



**TOWN OF SAINT ANDREWS
W. C. O'NEILL ARENA COMPLEX VIC
Regular Council Meeting
November 4, 2019 at 7:00PM
MINUTES**

RECORDING OF ATTENDANCE

A Regular Meeting of the Town of Saint Andrews Council was held at the W. C. O'Neill Arena Complex VIC beginning at 7:00 PM with the following members present: Mayor Doug Naish, Deputy Mayor Brad Henderson, Councillors Kate Akagi, Edie Bishop, Guy Groulx, Kurt Gumushel and Andrew Harrison. Also were present: Chris Spear, Acting Clerk, Terry Acton, Acting Deputy Clerk and Xander Gopen, Planner, SWNBSC.

APPROVAL OF AGENDA

Motion 239 - 11/19

It was moved by Councillor Akagi, seconded by Councillor Groulx to adopt the Agenda as presented.

It was moved by Councillor Groulx and seconded by Deputy Mayor Henderson to amend the Agenda to add the following items listed under New Business: FA191101- Replacement of Score Clock. The vote to approve the original motion to adopt the Agenda, with Amendments, was carried. **Carried**

DISCLOSURE OF CONFLICT OF INTEREST

None

APPROVAL OF THE MINUTES OF PREVIOUS MEETING

Motion 240 - 11/19 Regular Meeting of Council- October 7, 2019 – 7:00 p.m.

It was moved by Councillor Bishop, seconded by Deputy Mayor Henderson and carried that the Minutes of the October 7, 2019 Regular Meeting of Council be adopted as presented. **Carried**

Motion 241 - 11/19 Special Meeting of Council October 21, 2019

It was moved by Councillor Akagi, seconded by Councillor Groulx and carried that the Minutes of the October 21, 2019 Special Meeting of Council be adopted as presented. **Carried**

Motion 242 – 11/19 Special Meeting of Council October 28, 2019

It was moved by Councillor Akagi, seconded by Deputy Mayor Henderson and carried that the Minutes of the October 28, 2019 Special Meeting of Council be adopted as presented. **Carried**

PRESENTATIONS

None

COMMUNICATIONS

None

STAFF REPORT

- FINANCIAL REPORT - N/A

Motion 243 - 11/19

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx and carried that Council accept the Staff Reports as presented. **Carried**

INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS AND MOTIONS

Finance & Administration - Councillor Bishop

Motion 244 – 11/19 FA170705 – Code of Conduct for Council – By-law 19-11

It was moved by Councillor Bishop, seconded by Councillor Groulx and carried that leave be granted to introduce for First Reading, By-law 19-11, a Bylaw to Regulate the Code of Conduct of Council in the Town of Saint Andrews. **Schedule "A"** **Carried**

Motion 245 - 11/19 FA191004 – Unsightly Premises- Order for Clean-up

It was moved Councillor Bishop, seconded by Councillor Harrison and carried that Council order the clean-up of PID1471131 at 145 Princess Royal Street as per Section 10(1)(a) of By-law 19-04, A By-law of the Town of Saint Andrews Respecting Dangerous or Unsightly Premises and that the costs be borne by the property owner through and if necessary, by recovery on their property taxes. **Carried**

Public Works - Councillor Akagi None

Public Safety - Councillor Groulx

Motion 246 – 11/19 PS190801 Animal Control By-law 19-08- 2nd Reading

It was moved by Councillor Groulx, seconded by Councillor Bishop that Council proceed with Second Reading of Animal Control By-law 19-08, to Amend By-law 11-01, Being the Animal Control By-law of the Town of Saint Andrews. **Schedule "B"**

It was moved by Deputy Mayor Henderson, seconded by Councillor Akagi to Amend Sections 14(2) to read \$250 and Section 14(6) to read \$500.

The initial motion to include the noted amendments was carried. **Carried**

Mayor Naish read By-law 19-08 for a second time by title.

