

**Town of Cape Elizabeth
Ordinance Committee Minutes**

July 21, 2025

4:00 p.m.

Town Hall

Members Present: Caitlin Jordan Harriman, Chair
Stephanie Anderson
Jonathan Sahrbeck

Staff: Maureen O'Meara, Town Planner
Ben McDougal, Code Enforcement Officer

Public Comment

Chair Harriman opened the meeting at 4:05 p.m. No one was present to make a public comment.

Minutes

Councilor Anderson made a motion to accept the June 24, 2025 minutes, which was seconded by Councilor Sahrbeck and the motion passed 3-0.

Junkyards

The Town Council referred to the Ordinance Committee a review of junkyard regulations to facilitate more effective regulations.

Code Enforcement Officer Ben McDougal reported that he and Maureen had researched junkyard regulations in other communities and did not find language to recommend. Some cities have a property maintenance code and those focus on building maintenance rather than garbage in the yard. This is a gray area that is difficult to enforce. For example, the Swap Shop enables folks that are natural "collectors." They may have 30 bikes that need repair, and second hand products accumulate. It is hard to define that as trash if the intent is to refurbish.

Chair Harriman asked who decides what you can keep/collect on your property.

Mr. McDougal shared that he has kayaks, wood piles, chair and a fire pit in his yard. There are no complaints.

Councilor Sahrbeck asked if there is anything in the current ordinance for enforcement that you find problematic?

Mr. McDougal said the rules do not touch on the condition of the house or accessory structure. Yard junk is covered by definition, but there is a gray area.

Councilor Sahrbeck asked, if there is a complaint, under the town's legal process, could you testify what is reasonable under the definition?

Mr. McDougal responded yes, if it obvious from the street.

Councilor Anderson asked if there are houses that may be considered a junkyard now? Mr. McDougal said yes. Councilor Anderson asked what enforcement actions are taken?

Mr. McDougal worked with 2 properties over the years. There are intermittent clean-ups and then slide back. For example, 2 15 yd dumpsters were filled from one property last summer based on my enforcement. That addressed about ½ of the problem on the property.

Councilor Sahrbeck noted that it is easier with Site Plan review. It is a different perspective with homes. Mr. McDougal agreed there is a lot more gray area with residential v. site plan review.

Councilor Anderson said the complaints she has received are about residential properties. Chair Harriman said she should forward those complaints to Mr. McDougal. Mr. McDougal confirmed that he had not received any complaints regarding properties on Mitchell Rd.

Chair Harriman suggested that complaints should be made to Mr. McDougal instead of changing the ordinance.

The committee reviewed the Junkyard definition in the Zoning Ordinance, noting the reference to "second hand products."

Mr. McDougal said property owners are allowed 1 unregistered vehicle. Two factors to consider are how material there is and how long it has been there. For example, if there are 5 bikes on the property and they are cycling through them, then it is not junk. If there are 10 bikes in a pile that haven't been touched, that is different.

Chair Harriman asked how long is too long? Now you are discretionary. The committee discussed definition adjustments, such as time and quantity, but also suggested that the starting point should be making a report to the Code Enforcement Officer before changing the ordinance.

Councilor Anderson asserted that the Code Enforcement Officer knows about the Mitchel Road property. Mr. McDougal said he didn't think there was a problem on Mitchell Rd until this discussion started. He can look at Mitchel Rd more carefully.

Councilor Anderson asked what he would do next?

Mr. McDougal said he would visit the property, talk to the property owner, try to initiate some enforcement. There was an exchange about 4 addresses that Councilor Anderson would give the Code Enforcement Officer.

Councilor Sahrbeck asked how the definition should be changed? Mr. McDougal said he has tools for now.

Councilor Anderson confirmed that she sees stuff/junk in yards, but is undecided if a junkyard ordinance change is the best way forward.

The committee reviewed the ordinance examples collected by Ms. O'Meara.

Mr. McDougal said he can step up enforcement under the current ordinance and see what progress can be made.

Chair Harriman emphasized that complaints need to go to Mr. McDougal.

The committee discussed if an ordinance change is needed, what change if any would be proposed, and speculation about what would be in the yard and that those materials are included in the current definition.

Mr. McDougal said he can take a broader view of the existing definition. If he has no success, he will explain why not.

Chair Harriman asked that he let the committee know if he hits a wall.

With a reference to mental health causes, Councilor Anderson asked how the Code Enforcement Officer obtains a diagnosis, for example for hoarding? Can he ask for proof?

Mr. McDougal said he doesn't ask and he doesn't need to. He can pursue with the current definition. He does not talk about mental health.

The committee discussed how to help folks who need assistance. Mr. McDougals some folks do not have the means to get help with cleanup. He has been able to help one property owner, and the Thomas Jordan Trust was mentioned. Several options were spit-balled.

Mr. McDougal asked Councilor Anderson to email him the list of properties. He can work on that over the next few months and then report back.

Chair Harriman said she would provide an oral report to the Town Council about the committee's tabling of ordinance changes for now.

Public Comment

No one was present to comment.

A motion to adjourn was made by Councilor Sahrbeck, seconded by Councilor Anderson and passed 3-0. Meeting adjourned at 4:43 p.m.