

**TOWN OF SAINT ANDREWS**  
**Regular Council Meeting**  
**Minutes**  
**September 9, 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, Edie Bishop and Doug Naish. Also present were Staff Members: Tim Henderson, CAO/Clerk, Chris Spear, Treasurer and Gail McLaughlin, Administrative Assistant.

Absent: Councillor Melanie Wood

**DISCLOSURE OF CONFLICT OF INTEREST IF ANY**

Councillor Doug Naish declared a conflict of interest regarding FA 130806.

**PRESENTATIONS - NONE**

**MINUTES**

It was moved by Deputy Mayor Akagi, seconded by Councillor Sochasky and carried to adopt the minutes of the Special Meeting of Council of August 12, 2013 held at 6:30 p.m.

It was moved by Councillor Golding, seconded by Councillor Sochasky and carried to adopt the minutes of the Regular Meeting of Council of August 12, 2013 held at 7:00 p.m.

It was moved by Deputy Mayor Akagi, seconded by Councillor Bishop and carried to adopt the minutes of the Special Meeting of Council of August 26, 2013.

**STAFF REPORTS**

**Town Managers Report**

It was moved by Councillor Golding, seconded by Councillor Sochasky and carried that Council accept the resolution that it be resolved that the Clerk or Treasurer and Mayor or Deputy Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of the Town of Saint Andrews debenture in the principal amount of \$452,000 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of the Town of Saint Andrews agrees to issue post dated cheques payable to the New Brunswick Municipal Finance Corporation as and when requested in payment of principal and interest charges on the debenture.

<b>Ministerial Order No.</b>	<b>Date of M.O.</b>	<b>Date of Council's resolution authorizing application to the MCBB</b>	<b>Purpose by Function</b>	<b>Amount in Dollars</b>	<b>Term for each amount</b>
<b><u>General Operating Fund</u></b>					
12-0014	Mar 12/12	Feb 6/12	Environmental Development services	\$240,000	20
<b><u>Utility Operating Fund</u></b>					
03-21	Apr 14/03	Feb 3/03	Environmental Health services	\$212,000	5

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

## **COMMUNICATIONS**

Mayor Choptiany read a thank you letter from Irene Scarratt of the St. Andrews Community Tennis Association acknowledging the support and cooperation of the Town crew during their Tennis Tournament.

## **COMMITTEE REPORTS & RESOLUTIONS**

### **Business, Recreation and Special Events**

It was moved by Councillor Sochasky, seconded by Councillor Golding and carried that the Town of Saint Andrews fully recognizes the importance of long-term mental health and supports the provincial World Mental Health Day walk on October 10.

It was moved by Councillor Sochasky, seconded by Deputy Mayor Akagi and carried that the Town of Saint Andrews acknowledges the significant work being done by AIDS Saint John to address HIV and AIDS issues in southwestern New Brunswick and fully supports the 2013 Scotiabank AIDS Walk for Life on September 22 that makes these possible.

It was moved by Councillor Sochasky, seconded by Councillor Golding and carried to request that the Finance and Administration Committee grant approval for the Town of Saint Andrews to enter into a formal joint agreement with the Kiwanis Club of St. Andrews for Phase 1 of the Van Horne Trail Project, under the terms agreed by the Council and CAO.

### **Finance & Administration Committee**

Councillor Naish declared a Conflict of Interest and left the Council Chambers before the CHCO-TV grant request item was brought to the meeting.

It was moved by Councillor Bishop, seconded by Deputy Mayor Akagi and carried that Council approve a grant CHCO-TV the sum of \$250.00 to assist them with their project, a new series of programs titled: "Marine(Fisheries) and Aquatic Science in Charlotte County" with funds to come from Civic Promotions.

Following the motion Councillor Naish returned to the Council Chambers.

It was moved by Councillor Bishop, seconded by Deputy Mayor Akagi and carried to grant permission to Bruce A. Monaghan to place the requested fence on the property line between his property at One Patrick Street and the newly established pocket park adjacent to his property.