Motion 247 – 11/19

It was moved by Councillor Groulx, seconded by Councillor Bishop and carried that Council set Monday, December 2, 2019 at 6:30 p.m. at the W. C. O'Neill Arena Complex as the date, time and place to Hear Objections to By-law 19-08, A By-law to Amend 11-01, Being the Animal Control By-law of the Town of Saint Andrews. **Carried**

Business, Tourism, Heritage and Culture - Deputy Mayor Henderson

Motion 248 – 11/19 BIA Levy 2020

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx and carried that leave be granted to introduce for First Reading of By-law 19-10, A By-law of the Town of Saint Andrews to Impose a Special Business Improvement Levy. **Carried**

Mayor Naish proceeded to Read By-law 19-10 for a First time by Title. **Schedule "C"**

Motion 249 – 11/19

It was moved by Deputy Mayor Henderson, seconded by Councillor Akagi and carried that Council set the time of 6:45 p.m. on December 2, 2019, at the W. C. O'Neill Arena Complex as the date, time and place to hear/read any objections to the By-law 19-10 to Impose a Special Business Improvement Levy, from any property owners inside the BIA District. **Carried**

Recreation and Community Services - Councillor Gumushel None

Motion 250 - 11/19 PED190902 By-law Z19-09- Licensed Premises – 2nd Reading

It was moved by Councillor Harrison, seconded by Councillor Akagi and carried that Council proceed with Second Reading of Amendment Z19-09 to By-law Z18-04 & Z19-01, A By-law of the Town of Saint Andrews Respecting Zoning.

Schedule "D" Carried

Motion 251-11/19 PED170701 Municipal Plan & Secondary Municipal Plan By-laws Public Presentation

It was moved by Councillor Harrison, seconded by Councillor Bishop that Council set the date, time and place and provide notice for a Public Presentation of a proposed Municipal Plan By-law and proposed Secondary Municipal Plan By-law for November 25th at 6:00 PM in the W. C. O'Neill Arena Complex in accordance with Section 25 of the *Community Planning Act*.

Carried

NEW BUSINESS

Motion 252 - 11/19 FA191005 Policy Respecting the CAO & Town Clerk

It was moved by Councillor Bishop, seconded by Councillor Groulx and carried that Council accept Human Resource Policy 20-01, A Policy Respecting the Duties of the Chief Administrative Officer and the Town Clerk of the Town of Saint Andrews. **Carried**

Motion 253- 11/19 FA190405 By-law R19-05, Repeal By-law 13-04-Duties of CAO

It was moved by Councillor Bishop, seconded by Councillor Groulx and carried that Council proceed to Third and Final Reading of By-law R19-05, A By-law to Repeal By-law 13-05, A By-law Respecting the Duties and Powers of the Chief Administrative Officer and the Relationship Between Council, the Chief Administrative Officer and the Employees of the Town of Saint Andrews.

Schedule "E" Carried

Mayor Naish proceed to read By-law R19-05 for a Third and Final time in its entirety.

Motion 254 – 11/19 Appointment of Chief Administrative Officer

It was moved by Councillor Bishop, seconded by Deputy Mayor Henderson and carried that Council appoint Chris Spear as the Chief Administrative Officer for the Town of Saint Andrews effective November 4, 2019, at an annual salary within the pay scale set by Council and under terms and conditions as set by the employment contract. **Carried**

Motion 255 – 11/19 Replacement of Score Clock – Arena

It was moved by Councillor Bishop, seconded by Councillor Akagi and carried that Council allocate \$15,000 from the 2019 Capital program towards the purchase of a score clock for the Arena by deferring the replacement of the front walkway. **Carried**

QUESTION PERIOD

NONE

COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS

MAYOR'S COMMENTS

CLOSED SESSION

Motion 256 - 11/19

At 8:10 p.m. it was moved by Councillor Bishop, seconded by Councillor Gumushel and carried that Council move to Closed Session per the *Local Governance Act*, Section 68(1)(d) information regarding the proposed or pending acquisition or disposal of land.

Also discussed was item as per *Local Governance Act*, Section 68(1)(j) Labour and Employment matters, including the negotiations of collective agreements. **Carried**

Motion 257 – 11/19

At 8:35 p.m. it was moved by Councillor Groulx, seconded by Councillor Harrison and carried that Council return to Open Session. **Carried**

Motion 258 - 11/19

Numbering error-No Motion

ADJOURNMENT

Motion 259 - 11/19

At 8:40PM, it was moved by Councillor Akagi, seconded by Deputy Mayor Henderson that the meeting be adjourned.



