

TOWN OF SAINT ANDREWS
Regular Council Meeting
Minutes
February 7th, 2011

The regular meeting of Town Council was held in the Council Chambers beginning at 7:00 p.m. with the following members present: Mayor John Craig, Deputy Mayor Roger McNabb, Councillors Kate Akagi, Stan Choptiany and Mary Myers. Also present were staff members Tim Henderson, Town Manager, Chris Spear, Treasurer, and Gail McLaughlin, Administrative Assistant. Councillor Michael Craig arrived at 7:05 p.m. Councillor Edie Bishop was absent.

DISCLOSURE OF CONFLICT OF INTEREST IF ANY— None

PRESENTATIONS

There were no objections brought forward to the BIA’s Proposed 2011 Budget.

MINUTES

It was moved by Councillor Myers, seconded by Deputy Mayor McNabb and carried that Council adopt the minutes of the January 10, 2011 regular meeting as presented.

It was moved by Councillor Akagi, seconded by Deputy Mayor McNabb and carried that Council adopt the minutes of the Special Council Meeting of January 17, 2011 as presented.

STAFF REPORTS

It was moved by Deputy Mayor McNabb, seconded by Councillor Choptiany and carried that Council accept the Staff Reports as presented.

Town Manager’s Report

It was moved by Deputy Mayor McNabb, seconded by Councillor Akagi and carried to request an extension for the recreational infrastructure Canada (RinC) Program.

WHEREAS the federal government will make a one-time extension of the deadline for funding of projects under the Recreational Infrastructure Canada (RInC) Program from March 31, 2011 to October 31, 2011;

AND WHEREAS all funding from the Government of Canada will cease after October 31, 2011;

AND WHEREAS the Town of Saint Andrews is asking ACOA for an extension to federal funding to October 31, 2011 for the following projects:

[list of projects]

Project number	Project title	Total eligible cost	Federal contribution
195567	W.C. O’Neill Arena	299,273	99,758

THEREFORE BE IT RESOLVED THAT the Town of Saint Andrews attests that it will continue to contribute its share of the required funding for the aforementioned projects;

AND BE IT FURTHER RESOLVED THAT actual claims for all eligible costs incurred by March 31, 2011, for the aforementioned projects must be and will be submitted no later than April 30, 2011 to the Atlantic Canada Opportunities Agency;

AND BE IT FURTHER RESOLVED THAT Town of Saint Andrews will ensure that the project will be completed by October 31, 2011.

It was moved by Deputy Mayor McNabb, seconded by Councillor Choptiany and carried to adopt Policy GG001.4, Planning/Development Service Fee Schedule as presented.



**TOWN OF SAINT ANDREWS
COUNCIL POLICY MANUAL**

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Department	ADMINISTRATION		
Title	PLANNING/DEVELOPMENT SERVICE FEE SCHEDULE		
Purpose of Policy	To recover administrative cost of service provided		
Approved		Revised	

This policy will be reviewed by staff with recommendations to Council on an annual basis.

FEE SCHEDULE

Planning/Development Service	2011 Town of Saint Andrews
Documents,(deeds, leases, exemptions)	\$10
Zoning Confirmation	\$25
Zoning Compliance	\$25
All Variances, (dimensional, temporary, similar use, development officer)	\$100
Non-Conforming Use Application	\$100
Terms & Conditions Application	\$1,000
Rezoning	\$1,000
Subdivision Type 1	\$200 + \$25./ lot
Subdivision Type 2 (public roads and private access)	\$500+ \$50/lot
Copies of Bylaws: Zoning	\$20
Subdivision	\$10
Municipal Plan	\$20

Policy herein was approved by Council on the _____ day of _____, 2011 by a Resolution of the Council of the Town of Saint Andrews.

Mayor: John Craig

Clerk: W. Timothy(Tim) Henderson

COMMUNICATIONS

COMMITTEE REPORTS & RESOLUTIONS

Business Recreation and Special Events

It was moved by Councillor Akagi, seconded by Councillor Myers and carried that Council direct CAO Tim Henderson to send a letter to the Federal Government through Parks Canada supporting the St. Andrews Civic Trust's application for funding to repair, correct inaccuracies on signage, and renovate the Blockhouse of 1812 in Saint Andrews for the 200th commemoration ceremonies.