It was moved by Councillor Bishop, seconded by Councillor Golding and carried that Council appoint Michael Fitzgerald as a User Group Representative on the W.C. O'Neill Arena Complex Board for a one year term.

It was moved by Councillor Bishop, seconded by Councillor Sochasky and carried that Council appoint Richard MacFarlane and Peter Fenety as "Members at Large" for the St. Andrews Market Wharf Board for a one year term.

It was moved by Councillor Bishop, seconded by Councillor Sochasky and carried that Council appoint Michael Head as a "User Group Representative" on the St. Andrews Market Wharf Board for a one year term.

It was moved by Councillor Naish, seconded by Councillor Sochasky and carried that Council approve the amended Policy #PD002.1, a Policy related to the position of the Development Officer/Building Inspector/Compliance Officer for the Town of Saint Andrews.

It was moved by Councillor Naish, seconded by Councillor Golding and carried that Council grant approval for the Town of Saint Andrews to enter into a formal joint agreement with the Kiwanis Club of St. Andrews for Phase 1 of the Van Horne Trail Project, under the terms agreed by the Council and CAO.

## Safety Committee

It was moved by Councillor Naish, seconded by Councillor Bishop and carried that Council direct the CAO to implement a remediation plan in accordance with the Traffic Bylaw for the priority locations identified as street obstructions where vegetation encroaches and seriously compromises driver visibility and to continue to monitor the situation for any other locations which might require future attention.

It was moved by Councillor Naish, seconded by Councillor Bishop and carried that Council direct the CAO to respond in writing to Mr. Alan J. Strachan's concern about the noise enforcement of the Noise Bylaw and efforts by municipalities to have this matter legislated and regulated by the Provincial government.

It was moved by Councillor Naish, seconded by Councillor Bishop and carried that Council direct the CAO to write to Mr. Cleve M. Smythe advising him of the steps the Town has already taken concerning deer control and what future action is planned.

## Committee of the Whole

At 8:05 p.m. it was moved by Deputy Mayor Akagi, seconded by Councillor Sochasky and carried that Council move to the Committee of the Whole regarding a legal matter.

Council returned to an Open Session at 8:30 p.m. to resume the Regular meeting.

## INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS

It was moved Councillor Bishop, seconded by Councillor Sochasky and carried that 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 be read a second time.

It was moved Councillor Bishop, seconded by Councillor Sochasky and carried that 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 be read by title a third and final time.

### TOWN OF SAINT ANDREWS BY-LAW 13-04, A 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 m<sup>2</sup> (2 ft<sup>2</sup>) in *sign area*, and shall not be illuminated.

**“INTERPRETIVE SIGN”**

Means a *sign*, no greater than 1.2 m<sup>2</sup> (12 ft<sup>2</sup>), giving description or information on historic, environmental, geological or scientific features pertinent to the immediate area.

**“MAP”**

Means a *sign*, no greater than 3.2m<sup>2</sup> (32 ft<sup>2</sup>), giving a pictorial representation of the immediate area with associated legends and descriptions.

**“PORTABLE OR MOBILE SIGN”**

Means a *sign* greater than 1 m<sup>2</sup> (10.8 ft<sup>2</sup>) in area and less than 4 m<sup>2</sup> (43.1 ft<sup>2</sup>) 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 but not above a roof, or on top of, or above the parapet of a *building*.

