

TOWN OF SAINT ANDREWS
Regular Council Meeting
Minutes
July 8, 2013

A Regular meeting of Town Council was held in the Council Chambers beginning at 7:00 p.m. with the following members present: Mayor Stan Choptiany, Deputy Mayor Catherine Akagi, Councillors Lee Sochasky, Alan Golding, Melanie Wood, Edie Bishop and Doug Naish. Also present were Staff Members: Tim Henderson, CAO/Clerk, Chris Spear, Treasurer and Gail McLaughlin, Administrative Assistant.

DISCLOSURE OF CONFLICT OF INTEREST IF ANY— NONE

PRESENTATIONS

Margot Lee Sackett & Elaine Wilson gave a brief presentation on a new program the Ross Memorial Museum is offering to visitors with mobility issues. A presentation on an iPad now makes the Museum assessable to everyone. There are 50 panels of information a visitor can view that gives them access to information that is in the upper level rooms of the Museum. The project was funded by the Heritage Branch of the Department of Tourism, Recreation and Heritage.

MINUTES

It was moved by Councillor Golding, seconded by Councillor Bishop and carried to adopt the minutes of the Regular Meeting of Council of June 3, 2013.

STAFF REPORTS

Town Managers Report

It was moved by Councillor Golding, seconded by Deputy Mayor Akagi and carried to move forward the St. Andrews Civic Trust's Pendlebury Lighthouse- Light Keeper's Cottage Development Plan to the Planning Advisory Committee for their approval.

It was moved by Councillor Golding, seconded by Councillor Sochasky and carried to accept the Staff Reports as presented.

COMMUNICATIONS

Mayor Choptiany read a letter from the Canadian Association of Municipal Administrators recognizing Tim Henderson's 20 years of municipal service. At this time Council took a break from the meeting to serve cake in celebration of this occasion.

COMMITTEE REPORTS & RESOLUTIONS

Business, Recreation & Special Events

It was moved by Councillor Sochasky, seconded by Councillor Naish and carried to deny Jagan and Sue Malcolm's request for a Peddler's License for a food wagon. Deputy Mayor Akagi registered a Nay vote.

Finance & Administration Committee

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried to approve a grant of \$250 from the Albert McQuoid Trust Fund to the St. Andrews Arts Council.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried to approve a grant of \$250 from the Assistance Grants to the St. Andrews Arts Council to assist with the costs of the "Overtures of 1812" performance at the Blockhouse.

It was moved by Councillor Naish, seconded by Councillor Golding and carried that Council rescind the motion of June 3, 2013 regarding FA130504 that sent the request to the St. Andrews Market Wharf Board for decision.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried to approve an In-kind Assistance Grant to Fundy Bay Keeper in the form of a mooring fee for the 2013 season.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried to approve a "Civic Promotions" Grant of \$128 for Town pins for the 1st St. Andrews Scout Troup for their jamboree in Alberta.

It was moved by Councillor Naish, seconded by Councillor Sochasky and carried to deny a request from "Go Ahead Seniors Inc." for funding as the request came from outside our area and we endeavour to support activities in our Town and surrounding areas.

It was moved by Councillor Naish, seconded by Councillor Bishop and carried that there be a first reading of the Bylaw 13-01 that includes MR2 with sections 4.5 High Density Multiple Residential Zone Outside the Town Plat and 4.5.1 MR2 Zone Permitted Uses Item (b) May also include such secondary uses within the building as: (v) food services for residents and guests.

It was moved by Councillor Naish, seconded by Councillor Bishop that a request from the Algonquin Hotel to place cobblestone from the Algonquin Hotel across Adolphus Street to the Casino be rejected.

It was moved by Councillor Wood, seconded by Councillor Naish to table the motion for further research and discussion. Following some discussion on the motion the vote was taken with Councillors Wood, Naish and Golding casting Nay votes and Councillors Bishop and Sochasky and Deputy Mayor Akagi casting Yea votes. Since this created a tie vote, Mayor Choptiany was required to vote and the Mayor cast a Nay vote to defeat the motion.

With the original motion still on the floor that the request from the Algonquin Hotel to place cobblestone from the Algonquin Hotel across Adolphus Street to the Casino be rejected, the vote was taken with Councillors Wood, Naish and Golding casting Nay votes and Councillors Bishop and Sochasky and Deputy Mayor Akagi casting Yea votes. Since this also became a tie vote, Mayor Choptiany cast the deciding vote, voting in favour of the motion. Motion Carried.

It was moved by Councillor Naish, seconded by Councillor Bishop and carried to deny David Langley's request to have his water bill reviewed.

It was moved by Councillor Naish, seconded by Councillor Golding and carried that Council approve the Provisions Governing Procedure and Operation of the Town of Saint Andrews Substandard Properties Appeal Committee Policy as written and presented.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that Council approve the request of the NB Wood Carvers Group for the in-kind use of space at the W.C. O'Neill Arena Complex and to be processed through the Assistance Grant Fund.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried to appoint the following people to serve on the Substandard Property Appeals Committee: Barry Murray for a three year term; Jill Stewart for a two year term; Cyndy Parker for a two year term; Chris Flemming for a one year term and Pat Mann for a one year term.

It was moved by Councillor Naish, seconded by Councillor Sochasky and carried that Council accept the resignation of Ted Hatt and Chris Spear from the Substandard Property Appeals Committee.

It was moved by Councillor Naish, seconded by Councillor Golding and carried that Council accept the revisions to *Section 8*, Signage of the Zoning Bylaw 10-04 for the Town of Saint Andrews and that the revised *Section 8*, Signage of Zoning Bylaw 10-04 go to Council for First Reading. Councillor Sochasky registered a Nay vote.

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that Council accept the W.C. O'Neill Arena Complex Governance Policy with suggested amendments made by the W.C. O'Neill Arena Complex Board.

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Chapter 1 Introduction

1.1 The mandate of the W. C. O'Neill Arena Complex Board

- 1.1 The mandate of the W. C. O'Neill Arena Complex Board is to advise Council regarding the operation of the Arena in areas such as policy and operational matters, marketing and promotion, planning, effective and efficient use of the Arena, and personnel. The Board shall also provide guidance to the Arena Manager with respect to achieving the goals and objectives of the Arena as established by the Board of Directors and approved by Council.

To fulfill its mandate, the W.C. O'Neill Arena Board strives to do so through the following agenda:

- 1.11 Adherence to the mandate as described in BY-LAW NO. 92-03, A BYLAW Related to the Management of the W.C. O'Neill Arena Complex
- 1.12 The development and annual review of a multi-year business plan for the W.C. O'Neill Arena Complex

1.2 The purpose of the Governance Policy

The W. C. O'Neill Arena Complex was built in 1963 and is a Town asset built by the Sir James Dunn Foundation to the recreational, cultural and social benefit of the Town of Saint Andrews residents and surrounding area.

The Board is accountable to the Mayor and Council of the Town of Saint Andrews. Corporate governance is the process and structure used to direct and manage the business of an organization. Its objective is to fulfill the organization's mandate. As stewards of the organization, Board Members have a particular responsibility to maintain active oversight of the organization's governance. The Board must oversee the conduct of the W. C. O'Neill Arena's business, direct Management, and endeavor to ensure that all major issues affecting the W. C. O'Neill Arena are given proper consideration. A comprehensive corporate governance policy is a key tool for efficiency, effectiveness and accountability.

1.3 A Governance Framework for the W. C. O'Neill Arena Complex

The Governance Policy of the W. C. O'Neill Arena Complex establishes the corporate governance framework for the organization. The objectives of this policy are to:

- define Board and Management roles and responsibilities;
- provide a consistent, coherent and comprehensive accountability framework which spans the entire organizational structure;
- facilitate strategic decision-making for Board and Management; and
- heighten Board, staff and external stakeholder confidence in the stewardship of the Board, the professionalism of Management and the integrity of the organization's activities and processes.

CHAPTER 2 -THE W.C. O'NEILL ARENA COMPLEX GOVERNANCE POLICY

2.1 Responsibilities of the Board of the W. C. O'Neill Arena Complex

The Board has the overall responsibility for the organization, including finances, policies and grant decisions. The general duties of Board members include:

- attending all meetings or to inform the Arena Manager/Supervisor if they are unable to attend. (If board members miss three consecutive meetings they shall be deemed to have resigned from the board and will be sent a letter to that effect.)
- actively participating on at least one committee or in an executive position;
- respect the **confidentiality** of business that comes before the Board during and after their term;
- acting as a team player;
- respecting the consensus of board decisions;
- adhering to the ethical standards of the Personal Policy of the Town of Saint Andrews
- with the approval of Council, establishing and periodically reviewing the overall policies and the program of the W. C. O'Neill Arena;
- overseeing the effectiveness of such programs;
- providing directions and counsel to management in the strategic planning process and approving the Strategic Plan;
- approving the proposed annual budget of the W. C. O'Neill Arena for submission to Town Council;
- approving the annual financial statements and annual report, and major financial decisions;
- having input into the annual performance evaluation and financial prerequisites of the Manager/Supervisor;
- recommending Board member nominations to Town Council
- overseeing the stewardship of the organization's assets and liabilities:
- approving the appointment of the Board Chair, Vice Chair and Secretary;
- approving the Governance Policy, the Code of Ethics for members and enacting, amending or repealing policies;
- monitoring the performance of management and holding management accountable for the performance of the Arena operation;

2.2 Board Integrity and Ethics

2.2.1 Distinction between the overall interests of the W. C. O'Neill Arena and the interests of the Particular Stakeholders.

Board members have an important oversight role. They are bound by a duty to act in the best interests of the organization, a principle founded on the conviction that decisions taken in the best interests of the W. C. O'Neill Arena will also uphold the best interests of the W. C. O'Neill Arena stakeholders and its shareholder, the Town of Saint Andrews.

Board members must be scrupulous in distinguishing between the overall interests of the W. C. O'Neill Arena and those particular stakeholders. Board members must avoid the promotion of any personal interests, including those of appointing authorities, and of any other stakeholder of stakeholder group.

Board members are bound by a duty of care, which dictates the Board members must behave in a way and to a standard that would be reasonably expected from someone having that individual's knowledge and experience.

2.2.2 Responsibility for the Ethical Conduct of Board Members

The W. C. O'Neill Arena's code of Ethics for Board members is based on principals and procedures as contained in the Town of Saint Andrews Personnel Policy No. PDoo1.1

2.2.3 Disclosure of Conflict of Interest

Conflict of interest is a conflict between an individual's personal interests and his or her public duty. A conflict may exist when a monetary benefit has been or may be conferred, to a board member or family member.

Obligations of Board members in terms of conflict of interest are outlined in the *New Brunswick Municipalities Act*.

Each Board member is required to sign a Conflict of Interest Disclosure form every year, and to disclose conflicts as they occur.

2.2.4 Corporate Social Responsibility

The W. C. O'Neill Arena is committed to carrying out its mandate in an environmentally, socially and ethically responsible manner in accordance with its values and principles. In an effort to fulfill this, the Arena will continue to:

- Conduct its business with honesty, integrity and fairness;
- Strive to reduce its environmental footprint by incorporating environmental sustainability considerations into plans, programs, activities and projects; and
- Provide an organizational climate that stimulates and supports employee performance and development.