Finance and Administration

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried to grant Coastal Livelihood Trusts the use of space at the W. C. O'Neill Arena Complex for a one day youth forum on coastal stewardship, marine biology, aquaculture and the Passamaquoddy First Nation.

It was moved by Councillor Choptiany, seconded Deputy Mayor McNabb and carried that a request for an assistance grant by the NBCC Foundation be denied.

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried that the Dragonfly Centre for Autism be awarded \$250 from the Albert McQuoid Trust.

It was moved by Councillor Choptiany, seconded by Deputy Mayor McNabb to award the St. Andrews Art's Council \$1000 from the Albert McQuoid Trust. An Amendment to the motion was moved by Deputy Mayor McNabb, seconded by Councillor Myers and carried to award the St. Andrews Art's Council \$2000 from the Albert McQuoid Trust.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried to award a \$200 Assistance Grant to The Portage Centre.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried to award \$1000 to the Charlotte County Hospital Foundation-Satellite Dialysis Service from the Waycott Board Memorial Trust

It was moved by Councillor Choptiany, seconded by Deputy Mayor McNabb that a request for funds by the Healthy Living Program be denied.

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried that Vincent Massey Elementary School be awarded \$1000 from the Oliver Hosmer Fund for playground maintenance with the understanding that an accounting from 2010 and 2011 be submitted to Council.

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried that an Assistance Grant of \$1500 be awarded to Charlotte County Dial-a-Ride.

It was moved by Councillor Choptiany, seconded by Councillor Akagi and carried that an Assistance Grant of \$300 be awarded to Charlotte County Archives along with continued use of the Town Office photocopier.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried that a grant request from Fundy Community Foundation be denied.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried that Trail brushing between Water Street and Salt Marsh Road be performed.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried to repair three culverts between Katy's Cove and Indian Point Road.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried that the installation of sidewalks from Patrick Street to Prince of Wales Street around the point be denied because of budgetary constraints.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried \$33,792 be incorporated into building budgets for retrofits and maintenance(minus applicable grants) according to recommendations from the Green Action Plan and the Jacques Whitford Report.

It was moved by Councillor Choptiany, seconded by Deputy Mayor McNabb and carried that the establishment of a reserve of \$70,000 for the arena roof repair be denied because of budgetary constraints.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried that the Chief Financial Officer, Chris Spear apply for grants as outlined in the Jacques Whitford Report.

It was moved by Councillor Choptiany, seconded by Councillor Myers that the Navy League of Saint Andrews be awarded \$500 from the Albert McQuoid Trust for the purchase of a bass drum and cymbals with invoices submitted to the Town. An amendment to the motion was moved by Councillor Myers, seconded by Councillor Akagi and carried that the Navy League of Saint Andrews be awarded \$500 from the Albert McQuoid Trust for the purchase of a bass drum and cymbals with invoices submitted to the Town and that the group submit a plan to the Town for when the items cease to be needed.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried that the NBCC Saint Andrews Student Government be awarded an Assistance Grant of \$150 for their Winter Carnival.

It was moved by Councillor Choptiany, seconded by Councillor Myers and carried that a grant request from St. Croix Blades Speedskating Club be denied as the Town already subsidizes some of the rink costs.

INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS

It was moved by Deputy Mayor McNabb, seconded by Councillor Choptiany and carried By-Law No. 11-01, a By-Law Of The Town of Saint Andrews To Impose A Special Business Improvement Levy be read by title a second time.

It was moved by Deputy Mayor McNabb, seconded by Councillor Choptiany and carried to accept the BIA 2011 Budget as presented.