**“SANDWICH BOARD SIGN”**

Means a *sign* less than 1 m<sup>2</sup> (10.8 ft<sup>2</sup>) 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 m<sup>2</sup> (3.9 ft<sup>2</sup>) 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 m<sup>2</sup> (32.3 ft<sup>2</sup>) 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 m<sup>2</sup> (2 ft<sup>2</sup>) 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 m<sup>2</sup> (32.3 ft<sup>2</sup>) in *sign area* and must be removed within 60 days of the completion of the project, by the owner.
  - (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 m<sup>2</sup> (1 ft<sup>2</sup>) 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 m<sup>2</sup> 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;
  - (c) 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)**;
  - (d) 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, incidental sign or directory sign** to exceed the number of signs and 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 outward beyond the wall surface of a **building** so long as the **sign**:
- (a) does not impact adjacent land **uses** through illumination or dominance of the **sign**; and
  - (b) 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**;
  - c) obstructs the **use** of a fire escape, door, window, or other required exit;
  - d) 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;
  - e) extends 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;
  - f) is attached to a tree;
  - g) is a **roof sign**;
  - h) is a **portable sign**;
  - i) is painted upon or covers a fence or roof or on the exterior of any **building**; and
  - j) is an off-site **sign**, except as provided in section 8.3.3(f)
  - k) is a mural or other such similar scenic depiction
  - l) is an internally lit sign in a residential area
- (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 m<sup>2</sup> (2 ft<sup>2</sup>);
  - (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
  - (l) Extend above the roof line or parapet roof line of a building.

### 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 be chosen from the following:

- (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, or freestanding sign** with a sign area not exceeding 0.5 m<sup>2</sup> (5.4ft<sup>2</sup>)
- (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 5 which shall be chosen from the following:

- (a) one **fascia sign**;
- (b) one **awning**;
- (c) one **projecting sign or freestanding sign**
- (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 be chosen from the following::

- (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 8.3.1;

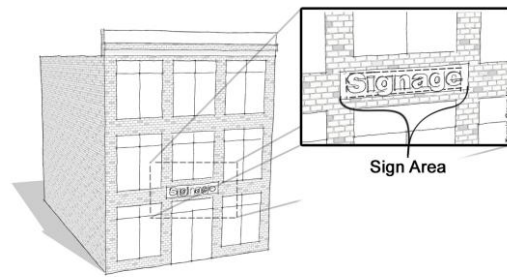


Figure 8.3.1

- (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 8.3.2;

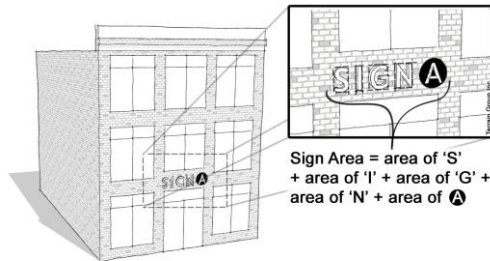


Figure 8.3.2

- (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 8.3.3 and 8.3.4; and



Figure 8.3.3

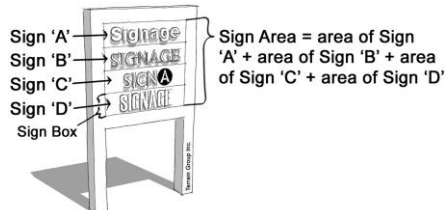


Figure 8.3.4

- (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

- 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.
- Except for *awnings, banners, real estate signs, and "sign" flags*, which may be made of dyed or painted 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 and painted, or consist of cut-out wooden letters affixed to a board, and may include a symmetrical ornamental border or framing piece around the perimeter.
- 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.
- 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.
- 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.
- A *sign structure* shall be subject to the approval of the *Building Inspector* where it is:
  - a *projecting sign* that weighs more than 25 kilograms (55 pounds); or
  - a *freestanding sign* that weighs more than 50 kilograms (110 pounds); or
  - an *awning* that weighs more than 25 kilograms (55 pounds).

## 8.12 Standards for Specific Types of Signs

### 8.12.1 Fascia Signs

- 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.
- 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.
- The width of a *sign* may not extend beyond the lesser of:
  - the outside edges of the first floor windows and/or door; or
  - ninety percent (90%) of the *building* width.
  - width of the building

- (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 m<sup>2</sup> (32 ft<sup>2</sup>) in *sign area* per side, and 6.0 m<sup>2</sup> (64 ft<sup>2</sup>) in total *sign area*. *Freestanding signs* in the *Town Plat* and *Historic Business District* shall not exceed 0.75 m<sup>2</sup> (8 ft<sup>2</sup>) in *sign area* per side and 1.5 m<sup>2</sup> (16 ft<sup>2</sup>) 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:
- more than 2.5 m (8 ft) but less than 5.0 m (16 ft) high; or
  - 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*.
- (5) Freestanding interpretive signs on municipal, provincial and/or federal sites are exempt from regulations and specifications in sections 8.12.2 (1), (2) (3) and (4).