The Board is responsible for the oversight and governance of the W. C. O'Neill Arena corporate social responsibility. Both individual Board members and the Board as a collective are responsible for ensuring the integration of social, environmental and ethical consideration into Board-related matters.

2.2.5 Board Independence

All members of the Board are independent from Manager/Supervisors, appointed by the Town Council of Saint Andrews. This independence is fundamental to sound governance and effective accountability. While the Manager/Supervisor attends Board meetings to provide information and report on activities, only Board members may vote and make decisions.

Board committees are also composed of board members, with some committees expanded if required to include external experts selected for their knowledge and expertise.

2.3 Stewardship and Corporate Governance

2.3.1 Obligations under the W. C. O'Neill Arena Policies

The Board is responsible for adopting the W. C. O'Neill Arena policies. The Governance and Nominating Committee reviews the policies and recommends changes to the Board and Town Council as needed.

2.3.2 Subject to Town Council Approval, setting Strategic Directions and Corporate Planning

Key responsibilities of the Board include overseeing and approving the overarching policies of the W. C. O'Neill Arena, formulating strategic directions, and developing, approving and assessing the implementation of the corporate plan.

The Corporate Plan encompasses the W. C. O'Neill Arena business and activities and establishes the organization's priorities, objectives, strategic performance indicators and desired impact. It commits the W. C. O'Neill Arena to a planned strategic direction over a specific planning period, generally three to five years.

The Corporate Plan results from an in-depth analysis of the organization and its environment by the Management Group, and the Board which is done through a comprehensive strategic planning process. The strategic planning process consists of consultations with staff and stakeholders, along with analysis of the W. C. O'Neill Arena's operating environment, its goals and priorities and its fundamentals values, to develop strategic directions to guide the organization as it moves forward. The Board is responsible for overseeing this process and approving the strategic directions, the Strategic Plan and the Action Plan for submission to Town Council.

Management, in consultation with the Board, formulates the strategic direction and drafts the Corporate Plan. The Board is responsible for assessing and approving it. The result is a tool which guides the actions of the Board management and staff in a forward-looking, cohesive effort to address the mandate of the organization. This forms the basis of the Arena's Annual Report, which is presented to Town Council through the Board of the W. C. O'Neill Arena.

2.4 Financial Oversight

2.4.1 Risk Management

The Board identifies and assesses on a regular basis the principal risks inherent in the W. C. O'Neill Arena activities and its external environment. It ensures that appropriate systems to monitor and manage these risks have been implemented. This involves briefings from management, as well as reports from auditors.

2.4.1.2 Identification of Business, Financial and Physical Assets Risks

The Board maintains a thorough understanding of the principal risks inherent in the W. C. O'Neill Arena activities and its external environment. It strives to ensure the principal risks related to the W. C. O'Neill Arena business have been identified and that appropriate systems to monitor and manage these risks have been implemented. Management is held accountable for this.

2.4.2 Fiscal Management

All major decisions involving the assets and their financing are reviewed and approved by the Board, pending final budget approval by Saint Andrews Town Council. The Board's fiscal management responsibilities are outlined in the policies.

2.5 Board Relationships with Management, Town and other Stakeholders

2.5.1 Relationship of the Board to Management

It is incumbent on the Board and Management of the W. C. O'Neill Arena to develop an effective working relationship and regularly review the effectiveness of that relationship. The Board and Management must form relations that work to further the best interests of the W. C. O'Neill Arena.

The Board must determine what information is necessary to perform its work and inform Management of these requirements. Because needs change over time, the Board will periodically discuss with the Manager/Supervisor the quantity, timing, frequency and usefulness of the information it receives.

2.5.2 Allocation of Responsibilities

In conjunction with the Manager/Supervisor, the Board periodically reviews the allocation of responsibilities between Board and Management to ensure optimal balance. This review focuses on defining and describing the Board's and Management's principal responsibilities and the limits to Management's authority.

2.5.3 Communication with the Mayor and Town Council and other Stakeholders

Good Governance requires transparency and accountability. One important way of meeting these expectations is to consult with, and communicate information and decisions to stakeholders.

The Board has the responsibility to ensure that the W. C. O'Neill Arena communicates effectively with the Mayor, Town Council and officials of the Town of Saint Andrews as it is accountable to the Town of Saint Andrews. It is also important for the Arena to communicate effectively and in a timely way with other key stakeholders, including the public and the Arena community.

2.5.4 Communications with Staff

Discussions with staff dealing with W. C. O'Neill Arena business should occur during Board meetings. Any further communication with staff is coordinated through the Chair's Office as may be necessary to better understand issues.

2.6 Board Composition/Meetings

The Board shall meet at least six times per year. One of the meetings shall be in April at which time the Board shall present its annual report and elect its Chairperson and Vice-Chairperson from amongst its current membership. One of the meetings shall be in September to prepare its proposed budget for the next fiscal year.

The rules contained in Bourinot's Rules of Order shall govern meetings of the W. C. O'Neill Arena in all cases to which they are applicable.

All members are covered for Manager/Supervisors liability under insurance policy of the Town of Saint Andrews.

Précis of Town of Saint Andrews policy regarding W. C. O'Neill Arena Board:

- The Board will consist of 5 members one on whom shall be its Chairperson and another its Vice-Chairperson
- Board consists of 1 User group member, 1 Councillor and 3 members at large.
- Final appointment is by Mayor and Town Council, upon the recommendation of the W. C. O'Neill Arena Board
- The Arena Manager shall act as Executive Secretary to the Board
- The Board shall establish, yearly, an Arena Users Committee which shall report to the Board and shall consist of representative members of active arena groups, organizations or associations
- 3 members constitute a quorum-
- The term shall be fixed at 2 years
- Members can serve no more than 2 terms but can be reappointed after 2 year absence
- Board Chair may do additional year as Chair (7 years maximum service)

- 1/3 of Board terms to expire each year, that term shall expire on March 31 of that year
- Board must appoint Chair and Secretary
- Board reports to Mayor and Council

2.6.1 Board Offices/Roles

Chair
Vice Chair
Secretary (Arena Manager/Supervisor)

The Chair shall:

- Determine in consultation with the Manager/Supervisor the date, location, time and agenda of the meetings of Board members;
- Preside at meetings of Board members and the Executive committee;
- Represent the Arena in its relations with Mayor and Council of the Town of Saint Andrews and the public;
- Act as a liaison with the Board and the CAO;
- Make a report of all proceedings for each fiscal year to be presented to the Town Council;

The Vice Chair shall:

- Assist the Chair in the execution of his or her duties;
- Replace the Chair when he or she is absent or if the position is vacant.

The Secretary shall:

- Take meeting minutes and distribution prior to the next Board meeting;
- assist the Chair and Board with any correspondence
- ensure the minute books are up to date

2.6.2 In Camera Sessions

In camera sessions are scheduled with Board members only as required. The agenda is coordinated by the Chair and includes discussion of issues that the Board wishes to discuss privately.

2.6.3 Annual Public Meeting

NOTE: This is covered at a meeting of the Town Council.

2.7 Orientation and Education of Board Members

New Board members are provided with an orientation session and information package, and attend all committee meetings at the time of their first Board meeting. The information package describes the role of the Board its committees and members, relevant policies and information relating to the W. C. O'Neill Arena and its management, along with conflict of interest information and the Code of Ethics for Board Members. New Board members also meet with the Arena's Manager/Supervisor to discuss key functions and activities.

2.8 Manager/Supervisor's Position

Reports To: W.C, O'Neill Arena Complex Board & Chief Administrative Officer

Supervises: Arena Staff and service providers

Skills Required

- General knowledge of facility management and proper marine procedures.
- Basic knowledge in arena operation and ice making.
- Highly organized.
- Ability to work independently.
- Must enjoy working with people, while at the same time, not being afraid to enforce policy or mediate disputes.

Description:

The Manager/Supervisor is responsible to carry-out and enforce the policies and by- laws of the Complex, as directed by the Board. He is responsible for the overall operation and maintenance of the facility.

2.8.1 Duties and Responsibilities

The Manager/Supervisor carries out the policies and directives of the Mayor and Town Council, reports to the Board, attends meetings of the Board and Board Committees, and represents the Arena personally or through a delegate in its relations with departments and agencies of the Town of Saint Andrews and other organizations. The Manager/Supervisor keeps the board updated on important factors affecting the realization of the Arena strategic objectives. The Manager/Supervisor is accountable to the Board and the Mayor and Town Council.

Under the general direction of Board members, the Manager/Supervisor shall:

- be the Chief Executive Officer of the Arena and may, in Arena affairs and materials, refer to himself or herself as Manager/Supervisor;
- report to Board members on:
 - the Arena 's activities;
 - the implementation of the plans of the Arena and the policies and resolutions of the Town and Board;
 - the achievement of the Arena 's objectives;
- develop the policies for the operations of the Arena in harmony with the strategic directions adopted by the Board and implement the policies;
- direct and guide management to ensure it is accountable for the Arena's performance;
- be an ex-officio member of the Board; and
- represent the Arena personally or through his or her delegate in its relations with departments and agencies of the Town and organizations having to do with matters of interest to the Arena.

2.8.2 Performance Evaluation of the Manager/Supervisor

Subject to the final approval of Council and with the participation of the CAO, the Board has the responsibility to:

- identify the skills and characteristics it judges essential for the position of Arena Manager/Supervisor;
- periodically review the job description for the Arena manager/Supervisor;
- develop and review on an annual basis a set of corporate objectives that the Arena Manager/Supervisor is accountable for achieving; and
- monitor the Arena Manager/Supervisor's performance on an annual basis.

The Chair, on behalf of the Board, and through the CAO communicates input in the Arena Manager/Supervisor's annual performance appraisal to the Mayor and Council of the Town of Saint Andrews.

Governance Policy approved by: Town of Saint Andrews Council
Date: July 8, 2013
Approved by the Council July 8, 2013

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that Council approve the sending of the revised Bylaw 13-03, A Bylaw Related to the Operation and Management of the W.C. O'Neill Arena Complex to first reading; including the change to the W.C. O'Neill Arena Board and amend Bylaw composition to eight members-one of whom shall be its Chairperson and another shall be its Vice-Chairperson.

TOWN OF SAINT ANDREWS BY-LAW 13-03

A BY-LAW TO AMEND BY-LAW 92-3, BEING A BY-LAW RELATED TO THE OPERATION AND MANAGEMENT OF THE W.C. O'NEILL ARENA COMPLEX

The Council of the Town of Saint Andrews, under the authority vested in it by *Section 11* and the First Schedule of the *Municipalities Act*, Statutes of New Brunswick, enacts as follows:

PART 1: ADMINISTRATION

1.0: Interpretation

In this by-law

- 1.1 "Council" means the Town Council of the Town of Saint Andrews.
- 1.2 "Board" means the Board of Directors of the W.C. O'Neill Arena Complex
- 1.3 "Committee" means Arena Users Committee.
- 1.4 "Arena" means the W.C. O'Neill Arena Complex.

2.0: Scope

This By-law

- 2.1 applies to the operation of the W.C. O'Neill Arena Complex
- 2.2 establishes the Board to provide Council with advice regarding the operation of the Arena.
- 2.3 establishes the Committee to provide advice to the Board regarding the activities carried on in the Arena.