**SAINT ANDREWS BUSINESS IMPROVEMENT CORPORATION, INC.
2011 BUDGET**

REVENUE

BIA Levy.....	\$17,573.00
Special Events.....	650.00
Total Revenue.....	\$18,223.00

EXPENDITURES

Marketing and Promotion:

General.....	6,202.00
Downtown Music & Events.....	1,500.00

Special Events:

Canada Day Celebrations.....	1,000.00
(TGIF x3) plus Annual General Meeting.....	600.00
Town Christmas Tree Lighting Celebrations.....	100.00
Storefront Decorating Contest.....	200.00
Festival of Trees at Fairmont Algonquin.....	400.00
Caroller’s Lunch.....	100.00
Fall Festival Indulge	1,500.00

Administration:

Downtown Membership Dues.....	\$ 175.00
Paper and Office supplies.....	100.00

Beautification:

Hanging baskets.....	\$2,135.00
Watering and maintenance.....	3,500.00
BIA Christmas Tree Downtown.....	100.00
Pole decorating – wreaths/ribbons/swags.....	611.00
Total Expenses.....	18,223.00

ASSESSMENT.....\$8,786,300.00

BIA LEVY: \$0.20/\$100 assessed value within the Business Improvement Corporation Area.

It was moved by Councillor Myers, seconded by Councillor Akagi and carried that By-Law No. 11-01, a By-Law Of The Town of Saint Andrews To Impose A Special Business Improvement Levy and that the same now be read in its entirety a third and final time.

TOWN OF SAINT ANDREWS

BY-LAW NO. 11-01

A BY-LAW OF THE TOWN OF SAINT ANDREWS TO IMPOSE A SPECIAL BUSINESS IMPROVEMENT LEVY

Pursuant to Section 3(1) of the Business Improvement Areas Act, be it enacted by the Council of the Town of Saint Andrews as follows:

1. That a special business improvement tax shall be levied for the calendar year 2011 on all non-residential property within the business improvement area of the Town, said area having been designated in Town of Saint Andrews By-Law No. 72 enacted on June 4, 1984.

2. That the special business improvement tax for calendar year 2011 shall be at the rate of twenty cents (\$0.20) on each one hundred dollars (\$100.00) assessment of real property being the non-residential property in the business improvement area.

Read the first time: January 10, 2011

Read the second time: February 3, 2011

Read the third time and final time in its entirety in Council this 7th day of and enacted this 7th day of February, 2011.

MAYOR

CLERK

It was moved by Deputy Mayor McNabb, seconded by Councillor Akagi and carried that leave be granted to introduce By-Law No. 11-02, a By-Law Of The Town of Saint Andrews Respecting Animal Control Pursuant to Section 96(1) of the *Municipalities Act of New Brunswick* and that the same now be read by title a first time. **See Schedule "A"**.

NEW BUSINESS

ADJOURNMENT

It was moved by Councillor Akagi that the meeting adjourn. The meeting adjourned at 8:25 p.m.

Mayor

Clerk

SCHEDULE "A"

BY-LAW NO. 11-02
A BY-LAW OF THE MUNICIPALITY OF SAINT ANDREWS RESPECTING
ANIMAL CONTROL PURSUANT TO SECTION 96(1) OF THE
MUNICIPALITIES ACT OF NEW BRUNSWICK.

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BY-LAW NO. 11-02

A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF SAINT ANDREWS RESPECTING ANIMAL CONTROL

The Council of the Town of Saint Andrews, under authority vested in it by Section 96 of the Municipalities Act of New Brunswick, enacts as follows:

1. TITLE

- a. This By-law may be cited as the "Animal Control By-law",
b. The provisions of this By-law apply within the entire area of the Town of Saint Andrews.

2. DEFINITIONS

In this By-law:

- a. "animal" includes, but is not limited to, a dog, cat, or horse.
b. "Animal Control Officer" includes a peace officer and/or a person appointed by Council to carry out any or all of the functions of animal control pursuant to this By-law;
c. "animal shelter" means any association, person, pound or agency designated by Council to take possession of and properly care and provide for animals impounded pursuant to this By-law;
d. "breeder" means an owner who keeps and/or sells more than two (2) unaltered dogs and/or three (3) altered dogs;
e. "cat" includes male and female cat;
f. "Clerk" means the Clerk of the town of Saint Andrews;
g. "Council" means the Council of the town of Saint Andrews;
h. "day" means a 24 hour period;
i. "dog" includes a male or female dog;
j. "fierce or dangerous animal" means an animal which meets any one of the following conditions:
i. an animal that has attacked, bitten or caused injury to a person, either on public or private property or has demonstrated a propensity, tendency or disposition to do so;
ii. an animal that has attacked, bitten or caused injury to a domestic animal, either on public or private property;
iii. an animal that, while running at large, has aggressively pursued or harassed a person;