#### 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:
- the lowest part is not less than 2.5 m (8.2 ft) above the sidewalk;
  - the supporting *structure* does not rest on the sidewalk or *street* right-of-way; and
  - 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 1<sup>st</sup> of any year to April 15<sup>th</sup> 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

- The erection of all banners requires pre-approval by the Development Officer.
- Banners may be erected no more than fourteen (14) days before an event or occasion and must be removed no later than seven (7) days after the event is concluded.
- The content, design and size of the banner require pre-approval by the Development Officer.

#### 8.12.5 Non Commercial Temporary Signs

- Non commercial temporary signs include incidental signs, sandwich boards and freestanding signs.
- Non Commercial Temporary signs must be pre-approved by the development Officer
- The placement of Non Commercial temporary signs is subject to section 8.6 of this zoning by-law.
- 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
- Non Commercial temporary sign may only be placed by civic and not for profit organizations, the Saint Andrews Town Market, the municipality or by approval of the development officer
- 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

- A *projecting sign* may extend up to 1 m (3 ft) from the *building* it serves and may not project above the roof line.
- A *projecting sign* shall not exceed 0.74 m<sup>2</sup> (8 ft<sup>2</sup>) in *sign area* per side and shall be limited to two sides.
- 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.
- A *projecting sign* may be sectional, provided that the total *sign area* of all sections does not exceed 0.74 m<sup>2</sup> (8 ft<sup>2</sup>).
- There shall be a maximum of one *projecting sign* per business on a property.
- No *projecting sign* shall project more than 1 m (3.3 ft) from the *building* wall.
- No *projecting sign* shall project more than 30 cm (12 in) above the roof of a *building*.

#### 8.12.7 Window Signs

- 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.
- No *window sign* shall exceed:
  - thirty percent (30%) of the glass area of a display window; or
  - fifty percent (50%) of the glass area of a door.

#### 8.13 Maintenance of Signs

- 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.
- 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.
- 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, replaced, *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

- No election *sign* shall be *erected* on *Town*, Provincial or Federal property.
- 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:
  - a traffic control device as defined under the *Motor Vehicle Act*, or any Provincial or Municipal signs for regulating traffic;
  - legal notices; and
  - 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 Permit

- (1) The Development Officer shall refuse to issue a sign permit for any sign if:
  - (a) 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;
  - (b) 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;
  - (c) 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
  - (d) an applicant has failed to provide the information required by the Development Officer; or
  - (e) the proposed sign directly interferes with the visibility of adjacent signs.

### 8.19 Revocation of a Sign Permit

- (1) The Development Officer may revoke a sign permit
  - (a) where there is a violation of any condition under which the sign permit was issued;
  - (b) where there is a violation of any provision of the By-Law or any other applicable law or legislation;
  - (c) if he/she is satisfied that such sign permit was issued by reason of incorrect, false, or misleading information furnished by the applicant; or
  - (d) if the permit was issued in error.

Read First Time: July 8, 2013  
Read Second Time: September 9, 2013  
Read Third Time and Enacted: September 9, 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

It was moved by Deputy Mayor Akagi, seconded by Councillor Bishop and carried that Bylaw No. 13-05, A Bylaw Respecting the Duties and Powers of the Chief Administrative Officer and the Relationship between Council, The Chief Administrative Officer, and the Employees of the Town of Saint Andrews be read by title for second time.

It was moved by Councillor Sochasky, seconded by Deputy Mayor Akagi and carried that Bylaw No. 13-05, A Bylaw Respecting the Duties and Powers of the Chief Administrative Officer and the Relationship between Council, The Chief Administrative Officer, and the Employees of the Town of Saint Andrews be read by title for third and final time.