3.0: Board of Directors

3.1 The Board of Directors of the W.C. O'Neill Arena Complex, hereinafter referred to as the "Board", shall be established by Council to advise Council regarding the operation of the Arena in areas such as policy and operational matters, marketing and promotion, planning, effective and efficient use of the Arena, and personnel. The Board shall also provide guidance to the Arena Manager with respect to achieving the goals and objectives of the Arena as established by the Board of Directors and approved by Council.

3.2 The Board shall consist of eight(8) members of whom one shall be its Chairperson and another its Vice-Chairperson. All members of the Board and their respective successors shall be appointed by Council. All members shall serve without remuneration for their services but shall be paid travel expenses according to the Town's travel directive when authorized to travel outside the Town by the Board.

3.3 The Council shall appoint the following as members of the Board of Directors: two(2) nominees of the Arena Users Committee, one(1) Council member, and five(5) persons from the community at large. The Arena Manager shall be an ex officio, non-voting member of the Board and shall act as Executive Secretary to the Board.

3.4 The Board members shall be appointed as follows: two(2) members initially for one(1) year, after which these will become two(2) year terms, two members for two(2) years and a Council member at pleasure of Council. If a board member's term expires in a given year, that term shall expire on March 31st of that year.

No member other than a councillor shall serve for more than four(4) consecutive years but shall be eligible for re-appointment to the Board after a two(2) year absence.

3.5 If at any time a member of the Board is unable to fulfil his or her term, Council shall appoint a replacement. That person shall serve out the remainder of the term of the member he/she is replacing.

3.6 Every decision of the Board shall be made by or under authority of a resolution adopted by the majority of the votes cast at a duly convened meeting of the Board.

3.7 A majority of all board members shall constitute a quorum.

3.8 The Chairperson or, in the Chairperson's absence, the Vice-Chairperson shall preside at all Board meetings. Should the latter and former both be absent, the members in attendance shall, if a quorum exists, elect a Chairperson for that meeting only.

3.9 The Board shall meet at least six(6) times per year; one of the meetings shall be in April at which time the Board shall present its annual report and elect its Chairperson and Vice-Chairperson from amongst its current membership. One of the meetings shall be in September to prepare its proposed budget for the next fiscal year.

3.10 Not later than October 1st of each year, the Board and the Finance and Administration Committee of Council shall prepare a budget for the operation of the Arena for the next fiscal year, in consultation with the Town's administration, for review, amendment, consideration and adoption by Council.

3.11 The Board shall provide Council with an annual report and a monthly report for those months during which the Board holds a meeting(s).

4.0: Arena Users Committee

4.1 The Board shall establish, yearly, an Arena Users Committee which shall report to the Board and shall consist of representative members of active area groups, organizations or associations, of whom one(1) shall be its Chairperson, another its Vice-Chairperson and another its Secretary. Such Chairperson, Vice-Chairperson and Secretary and all the other members of the Users Committee and their respective alternates shall be appointed annually by the organizations and associations which use the arena facilities and shall serve without remuneration for their services.

4.2 The Committee shall advise the Board regarding means to operate the Arena in an efficient and effective manner.

4.3 The Committee shall advise the Board regarding the coordination and facilitations of activities within the Arena.

5.0: Repeal

5.1 A By-Law Relating to the W.C. O'Neill Arena Complex of the Town of Saint Andrews adopted May 4th, 1992 and all amendments thereto are hereby repealed.

IN WITNESS THEREOF the Town of Saint Andrews has caused its corporate seal to be hereunto affixed to this by-law the day of _____, 2013

First Reading: July, 8, 2013
Second Reading:
Third Reading:

MAYOR

TOWN CLERK

It was moved by Councillor Naish, seconded by Councillor Sochasky and carried to accept the St. Andrews Market Wharf Governance Policy with suggested amendments made by the St. Andrews Market Wharf Board.

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Chapter 1 INTRODUCTION

1.1 The mandate of the St. Andrews Market Wharf

The mandate of the St. Andrews Market Wharf is to provide guidance and planning for the proper control, operation and maintenance of the St. Andrews Market Wharf

To fulfill its mandate, the St. Andrews Market Wharf Board strives to do so through the following agenda:

- 1.11 Adherence to the mandate as described in BY-LAW NO. 02-08, A BY-LAW RELATED TO THE OPERATION AND MANAGEMENT OF THE ST. ANDREWS MARKET WHARF to provide for the control, regulation and operation of activities at the St. Andrews Market Wharf and surrounding water lots.
- 1.12 The development and annual review of a multi-year business plan for the St. Andrews Market Wharf.

1.2 The purpose of the Governance Policy

The St. Andrews Market Wharf became a Town-owned facility after a major fire destroyed the pierhead in 1995. The Federal Government decommissioned the wharf and ownership was transferred to the municipality. The Federal, Provincial and Municipal Governments entered into a three-way partnership to finance the restoration of the pierhead at a total cost of three million dollars.

The Board is accountable to the Mayor and Council of the Town of Saint Andrews. Corporate governance is the process and structure used to direct and manage the business of an organization. Its objective is to fulfill the organization's mandate. As stewards of the organization, Board Members have a particular responsibility to maintain active oversight of the organization's

governance. The Board must oversee the conduct of the St. Andrews Market Wharf's business, direct its Management, and endeavor to ensure that all major issues affecting the St. Andrews Market Wharf are given proper consideration. A comprehensive corporate governance policy is a key tool for efficiency, effectiveness and accountability.

1.3 A Governance Framework for the St. Andrews Market Wharf

The Governance Policy of the St. Andrews Market Wharf establishes the corporate governance framework for the organization. The objectives of this policy are to:

- define Board and Management roles and responsibilities;
- provide a consistent, coherent and comprehensive accountability framework which spans the entire organizational structure;
- facilitate strategic decision-making for Board and Management; and
- heighten Board, staff and external stakeholder confidence in the stewardship of the Board, the professionalism of Management and the integrity of the organization's activities and processes.

Chapter 2 THE ST. ANDREWS MARKET WHARF GOVERNANCE POLICY

2.1 Responsibilities of the Board of the St. Andrews Market Wharf

The Board has the overall advisory responsibility for the organization, including finances, policies and grant decisions. The general duties of Board members include:

- attending all meetings or to inform the Clerk or Wharf Board Chair if they are unable to attend. (If board members miss three consecutive meetings they shall be deemed to have resigned from the board and will be sent a letter to that effect.)
- respect the **confidentiality** of business that comes before the Board during and after their term;
- acting as a team player;
- respecting the consensus of Board decisions;
- adhering to the ethical standards of the Personal Policy of the Town of Saint Andrews
- with the approval of Council, establishing and periodically reviewing the overall policies and the program of the St. Andrews Market Wharf;
- overseeing the effectiveness of such programs;
- providing directions and counsel to management in the strategic planning process and approving the Strategic Plan;
- approving the proposed annual budget of the St. Andrews Market Wharf for submission to Town Council;
- approving the annual financial statements and annual report, and major financial decisions;
- having input into the annual performance evaluation and financial prerequisites of the Wharfinger;
- recommending Board member nominations to Town Council
- overseeing the stewardship of the organization's assets and liabilities;
- approving the appointment of the Board Chair, Vice Chair;
- approving the Governance Policy, the Code of Ethics for members and enacting, amending or repealing policies;
- monitoring performance and holding the wharfinger accountable for the performance of the wharf operation;

2.2 Board Integrity and Ethics

2.2.1 Distinction between the overall interests of the St. Andrews Market Wharf and the interests of the Particular Stakeholders.

Board members have an important oversight role. They are bound by a duty to act in the best interest of the organization, a principle founded on the conviction that decisions taken in the best interests of the St. Andrews Market Wharf will also uphold the best interests of the St. Andrews Market Wharf stakeholders and its shareholder, the Town of Saint Andrews.

Board members must be scrupulous in distinguishing between the overall interests of the St. Andrews Market Wharf and those particular stakeholders. Board members must avoid the promotion of any personal interests, including those of appointing authorities, and of any other stakeholder or stakeholder group.

Board members are bound by a duty of care, which dictates the Board members must behave in a way and to a standard that would be reasonably expected from someone having that individual's knowledge and experience.

2.2.2 Responsibility for the Ethical Conduct of Board Members

The St. Andrews Market Wharf's Code of Ethics for Board members is based on principals and procedures as contained in the Town of Saint Andrews Personnel Policy No. PD001.1

2.2.3 Disclosure of Conflict of Interest

Conflict of interest is a conflict between an individual's personal interests and his or her public duty. A conflict may exist when a monetary benefit has been or may be conferred, to a board member or family member.

Obligations of Board members in terms of conflict of interest are outlined in the *New Brunswick Municipalities Act*.

Each Board member is required to sign a Conflict of Interest Disclosure form every year, and to disclose conflicts as they occur.

2.2.4 Corporate Social Responsibility

The St. Andrews Market Wharf is committed to carrying out its mandate in an environmentally, socially and ethically responsible manner in accordance with its values and principles. In an effort to fulfill this, the Wharf will continue to:

- Conduct its business with honesty, integrity and fairness;
- Strive to reduce its environmental footprint by incorporating environmental sustainability considerations into plans, programs, activities and projects; and
- Provide an organizational climate that stimulates and supports employee performance and development.

The Board is responsible for the oversight and governance of the St. Andrews Market Wharf corporate social responsibility. Both individual Board members and the Board as a collective are responsible for ensuring the integration of social, environmental and ethical consideration into Board-related matters.

2.2.5 Board Independence

All members of the Board are independent directors, appointed by the Town Council of Saint Andrews. This independence is fundamental to sound governance and effective accountability. While the Wharfinger attends Board meetings to provide information and report on activities, only Board members may vote and make decisions.

Board committees are also composed of board members, with some committees expanded if required to include external experts selected for their knowledge and expertise.

2.3 Stewardship and Corporate Governance

2.3.1 Obligations under the St. Andrews Market Wharf Policies

The Board is responsible for adhering to the St. Andrews Market Wharf policies. The St. Andrews Market Wharf Board reviews the policies and recommends changes to the Town Council as needed.

2.3.2 Subject to Town Council Approval, Setting Strategic Directions and Corporate Planning

Key responsibilities of the Board include overseeing and approving the overarching policies of the St. Andrews Market Wharf, formulating strategic directions, and developing, approving and assessing the implementation of the corporate plan.

The Corporate Plan encompasses the St. Andrews Market Wharf business and activities and establishes the organization's priorities, objectives, strategic performance indicators and desired impact. It commits the St. Andrews Market Wharf to a planned strategic direction over a specific planning period, generally three to five years.

The Corporate Plan results from an in-depth analysis of the organization and its environment by the Management Group, and the Board which is done through a comprehensive strategic planning process. The strategic planning process consists of consultations with staff and stakeholders, along with analysis of the St. Andrews Market Wharf operating environment, its goals and priorities and its fundamentals values, to develop strategic directions to guide the organization as it moves forward. The Board is responsible for overseeing this process and approving the strategic directions, the Strategic Plan and the Action Plan for submission to Town Council

Management, in consultation with the Board, formulates the strategic direction and drafts the Corporate Plan. The Board is responsible for assessing and approving it. The result is a tool which guides the actions of the Board management and staff in a forward-looking, cohesive effort to address the mandate of the organization. This forms the basis of the Wharfinger's Annual Report, which is presented to Town Council through the Board of the St. Andrews Market Wharf.