 Doug Naish, Mayor



 Chris Spear, Acting Clerk



Schedule "A"

BY-LAW 19-11

A BYLAW TO REGULATE THE CODE OF CONDUCT OF COUNCIL IN THE TOWN OF SAINT ANDREWS

1. Authority

- 1.1. The Council of the Town of Saint Andrews, under the authority vested in it by sections 10 of the *Local Governance Act*, enacts a Code of Conduct as follows.
- 1.2. Paragraph 10(2)(b) of the *Local Governance Act* stipulates that a local government shall make a bylaw establishing the code of conduct for members of Council prescribed by regulation.
- 1.3. Regulation 2018-64 states that for the purposes of paragraph 10(2)(b) of the *Local Governance Act*, a by-law made by a local government to establish a code of conduct for members of council shall include the following matters:

- (a) the values to which members of Council are expected to adhere;
- (b) the behaviour by the members of Council toward other members of council, officers, employees and residents of the local government, including provisions respecting bullying, discrimination and harassment by members of Council;
- (c) the use of local government property, resources and services by members of Council; and
- (d) the use of communication tools and social media by members of Council.

2. Definitions

2.1. In this bylaw,

- 2.1.1. "Code of Conduct" means ethics and rules of conduct that guide and govern members of Council during municipal proceedings and interactions;
- 2.1.2. "Council" means the Town Council for the Town of Saint Andrews;
- 2.1.3. "Grounds of discrimination" means the sixteen grounds defined in the *New Brunswick Human Rights Act*: age, marital status, religion, physical disability, mental disability, race, colour, ancestry, place of origin, national origin, social condition, political belief or activity, sexual orientation and sex, including pregnancy;
- 2.1.4. "Harassment" means a course of conduct (including comments, gestures, innuendo and displaying materials of sexual or other discriminatory nature) that is known or

ought reasonably to be known to be offensive or unwelcome to the recipient. It can also be a course of conduct or behaviour that includes verbal, physical and emotional abuse which creates an intimidating or offensive work environment for the recipient;

- 2.1.5. **“Social media”** means computer-mediated technologies that enable users to create and share content or to participate in social networking.

3. Scope

3.1. The scope of this bylaw is to establish:

- 3.1.1. the values to which members of Council are expected to adhere;
- 3.1.2. the behaviour by the members of Council toward members of council, officers, employees and residents of the local government, including provisions respecting bullying, discrimination and harassment by members of Council;
- 3.1.3. the use of local government property, resources and services by members of Council; and
- 3.1.4. the use of communication tools and social media by members of Council.

The Policy

3.2. Council Values

- 3.2.1. Council will exhibit the highest level of professionalism in all dealings maintaining the principles of integrity, objectivity, impartiality and transparency;
- 3.2.2. Council will be fully compliant with the conflict of interest provisions found in the *Local Governance Act*; and
- 3.2.3. Council shall respect all applicable Federal and Provincial Acts and Regulations; Municipal Bylaws and Policies and implement these in a fair, objective manner without favouritism.

3.3. Council Behaviour

- 3.3.1. Council shall maintain decorum at Council Meetings in accordance with the Town Procedural Bylaw;
- 3.3.2. Council shall maintain strict confidentiality of matters discussed in Closed Session;
- 3.3.3. Council will treat all persons with respect and dignity; and
- 3.3.4. Council will adopt a zero-tolerance policy for bullying, discrimination or harassment.

3.4. Use of Municipal Properties

- 3.4.1. Municipal property, resources and services shall only be used for official business and no personal use of municipal property, resources or services is permitted by Council;

3.5. Communications and Social Media

- 3.5.1. The Mayor is the voice of Council and spokesperson for the Town with the media and other Council members should refrain from interaction with the media unless directed otherwise by the Mayor;
- 3.5.2. The Mayor should refrain from making personal comments or comments that may be perceived as criticizing Council members in the media;
- 3.5.3. The use of communication tools by Council is permitted to inform and solicit opinions from constituents on Town matters provided that the content of the communication does not conflict with Council decisions.

4. In witness whereof, the Town of Saint Andrews has caused its corporate seal to be affixed to this by-law the day of _____, 2020.