### **Bylaw 13-05, A by-law respecting the duties and powers of the Chief Administrative Office and the and the relationship between Council, the Chief administrative Officer, and the Employees of the Town.**

Council of the Town of Saint Andrews, under the authority vested in it by the *Municipalities Act* of *New Brunswick*, Chapter M-22, R.S.N.B. (1973) hereby enacts as follows:

#### **Definitions**

1. **“Act”** means the *New Brunswick Municipalities Act*, R.S.N.B. 1973 and amendments.

**“Chief Administrative Officer (CAO)”** The Chief Administrative Officer of a city or town has such duties and powers as the council prescribes by by-law or resolution. *NB Municipalities Act* Section 75, 1966, c.20, s.76; 2003, c.27, s.28.

**“Clerk”** means the person holding the position and performing the duties of clerk as outline in the *NB Municipalities Act* Section 76 (1) (2) 1966, c.20, s.77; 2003, c.27, s.29.

76(1) The clerk of a municipality is the clerk of the council and shall

- (a) attend all meetings of council and record in a book
  - (i) the names of the members of council present at the meeting, and
  - (ii) all resolutions, decisions and proceedings of the council, without note or comment,
- (b) if required by any member of the council present, record the name and vote of every member voting on a question,
- (c) keep the books, documents and records of the council and the originals of all by-laws and resolutions,
  - (i) maintain an indexed register of certified copies of all by-laws of the municipality that shall be available for public inspection during regular office hours,
  - (d) be the custodian of the corporate seal of the municipality,
    - (i) if the mayor and deputy mayor are absent or the office of mayor is vacant, call a meeting of council to select a councillor to act as presiding officer of the council,
    - (ii) sign, as required under paragraph 5(2)(b), all agreements, contracts, deeds and other documents to which the municipality is a party,
- (e) notify all members of the council of all meetings of the council, and
- (f) perform such other duties as the council assigns to him or her.



76(2) The Assistant Clerk is subject to the directions of the Clerk and, in the absence or disability of the Clerk or when there is no clerk, has all the powers and duties of the Clerk. 1966, c.20, s.77; 2003, c.27, s.29.

“**Council**” means the Mayor and Councillors of the municipality of Saint Andrews.

“**Development Officer**” means Planning Officer.

“**Directors**” means the department head of public works, the fire chief, the administrative assistant, the clerk, the treasurer, the planning officer, and any other employee deemed to hold a supervisory role.

“**Employee**” means any other person employed by the Town of Saint Andrews other than the CAO and the Directors.

“**Minister**” means the Minister of Environment and Local Government and includes anyone designated by the Minister to act on the Minister’s behalf

“**Municipality**” means a city, town or village;

“**Planning Officer**” means Development Officer;

“**Town**” means the Town of Saint Andrews, New Brunswick

“**Town Manager**” means Chief Administrative Officer. Where the term “Town Manager” exists in any By-Law, regulation or Policy of the Town of Saint Andrews, it shall be replaced with the term “**Chief Administrative officer**”.

#### **Appointment of the Chief Administrative Officer**

2(1) Council shall appoint a Chief Administrative Officer for the Town and the duties and powers of the Chief Administrative Officer are prescribed by the By-Law made pursuant to Section 75 of the *Act* with such additions or deletions as may be approved by a resolution of Council from time to time.

2(2) The Chief Administrative Officer is appointed under Subsection 74(1) of the *Act* and is employed on a full time basis.

2(3) Pursuant to Subsection 74(5) of the *Act*, the Chief Administrative Officer is entitled to hold office until retirement, death, resignation, or dismissal for cause by the affirmative vote of at least two thirds of the whole Council.

2(4) Notwithstanding Subsection (3) hereof, and Subsection 74(5) of the *Act*, the Chief Administrative Officer may be dismissed or otherwise disciplined in accordance with the terms of a written contract of employment in force between the Town and the Chief Administrative Officer.

