



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
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**To:** Steve Moriarty, Planning Board Chairman  
**From:** William R. Shane, Town Manager  
**Date:** September 13, 2018  
**Re:** Animals Ordinance Update

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As many of our ordinance have changes and new Zoning Districts have been developed, the Animal Ordinance was tweaked to respect some of the smaller lots in the newer zones and MDR Zone of the Town.

The Council has requested your input and recommendation after holding a Public Hearing.

**Chapter 315. Zoning**  
**Article VI. General Regulations**  
**§ 315-38. Animals.**

- A. Household pets are allowed in all districts. Household pets shall not include horses or any animals kept for purposes of commercial or noncommercial agriculture or animal husbandry, or any uses related thereto, and shall not include any animals that are considered a public nuisance or are otherwise unlawful to possess under state or federal law.
- B. Horses may be kept in all districts, provided that there shall be at least one acre of containment area for the first horse to be kept on the premises and 10,000 square feet of containment area for each horse thereafter.
- C. Animals other than horses ~~and, including chickens or~~ household pets; may be kept for ~~personal use and enjoyment~~ noncommercial purposes, provided that the minimum lot size for keeping such animals shall be two acres in all districts, except that the minimum lot size for keeping such animals on properties within the Village Mixed Use (VMU) District, Low Density Residential (LDR) District and the Medium Density Residential (MDR) District as designated in the Town of Cumberland's Comprehensive Plan shall be ten acres for purposes of this Chapter.
- D. The free range of poultry beyond the borders of an owner's property is prohibited.
- E. No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.
- F. It shall be a violation of this Chapter to keep an animal or animals on any property within the Town that results in an unreasonable use of the property, unreasonably injures another's land, interferes with the use of another's land, alters the flow of surface water, or negatively impacts the drinking water of any property through any noise, odor, storage or disposal of materials, animal byproducts or carcasses that are related to the keeping of such animal or animals on the property.
- G. Any violation of this Chapter shall constitute a nuisance, and the owner, person or firm having control or use of the property on which animals are being kept in violation of this Chapter shall be fined as established by order of the Town Council for each day such violation is permitted to exist after notification in writing from the Town; provided, however, that a farm operation shall not be considered a nuisance if it is in compliance with applicable state and federal laws, rules and regulations.