- iv. an animal that, while running at large, has aggressively pursued or harassed a domestic animal;
 - v. an animal with a known propensity to attack or injure a person without provocation;
 - vi. is attack trained;
 - vii. is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property; or
 - viii. is a potentially dangerous animal.
- k. **“horse”** includes a male or female horse.
- l. **“kennel”** means a place where animals are housed which can include a residence or place of business;
- m. **“muzzle”** means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting.
- n. **“owner”** includes a person, partnership, association or corporation who:
- i. is in possession of an animal;
 - ii. harbors an animal;
 - iii. suffers an animal to remain about his or her property or property under his or her control;
 - iv. is a registered owner, according to Service New Brunswick records, of property where an animal is allowed or permitted to remain; or
 - v. registers or licences an animal under this By-law;
- o. **“potentially dangerous animal”** means an animal:
- i. which has been impounded three (3) times within any twenty four (24) month period;
 - ii. for which the owner has received a municipal ticket or official warning concerning animal control three (3) times within any twenty four (24) month period; or
 - iii. for which the total number of impounds, tickets and warnings total three (3) within any twenty four (24) month period.
- p. **“public place”** means any property that is not privately owned and includes Municipal, Provincial, and Federal property;
- q. **“reptile”** means an air-breathing, scaly cold-blooded vertebrate and includes snakes;
- r. **“running at large”** means:
- i. to be tethered on a tether of sufficient length to permit the animal to leave the property boundaries of the premises occupied by the owner;
 - ii. not secured by a leash having a maximum length of three (3) meters in a public place; or
 - iii. to be unleashed:
 - (1) in a public place;
 - (2) on private property other than that of the owner or keeper of the animal without consent of the owner of the property; or
 - (3) in a forest or wooded area, while not in the company or control of the owner or keeper thereof.
- s. **“street”** includes road, sidewalk, alley, park, public square and property under the control of the town.
- t. **“unaltered”** means an unneutered male or an unspayed female dog .
- u. **“service animal”** means an assistance dog, and may include other animals specifically trained to perform physical tasks to mitigate an individual’s disability. Assistance dogs include: guide dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and service dogs for individuals with disabilities other than blindness or deafness. The presence of an animal as being trained to mitigate an individual’s disability does not qualify said animal as a service animal.

3. REGISTRATION AND LICENSING

- a. Every owner of a dog shall:
- i. register with the Clerk, or other person(s) so designated by Council by December 31st of each calendar year, each dog which he/she owns, and obtain a license pursuant to the provisions of this By-law for the next calendar year;
 - ii. provide the Clerk, or other person(s) so designated by Council, with the following information which will be recorded and retained:
 - (1) the owner's name and place of residence,
 - (2) the name, age, breed, colour and sex of the dog,
 - (3) proof of current rabies vaccination