First Reading: November 4, 2019

Second Reading:

Third Reading:

Doug Naish, Mayor

Chris Spear, Acting Clerk

Schedule "B"

**BY-LAW NO. 19-08
A BY-LAW OF THE MUNICIPALITY OF SAINT ANDREWS RESPECTING
ANIMAL CONTROL PURSUANT TO SECTION 10 OF THE
LOCAL GOVERNANCE ACT OF NEW BRUNSWICK.**

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BY-LAW NO. 19-08

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 10 of the Local Governance 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. "Deer" (singular and plural) are the ruminant mammals forming the family Cervidae. Species in the family include white-tailed deer, mule deer such as black-tailed deer, elk, moose, red deer, reindeer(caribou), fallow deer, roe deer.
- j. "dog" includes a male or female dog;
- k. "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.
- l. **"horse"** includes a male or female horse.
- m. **"kennel"** means a place where animals are housed which can include a residence or place of business;
- n. **"muzzle"** means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting.
- o. **"owner"** includes a person, partnership, association or corporation who:
 - i. is in possession of an animal;
 - ii. harbours 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;
- p. **"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.
- q. **"public place"** means any property that is not privately owned and includes Municipal, Provincial, and Federal property;
- r. **"reptile"** means an air-breathing, scaly cold-blooded vertebrate and includes snakes;
- s. **"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.
- t. **"street"** includes road, sidewalk, alley, park, public square and property under the control of the town.
- u. **"unaltered"** means an unneutered male or an unspayed female dog.
- v. **"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 15* of this By-law;
 - (2) there shall be no license fee for a "service animal", but it must be licensed 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 licensing 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.
- b. Council may by resolution assign requirement to carry any or all of the functions of this By-law to the By-law enforcement officer.

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 three (3) months of age; or
 - ii. within ten (10) days after it has reached the age of three (3) months.
- b. When a dog is more than three (3) 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. Except as otherwise provided in this Regulation, a person who violates or fails to comply with a provision of this Regulation commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category B offence.
- d. 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.
- e. 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.
- f. 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;

- g. 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 AND PARVOVIRUS

- a. The owner of a dog which has not been vaccinated against distemper and parvovirus 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 and parvovirus, the owner shall cause such dog to be vaccinated within thirty (30) days thereof.

7. RUNNING AT LARGE AND ANIMAL CONTROL

No owner of a dog shall:

- a. permit the dog to run at large;
- b. permit the dog 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 neighbourhood;
- c. permit a female dog to be in public while in heat;
- d. suffer or permit any dog to defecate on any property in the town which is not the property of its owner;
- e. fail to remove forthwith any feces left by the animal on a property other than the property of the owner;
- f. suffer or permit the dog to cause damage to property which is not the property of the owner;
- g. permit a dog, 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 licensed with the Town as a fierce or dangerous animal in accordance with *Section 15*;
 - 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 neighbourhood;
 - 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 owner's 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 an 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 15* of this By-Law;
 - iv. if an offence under this By-law has been committed, a voluntary fine as set out pursuant to *Section 14* 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 licensed 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 licensed 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 licensed 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, PIGEONS, 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 residence of said reptile. 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.
- b. No person shall on their property or on public property feed or otherwise attract pigeons or allow, cause or permit the feeding or attraction of pigeons, such that the pigeons cause a public nuisance on other property

12. DEER

No person shall on their property or on public property feed or otherwise purposefully attract deer (or other animals in the family *Cervidae*), or allow, cause or permit the feeding or attraction of deer such that the deer cause a public nuisance on the property of those engaged in feeding or the property of others including public property. This prohibition

includes the feeding of birds or other non-deer animals, if in doing so, the feeding of those animals attract deer to those feeders.

13. 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.

14. ADMINISTRATIVE PENALTIES

- (1) All contraventions of this By-law are designated by-law contraventions that may be dealt with by a notice of penalty pursuant to the provisions of the *Local Governance Act*.
- (2) The Administrative penalty for a contravention of Section 12 of this By-law shall be two hundred and fifty dollars (\$250.00).
- (3) The Administrative penalty for all contraventions of the By-law other than Section 12, shall be one hundred fifty dollars (\$150.00).
- (4) A person to whom a penalty notice is delivered may pay the Administrative penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:
 - (a) In person at the Town of Saint Andrews Office, 212 Water Street, Saint Andrews, NB or
 - (b) By mail to: Town of Saint Andrews, 212 Water Street, Saint Andrews, NB E5B 1B4 or
 - (c) Electronically by Credit Card on the Town of Saint Andrews website
- (5) A person who pays the Administrative penalty shall be deemed to have contravened the provision of the by-law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative penalty.
- (6) If the Administrative penalty is not paid in accordance with Section 14(2), the person charged with the offence is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00).
- (7) If the Administrative penalty is not paid in accordance with Section 14(3), the person charged with the offence is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00).
- (8) A person or owner who fails to comply with the provisions of an Order made under the provisions of Subsection 10(b) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category "F" offence.