2(5) Upon hiring, the Council and the Chief Administrative Officer may agree to a provision in the contract of employment to a limited duration of the term of the contract and to other provisions concerning the conditions of employment.

#### **Full Time Appointment**

3(1) Unless prevented by ill health or other sufficient cause, all of the Chief Administrator’s time and attention shall be devoted to the business of the Town as required by this By-Law and the Council.

3(2) Notwithstanding Subsection 3(1), the Chief Administrative Officer may engage in another business if the Chief Administrative Officer has;

- (a) Complied with the *conflict of interest* requirements in Section 90.1 of the *Act*.
- (b) Advised the Council in writing that a directorship, officer, agent or employee of any other company or that an interest in another business has been acquired, or is held, and outlines the nature of the directorship, officer, agent, employee, or business and its name and any property or business in which that business has a pecuniary interest,
- (c) Established that any such business does not engage in the sale of, or otherwise deal in, any product or service to or with the Town, and
- (d) Received authorization from Council.

3(3) Notwithstanding Subsection 3(1), the Chief Administrative Officer shall, to the extent that such activities do not materially interfere with the performance of the CAO duties and responsibilities, be allowed to manage his/her passive personal investments and to serve on civic, charitable or professional boards and committees.

3(4) The Chief Administrative Officer shall obtain permission from the mayor for absences from the Town in excess of three (3) days.

#### **Relationship between Council, the Chief Administrative Officer and the Employees of the Town**

4(1) The Chief Administrative Officer is the head of the administrative branch of the government of the Town and is responsible to Council for the proper administration of the affairs of the Town in accordance with applicable legislation, the By-Laws of the Town, and the procedures and resolutions adopted by Council.

4(2) The Chief Administrative Officer shall keep the Council informed concerning the affairs of the Town, and shall recommend to Council, such actions as may be necessary or expedient for the welfare of the Town, or as required by the *Municipalities Act* and other applicable legislation.

4(3) The Council shall provide direction on the administration, plans, policies and programs of the Town to the Chief Administrative Officer.

4(4) The Council shall communicate with the employees of the Town solely through the Chief Administrative Officer, except in circumstances where the CAO is unavailable or where the CAO provides permission, that the members of Council may communicate directly with employees of the Town to obtain or provide information.

4(5) No member of Council, or committee, or member of a committee established by Council shall instruct or give direction to, either publicly or privately, an employee of the Town.

4(6) The Chief Administrative Officer shall communicate to Council on behalf of Town staff.

#### **Responsibilities of the Chief Administrative Officer**

5(1) Duties of CAO as outline in Section 75 of the *Act*. “*The Chief Administrative Officer of a city or town has such duties and powers as the council prescribes by by-law or resolution*”. 1966, c.20, s.76; 2003, c.27, s.28. *NB Municipalities Act*

5(2) Town Council

- (a) The Chief Administrative Officer (CAO) is the head of the administrative branch of the government of the Town and is responsible to Council for the proper administration of the affairs of the Town in accordance with applicable legislation, the By-Laws of the Town and the policies and resolutions adopted by Council.
- (b) The CAO shall keep Council informed concerning the affairs of the Town, and shall recommend to Council such actions as may be necessary or expedient for the welfare of the Town, or as required by the *Municipalities Act* and the *Community Planning Act*, and other applicable legislation.
- (c) The CAO shall attend all meetings of Town Council and act as ex-officio member of all committees, boards, and authorities, as required by Council.
- (d) The CAO shall prepare and submit such reports and recommendations as may be required by Town Council or its committees, boards or authorities.