2.4 Financial Oversight

2.4.1 Risk Management

The Board identifies and assesses on a regular basis the principal risks inherent in the St. Andrews Market Wharf activities and its external environment. It ensures that appropriate systems to monitor and manage these risks have been implemented. This involves briefings from management, as well as reports from auditors.

2.4.1.2 Identification of Business, Financial and Physical Assets Risks

The Board maintains a thorough understanding of the principal risks inherent in the St. Andrews Market Wharf activities and its external environment. It strives to ensure the principal risks related to the St. Andrews Market Wharf business have been identified and that appropriate systems to monitor and manage these risks have been implemented. Management is held accountable for this.

2.4.2 Fiscal Management

All major decisions involving the assets and their financing are reviewed and approved by the Board, pending final budget approval by Saint Andrews Town Council. The Board's fiscal management responsibilities are outlined in the policies.

2.5 Board Relationships with Management, Town and other Stakeholders

2.5.1 Relationship of the Board to Management

It is incumbent on the Board and Management of the St. Andrews Market Wharf to develop an effective working relationship and regularly review the effectiveness of that relationship. The Board and Management must form relations that work to further the best interests of the St. Andrews Market Wharf.

The Board must determine what information is necessary to perform its work and inform Management of these requirements. Because needs change over time, the Board will periodically discuss with the CAO the quantity, timing, frequency and usefulness of the information it receives.

2.5.2 Allocation of Responsibilities

In conjunction with the Wharfinger, the Board periodically reviews the allocation of responsibilities between Board and Management to ensure optimal balance. This review focuses on defining and describing the Board's and Management's principal responsibilities and the limits to Management's authority.

2.5.3 Communication with the Mayor and Town Council and other Stakeholders

Good Governance requires transparency and accountability. One important way of meeting these expectations is to consult with, and communicate information and decisions to stakeholders.

The Board has the responsibility to ensure that the St. Andrews Market Wharf communicates effectively with the Mayor, Town Council and officials of the Town of Saint Andrews as it is accountable to the Town of Saint Andrews. It is also important for the Wharf Board to communicate effectively and in a timely way with other key stakeholders, including the general public.

2.5.4 Communications with Staff

Discussions with staff dealing with St. Andrews Market Wharf business should occur during Board meetings. Any further communication with staff is coordinated through the CAO's Office as may be necessary to better understand issues.

2.6 Board Composition/Meetings

The Board meets in person a minimum of **six times** a year. One meeting shall be in April at which time the Board shall present its annual report and elect its Chairperson and Vice-Chairperson from amongst its current membership. One of the meetings shall be in September to prepare its proposed budget for the next fiscal year.

The rules contained in Benoit's Rules of Order shall govern meetings of the St. Andrews Market Wharf in all cases to which they are applicable.

All members are covered for Directors liability under insurance policy of the Town of Saint Andrews.

Précis of Town of Saint Andrews policy regarding St. Andrews Market Wharf Board:

- The Board will consist of 5 members of whom one shall be its Chairperson and another its Vice-chairperson
- The Assistant Town Manager shall be a non-voting member of the Board and shall act as Executive Secretary to the Board
- The Wharfinger shall be a non-voting member of the Board.
- Final appointment is by Mayor and Town Council, upon the recommendation of the St. Andrews Market Wharf Board
- A majority of all Board members constitutes a quorum
- Board Members shall be appointed as follows: Two members initially for one year, after which these will become two year terms. Two members for two years and a Council member at the pleasure of Council. If a board member's term expires in a given year, that term shall expire on March 31 of that year.
- No member shall serve for more than four consecutive years but shall be eligible for reappointment to the Board after a two-year absence.
- Board Chair may do additional year as Chair (7 years maximum service)
- 1/3 of Board terms to expire each year
- Board must appoint Chair and Secretary
- Board reports to Mayor and Council
- Refer to Appendix 2

2.6.1 Board Offices/Roles

Chair

Vice Chair

Secretary (Assistant Town Manager)

The Chair shall:

- Determine in consultation with the Assistant Town Manager the date, location, time and agenda of the meetings of Board members;
- Preside at meetings of Board members and the Executive committee;
- Represent the Wharf in its relations with Mayor and Council of the Town of Saint Andrews and the public;
- Act as a liaison with the Board and the CAO;
- Make a report of all proceedings for each fiscal year to be presented to the Town Council;

The Vice Chair shall:

- Assist the Chair in the execution of his or her duties;
- Replace the Chair when he or she is absent or if the position is vacant.

The Secretary (Assistant Town Manager) shall:

- Take meeting minutes and distribution prior to the next Board meeting;
- assist the Chair and Board with any correspondence
- ensure the minute books are up to date

2.6.2 In Camera Sessions

In camera sessions are scheduled with Board members only as required. The agenda is coordinated by the Chair and includes discussion of issues that the Board wishes to discuss privately.

2.6.3 Annual Public Meeting

NOTE: This is covered at a meeting of the Town Council.

2.7 Orientation and Education of Board Members

New Board members are provided with an orientation session and information package, and attend all committee meetings at the time of their first Board meeting. The information package describes the role of the Board its committees and members, relevant policies and information relating to the St. Andrews Market Wharf and its management, along with conflict of interest information and the Code of Ethics for Board Members. New Board members also meet with the Assistant to discuss key functions and activities.

2.8 Wharfinger's Position

Reports To: St. Andrews' Wharf Board & Chief Administrative Officer
Supervises: Assistant Wharfinger, Night Security

Skills Required

- General knowledge of boating and proper marine procedures.
- Basic knowledge in carpentry.
- Highly organized.
- Ability to work independently.
- Must enjoy working with people, while at the same time, not being afraid to enforce policy or mediate disputes.

Description:

The Wharfinger is responsible to carry-out and enforce the policies and by-laws of the Wharf, as directed by the Board. He is responsible for the overall operation and maintenance of the facility.

2.8.1 Duties and Responsibilities

- Administers, assigns and polices the use of the piers, slips and Town-owned moorings for commercial and pleasure boaters, in accordance with policy.
- Enforce applicable by-laws and polices of Town Council and the Board.

- Collection of appropriate fees for the use of the facility.
- Maintains all municipally owned facilities, equipment and structures that make up St. Andrews Market Wharf. This involves doing light maintenance himself, or overseeing the work of contractors.
- Provides monthly reports to the Board and Council on the activities and operation of the Wharf.
- Supervises the night time security at the wharf, when in use.
- Provides instruction to staff to ensure policies and procedure are carried out in his absence.
- Advise the Board on any capital improvements that should be made to the facility.
- Ensures all purchases fall within the budget and purchasing policy of the Town of Saint Andrews
- Assist Town management in annual preparation of wharf budget.

2.8.2 Performance Evaluation of the Wharfinger

The Board has the responsibility to:

- Identify the skills and characteristics it judges essential for the position of Wharfinger
- periodically review the job description for the Wharfinger;
- develop and review on an annual basis a set of corporate objectives that the Wharfinger is accountable for achieving; and
- monitor the Wharfinger's performance on an annual basis

The Chair, on behalf of the Board, and through the CAO communicates the results of the Wharfinger's annual performance appraisal to the Mayor and Council of the Town of Saint Andrews.

Governance Policy approved by: Town of Saint Andrews Council

Date: July 8, 2013 Council Meeting

Approved by the Board: May 23, 2013

It was moved by Councillor Naish, seconded by Deputy Mayor Akagi and carried that Council send the Bylaw 13-02, A Bylaw to Amend Bylaw 02-8 and related to the Operation and Management of St. Andrews Market Square Board for the first Reading of Council, including the amended composition of the Board of Directors to consist of seven members-one of whom shall be its Chairperson and another shall be its Vice-Chairperson.

INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS

It was moved Deputy Mayor Akagi, seconded by Councillor Sochasky and carried that leave be granted to introduce Bylaw No. 13-01, a Bylaw to Amend Bylaw No 10-04 Being the Zoning Bylaw of the Town of Saint Andrews and that the same now be read by title a first time.

ByLAW 13-01, Amendment TO BYLAW NO 10-04 OF THE TOWN OF SAINT ANDREWS RESPECTING ZONING

BE IT ENACTED by the Council of the Town of Saint Andrews that Zoning By-law NO. 10-04 is hereby amended as follows:

1. Define the word "condominium" by adding immediately after the definition of "conditional use" in Section 1.1, the following:

"Condominium" means any Multiple Dwelling(s) regulated under the Condominium Property Act (Chapter C-16.05 SNB and any amendments thereto).
2. By adding immediately after Section 4.3.6 the following:

4.4 MR1 (Multiple Residential) Zone

4.4.1 MR1 Zone Permitted Uses

Any land, **building** or **structure** may be used for the purposes of:

- (a) One of the following **main uses**:
 - (i) a **single-family dwelling**;
 - (ii) a **semi-detached dwelling**;
 - (iii) a **two-family dwelling**;
 - (iv) **rowhouse dwellings** of three or more units, subject to section 4.1.1;
 - (v) **apartment dwellings** of three or more units, subject to sections 4.1.13 and 4.1.14;
 - (vi) a **group home**, subject to section 4.1.12;
 - (vii) a **boarding house**, subject to section 4.1.11;
 - (viii) **senior citizens' housing**, subject to sections 4.1.13 and 4.1.14;
 - (ix) a **residential care facility**, subject to sections 4.1.13 and 4.1.14;
- (b) One of the following **secondary uses**:
 - (i) subject to Section 4.1.9, a **home based business** other than a **bed and breakfast** or **boarding house**;
- (c) Subject to 4.1.7, any **accessory building, structure** or **use** incidental to the **main use** of the land, **building** or **structure** if such **main use** is permitted in this Section.

4.4.2 Converted Dwelling Units

Existing **single-family** or **two-family dwellings** within the MR Zone may be converted to provide three or more **dwelling units** provided that the **dwelling units** created by the conversion are self-contained, and the **building** and the **lot** meet all of the requirements of this By-law following the conversion.

4.4.3 MR1 Zone Standards

No **development** shall be undertaken nor shall any land, **building** or **structure** be used within the MR (Multiple Residential) Zone unless the following standards are met:

MR1 Lot Requirements	
Lot Component	Requirement
Minimum Lot Area	540 m ² (5,805 ft ²)
Minimum Lot Frontage	24.4 m (80 ft) or 6.0 m (20 ft) per dwelling unit , whichever is greater
Minimum Lot Depth	30 m (100 ft)
Minimum Required Front Yard	6.0 m (20 ft)
Minimum Required Flankage Yard	4.5 m (14.8 ft)
Minimum Required Rear Yard	7.5 m (25 ft)
Minimum Required Side Yard	3.0 m (10 ft)
Minimum Required Side Yard abutting the ER or SR Zone	10 m (32.8 ft)
Maximum Height	Main buildings: 8.5 m (28 ft) Accessory buildings: 5.5 m (18 ft)
Maximum Lot Coverage	45 %

4.4.4 Accessory Building Height

Notwithstanding Section 4.4.3, no **accessory building** may exceed the **height** of the **main building** on the **lot**.

4.4.5 Use of Front Yards

No **accessory building** or **structure**, including a **swimming pool** may be **erected** in the **front yard** of a property, and not more than twenty percent (20%) of the **front yard** area may be used for the purposes of **parking spaces**, **parking aisles** or **driveways**.