- iii. pay, in accordance with *Section 15* of this By-law, to the Clerk, or other person(s) so designated by the Council, a license fee for each dog which he/she owns, subject to the following:
 - (1) the licence fee for any newly acquired dog that is being registered between July 1 and October 31 in any year shall be fifty percent (50%) of the fee set out in *Section 14* of this By-law;
 - (2) there shall be no license fee for a "service animal", but it must be licenced and wear a current tag;
 - (3) dogs which are being purebred and raised by a breeder, who is duly registered by the Canadian Kennel Club and holds a current Breeder's Licence, are exempt from the licencing requirements until they reach six (6) months of age.
- b. All licenses issued pursuant to this By-law shall expire at midnight on the thirty-first day of December of each year. Further provided an application may be made after November 1st in any year for a license for the following year, which shall be valid from the date of its issuance. When an owner ceases to own a dog for which the license was given, the license shall expire.
- c. An approved certificate from a veterinary or animal hospital is required as proof that a male dog is castrated, or a female dog is spayed, and an approved certificate from a veterinary or animal hospital confirming the dog(s) has received its rabies immunization pursuant to *Section 5 RABIES*.
- d. Every owner of a dog which is registered under this By-law shall forthwith advise the Clerk, or other person(s) so designated by Council, within thirty (30) days of the change of ownership and every owner who sells a dog which is registered under this By-law shall advise the purchaser of the registration and licensing provisions set out herein.
- e. Every person who conveys or receives a dog not necessarily by way of sale and purchase shall nevertheless follow the same provisions as set out in *Subsection 3(d)* herein.
- f. The Clerk, or other person(s) so designated by Council, at the time of registration of the dog, shall issue to the owner a license tag upon which is inscribed the registration number and the year of registration.
- g. A license tag is not transferrable from one owner to another or from one dog to another.
- h. A license tag which is lost, after it has been issued for the current year, may be replaced by the Clerk, or other person(s) so designated by Council, upon application by the owner and payment of any fees pursuant to *Section 14* of this By-law.
- i. Every owner of a dog shall cause a dog, registered by him or her under this By-law, to wear a collar to which the tag, issued under *Subsection 3(f)* shall be attached.
- j. The provisions of *Subsection 3(a)* shall not apply to:
 - i. an owner of a dog who is visiting in the Town for less than twenty one (21) days per calendar year; or
 - ii. an owner of any dog in the Town for the purpose of the dog participating in a dog show.
 - iii. A dog in a pet establishment as defined in *Regulation 2010-74* under the *Society For the Prevention of Cruelty to Animals Act* until the dog is sold or otherwise leaves the pet establishment.
- k. The maximum numbers of dogs permitted to be kept on a lot and the location where keeping of animals is permitted, shall be in accordance with the provisions of the Town of Saint Andrews Zoning By-law in a Residential Zone.

4. ANIMAL CONTROL OFFICER

- a. Council may by resolution appoint an Animal Control Officer to carry out any or all of the functions of this By-law.

5. RABIES

- a. The owner of a dog or cat which has not been vaccinated against rabies shall cause his or her dog or cat to be so vaccinated:
 - i. within ten (10) days of acquiring the dog or cat if it is more than six (6) months of age; or
 - ii. within ten (10) days after it has reached the age of six (6) months.
- b. When a dog is more than six (6) months of age on the coming into force of this By-law, and it has not been vaccinated against rabies, the owner shall cause such dog to be vaccinated against rabies within one (1) month thereafter and every three (3) years following.
- c. The Animal Control Officer will report an animal suspected of being rabid to the District Medical Health Officer and to the Royal Canadian Mounted Police.
- d. The Animal Control Officer shall, where in his/her opinion the condition of the animal warrants the recommendation or care of a veterinary surgeon, impound and/or report any apparent illness, communicable diseases, injury or unhealthy condition of any animal to a veterinary surgeon. The owner of the animal shall be held responsible for any fees incurred as a result of such consultation or treatment by the veterinary surgeon.
- e. Where an animal is suffering from any communicable disease, the owner shall not permit the animal to be in any public place or in proximity of any other people or animals;
- f. A person who owns an animal that is rabid or suspected of being rabid or has been exposed to rabies shall immediately report the matter to the District Medical Health Officer and to the Royal Canadian Mounted Police and to the Animal Control Officer.

6. DISTEMPER

- a. The owner of a dog which has not been vaccinated against distemper shall cause the dog to be so vaccinated:
 - i. within ten (10) days of acquiring such dog if it is more than four (4) months of age, or
 - ii. within ten (10) days after it has reached the age of four months;
- b. when a dog is more than four (4) months of age on the coming into force of this By-law and it has not been vaccinated against distemper, the owner shall cause such dog to be vaccinated within thirty (30) days thereof.

7. RUNNING AT LARGE AND ANIMAL CONTROL

No owner of an animal shall:

- a. permit the animal to run at large;
- b. permit the animal to bark, bay or make other noise for such a period of time or in such a manner as to be a nuisance which is annoying and disturbing to the owners of land in the neighborhood;
- c. permit a female dog to be in public while in heat;
- d. suffer or permit any animal to defecate on any property in the town which is not the property of its owner;
- e. refuse to remove forthwith any feces left by the animal on a property other than the property of the owner;
- f. suffer or permit the animal to cause damage to property which is not the property of the owner;
- g. permit an animal, whether restrained or not, to be on a public beach normally used for swimming at any time during the year.