- (e) The CAO shall make recommendations to Council and to the Planning Advisory Committee of the Town of Saint Andrews, those actions as outlined in the *New Brunswick Community Planning Act*. (R.S.N.B. 1973, c. C-12), based on recommendations by the Saint Andrews Development Officer.
- (f) The CAO shall regularly communicate to Town Council, the status of policy directives as initiated by Council and providing an interface between the Administration and Town Council for the flow of information and directives. This includes those objectives in the Municipal Plan and any projects, objectives or initiatives resolved by Council.
- (g) The CAO shall recommend and/or provide such professional development, training and consultation for Council such that Council can function in an efficient and productive manner.
- (h) The CAO shall discharge other duties as Council may, by resolution, direct.

5(3) Financial Responsibilities

- (a) The CAO shall ensure that the annual budget and appropriate capital, operational or other plans are prepared and submitted to Council.
- (b) The CAO shall provide resources to Council such that the annual budget may be duly completed.
- (c) The CAO shall be responsible for the administration of the budget and the monitoring of the work plan after adoption of the budget.
- (d) The CAO shall, or cause to, regularly report to Council on the status of the budget and shall make recommendations to any needed alterations, motions, or actions as required by legislation or by emergency circumstances.
- (e) The CAO shall make or authorize expenditures and subject to section 5(2) of the Municipalities Act, enter into contracts on behalf of the Town, for anything required for the Town where the amount of the expenditure is budgeted or is within the amount determined by Council resolution or policy and may delegate this authority to the Directors or employees of the Town.
- (f) The CAO shall approve payment of all expenditures and invoices less than \$3000.00 for non-budgeted items and will submit to Council for payment all expenditures and invoices for payment for non-budgeted items \$3000.00 or more.
- (g) The CAO shall be cognisant of all appropriate Municipal, Provincial and or Federal grant programs or opportunities.

5(4) Legal Responsibilities

- (a) The CAO shall provide Council with legal advice and interpretation as attained through consultation with the Town's designated legal counsel, of any and all matters pertaining to decisions of Council.
- (b) The CAO shall authorize, in the name of the Town, and subject to applicable legislation and the common law, the commencement or defence of a legal action or proceedings before a court, board, or tribunal, including reporting the commencement of the legal action, defence or proceeding to Council at the next meeting and may, if Council so provides by policy, delegate this authority to employees of the Town, but Council may by resolution, limit this authority to the extent deemed appropriate from time to time.
- (c) The CAO shall, where Council so provides by policy, settle a legal action or proceeding in accordance with the policy.
- (d) The CAO shall ensure that sufficient liability insurance is provided to Council and to Town employees.
- (e) The CAO shall ensure the legality of all contracts or agreements entered into by the Town.

5(5) Administrative Responsibilities

- (a) The CAO shall supervise the performance of all contracts and agreements entered into by the Town and ensure that all the conditions relating thereto have been fulfilled in accordance with the provisions of such contracts or agreements.
- (b) The CAO shall oversee the publication of all notices, ordinances or other documents required by law to be published and prepare, or approve, all reports which the Town or any officers thereof are required by law to prepare.
- (c) On the approval of Council, the CAO shall assume the duties of the Town Clerk as defined by the NB Municipalities Act section 76 or if not assuming the duties, will recommend to Council a suitable person whom the Council will appoint.
- (d) Except as provided by the Municipalities Act, all Directors including the office of clerk of the Town are accountable to the CAO for the performance of their duties and shall submit the reports and recommendations of them to and through the CAO.
- (e) The CAO shall coordinate and direct the preparation of plans and programs to be submitted to Council for the construction, rehabilitation and maintenance of all Town property and facilities.
- (f) The CAO shall be guided by the policies and objectives as outlined by the Town of Saint Andrews Municipal Plan.
- (g) The CAO shall develop and recommend to Town Council, an Emergency Plan pertaining to the health, safety and welfare of the community and the civic employees.
- (h) The CAO shall manage, in coordination with the Town Planner, the continuing growth of residential and commercial development involving both private and public developers while preserving and enhancing the historic character of the Town, mitigating environmental concerns, and enhancing the lifestyle and quality of the community.
- (i) The CAO shall develop an organizational chart of departments, personnel, and duties and shall make recommendations to Council on the establishment or modification of the departments of the Town.
- (j) The CAO shall recommend to Council the appointment, employment, promotion, suspension or dismissal of Directors.
- (k) The CAO shall appoint, employ, promote and evaluate or suspend or dismiss for cause all other employees of the Town other than Directors.
- (l) The CAO shall carry out annual performance appraisals of all Directors and the Town Clerk and ensure that annual performance appraisals of all other personnel are carried out by their supervisors.

