

Falmouth Police Department
2 Marshall Drive
Falmouth, Maine 04105
207-781-2300

June 12, 2013

To: Nathan Poore
Fr: Ed Tolan
Re: Request for ordinance amendment

Nathan,

Yesterday in court when we attempted to prosecute a nuisance dog case the judge interpreted the ordinance word for word and would not accept a signed statement from the victim because it was not sworn to and notarized. Statements we obtain for criminal cases are not even required to be notarized, but the judge advised he had to refer to our ordinance.

I spoke with Bill Plouffe and he agreed there is no need to have the term sworn (highlighted below) in this ordinance. I would like to move forward with a change to this section of the ordinance if you are in agreement.

Sec. 3-4. - Nuisance dogs.

No owner or keeper of any dog kept within the town shall allow such dog to become a nuisance dog under the definitions of this chapter. Upon written complaint signed ~~and sworn to~~ by the person disturbed, any duly qualified law enforcement officials including, without limitation, the animal control officer, may investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. If such annoyance or disturbance continues after a warning has been issued, the owner or keeper shall be guilty of a civil violation punishable by a fine of fifty dollars (\$50.00) for the first offense; and fifty dollars (\$50.00) for each subsequent offense. All fines so assessed and attorney's fees shall be recovered for use by the town.

No person shall be prosecuted under this chapter unless that person has had written warning from a duly qualified police officer or animal control officer in the town of Falmouth. The warning shall be made part of the complaint and shall include, but not be limited to, the date and time the warning was issued.