15. 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.

16. SEVERABILITY

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.

SAINT ANDREWS BUSINESS IMPROVEMENT CORPORATION, INC.

2020 BUDGET

REVENUE	
BIA Levy	20,569
Total Revenue.....	\$20,569
EXPENDITURES	
Marketing and Promotion:	
General	2,500
Downtown Music & Events.....	4,700
Special Events:	
Spring.....	1,000
Summer.....	1,628
Fall	1,200
Winter	1,200
Annual General Meeting.....	300
Administration:	
Downtown Membership Dues	275
Supplies.....	241
Beautification:	
General	7,525
Total Expenses.....	\$20,569

Schedule "D"

BY-LAW NO. Z19-09

A BY-LAW TO AMEND BY-LAWS NO. Z18-04 & Z19-01, BEING THE ZONING BY-LAW FOR THE TOWN OF SAINT ANDREWS

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. By repealing paragraph (1) in Section 3.34 and substituting the following:
(1) Any existing *licensed premises* featuring a lounge shall be permitted to continue.
2. By repealing paragraph (2) in Section 3.34 and substituting the following:
(2) Applications for a *licensed premises* featuring a lounge will only be permitted through an amendment to the Zoning By-law and subject to such terms and conditions as may be imposed by *Council*.
3. By adding after Section 5.1.3 the following:
5.1.4 Special Requirements for Licensed Premises in Cultural Uses

Within any *zone* where a *cultural use* is a permitted *main use* of land and a *licensed premises* is permitted as a secondary use of land, any development of a *licensed premises* within a *cultural use* is subject to the following conditions:
 - a) the *use* is carried out in association with a special event or an exhibition or specific activity to promote the *cultural use*;
 - b) no permanent lounge area may be developed for this *use*; and,
 - c) the *use* is thirty meters (30) from a property classified under the Residential Zones listed under section 2.1(2).
4. By repealing paragraph (c) in Section 5.2.1 and substituting the following:

(c) A *licensed premises* as a *secondary use* within a *restaurant, nanobrewery, or a cultural use* subject to section 5.1.4; and

Read the first time this 7th day of October, A.D., 2019.
 Hearing of Objections this 4th day of November, A.D., 2019.
 Read the second time this 4th day of November, A.D., 2019.
 Read the third time this XX day of XXXXX, A.D. XXXX.

Doug Naish, Mayor

Chris Spear, Acting Clerk

I, **Chris Spear**, of the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, Acting Town Clerk, DO SOLEMNLY DECLARE:

- 1. THAT I am the Acting Town Clerk of the Town of Saint Andrews, a municipal corporation, and have personal knowledge of the facts herein declared.
- 2. THAT the requirements of Sections 110 and 111 of the *Community Planning Act* have been complied with in respect to Bylaw No. Z19-09, A Bylaw to amend Bylaw No. Z18-04 & Z19-01, Being the Zoning Bylaw for the Town of Saint Andrews

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, this __ day of XXXX A.D. 2019.

COMMISSIONER OF OATHS

Chris Spear, Acting Clerk

Schedule "E"

By-Law R19-05

A By-Law to Repeal By-Law 13-05, A By-law Respecting the Duties and Powers of the Chief Administrative Officer and the Relationship Between Council, the Chief Administrative Officer and the Employees of the Town of Saint Andrews

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

- 1. The following by-law, enacted by the Council of the Town of Saint Andrews and amendments thereto, is hereby repealed:
 - a. *By-law 13-05, A By-law Respecting the Duties and Powers of the Chief Administrative Officer and the Relationship Between Council, the Chief Administrative Officer and the Employees of the Town*, enacted September 9, 2013.
- 2. The repeal of said by-law shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, or disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read the First Time:	May 6, 2019
Read the Second Time in its entirety:	June 3, 2019
Read the Third Time and Enacted:	November 4, 2019

Doug Naish, Mayor

Chris Spear, Acting Clerk