acknowledged at the time of annual licensure

- Dogs Should Never:
 - Charge, chase or display aggression towards any person, other dog, wildlife/bird
 - Behave in any way that a reasonable person would find disturbing or harassing
 - Fail to return to its owner/guardian side immediately upon verbal or visual command
 - A dog owner/guardian may not have more than two (2) dogs under voice/sight control at the same time.

➤ Include allowance for "Owner" warning for animal trespass to be consistent with state law

Chapter 610 – Piping Plover Ordinance

- Establish a 200' setback from protective fencing (exclosures)
- Include "Parasailing" and "kite-surfing" to uses requiring a 650' setback from nesting or territorial adult or unfledged Piping Plovers

Chapter 604A – Horse Beach Permit Ordinance

- Horse Beach Permit Ordinance amended to allow horses on the beach from Oct. 1 to April 1

Possible Ordinance Amendment

- Introduce a Dog Tag program modeled after Boulder, CO that establishes dogs' off leash as a privilege (see Exhibit D)
 - Issuance of dog tag associated with educational materials and an affirmation by the dog owner <https://bouldercolorado.gov/osmp/tag-program>
 - Revocation for non-compliance
 - Facilitate easy access to the program – on-line registration

Compromise Proposal Offered By Councilor Donovan:

This compromise proposal incorporates many elements of proposals made by ardent DOGS people. It seeks to maximize off leash time for dogs when plovers are present on the beach.

It focuses protection of piping plovers from off leash dogs during nesting season in the areas plovers have historically nested and only imposes a beach-wide on-leash requirement when chicks are born, necessitated by the tendency of chicks to wander great distances. The beach areas selected for special plover protection (“Protected Areas”) and the dates and restrictions, are based upon scientific principles of plover protection and balanced against the public’s legitimate interests in beach access.

The rules are made as consistent as possible for all 3 beaches but because of the geography of Pine Point and the location of its neighborhoods and points of entry the rules for Pine Point vary slightly.

PROTECTED AREAS: NO DOGS ALLOWED FROM APRIL 1 TO DAY AFTER LABOR DAY

Higgins – Champion Street to Spurwink River.

Ferry/Western – Western Beach adjoins Ferry Beach and is deemed the “Protected Area”. No portion of Ferry Beach is in the “Protected Area”.

Pine Point – All beach north of Hurd Park *

*At Pine Point the rule is “dogs on leash in the Protected Area”, not “no dogs”.

NON-PROTECTED SECTION OF BEACH:

The remainder of each beach listed above is deemed “non-protected” and is subject to the following rules.

Date and Time provisions for dogs off-leash in non-protected areas:

April 1 to June 14**

6:00am – 11:00am Dogs off Leash

11:00am – 2:00pm Dogs on Leash

2:00pm – Dusk Dogs off Leash

June 15 to Tuesday after Labor Day

6:00am – 9:00am Dogs off Leash

9:00am – 5:00pm No Dogs on Beach

5:00pm – Dusk Dogs on Leash

** The April 1 to June 14 times are identical to the schedule for the period, Day after Labor Day to March 31

EXCEPTION: When Chicks are present the ENTIRE BEACH becomes dogs on leash until the chicks have migrated. Prior rules apply thereafter.

Rules:

The leash must be 12’ or shorter.

Dogs allowed on the beach only during the times designated.