4.4.6 Minimum Floor Area

Each **dwelling unit** in an **apartment dwelling development** shall be self-contained with respect to kitchen, bath, sleeping quarters and general living space. The minimum floor area per unit, calculated without including **garages**, **carports**, **porches**, verandahs, decks, breeze-ways, unenclosed balconies or stairways or enclosed stairways common to more than one unit shall be provided as follows:

MR1 Zone Floor Area Requirements	
Type of Dwelling unit	Square Meters of Floor Area
Bachelor Apartments	32.5 m ² (350 ft ²)
One-bedroom apartments	42 m ² (450 ft ²)
Two-bedroom apartments	58 m ² (625 ft ²)
Apartments with three or more bedrooms	65 m ² (700 ft ²)

4.5 MR2 (High Density Multiple Residential) Zone Outside Town Plat

4.5.1 MR2 Zone Permitted Uses

- Any land, building or structure may be used for the purposes of:
- One of the following main uses:
 - rowhouse dwellings of four or more units, subject to section 4.1.1;
 - apartment dwellings of four or more units, subject to sections 4.1.13 and 4.1.14;
 - senior citizen's housing, subject to sections 4.1.13 and 4.1.14;
 - a residential care facility, subject to sections 4.1.13 and 4.1.14;
 - a condominium.
 - May also include such secondary uses within the building as:
 - Medical offices or clinics;
 - Personal service shops; and/or
 - A retail store not exceeding 16 m² (172.2 ft²);
 - Amenity uses including pools, garages, gazebo, greenhouse, games and meeting room space.
 - Food Service for Residents & Guests
 - Subject to 4.1.7, any accessory building, structure or use incidental to the main use of the land, building or structure if such main use is permitted in this Section.

4.5.2 MR2 Zone Standards

No development shall be undertaken nor shall any land, building or structure be used within the MR2 (High Density Multiple Residential) Zone unless the following standards are met:

MR2 Lot Requirements	
Lot Component	Requirement
Minimum Lot Area	6,000 m ² (19,686 ft ²) or 200 m ² per dwelling unit, whichever is greater
Minimum Lot Frontage	100 m (328 ft) or 2.5 m (8.2 ft) per dwelling unit, whichever is greater
Minimum Lot Depth	50 m (164 ft)
Minimum Required Front Yard	7.6 m (25 ft)
Minimum Required Flankage Yard	6.0 m (20 ft)
Minimum Required Rear Yard	9.0 m (30 ft)
Minimum Required Side Yard	7.6 m (25 ft)
Minimum Required Side or Rear Yard abutting the ER or SR Zone	15.0 m (49.2 ft)
Maximum Height	Main buildings: 11m (36 ft) Accessory buildings: 5.5 m (18 ft)
Maximum Lot Coverage	35%

4.5.3 Accessory Building Height

Notwithstanding Section 4.5.2, no accessory building may exceed the height of the main building on the lot.

4.5.4 Use of Front Yards

No accessory building or structure, including a swimming pool may be erected in the front yard of a property, and not more than twenty percent (20%) of the front yard area may be used for the purposes of parking spaces, parking aisles or driveways.

4.5.5 Minimum Floor Area

Each dwelling unit in an apartment dwelling development shall be self-contained with respect to kitchen, bath, sleeping quarters and general living space. The minimum floor area per unit, calculated without including garages, carports, porches, verandahs, decks, breeze-ways, unenclosed balconies or stairways or enclosed stairways common to more than one unit shall be provided as follows:

MR2 Zone Floor Area Requirements	
Type of Dwelling Unit	Square Meters of Floor Area
Bachelor Apartments	32.5 m ² (350 ft ²)
One-bedroom apartments	42 m ² (450 ft ²)
Two-bedroom apartments	58 m ² (625 ft ²)
Apartments with three or more bedrooms	65 m ² (700 ft ²)

Read First Time: July 8, 2013

Read Second Time:

Read Third Time and Enacted:

Clerk

Mayor

It was moved Councillor Naish, seconded by Councillor Sochasky and carried that leave be granted to introduce Bylaw No. 13-02, a Bylaw to Amend Bylaw No 02-8 Being the Bylaw Related to the Operation and Management of the St. Andrews Market Wharf of the Town of Saint Andrews and that the same now be read by title a first time.

TOWN OF SAINT ANDREWS BY-LAW 13-02

A BY-LAW TO AMEND BY-LAW 02-8, BEING A BY-LAW RELATED TO THE OPERATION AND MANAGEMENT OF THE ST. ANDREWS MARKET WHARF

1.0: Authority

- 1.1. The Council of the Town of Saint Andrews, under authority vested in it by *Section 11* and the First Schedule of the *Municipalities Act*, R.S.N.B., 1973, c. M-22 and amendments thereto, enacts this By-Law.

2.0: Purpose

- 2.1 This By-Law is intended to enable, provide and enforce the responsible management and operation of the St. Andrews Market Wharf.

3.0: Interpretation

In this by-law,

- 3.1 "Council" means the Town Council of the Town of Saint Andrews.
 3.2 "Board" means the Board of Directors of the St. Andrews Market Wharf.
 3.3 "Committee" means the Wharf Users Committee.
 3.4 "Wharf User" means the owner(s) or operator(s) of a boat or vessel or other commercial motor vehicle who use the Wharf to dock, moor, or berth their boat or vessel or to load and unload freight from a commercial motor vehicle or anyone else who uses the Wharf in the course of any a commercial or recreational activity.
 3.5 "Fishery/Aquaculture vessel" means a vessel that is primarily used in the course of a fishery or Aquaculture business.
 3.6 "Tour Boat" means a boat that is used to carry paying passengers.
 3.7 "Pleasure Boat" means a boat used solely for recreation or pleasure.
 3.8 "commercial motor vehicle" means any vehicle used to move freight on or off the wharf, which is subject to wharf fees
 3.9 "Business Plan" means the Wharf's current five (5) year Business Plan.
 3.10 "Wharf" means the St. Andrews Market Wharf.
 3.11 "Wharfinger" means the employee of the Town of Saint Andrews who manages the Wharf.

4.0: Scope

This by-law

- 4.1 applies to all aspects related to the management and operation of the St. Andrews Market Wharf, including the establishment and enforcement of a fee schedule for Wharf Users.
 4.2 establishes the Board to provide Council with advice and recommendations regarding the management and operation of the Wharf.
 4.3 recognizes the Committee may provide advice and recommendations to the Board regarding the Wharf.
 4.4 applies to any rules and regulations that are established to provide for the safe, secure and efficient operation of the Wharf.
 4.5 applies retroactively.

5.0 Board of Directors

Purpose

- 5.1 The Board shall be responsible to advise, recommend and report to Council on all areas respecting the management and operation of the Wharf. The Board shall also provide guidance to the Wharfinger with respect to achieving the goals and objectives of the Wharf. All decisions, advice and recommendations of the Board shall be subject to the approval of Council.

Composition

- 5.2 The Board of Directors of the St. Andrews Market Wharf hereinafter referred to as the "Board" shall be established and appointed by Council. All of the Board's respective successors shall be appointed by Council. All members shall serve without remuneration for their services but shall be paid travel expenses according to the Town's travel directive when authorized to travel outside the Town by the Board.
 5.3 The Council shall appoint the following as members of the Board of Directors: Two(2) Wharf Users, one(1) Council member, and four (4) persons from the community at large. The Board shall consist of seven(7) members of whom one(1) shall be its Chairperson and another its Vice-chairperson. The Assistant Town Manager shall be a non-voting member of the Board and shall act as Executive Secretary to the Board. The Wharfinger shall be a non-voting member of the Board and shall report to the Board.
 5.4 The Board members shall be appointed as follows: Three(3) members initially for one(1) year, after which these will become two(2) year terms, three(3) members for two(2) years and a Council member at pleasure of Council. If a board member's term expires in a given year, that term shall expire on March 31 of that year. No member shall serve for more than four(4) consecutive years but shall

be eligible for reappointment to the Board after a two (2) year absence. Council may vary this provision by resolution if there are no successor members available from the community or nominated by the Committee.

- 5.5 If at any time a member of the Board member misses three (3) consecutive Board Meetings or is unable to fulfill his or her term, Council shall appoint a replacement. That person shall serve out the remainder of the term of the member her/she is replacing.

Procedure

- 5.6 Those decisions of the Board, which are subject to approval by Council, shall be made by or under authority of resolution adopted by the majority of the votes cast at a duly convened meeting of the Board.
- 5.7 A majority of all Board members shall constitute a quorum.
- 5.8 The Chairperson or, in the Chairperson's absence, the Vice-Chairperson shall preside at all board meetings. Should the latter and former both be absent, the members in attendance shall, if a quorum exists, elect a Chairperson for that meeting only.

Duties

- 5.9 The Board shall meet at least six(6) times per year. One(1) of the meetings shall be in April at which time the Board shall present its annual report and elect its Chairperson and Vice-Chairperson from amongst its current membership. One(1) of the meetings shall be in September to prepare its proposed budget for the next fiscal year.
- 5.10 The Board shall develop and maintain the long term Business Plan for the Wharf.
- 5.11 Not later than October 1st of each year, the Board and the Finance and Administration Committee of Council shall prepare a budget for the operation of the Wharf for the next fiscal year, in consultation with the Town's administration, for review, amendment, consideration and adoption by Council.
- 5.12 The Board shall provide Council with the April annual report and a monthly report for those months during which the Board holds a meeting(s).

6.0: Usage Fees

- 6.1 Fees shall be assessed as per the attached Schedule "A".
- 6.2 Fees may be reviewed and adjusted by the Board. Any review or adjustment of the Fee Schedule shall take place at the annual budget meeting as referred to in s. 5.11.
- 6.3 Any Fee adjustment shall require the approval of Council by formal resolution.
- 6.4 Wharf Users from the previous year shall be notified of any adjustment to the Fee Schedule, delivered by regular mail to their last stated address.
- 6.5 The Wharfinger shall ensure that the annual Fee Schedule is posted at a prominent place on the Wharf.

7.0: Administration of Fee Schedule

- 7.1 The Town shall be responsible for preparing the annual Wharf User Application Forms, collect fees, administer financial penalties for late payment, mail notices, and any other administrative duty that may be required of the Town to administer the Fee Schedule or any other aspect of this By-Law.

8.0: Enforcement

- 8.1 The Wharfinger, as directed by the Board and approved by Council, shall enforce all rules and regulations required for the safe, secure and efficient operation of the Wharf. Any Rules and Regulations require the approval of Council and shall be in writing and posted in prominent areas of the Wharf.
- 8.2 Any Wharf User who fails to abide by the rules of the Wharf or fails to obey any verbal direction by the Wharfinger, shall be subject to the following penalty:
- (a) First Offence, a written warning to desist from committing the particular offence;
 - (b) Second Offence, suspension of Wharf privileges for a period of one (1) to five (5) days; and
 - (c) Third Offence, indefinite suspension of Wharf privileges for an indefinite period of time, reviewable by the Board and subject to the approval of Council.

9.0: Repeal

- 9.1 The Town of Saint Andrews By-Law 02-08 is hereby repealed.

