

TOWN OF BERWICK BYLAW

DOG BYLAW

DEFINITIONS

1. In this Bylaw:
 - (a) "dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;
 - (b) "domestic animal" includes pets and farm animals;
 - (c) "owner of a dog" includes any person who possesses, has the care of, has the control of or harbours a dog and, where the person is a minor, includes a person responsible for the custody of the minor;
 - (d) "Town" means the Town of Berwick.

REGISTRATION

2. Every owner of a dog, shall, within ten (10) days of having become owner, register such dog at the Town Office and obtain a tag for such dog.
3. An owner shall be issued a dog tag upon supplying the following:
 - (a) Name, civic address, mailing address and telephone number of the owner;
 - (b) Name and breed of the dog;
 - (c) Description of the dog, including any distinguishing marks;
 - (d) Payment of the current annual registration fee.
4. A dog that is trained to assist, and does assist, a person with a disability is exempt from any registration fee

DOG TAGS

5. Every owner of a dog shall ensure that a valid dog tag is secured, by collar or otherwise, to the applicable dog.
6. A dog tag shall indicate the year and serial number.
7. The Town shall keep a record of every dog registered, recording the following information:
 - (a) Registration date;
 - (b) Tag serial number;
 - (c) Name of dog;
 - (d) Description of the dog;
 - (e) Name, civic address, mailing address, and telephone number of the owner.
8. A tag shall be valid and effective from the date of issue until the 31st of March following. The owner shall re-register such dog annually.
9. If a dog is sold, or if ownership is transferred by gift or otherwise, to another person residing in the Town, such sale or ownership transfer shall be reported by the new owner to the Town within ten (10) days of such acquisition or transfer by advising of the name, civic address, mailing address and telephone number of the new owner and that information shall be registered along with the corresponding tag number without charge.

10. If a tag becomes lost the Town may issue a replacement tag to the owner without charge.
11. Every owner of a dog that is not wearing a valid dog tag is guilty of an offence.

REQUEST FOR INFORMATION

12. Every person to whom a written request for such information has been sent by the Town, shall, within ten (10) days, provide to the Town a written statement of the number of dogs owned by that person.
13. Every owner of a dog or dogs who neglects or refuses to provide a written statement required under this By-law is guilty of an offence.

RUNNING AT LARGE

14. Any dog which is off the premises occupied by the owner of such dog without being under the continuous restraint and control of some person is deemed to be running at large for the purposes of this Bylaw. A dog that is secured by a tether of sufficient length to permit the dog to leave the property boundaries of the premises where tethered is deemed to be running at large.
15. Notwithstanding the foregoing, a dog shall not be deemed to be running at large if at the time the dog is:
 - (a) participating in a search and rescue operation or a law-enforcement operation;
 - (b) assisting a person with a disability, provided the dog is trained for such purpose.
16. Every owner of a dog that runs at large is guilty of an offence.

FIERCE OR DANGEROUS

17. A dog is deemed to be, and have been, fierce or dangerous if it:
 - (a) has attacked or injured a person or a domestic animal without good reason;
 - (b) is owned primarily, or in part, for the purpose of fighting;
 - (c) is trained to attack or to fight,
18. Notwithstanding the foregoing, a dog shall not be deemed to be fierce or dangerous if it is a professionally trained guard dog engaged in the protection of a Commercial, Institutional or Industrial property. Property owners must post signs warning people to Beware of Dog when such a dog is present for the purpose of protecting a Commercial, Institutional or Industrial property.
19. Every owner of a dog that is fierce and dangerous is guilty of an offence.

DISTURBING THE QUIET OF THE NEIGHBOURHOOD

20. Every owner of a dog that persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise is guilty of an offence.

RESPONSIBILITIES OF OWNERS

21. Every owner of a dog, other than other than a dog that is trained to assist and is assisting a person with a disability, who fails to remove the dog's feces from public property - and from private property other than the owner's - is guilty of an offence.

IMPOUNDING

22. The Pound Keeper may, without notice to or complaint against the owner, impound any dog that:
 - (a) is, or has been in the past 48 hours, running at large;
 - (b) does not have a valid dog tag attached to it;
 - (c) in respect of which the registration fee has not been paid;
 - (d) is fierce or dangerous;
 - (e) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
23. Except in the case where a dog is impounded for being fierce or dangerous, or is rabid or appears to be rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper of the following costs and fees:
 - (a) an impounding fee of \$10.00;
 - (b) a boarding fee of \$10.00 for each day, or part thereof, during which the dog was at the pound;
 - (c) any extraordinary expenses incurred by the Pound Keeper in relation to the dog.
24. A Peace Officer may, without notice to or complaint against the owner, destroy on sight, any dog that is fierce or dangerous or is rabid, or appears to be rabid or exhibits symptoms of canine madness
25. Notwithstanding the foregoing, the owner of any dog which has been impounded for a second infraction within 90 days of the first infraction shall pay an impounding fee of \$50 and further for a third infraction within 210 days of the first infractions shall pay an impounding fee of \$75. The owner of any dog which is impounded for its second infraction, within twenty-four hours, of running at large contrary to this Bylaw shall not be permitted to redeem such dog. The dog may be sold or euthanized by the Pound Keeper and, if sold, the proceeds shall be paid to the Town.
26. Any person residing in the Town who purchases an unregistered and untagged dog from the Town's Pound shall register the dog, obtain a tag for such dog and pay the current registration fee before taking it from the pound.
27. Any dog which has not been redeemed by its owner at the expiry of a period of ninety-six (96) hours after being impounded, may be either sold or euthanized by the Pound Keeper and, if sold, the proceeds shall belong to the Town.
28. Notwithstanding subsection 27, whenever the ninety-six (96) hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

ENTER A DWELLING

29. In the special cases noted in Section 176 of the *Municipal Government Act*, A Peace Officer shall apply for and obtain a warrant before entering a dwelling to enforce this Bylaw or the MGA, however such an Officer has the option to enter other parts of private property without resorting to the said warrant provisions.

NOTICE

30. Upon any dog being impounded the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall attempt to contact the registered owner by registered mail.
31. Notwithstanding the foregoing, if a dog is missing, the onus is on the owner of the dog to ascertain within the time period provided for impounding under this Bylaw, whether the dog has been impounded. Neither the Pound Keeper nor the Town shall incur liability in the event of failure to give Notice to the owner, if the owner has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

PENALTY

32. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.

VOLUNTARY PAYMENT PROVISION

33. A person who is alleged to have violated this By-law and where the notice so provides, may pay a penalty in the amount of \$50.00 to the Office of the Chief Administrative Officer provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties incurred by the person for said violation.
34. Sections 76 to 91 of the Animal By-law of the Town of Berwick, are hereby repealed.

History of this Bylaw:

Enacted – June 12, 2001