

## TOWN OF BERWICK BYLAW

### ANIMAL BYLAW

- 76 (a) “Dog” means any dog, male or female.
- (b) “Owner” of a dog includes any person who possesses or harbours a dog.
- 77 No dog under the age of two months shall be subject to this bylaw.
78. On or before the first day in May in each year the owner of each dog within the Town shall procure such dog to be registered, described, numbered and licensed at the office of the Clerk, and every license shall be in force until the first day of May next ensuing when such dog shall again be registered.
79. Any dog born between May 1<sup>st</sup> in any one year and May 1<sup>st</sup> in the ensuing year when attaining the age of two months shall be registered as set forth in the preceding section hereof and shall be subject to this bylaw in every respect that may be applicable.
80. Everyone who shall after the first day of May become the owner of any unregistered dog within the Town, shall immediately register the same as set forth in bylaw 78 and shall be sufficient until the first day of May in the year next ensuing when such dog shall be again registered.
81. (a) No owner of a dog shall permit the same to run at large in the Town. Any dog which is permitted to leave the premises of the owner without being under the effective restraint or control of some person shall be deemed to be running at large for the purposes of this bylaw.
- (b) No person shall walk any dog, whether or not the same is on a leash, in any children’s playground or on any public or private property where a sign has been erected prohibiting the walking of dogs thereon.
82. It shall be the duty of the dog control officer appointed by the Council to take and impound and it shall be the duty of the pound-keeper appointed by the Council to receive and impound.
- (a) any dog found at large within the Town.
- (b) any dog not registered in accordance with the provisions of this bylaw.
83. On any dog being impounded as aforesaid, the pound-keeper shall forthwith prepare a notice in the following form:

## Dog Notice

Take Notice that a dog (giving a short description) has been this day impounded at (note location) and unless such dog is claimed by the owner on or before the      day of      A.D., 19      , at      o'clock in the      noon and registered according to law, the said dog will then be the property of the Town.

Dated at the Town of Berwick,  
This      day of      A.D., 19      \_\_\_\_\_

Pound-keeper

84.            The said notice shall be posted in the Town Hall and shall be published in a newspaper regularly circulated in the Town for a period of not less than forty-eight hours before the time fixed by said notice.
85.            If at the expiration of the time fixed by said notice no claim of ownership for such dog is made, then the Town may either sell such dog or cause the same to be killed.
86.            If any person before the time fixed by said notice appears and claims to be the owner thereof, the said dog shall be delivered up to him on his immediate compliance with this by-law and payment of poundage and expenses as follows:
- |     |                                      |         |
|-----|--------------------------------------|---------|
| (a) | for seizing and impounding the dog - | \$10.00 |
| (b) | board for the dog, per day -         | \$10.00 |
| (c) | dog tag, issued annually -           | \$10.00 |
87.            The dog control officer appointed by the Council shall annually in the month of May take census of the dogs in the Town and report the same to the Clerk.
88.            The Clerk shall keep a record where he shall register the mane of every dog and its owner so reported to him either by the dog control officer appointed by the Council or the owner together with the description of the said dog, and the person by whom reported.
89.            A dog may be allowed on the streets only while under the effective restraint of a responsible person.
90.            The owner of a dog that:
- |     |   |
|-----|---|
| (a) | is found at large contrary to these bylaws; or                        |
| (b) | without provocation shall attack or injure any person or property; or |
| (c) | without provocation injures or kills any domestic animal or fowl; or  |

(d) without provocation damages any property;

shall be liable on summary conviction to a penalty not exceeding fifty dollars (\$50.00) and in default of payment to imprisonment for a period not exceeding ten days.

91. Where a dog that is or appears to be fierce or dangerous is found unlawfully running at large any police officer or constable may immediately kill such dog.

92 (a) Horses, colts, asses, mules, oxen, cows and other cattle, sheep, swine, goats, geese, turkeys, or any other domestic animals or fowl shall not be at large within the Town. The owner of any of the above mentioned going at large in the Town shall on conviction be liable to a penalty not exceeding fifty (\$50.00) and in default of payment to imprisonment for a period not exceeding ten days.

(c) The owner of any of the animals or fowl mentioned in the preceding bylaw shall ensure that the manure therefrom shall be contained in an enclosed building, or other enclosed structure, and shall be removed from time to time so as to prevent it from becoming a nuisance.

(d) No person shall lead, ride or drive a horse upon a sidewalk in the Town, and no person shall lead, ride or drive a horse in any children's playground or on any public or private property in the Town where a sign has been erected prohibiting such leading, riding or driving of horses.

### RESOLUTION OF COUNCIL

The following Resolution was passed at a meeting of the Council, Town of Berwick, on the 9<sup>th</sup> day of May A.D. 1995.

Moved by Councillor Ron Reeves and seconded by Councillor John Prall, that the Animal Control Bylaw be revised to reflect the new rate structure as follows:

\$10.00 per Dog Tag, issued annually  
\$10.00 per Seizure and Impounding  
\$10.00 per Board/day, including partial days.

These new rates to be appended to the existing Animal Control bylaw by recorded Resolution, to be certified by the Mayor and Clerk, and filed in the Bylaw Book.

(signed by Mayor John W. Rainforth and Town Clerk Judith Mitchell, May 10, 1995)

History of this Bylaw:

Enacted - July 9, 1963

Amended - October 9, 1979  
March 9, 1982  
November 10, 1987  
March 13, 1990  
May 9, 1995