FIRST READING: July 8, 2013
SECOND READING:
THIRD READING:

TOWN MAYOR

TOWN CLERK

**SCHEDULE "A"
FEE SCHEDULE
ST. ANDREWS MARKET WHARF**

1. FISHERY \ AQUACULTURE VESSEL

Fees to be paid prior to June 1st.

FISHERY ANNUAL - January 01-December 31 -	\$550.00
AQUACULTURE ANNUAL - January 01-December 31 -	\$825.00

2. TOUR BOAT

Fees are for an entire season of dockage and shall not be prorated for a partial season. Dockage fee assessment to be paid prior to June 1st.

ANNUAL DOCKAGE FEES - TOUR BOATS

Overall length including appendages:	
30' and under	\$550.00
31' to 60'	\$990.00
61' and over	
	\$1320.00

WHARFAGE FEES - TOUR BOATS

Annual Tour Boats are subject to a per trip charge of \$0.50 per passenger based on Coast Guard Capacity Rating of the vessel. This charge will be invoiced monthly to the operator based on booked trips less canceled trips.

Passenger carrying vessels operating from a mooring, or transient vessels from another Port of Call or facility or occasional users who embark or disembark passengers for hire at the St. Andrews Market Wharf shall pay daily in the amount of \$2.00 per head. (Paid in one direction only).

3. PLEASURE BOATS

Fees to be paid prior to June 1st.

Annual fee	St. Andrews resident (tax payer)
Up to 16'	\$200.00
17' to 24'	\$165.00
25' to 36'	\$220.00
37' and over	\$275.00
Non-residents add-on to above rates	\$ 50.00

4. GROUNDING (BEACH or CRIB)

Daily fee	\$50.00
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5. VISITOR WITH TOWN MOORING

Daily fee	\$ 25.00 per Day
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*covers length of vessel including all appendages
All fees shall be paid on arrival for over-night stays

6. WHARF PARKING PERMITS

TENDERS Daily fee	\$ 10.00
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7. DAILY BERTHING

Daily berthing subject to permission of Wharfinger based on available wharf space: calculated on overall length including appendages - \$2.00 per foot. Daily rate applies to 24 hour period 0800 hrs. - 0759 hrs. or part thereof.

CONDITIONS

- Fees for items A to D and G (if alongside wharf) include one (1) tender, use of water, power, pump out facility and grounding.
- Berthing up to three (3) hours may be provided free of charge with the permission of the Wharfinger.
- The maximum time allowed in the load/unload areas of the Wharf is thirty (30) minutes.
- Tenders less than twelve feet (12') are requested to use the finger piers if space is available.
- All fees must be paid by due dates or further use of the Wharf will be terminated until the fees are paid.
- Harmonized Sales Tax (H.S.T.) is applicable to all fees.

- In the event of special occasions (i.e. official ceremonies, July 01 celebrations, emergent or extra-ordinary circumstances), the St. Andrews Market Wharf Board (Wharfinger) reserves the right to limit and/or restrict access and certain operation as may be deemed necessary.

- Security to the Wharf will be provided as required, however, the St. Andrews Market Wharf Board assumes no liability for any items damaged, stolen or left unattended.

- In the event that a current St. Andrews Public Harbour mooring permit holder, whose fees have been paid, should lose the use of their own mooring through hardware failure or inability to locate the mooring tackle, they may receive use of a vacant municipally-owned mooring at the rate of ten dollars (\$10.00) per day for a maximum of three (3) days to allow them to locate or make repairs to their mooring hardware. If additional time is required, it shall be at the full rate.
- Grounding time limit to be allotted at the discretion of the Wharfinger.

ALL ANNUAL FISHERY, AQUACULTURE, TOUR BOATS AND PLEASURE BOATS ARE REQUIRED TO COMPLETE AN APPLICATION FORM PRIOR TO APPROVAL OF WHARF USE.

It was moved Councillor Naish, seconded by Councillor Sochasky and carried that leave be granted to introduce Bylaw No. 13-03, a Bylaw to Amend Bylaw No 92-3, Being the Bylaw Related to the Operation and Management of the W.C. O'Neill Arena Complex of the Town of Saint Andrews and that the same now be read by title a first time

TOWN OF SAINT ANDREWS BY-LAW 13-03

A BY-LAW TO AMEND BY-LAW 92-3, BEING A BY-LAW RELATED TO THE OPERATION AND MANAGEMENT OF THE W.C. O'NEILL ARENA COMPLEX

The Council of the Town of Saint Andrews, under the authority vested in it by *Section 11* and the First Schedule of the *Municipalities Act*, Statutes of New Brunswick, enacts as follows:

PART 1: ADMINISTRATION

1.0: Interpretation

In this by-law

1.1 "Council" means the Town Council of the Town of Saint Andrews.

- 1.2 “Board” means the Board of Directors of the W.C. O’Neill Arena Complex
- 1.3 “Committee” means Arena Users Committee.
- 1.4 “Arena” means the W.C. O’Neill Arena Complex.

2.0: Scope

This By-law

- 2.1 applies to the operation of the W.C. O’Neill Arena Complex
- 2.2 establishes the Board to provide Council with advice regarding the operation of the Arena.
- 2.3 establishes the Committee to provide advice to the Board regarding the activities carried on in the Arena.

3.0: Board of Directors

- 3.1 The Board of Directors of the W.C. O’Neill Arena Complex, hereinafter referred to as the “Board”, shall be established by Council to advise Council regarding the operation of the Arena in areas such as policy and operational matters, marketing and promotion, planning, effective and efficient use of the Arena, and personnel. The Board shall also provide guidance to the Arena Manager with respect to achieving the goals and objectives of the Arena as established by the Board of Directors and approved by Council.
- 3.2 The Board shall consist of eight(8) members of whom one shall be its Chairperson and another its Vice-Chairperson. All members of the Board and their respective successors shall be appointed by Council. All members shall serve without remuneration for their services but shall be paid travel expenses according to the Town’s travel directive when authorized to travel outside the Town by the Board.
- 3.3 The Council shall appoint the following as members of the Board of Directors: two(2) nominees of the Arena Users Committee, one(1) Council member, and five(5) persons from the community at large. The Arena Manager shall be an ex officio, non-voting member of the Board and shall act as Executive Secretary to the Board.
- 3.4 The Board members shall be appointed as follows: two(2) members initially for one(1) year, after which these will become two(2) year terms, two members for two(2) years and a Council member at pleasure of Council. If a board member’s term expires in a given year, that term shall expire on March 31st of that year.

No member other than a councillor shall serve for more than four(4) consecutive years but shall be eligible for re-appointment to the Board after a two(2) year absence.

- 3.5 If at any time a member of the Board is unable to fulfil his or her term, Council shall appoint a replacement. That person shall serve out the remainder of the term of the member he/she is replacing.
- 3.6 Every decision of the Board shall be made by or under authority of a resolution adopted by the majority of the votes cast at a duly convened meeting of the Board.
- 3.7 A majority of all board members shall constitute a quorum.
- 3.8 The Chairperson or, in the Chairperson’s absence, the Vice-Chairperson shall preside at all Board meetings. Should the latter and former both be absent, the members in attendance shall, if a quorum exists, elect a Chairperson for that meeting only.
- 3.9 The Board shall meet at least six(6) times per year; one of the meetings shall be in April at which time the Board shall present its annual report and elect its Chairperson and Vice-Chairperson from amongst its current membership. One of the meetings shall be in September to prepare its proposed budget for the next fiscal year.
- 3.10 Not later than October 1st of each year, the Board and the Finance and Administration Committee of Council shall prepare a budget for the operation of the Arena for the next fiscal year, in consultation with the Town’s administration, for review, amendment, consideration and adoption by Council.
- 3.11 The Board shall provide Council with an annual report and a monthly report for those months during which the Board holds a meeting(s).

4.0: Arena Users Committee

- 4.1 The Board shall establish, yearly, an Arena Users Committee which shall report to the Board and shall consist of representative members of active area groups, organizations or associations, or whom one(1) shall be its Chairperson, another its Vice-Chairperson and another its Secretary. Such Chairperson, Vice-Chairperson and Secretary and all the other members of the Users Committee and their respective alternates shall be appointed annually by the organizations and associations which use the arena facilities and shall serve without remuneration for their services.
- 4.2 The Committee shall advise the Board regarding means to operate the Arena in an efficient and effective manner.
- 4.3 The Committee shall advise the Board regarding the coordination and facilitations of activities within the Arena.

5.0: Repeal

- 5.1 A By-Law Relating to the W.C. O’Neill Arena Complex of the Town of Saint Andrews adopted May 4th, 1992 and all amendments thereto are hereby repealed.

IN WITNESS THEREOF the Town of Saint Andrews has caused its corporate seal to be hereunto affixed to this by-law the day of , 2013

First Reading: July, 8, 2013
 Second Reading:
 Third Reading:

MAYOR

TOWN CLERK

It was moved Councillor Golding, seconded by Councillor Bishop and carried that leave be granted to introduce Bylaw No. 13-04, a Bylaw to Amend *Section 8* Signage of Bylaw No 10-04, Being the Bylaw Zoning Bylaw of the Town of Saint Andrews and that the same now be read by title a first time

TOWN OF SAINT ANDREWS BY-LAW 13-04
BY-LAW TO AMEND ZONING BY-LAW 10-04, SECTION 8, SIGNAGE OF THE ZONING BY-LAW OF
THE TOWN OF SAINT ANDREWS

8.0 Signage

8.1 Definitions

“AWNING”

Means a moveable or immovable *structure* with a skin of fabric, sheet metal or other relatively flexible material, supported from the *building* by a frame (fixed or retractable), which is used for advertising and/or the protection of persons from the weather.

“BANNER (Street)”

Means a temporary sign advertising an event or occasion made of flexible material affixed to lamp standards or telephone poles, or hung between telephone poles.

“BILLBOARD SIGN”

Means a large sign affixed to the ground or a *fascia sign* that is not related to any business or *use* located on the *lot* or premises on which it is located.

“DIRECTIONAL SIGN”

Means a sign naming a business, site, attraction, service or activity and that provides direction information through the use of an arrow or description and may include the distance to the named site.

“DIRECTORY SIGN”

Means a *sign* with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logogram.

“FASCIA SIGN”

Means a sign, other than a roof sign or *projecting sign*, which is attached to and supported by a wall of a *building* located above doors and windows.

“FLAG”

Flag means all flags except for National, Provincial or municipal flags, which are exempt. All other flags are considered to be a *sign*.

“FREESTANDING SIGN”

Means a *sign*, other than a *portable sign*, supported independently of a *building* and securely fixed to the ground. The *sign* may display the name(s) of one or more businesses.

“ILLUMINATED SIGN - INTERNALLY LIT”

Means a *sign* lit internally with light(s) shining through a translucent or coloured material.

“ILLUMINATED SIGN - EXTERNALLY LIT”

Means a sign illuminated with external lighting shining onto the sign. Such sign shall not have the external lighting shining outside the boundary of the sign itself.

“INCIDENTAL SIGN”

Means a *sign* giving directions or limiting access, or one indicating *accessory uses* such as parking, washrooms, or information services. Such *sign* shall not exceed 0.18 m² (2 ft²) in *sign area*, and shall not be illuminated.

“INTERPRETIVE SIGN”

Means a *sign*, no greater than 1.2 m² (12 ft²), giving description or information on historic, environmental, geological or scientific features pertinent to the immediate area.