5(6) Professional Responsibilities

- (a) The CAO shall, where appropriate, establish and maintain positive working relationships with all pertinent personnel in the relevant Provincial and Federal government departments.
- (b) The CAO shall liaise with the executive director the Southwest New Brunswick Service Commission (SNBSC) and understand all by-laws, regulations, budgets and operations as they affect the operations and budget of the Town of Saint Andrews.
- (c) The CAO is encouraged to be a member of the Association of New Brunswick Municipal Administrators and any other professional association which furthers his/her professional growth.
- (d) The CAO shall develop yearly work related objectives and personal goals which will form the basis for the CAO's evaluation. These objectives and goals may include opportunities for training and professional development and would include attendance and participation at appropriate workshops, seminars and conferences.

5(7) Knowledge

- (a) The CAO shall have qualifications and education which enables him/her to effectively implement current infrastructure priorities and those objectives stated in the Saint Andrews Municipal Plan.
- (b) The CAO shall be knowledgeable of the *Community Planning Act* (R.S.N.B. 1973, c. C-12), and is cognizant of those responsibilities and obligations outlined in the *Community Planning Act* (R.S.N.B. 1973, c. C-12). The CAO will liaise with the Saint Andrews Development Officer and will take appropriate action based on the Development Officer's recommendations.

5(8) Relationship with the Development Officer/ Building Inspector/ Compliance Officer

- (a) The Chief Administrative Officer shall maintain a working relationship with the Development Officer/ Building Inspector/ Compliance Officer and shall coordinate and present all planning information to Council and to the Planning Advisory Committee as outlined in applicable legislation.
- (b) The Chief Administrative Officer shall communicate to Council and to the Development Officer//Building Inspector/ Compliance Officer, all decisions of the Planning Advisory Committee.

- (c) The Chief Administrative Officer shall communicate all planning decisions, resolutions or other pertinent matters from Council to the Planning/ Building Inspector/ Compliance Officer.
- (d) The Chief Administration Officer shall provide oversight for planning decisions and shall recommend actions in contentious planning issues which may include using contractual planning consultants and/or legal consultation.
- (e) The Development Officer/ Building Inspector/ Compliance Officer is a Director of the Town and is responsible to the Chief Administrative Officer for the performance of duties related to planning.

**Other Positions held by the Chief Administrative Officer**

6 On the approval of Council, the CAO shall assume the duties of the Town Clerk as defined by the *NB Municipalities Act* Section 76 or if not assuming the duties, will recommend to Council a suitable person whom the Council will appoint.

**Evaluation of the Chief Administrative Officer**

7 The Chief Administrative Officer is to be evaluated annually on a date either established by Council policy or on a mutually agreed upon date which coincides with the date the CAO was hired as outlined in Council Policy.

8 The Council, by resolution may rescind, amend, or vary the appointments authorized in Sections 6 hereof.

**Repeal Provision**

9 By-Law #67, a By-Law Concerning the Authority and Responsibilities of the Town Manager, passed by Town Council on June 4, 1984, and its amendments thereto, is hereby repealed.

In Witness whereof the Town of Saint Andrews has caused its corporate seal to be hereunto affixed to this By-Law the \_\_\_day of \_\_\_\_\_, 2013.

FIRST READING: August 12, 2013  
 SECOND READING: September 9, 2013  
 THIRD READING: September 9, 2013

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk

**NEW BUSINESS**

**J1. Mayor's Comments**

**J2. Councillor's Comments/Concerns**

**ADJOURNMENT**

At 9:05 p.m. Deputy Mayor Akagi moved that the meeting be adjourned.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk