

*adopted
May 16, 2001*

TOWN OF BERWICK
ANIMAL CONTROL ORDINANCE

1.1 DOGS NOT TO RUN AT LARGE

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting as defined in state law (7 MRSA 3907 & 3911.) Any dog off the property of its owner or keeper must be under control either by a leash or by verbal control and personal presence. Any dog found in violation shall be seized as described in state law (7 MRSA 3912 et seq.). The procedure for stray dogs shall be as described in state law (7 MRSA 3913).

1.2 IMPOUND FEES

The owner (s) of any dog may reclaim the dog(s) upon payment of the following:

A. The municipal impound and transport fees provided that the dog has been properly licensed. A receipt for payment of Municipal fees must be presented to the animal shelter prior to the release of the dog.

B. The Municipal impound fee shall be consistent with prevailing kennel rates and shall be established by the Board of Selectmen. The Municipal transport fee shall reflect the cost of transporting the dog to the shelter or veterinarian and shall be established by the Board of Selectmen.

1.3 LICENSE REQUIRED

No dog may be kept within the limits of the Town of Berwick unless the dog has been licensed as prescribed by state law (7 MRSA 3921 et seq.). License fees and late charges shall be as prescribed by state law (7 MRSA 3923A) as may be amended from time to time.

1.4 DOGS CREATING A NUISANCE

Any owner or keeper of a dog which creates a nuisance as defined herein shall be held liable for the actions of, or any damage done by, the dog. A nuisance shall include instances of any of the following which shall be deemed to be a violation of this Ordinance.

A. Excessive Noise. Any dog which barks, howls or makes other unreasonable noise continuously for twenty (20) minutes or intermittently for one (1) hour shall be deemed to constitute a nuisance.

B. Property Damage. The digging or trampling of gardens, flower beds etc. by any dog shall be deemed to constitute a nuisance. (See 7 MRSA 3961 for private remedies for damages)

C. Litter. The tearing open or overturning of trash receptacles shall be deemed to constitute a nuisance.

D. Excrement. The accumulation of dog excrement so as to cause an offensive odor and/or a health or safety hazard shall be deemed to constitute a nuisance.

E. Chasing. The chasing of automobiles, motorcycles or bicycles shall be deemed to constitute a nuisance.

F. Menacing. The menacing of livestock, other animals or persons shall be deemed to constitute a nuisance.

1.5 DANGEROUS DOGS

Dogs of a dangerous or vicious temperament shall be securely confined or tied by the owner or keeper in a reasonable and humane manner to prevent harm to the public, the dog or other animals. The procedures for dealing with dangerous dogs shall be governed by state law (7 MRSA 3951 et seq.).

1.6 DOGS THAT HAVE BITTEN PERSONS

The owner of a dog who knows or has been advised that the dog has bitten a person shall notify the Animal Control Officer or a Police Officer immediately and shall produce evidence of a rabies vaccination on demand. Said owner shall confine said dog to the property of it's owner for a period of ten (10) days. If proof of rabies vaccination is not available or known or if the owner of the dog is not known, the dog shall be confined at an animal shelter or veterinarian's in accordance with applicable state law (See Department of Human Services Rules, Chapter 251 Rules Governing Rabies Management. See also 22 MRSA 1313, 1313A and 1313B). Any expenses incurred by the Town of Berwick shall be the responsibility of the owner of the dog and shall be paid by that person.

1.7 DOGS IN HEAT

The owner/keeper of a female dog in season (heat) shall confine the dog indoors or in a secure enclosure, except when being exercised on a leash or otherwise under the control of a responsible adult. The enclosure must be of suitable size and strength to prevent escape and to prevent a male dog from having access to such female except for controlled breeding purposes as may be permitted by the owner of the female. Additionally, the female dog shall not be chained or tethered in a manner that prevents her from defending herself or from avoiding a male dog.

1.8 VIOLATIONS

Any person found in violation of any provision of this Ordinance shall be assessed penalties as provided by state law. When state law does not provide a penalty, violations of this Ordinance shall be subject to a fine of not less than \$50 nor more than \$200 for each offense. It is the intent of this Ordinance that the stricter provision be applied for any offense covered by both state law and by this Ordinance. All fines for any violations of the Animal Control Ordinance shall be paid to the appropriate jurisdiction.

1.9 SEVERABILITY CLAUSE

If any part of this Ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

1.10 EFFECTIVE DATE

This Ordinance shall take effect upon its adoption by the voters at an Annual Town Meeting.

CERTIFICATION OF PROPOSED ORDINANCE
(30-A MRSA 3002)

We, the undersigned Municipal Officers of the Town of Berwick hereby certify to the Municipal Clerk of the Town of Berwick that the Ordinance entitled Town of Berwick Animal Control Ordinance attached hereto is a true copy of the proposed Ordinance to be acted upon at the Town Meeting (Open) to be held on May 16, 2001 in Berwick.

Dated this 17th day of April, 2001 at Berwick, Maine.

Russell B. Jagan
Margaret A. Wheeler
Bruce W. Plante
Eleanor M. Murphy
Wayne Clement
A Majority of the Board of
Selectmen of the Town of Berwick

A True Copy: ATTEST

Town Clerk of Berwick, Maine

Adopted 5/16/01