“MAP”

Means a *sign*, no greater than 3.2m² (32 ft²), giving a pictorial representation of the immediate area with associated legends and descriptions.

“PORTABLE OR MOBILE SIGN”

Means a *sign* greater than 1 m² (10.8 ft²) in area and less than 4 m² (43.1 ft²) in *sign area* that is located on but not permanently attached to the ground. It is capable of being easily relocated and holds a *sign* with one or more faces featuring letters and/or symbols that can be changed manually or electronically through adjustable characters, message panels or by other means.

“PROJECTING SIGN”

Means any *sign*, other than an *awning*, that is attached directly to a *building* wall, where the *sign face* is not parallel to the wall it is attached to.

“REAL ESTATE SIGN”

Means a *sign* indicating that property is available for sale, lease or rent.

“RESIDENTIAL SIGN”

Means a *sign* indicating the name and address of a private residence or indicating the historical or architectural significance of a *building* on which the *sign* is located.

“ROOF SIGN”

Means any *sign erected* upon, or directly above a roof, or on top of, or above the parapet of a *building*.

“SANDWICH BOARD SIGN”

Means a *sign* less than 1 m² (10.8 ft²) in *sign area* which is constructed of two boards connecting at one end and which shall be taken on and off a site on a daily basis.

“SIGN”

Means any *structure*, device, light, painting, or other representation or natural object that is used to identify, advertise, or attract attention to any object, place activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business, or which displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a *parking lot*.

“SIGN AREA”

Means the area per side of the smallest triangle, square, rectangle, circle or semi-circle that can wholly enclose the surface area of the *sign*. In the case of *fascia sign(s)* featuring individual letters affixed to a *building*, *sign area* shall be the product of the combined areas of the smallest triangles, squares, rectangles, circles or semi-circles that can wholly enclose each individual letter.

“SIGN BOX”

Means a box contained within a *freestanding* or *directory sign* that contains the name, logo or other insignia of a business or other *use*.

“SIGN FACE”

Means each individual side or face of a *freestanding* or *directory, projecting, sandwich board, portable* or *mobile sign(s)*.

“TRAFFIC SIGN”

Means a sign that identifies pedestrian, bicycle, or motor vehicle regulations pertinent to safe traffic movement

“WINDOW SIGN”

Means a non-illuminated painted, gold leaf, or otherwise affixed *signage* on display windows or door windows.

8.2 Administration

Deleted

8.3 Signage Permits

- (1) No person shall construct, *erect*, display, *alter* or relocate a *sign* and no person being the owner or lessee of property shall permit, suffer or allow the construction, *erection*, display, *alteration* or relocation of a *sign* on such property without a *sign* permit first having been obtained in accordance with the provisions of this By-law.
- (2) No permits shall be issued for a *sign* constructed on a permanent foundation without a *Building Permit* having first been issued in accordance with the *Building By-law*.
- (3) Notwithstanding the provisions of 8.3(1), no *sign* permit is required for:
 - (a) *real estate signs* that are of a temporary nature and advertise the property upon which they are located as being available for immediate sale, lease or rent provided that:
 - (i) the sign does not exceed 0.36 m² (3.9 ft²) in sign area; and
 - (ii) the sign is not illuminated.
 - (b) *signs* advertising a subdivision *development* provided that:
 - (i) the *signs* are *freestanding signs*;
 - (ii) a maximum of two *signs* are provided within the *development*;
 - (iii) the *signs* are located on lands within the subdivision being developed;
 - (iv) such *signs* do not exceed 3 m² (32.3 ft²) in *sign area*;
 - (v) the *signs* are set back a minimum of 3 m (10 ft) from any right-of-way; and
 - (vi) the *signs* are removed when residences are constructed on more than seventy-five (75%) of the *lots* within the subdivision.
 - (c) a *residential sign* provided that:
 - (i) the *sign* shall not exceed 0.18 m² (2 ft²) in *sign area*; and
 - (ii) the *sign* may be only illuminated internally or externally to display the number of the address.
 - (d) construction *signs* temporarily located on a *lot* that identifies the project, owner, architect and/or consulting engineer, provided such *sign* does not exceed 3 m² (32.3 ft²) in *sign area* and must be removed within 60 days of the completion of the project.
 - (e) posters of a temporary nature advertising specific community events;
 - (f) traffic and directional *signs* authorized by the Municipality, Province or Federal government;
 - (g) *signs* less than 0.09 m² (1 ft²) in *sign area*; unless there is a collection of three or more of such signs which constitute a display or advertisement. A collection of such signs less than 0.09 m² shall require a sign permit and
 - (h) election *signs*.
 - (i) legal notices

8.4 Applications and Plans

- (1) An applicant for a *sign* permit shall provide to the *Development Officer*:
 - (a) a scale drawing or dimensioned sketch of the proposed *sign* and of any supporting framework and anchoring devices showing the dimensions of the *sign* and details of lettering and colours;
 - (b) a site plan showing the proposed *sign* location in relation to the *street line* and property boundaries and *building* locations;
 - (a) a sketch of the *building* façade showing the location of the *sign(s)* and the vertical and horizontal dimensions of the *building* and *sign(s)*;
 - (b) such other information as may be required to determine compliance with these regulations.
- (2) A permit shall be issued by the *Development Officer* for any proposed sign conforming to the regulations upon payment of the permit fee set out in the Schedule of Fees and Charges approved by Council.

8.5 Signage Variances

- (1) The Planning Advisory Committee (PAC) may permit a *fascia sign, freestanding sign* or *directory sign* to exceed the *height* and *sign area* requirements of this By-law through a variance. When reviewing a variance application *Town Staff* and PAC shall consider the following:
 - (a) the dominance of the *sign* in relation to the building the *sign* is to be *erected* on;
 - (b) whether the *sign* is out of scale in context to surrounding *buildings* and other *signage* in the area;
 - (c) the impact on the architectural features of the *building* and surrounding built environment;
 - (d) the impact of *illuminated signage* on the surrounding land *uses*; and
 - (e) whether the proposed *signage* may potentially impact pedestrian or vehicular movement.
- (2) The Planning Advisory Committee may permit a *fascia sign* to project beyond the wall of a *building* as long as the *sign*:
 - (a) adds to the architectural appeal of the *building*;

- (b) does not impact adjacent land *uses* through illumination or dominance of the *sign*; and
- (c) does not impact pedestrian or vehicular movement.

8.6 Prohibited Signs

- (1) No *sign* shall be *erected*, operated, used or maintained which:
- (a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic *sign*, signal or device, as determined by the *Development Officer*;
 - (b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency *vehicles*;
 - (d) obstructs the *use* of a fire escape, door, window, or other required exit;
 - (e) projects over or rests upon any part of a public right-of-way or public sidewalk, except a *fascia sign*, an awning, a banner, a flag or projecting sign unless otherwise permitted in this By-law;
 - (f) extends more than 45 cm (17.7 in) above the roof line or parapet of the *building* or the top of the marquee or canopy, nor shall it extend beyond the end of the wall, marquee or canopy to which it is attached;
 - (g) is attached to a tree;
 - (h) is a *roof sign*;
 - (i) is a *portable sign*;
 - (j) is painted upon or covers a fence or roof or on the exterior of any *building*; and
 - (k) is an off-site *sign*, except as provided in section 8.3.3(f)
- (2) No *sign* or *sign structure* shall:
- (a) extend above a wall or beyond the ends of a wall of any *building* to which it is attached;
 - (b) extend over any sidewalk or walkway at a *height* of less than 2.5 m (8 ft);
 - (c) be placed on private or public property without the written consent of the owner, or the owner's agent, if the owner of the property is not the owner of the sign;
 - (d) be; be internally lit, with the exception of one on internally illuminated "open/ouvert" non-flashing, non-moving, sign no larger than 0.018 m² (2 ft²) ;
 - (e) obstruct or be attached to any part of a fire escape;
 - (f) be placed within 3.0 m (10 ft) of a fire alarm or utility wire, other than that required to illuminate the *sign*, without obtaining permission in writing from the authority having jurisdiction over the same;
 - (g) be attached to any tree, utility pole or post, or any support which rests upon the sidewalk but shall be securely attached to a *building* or other satisfactory support, with the exception of a street banner or as otherwise provided in this By-Law;
 - (h) except for awnings and *projecting signs*, project over any public right-of-way, highway or sidewalk;
 - (i) advertise an activity, business or sale of a product or service no longer conducted on the premises which the sign serves, or
 - (j) be an imitation of a traffic control device or *sign* or have a size, shape, location, content, colouring, or manner of illumination which may be confused with any traffic control device or *sign*.
 - (k) Contain electronic messaging or electronic visual display

8.7 Number of Signs on Residential Properties

In any Residential Zone, or on any residential *building* in the Mixed Use (MU) Zone, the maximum number of *signs* for each *dwelling* shall be 4 which shall include:

- (a) one *incidental sign*;
- (b) one *residential sign*; and
- (c) where such businesses are allowed, a *sign* identifying a *bed and breakfast* or a *home based business* as permitted under Section 4.1.9 or 4.1.10, provided that this is a *fascia sign*, *freestanding sign*, or *freestanding sign* with a sign area not exceeding 0.5 m² (5.4ft²)
- (d) one interpretive sign

8.8 Number of Signs on Commercial Properties

- (1) The maximum number of advertising *signs* for any *use* in the Central Commercial (CC) Zone or Tourist Commercial (TC) Zone shall be 6 which shall include:

- (a) one *fascia sign*;
- (b) one *awning*;
- (c) one *projecting sign* or *freestanding sign*; and
- (d) two *window signs*.
- (e) one sandwich board sign
- (f) one interpretive sign

- (2) For any property located within the Mixed Use Zone and the Business Improvement Area, any Central Commercial or Tourist Commercial *use* may be permitted to have one *sandwich board sign*. Such *signs* must not be placed on any part of a sidewalk or street-right-of-way, or in any other position which would constitute a public nuisance or danger. Such signs may not be more than one metre from the property line of said Commercial Property. Any such *sign* found in non-conformance with this provision may be removed by any *Town* employee on the direction of the *Development Officer*.

8.9 Number of Signs in Institutional and Green Space Zones

The maximum number of signs for a facility in an Institutional or Green Space Zone shall be 3 which shall include:

- (a) one *fascia sign*;
- (b) one *projecting sign* or *freestanding sign*; and
- (c) two *incidental signs*, one of which may be a sandwich board sign
- (d) one interpretive sign

8.10 Sign Area Calculations

For the purposes of determining the total permitted *sign area*:

- (a) the *sign area* shall be considered to be the area of the smallest triangle, square, rectangle, circle or semi-circle that can totally circumscribe the *sign face* in the plane of its largest dimension of a *fascia sign* as shown below in Figure 9.3.1;



Figure 8.3.1

- (b) in the case of *fascia signage* featuring individual letters affixed to a *building* face, the total *sign area* is the sum of the *sign area* for each individual letter as shown below in Figure 9.3.2;

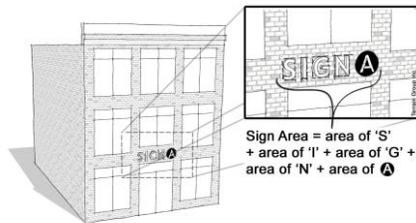


Figure 8.3.2

- (c) when determining the *sign area* of a *freestanding sign* or *directory sign*, the total area of one or more *sign boxes* must be calculated as shown below in Figures 9.3.3 and 9.3.4; and



Figure 8.3.3

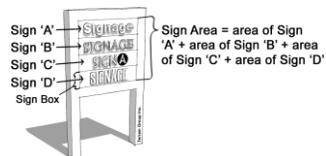


Figure 8.3.4

- (d) each visible face of a *sign* shall be calculated separately and then totaled in determining the *sign area*.