8. FIERCE OR DANGEROUS ANIMALS

- a. The Town Administrator and the Director of Community Services, upon the recommendation of the Animal Control Officer if he or she has sufficient evidence to believe that an animal should be declared a fierce or dangerous animal, may declare an animal a fierce or dangerous.
 - i. If the Animal Control Officer declares an animal to be fierce or dangerous, the owner of such animal may appeal the decision to a Court.
- b. The owner of an animal which has been declared a fierce or dangerous animal by the Animal Control Officer shall ensure that:
 - i. such animal is licenced with the Town as a fierce or dangerous animal in accordance with *Section 14*;
 - ii. such animal is spayed or neutered;
 - iii. they comply with the owners' responsibilities as outlined in this By-law;
 - iv. at all times when off the owner's property, the animal shall be muzzled;
 - v. at all times when off the owner's property, the animal shall be on a leash not longer than one(1) metre and under the control of a responsible person over the age of eighteen (18);
 - vi. when such animal is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the fierce or dangerous animal and capable of preventing the entry of any person not in control of the animal. Such pen or structure must have minimum dimensions of two (2) metres by four (4) metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimetres deep. The enclosure must also provide protection from the elements for the animal. The pen or structure shall not be within one (1) metre of the property line or within three (3) metres of a neighbouring dwelling unit. Such animal may not be chained as a means of confinement;
 - vii. a sign (as provided by the Town with a Fierce or Dangerous Animal Licence), with minimum dimensions of two hundred fifty by two hundred (250 x 200) millimetres, is displayed at each entrance to the property and building in which the animal is kept warning in writing, as well as with a symbol, that there is a dangerous animal on the property. This sign shall be visible and legible from the nearest road or thoroughfare;

9. IMPOUNDING

- a. The Council may establish one or more animal pounds or designate one or more animal shelters to take possession of and properly care and provide for impounded animals.
- b. The Animal Control Officer or a member of the Royal Canadian Mounted Police may capture and impound any animal on private, (other than in a private dwelling), or public property, that is:
 - i. not registered or licensed as required under this By-law;
 - ii. not wearing a collar or a tag attached to a collar as required under this By-law other than when the animal is in a kennel or is in the owner's residence;
 - iii. running at large;
 - iv. actually or suspected to be affected with rabies or any other contagious disease;
 - v. alleged to be barking, baying or making other noise for such a period of time or in such a manner as to be a nuisance which is annoying and disturbing to the owners of land in the neighborhood;

