



**TOWN OF FALMOUTH  
ORDINANCE NO 54-2020**

**An Ordinance to amend the Code of Ordinances  
Regarding Clarifying the Definition of a Nuisance Dog and Providing More  
Options to Better Enforce the Ordinance**

**Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances be amended to read as follows:**

**PART II CODE OF ORDINANCES**

**CH. II-3 ANIMALS**

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**Section 3-1 Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

**At large** means off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog. Premises includes residences, including land and buildings, and motor vehicles belonging to the owner or keeper of the dog.

**Dangerous dog** means a dog that bites an individual not trespassing on the dog owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and non-aggressive manner to fear imminent bodily harm by assaulting or threatening to assault that individual or that individual's domestic animal. "Dangerous dog" does not include a dog certified by the state and used for law enforcement use

**Keeper** means a person in possession or control of a dog.

**Licensed dog** means a dog whose owner or keeper has presented to town officials evidence that the dog has been vaccinated against rabies and has paid the annual registration fee for the dog.

**Nuisance dog** means a dog which engages in loud, frequent and continual barking, howling, or other loud or unusual noises, in rapid succession for 20 minutes or more or intermittently for one hour or more in an unprovoked setting without legitimate cause for provocation.

**Owner** means any person, firm, association or corporation owning, keeping or harboring a dog.

**Section 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. Any duly qualified law enforcement official including, without limitation, the animal control officer may investigate a possible nuisance dog upon reasonable suspicion, including upon a written complaint signed by a person disturbed, and as a result of the investigation such official may give written notice to the owner or keeper of such dog that the nuisance must cease. If such dog becomes a nuisance dog at any time 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.

No person shall be prosecuted under this chapter unless that person has had written warning from a duly qualified law enforcement official in the town as described in this Section. 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. All fines so assessed shall be recovered for use by the town. The town will be entitled to recover any attorney's fees incurred in recovering fines assessed under this Section.

**Attest:** \_\_\_\_\_

**Ellen Planer**  
**Town Clerk**  
**November 13, 2019**