8.11 General Standards for Signs

- (1) Any internally *illuminated sign* must be lit with all light shining through a translucent or coloured material. Any externally illuminated sign must be lit so that all of the illumination shines only on the sign.
- (2) Except for *awnings, banners, real estate signs, and "sign" flags*, which may be made of dyed or painted canvas, material, or formed and painted acrylic, a *sign* shall be constructed of wood or long lasting synthetic product which simulates the properties and appearance of wood, and may be painted or routed, or consist of cut-out wooden letters affixed to a board, and may include a symmetrical ornamental border or framing piece around the perimeter.
- (3) No *sign* shall include more than three different sizes of typefaces for lettering, or *use* more than three colours in addition to black or white. Fluorescent, neon or reflective paint is prohibited. Not more than fifty percent (50%) of the *sign area* shall consist of any picture, illustration or corporate logo. The sign should incorporate heritage style and typeface such as those suggested styles in the "Saint Andrews Heritage signage handbook" for the exteriors of period buildings.
- (4) Not more than one of a *projecting, free-standing or fascia sign* advertising a business may be illuminated by shielded lights positioned to shine directly on the *sign*. Electrical work required for an externally *illuminated sign* shall conform with any applicable electrical code, as determined by the *Building Inspector*, and shall be equipped with such devices as are necessary to prevent interference with radio or television reception.
- (5) *Signs* to be *erected* in the *street* right-of-way of a Provincial Highway are subject to approval of the Department of Transportation as well as to the *signage* regulations of the Town of Saint Andrew's Zoning By-law. The *Development Officer* shall not issue a permit for any *sign* for which a permit from or approval of the Department of Transportation is required, until such Provincial approval has been issued.
- (6) A *sign structure* shall be subject to the approval of the *Building Inspector* where it is:
 - (a) a *projecting sign* that weighs more than 25 kilograms (55 pounds); or
 - (b) a *freestanding sign* that weighs more than 50 kilograms (110 pounds); or
 - (c) an *awning* that weighs more than 25 kilograms (55 pounds).

8.12 Standards for Specific Types of Signs

8.12.1 Fascia Signs

- (1) Where the *building* has a fascia board, the *height* of the *sign* shall not exceed the lesser of 60 centimeters (24 inches) or the *height* of the fascia board, and shall not obstruct the architectural detail of the cornice.
- (2) Where a *building* has no fascia board, a *sign* not exceeding 60 centimeters (24 inches) in *height* may be affixed to the *building*, provided there is sufficient space between the top of the first floor mouldings or cornice and the bottom of the second floor window mouldings.
- (3) The width of a *sign* may not extend beyond the lesser of:
 - (a) the outside edges of the first floor windows and/or door; or
 - (b) ninety percent (90%) of the *building* width.
- (4) No *fascia sign* shall project more than 25 cm (10 in) from the wall that the *sign* is affixed to.

8.12.2 Freestanding Signs

- (1) *Freestanding signs erected* outside the *Town Plat* and *Historic Business District* shall not exceed 3.0 m² (32 ft²) in *sign area* per side, and 6.0 m² (64 ft²) in total *sign area*. *Freestanding signs* in the *Town Plat* and *Historic Business District* shall not exceed 0.75 m² (8 ft²) in *sign area* per side and 1.5 m² (16 ft²) in total *sign area*.
- (2) The outermost point of a *freestanding sign* may extend to, but not beyond, the *street* right-of-way line.
- (3) A *freestanding sign* shall be either:

- (a) more than 2.5 m (8 ft) but less than 5.0 m (16 ft) high; or
 - (b) the lower edge of the *freestanding sign* shall not be more than 60 cm (24 in) above the ground and its top shall not be more than 1.5 m (5 ft) high.
- (4) No more than one *freestanding sign* shall be permitted for every 30 m (98.4 ft) of *lot frontage*. In the case of a *corner lot* the sign shall be located at least 11 m (36.1 ft) from the intersection of the *lot lines*.

8.12.3 Awnings

- (1) A rigid or non-movable *awning* shall not extend over a public sidewalk.
- (2) A moveable *awning* may extend over a public sidewalk if:
 - (a) the lowest part is not less than 2.5 m (8.2 ft) above the sidewalk;
 - (b) the supporting *structure* does not rest on the sidewalk or *street* right-of-way; and
 - (c) it does not project more than one-third (1/3) of the width of the sidewalk.
- (3) No moveable *awnings* shall be deployed from November 1st of any year to April 15th of the following year.
- (4) Any valance on an *awning* shall not be more than 30 cm (12 in) wide.
- (5) Lettering shall be confined to the valance of an *awning*.
- (6) An *awning* shall be affixed to a *building* in such a manner as to not obstruct the architectural detail of the cornice.

8.12.4 Street Banners

- (1) The erection of all banners requires pre-approval by the Development Officer.
- (2) Banners may be erected no more than Two weeks before an event or occasion and must be removed no later than one week after the event is concluded.
- (3) The content, design and size of the banner require pre-approval by the Development Officer.

8.12.5 Non Commercial Temporary Signs

- (1) Non commercial temporary signs include incidental signs, sandwich boards and freestanding signs.
- (2) Non Commercial Temporary signs must be pre-approved by the Development Officer
- (3) The placement of Non Commercial temporary signs is subject to section 8.6 of this zoning by-law.
- (4) The sign may be placed no more than 7 days prior to the event or activity and must be removed no more than one day after the conclusion of the event or activity
- (5) Non Commercial temporary sign may only be placed by recognized Saint Andrews civic and not for profit organizations, the Saint Andrews Town Market, the municipality or by approval of the Development Officer
- (6) The maximum number of non commercial temporary signs placed by any organization is at the discretion of the Development Officer, with no more than one sign being placed in any one location.

8.12.6 Projecting Signs

- (1) A *projecting sign* may extend up to 1 m (3 ft) from the *building* it serves.
- (2) A *projecting sign* shall not exceed 0.74 m² (8 ft²) in *sign area* per side and shall be limited to two sides.
- (3) The bottom of a *projecting sign* shall be at least 2.5 m (8 ft) high but not more than 5.0 m (16 ft) high.
- (4) A *projecting sign* may be sectional, provided that the total *sign area* of all sections does not exceed 0.74 m² (8 ft²).
- (5) There shall be a maximum of one *projecting sign* per business on a property.
- (6) No *projecting sign* shall project more than 1 m (3.3 ft) from the *building* wall.
- (7) No *projecting sign* shall project more than 30 cm (12 in) above the roof of a *building*.

8.12.7 Window Signs

- (1) The contents of a *window sign* shall be limited to identifying a business name or proprietor's name, the nature of service or product, and the establishment's hours of operation.
- (2) No *window sign* shall exceed:
 - (a) thirty percent (30%) of the glass area of a display window; or
 - (b) fifty percent (50%) of the glass area of a door.

8.13 Maintenance of Signs

- (1) The owner, operator or manager of the business or facility for which any *sign* has been *erected* shall maintain it in a proper state of repair, so that it does not become unsightly, defective or dangerous.
- (2) Any *sign* which is in a state of disrepair shall be repaired or removed by the owner or lessee on receiving written notice from the *Development Officer*. If the *sign* is not repaired or removed within 15 days of the mailing of such notice, the *Development Officer* may order the removal of the *sign* at the expense of the owner.
- (3) Any *sign* which, in the opinion of the *Building Inspector* or *Development Officer* is a danger to the surrounding property or persons may be repaired or removed without prior notice by the *Town* and the expenses involved in such action will be charged to the owner of the *sign*.

8.14 Non-Conforming Existing Signs

The provisions of this By-law with respect to *signs* that do not conform to the By-law at the time of its effective date, other than provisions of Section 8.13, shall not be construed to have a retroactive effect. The exception to this rule is a non-conforming *sign* that is relocated, *altered*, or removed which is then required to comply with the provisions of this By-law. The provisions of this section shall not exempt the owner of a non-conforming *sign* from the obligation for proper maintenance of a *sign*.

8.15 Election Signs

- (1) No election *sign* shall be *erected* on *Town*, Provincial or Federal property.
- (2) A sign or poster advertising any political party or candidate in an election for public *office* shall be removed within 48 hours after the election for which the sign was *erected*. If a sign is not removed within such time, the *Development Officer* may order its removal at the expense of the owner.

8.16 Exemptions

The following *signs* are not subject to the *sign* provisions of this By-law:

- 1) a traffic control device as defined under the *Motor Vehicle Act*, or any Provincial or Municipal signs for regulating traffic;
- 2) legal notices; and
- 3) *street* name *signs*.

8.17 Abandoned and Unlawful Signs

- (1) No person being the owner or lessee of property that a *sign* is located shall permit, suffer or allow such *sign*, its faces, supports, electrical system or anchorage to become unsightly, dilapidated or unsafe.
- (2) The *Development Officer* may require the removal of any *sign* that, in his or her opinion is, has become, unsightly, or is in such a state of disrepair as to constitute a hazard.
- (3) Any *sign* that no longer advertises a bona fide business or service on the premises shall be removed within sixty (60) days of termination of the business or service.

8.18 Refusal of a Sign License

The Development Officer shall refuse to issue a sign license for any sign if:

- (1) the proposed sign does not comply with the provisions of this By-Law or any other applicable By-Law or legislation or would make any existing sign non-compliant;
- (2) the building or structure supports on which the sign is to be located or attached is determined to be incapable of supporting the sign, or if the information submitted regarding the construction of the sign or supporting structure is not sufficient to enable the Development Officer to adequately determine the capability of such support;
- (3) the proposed sign would, in the opinion of the Development Officer, obstruct or otherwise interfere with any traffic control devices, or the visibility of motorists or pedestrians; or
- (4) an applicant has failed to provide the information required by the Development Officer; or
- (5) the proposed sign directly interferes with the visibility of adjacent signs.

8.19 Revocation of a Sign License

The Development Officer may revoke a sign license

- (1) where there is a violation of any condition under which the sign license was issued;
- (2) where there is a violation of any provision of the By-Law or any other applicable law or legislation;
- (3) if he/she is satisfied that such sign license was issued by reason of incorrect, false, or
- (4) misleading information furnished by the applicant; or
- (5) if the license was issued in error.

FIRST READING: July 8, 2013
SECOND READING:
THIRD READING:

TOWN MAYOR

TOWN CLERK

NEW BUSINESS

J1. Mayor’s Comments

It was moved by Councillor Sochasky, seconded by Deputy Mayor Akagi and carried to move the meeting of the August Council meeting to the second Monday of the month being August 12, 2013 due to the fact that the first Monday is the August holiday and to move the September Regular meeting to September 9th, 2013 due to the fact the first Monday is a holiday.

J2. Councillor’s Comments/Concerns

ADJOURNMENT

At 9:50 p.m. Councillor Golding moved that the meeting be adjourned.

Mayor

Clerk