- vi. abandoned or appears to the Animal Control Officer to have been abandoned;
 - vii. alleged to have bitten or attempted to bite a person;
 - viii. alleged to have bitten or attempted to bite a domestic animal;
 - ix. a female dog in a public place while in heat;
 - x. a fierce or dangerous animal and is unmuzzled and off the owners private property.
 - xi. damaging property which is not the property of the owner;
 - xii. whether restrained or not, on a public beach or in an area of the water normally used for swimming at a public beach each year this by-law is in force;
 - xiii. a fierce or dangerous animal and its owner has not complied with the provisions of *Section 8*.
- c. The Animal Control Officer may capture and impound any animal in a private dwelling for violations of the By-law provided that a entry warrant has been applied for and obtained pursuant to the *Entry Warrants Act*. The Animal Control Officer shall be accompanied by a peace officer in the execution of the search warrant.
- d. A Provincial Court Judge may issue an entry warrant if satisfied that an Animal Control Officer or peace officer has reasonable and probable grounds to believe that an offence has been committed under this By-law involving an animal or its owner and that such animal is in or upon a private dwelling, business or any place whatsoever.
- e. Where an Animal Control Officer impounds an animal, he or she shall, within 24 hours, make reasonable efforts to notify the owner of the animal.
- f. Subject to *Subsection 9(g)* and *Section 10*, the owner of an animal which has been impounded, upon proving ownership thereof, may reclaim the animal during the regular business hours of the animal shelter upon payment of the following to the Clerk, or other person(s) so designated by Council, unless the animal has been impounded as a result of having bitten a person or the animal is actually or suspected to be affected with rabies or any other contagious disease:
- i. the registration and license fee if the animal is a dog which is not registered and licensed;
 - ii. expenses, (including veterinarian fees), costs and legal fees relating to the capturing, impounding and legal proceedings incurred by the town;
 - iii. impounding and other applicable fees shall be as set out pursuant to *Section 14* of this By-Law;
 - iv. if an offence under this By-law has been committed, a voluntary fine as set out pursuant to *Section 13* of this By-law.
- g. The owner of any animal which has been impounded three (3) times within any twenty four (24) month period or for which the owner has received a municipal ticket or official warning concerning animal control three (3) times within any twenty four (24) month period or for which the total number of impounds, tickets and warnings total three (3) within any twenty four (24) month period, shall not be permitted to reclaim such animal.
- h. An animal, which has not been reclaimed within a period of Seventy-two (72) hours after being impounded, exclusive of Statutory Holidays and Sundays, may be sold by the animal shelter for the best price that can be obtained and the monies derived from such sale shall be applied to the payment of the animal shelter and the balance, if any, shall be paid to the Clerk, or other person(s) so designated by Council.
- i. Notwithstanding the foregoing, fierce or dangerous animals may not be offered for sale or adoption, but must be humanely euthanized by an animal shelter, animal control agency or licenced veterinarian.
- i. An animal which is impounded and cannot be sold for any reason, including the fact that the animal is infected with rabies or any other contagious disease, may be destroyed in such manner as may be directed by the Animal Control Officer or in a manner deemed most humane by the New Brunswick Society for the Prevention of Cruelty to Animals or a licenced veterinarian and the owner shall pay the costs and expenses referred to in *Subsection 9(f)(ii)* and *Subsection 9(f)(iii)*.
- j. The Pound Keeper may continue to keep the animal in the pound longer than the period specified in *Subsection 9(h)*, when the owner:
- i. requests the animal, which is not a fierce or dangerous animal, be kept for a longer period, or
 - ii. advised the Pound Keeper of his/her ownership but does not pick up the animal from the pound within the time provided in *Subsection 9(h)*, and when,
 - (1) there is sufficient room in the pound to continue to keep the animal,
 - (2) the animal is not vicious, rabid, suffering from a communicable disease, ill or injured,
 - (3) the animal is not required to be destroyed under this Bylaw, and
 - (4) the Pound Keeper is satisfied that the owner or anyone acting on his/her behalf will pay all fees and charges for which the owner is or becomes liable.
 - iii. is being prosecuted pursuant to *Section 10.b.* of this by-law.
- k. No person authorized by this By-law to capture and impound or destroy an animal shall be liable in damages for any injury or damage to such animal while the same is being captured and impounded or destroyed.

10. DESTRUCTION

- a. Any animal impounded under this By-law may be destroyed after ten (10) days, provided that the Town Administrator and the Director of Community Services, upon the recommendation of the Animal Control Officer, is satisfied that it is necessary for the protection of persons and/or property, and the animal:
 - i. has been or is determined to be running at large;
 - ii. has bitten or attempted to bite a person;
 - iii. has rabies, distemper or any other communicable disease;
 - iv. has suffered injuries and a doctor of veterinary medicine has determined that the animal will not recover and should be destroyed;
 - v. has attacked, bitten or attempted to bite, or caused injury to a domestic animal; or
 - vi. has been declared a fierce or dangerous animal;
- b. A Judge of the Provincial Court to whom a complaint has been made, alleging that an animal has:
 - i. attacked, bitten, attempted to bite, or cause injury to a person;
 - ii. attacked, bitten, attempted to bite, or cause injury to a domestic animal;
 - iii. while running at large, has aggressively pursued or harassed a person; or
 - iv. while running at large, has aggressively pursued or harassed a domestic animal; may summon the owner of the animal to appear and to show cause why the animal should not be destroyed and may make an order directing:
 - (1) that the animal be destroyed, or
 - (2) that the owner or keeper of the animal keep the animal under control.
- c. The Animal Control Officer or a member of the Royal Canadian Mounted Police may kill on site an animal which that person is unable to seize if they have sufficient evidence to believe that the animal has attacked, chased, bitten or injured another person or domestic animal, or poses an immediate threat to the public.
- d. If the owner of an animal that has been designated as fierce or dangerous is unwilling or unable to comply with the requirements of *Section 8*, the said animal shall then be humanely euthanized by an animal shelter, animal control agency or licenced veterinarian, after a fourteen (14) day holding period. Any animal that has been designated as fierce or dangerous under this By-law may not be offered for adoption.

11. REPTILES AND OTHER ANIMALS

- a. No person shall have, keep or possess a reptile in a public place or any property in the town which is not the property of its owner.
Notwithstanding this, a person may possess a snake or other reptile on a street or sidewalk provided, in the opinion of the Animal Control Officer, it is in a case or cage or other container designed in such a fashion that it will completely confine such snake or reptile.

12. OFFENCES

- a. The owner or any person who violates or breaches any provision of this By-law is guilty of an offence.
- b. Any person commits an offence under this By-law if:
 - i. he or she interferes or attempts to interfere with the Animal Control Officer while he or she is exercising his or her functions under this By-law; or
 - ii. he or she, not being the owner, removes a collar or license tag from an animal.

13. PENALTY

- a. Every person charged with an offence under this By-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars (\$50.00) to the Animal Control Officer or the Saint Andrews Town Clerk as follows:
 - i. in person at the Saint Andrews Town Hall, 212 Water Street, Saint Andrews, NB, in cash or by cheque or money order made payable to the Town of Saint Andrews;
 - iv. by mail to the Town of Saint Andrews, 212 Water Street, Saint Andrews, NB, E5B 1B4, Attention Town Clerk, by cheque or money order only, payable to the Town of Saint Andrews; at which time the ticket or ticket number shall be surrendered to the Animal Control Officer and such payment shall be deemed payment in full.
- b. If the voluntary payment set out in *Subsection 13(a)* has not been received before the date the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence may make a voluntary payment of one hundred dollars (\$100.00) as follows:
 - i. in person at the Saint Andrews Town Hall, 212 Water Street, Saint Andrews, NB, in cash or by cheque or money order made payable to the Town of Saint Andrews;
 - ii. by mail to the Town of Saint Andrews, 212 Water Street, Saint Andrews, NB, E5B 1B4, Attention Town Clerk, by cheque or money order only, payable to the Town of Saint Andrews; at which time the ticket or ticket number shall be surrendered to the Animal Control Officer and such payment shall be deemed payment in full.
- c. If the voluntary payments set out in *Subsection 13(a)* and *Subsection 13(b)* have not been received before the hearing scheduled for entering of a plea before the Provincial Court, the person charged

with the offence is liable, on summary conviction, to a fine not less than two hundred fifty dollars (\$250.00) and not more than the maximum fine which may be imposed for commission of an offence punishable under PART II of the *Provincial Offences Procedure Act* as a Category D Offence.

- d. A person or owner who fails to comply with the provisions of an Order made under the provisions of *Subsection 11(b)* commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category F offence.

14. FEES AND TARIFFS

Fees and tariffs in this By-law are as follows:

a. **Annual License Fees**

Altered dog		\$10.00
Unaltered dog		\$25.00
Fierce or dangerous animal (includes 2 signs)	\$100.00	
Replacement tag	\$2.00	
Replacement fierce or dangerous animal sign	\$15.00	

b. **Impounding Fees**

1st Occasion	\$50 + HST + *maintenance + \$40 if after hours
2nd Occasion (within 24 months)	\$75 + HST + *maintenance + \$40 if after hours
3rd & Subsequent Occasion	\$100 + HST + *maintenance + \$40 if after hours

*maintenance - includes \$10 per day shelter and \$10 for vaccination, which all dogs must receive when entering the shelter, plus any other expenses incurred by the Animal Control Officer including, but not limited to: veterinarian fees, costs and legal fees relating to the capturing, impounding and legal proceedings.

15. SEVERABILITY

- a. If any part of this By-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

16. ENFORCEMENT

- a. This By-law shall be enforced by the, Animal Control Officer and/or the Royal Canadian Mounted Police.

17. BY-LAWS REPEALED

- a. All By-laws, rules, and regulations heretofore passed, adopted and observed by the Council of the Town of Saint Andrews, relating to dogs and/or animal control are hereby repealed, including By-law 98-3, a By-law Respecting Animal Control within the Town of Saint Andrews.

18. EFFECTIVE DATE

- a. This By-law comes into effect on the date of final enactment thereof.

READ FIRST TIME: February 7, 2011
READ SECOND TIME:
READ THIRD TIME & ENACTED:

S E A L

MAYOR

CLERK