



## **TOWN OF SAINT ANDREWS REGULAR COUNCIL MEETING**

**Electronic Meeting**

**Monday, July 6, 2020, at 7:00 PM**

### **MINUTES**

#### **RECORD OF ATTENDANCE**

A Regular Meeting of the Town of Saint Andrews Council was held on Monday, July 6, 2020, at 7:00 p.m. with the following members present Mayor Doug Naish, Deputy Mayor Brad Henderson, Councillors Kate Akagi, Guy Groulx, Edie Bishop, and Kurt Gumushel. Also, present: Chris Spear, CAO/Treasurer, Paul Nopper Clerk – Senior Administrator.

Late: Councillor Harrison 7:40 p.m.

#### **APPROVAL OF AGENDA**

**Motion: 233 - 07/20**      *It was moved by Councillor Groulx, seconded by Councillor Bishop, and carried that the Agenda be approved as presented.*

**Carried 5 - 0**

#### **DISCLOSURE OF CONFLICT OF INTEREST**

*Councillor Groulx declared a conflict of interest to FA200403.*

#### **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

**Motion: 234 - 07/20**      **Minutes of the 200601 Special Meeting of Council June 1, 2020**  
*It was moved by Councillor Bishop, seconded by Deputy Mayor Henderson that the minutes of the 200601 Special Meeting of Council of June 1, 2020, at 6:00 p.m. be adopted.*

**Carried 6 - 0**

**Motion: 235 - 07/20**      **Minutes of the 200601 Regular Council Meeting June 1, 2020**  
*It was moved by Councillor Akagi, seconded by Councillor Harrison that the minutes of the Regular Council Meeting on June 1, 2020, at 7:00 p.m. be adopted.*

**Carried 6 - 0**

**Motion: 236 - 07/20**      **Minutes of the 200608 Special Meeting of Council on June 8, 2020**  
*It was moved by Deputy Mayor Henderson, seconded by Councillor Bishop that the minutes of the 200608 Special Meeting of Council on June 8, 2020, at 6:00 p.m. be adopted.*

**Carried 6 - 0**

**Motion: 237 - 07/20**      **Minutes of the 200615 Special Meeting of Council on June 15, 2020**  
*It was moved by Councillor Bishop, seconded by Councillor Groulx that the minutes of the 200615 Special Meeting of Council on June 15, 2020, at 6:00 p.m. be adopted.*

**Carried 6 - 0**

**Motion: 238 - 07/20** **Minutes of the 200622 Special Meeting of Council on June 22, 2020**  
*It was moved by Councillor Bishop, seconded by Councillor Gumushel that the minutes of the 200622 Special Meeting of Council on June 22, 2020, at 6:00 p.m. be adopted.*

**Carried 6 - 0**

**Motion: 239 - 07/20** **Minutes of the 200622 Committee of Council Meeting May 25, 2020**  
*It was moved by Councillor Groulx, seconded by Councillor Harrison that the minutes of the 200622 Committee of Council Meeting on June 22, 2020, at 6:22 p.m. be adopted.*

**Carried 6 - 0**

## **PRESENTATIONS**

**7:04 p.m. – 7:19 p.m.** *David Johnson, Coastal Link Trail Presentation and the Van Horne Trail.*

*Council was provided with an overview of the trail system in Saint Andrews and the proposal to connect the system to the Coastal Link Trail spanning from St. Stephen to Saint John and connecting to the Trans Canada Trail. The group is willing to help with trail design and funding opportunities.*

**7:25 p.m. – 7:38 p.m.** *Caroline Davies, Passamaquoddy Lodge Presentation*

*Council was provided a background of the process and an overview of the need for a new Passamaquoddy Lodge facility in Saint Andrews. With Provincial support, the Council was asked to formally support the project and open discussions on land and/or financial support.*

## **COMMUNICATION**

**NONE**

## **STAFF REPORTS**

## **FINANCIAL REPORTS**

**Motion: 240 - 06/20** *It was moved by Councillor Bishop, seconded by Deputy Mayor Henderson that Council accepts all the Staff Reports as presented.*

**Carried 6 - 0**

## **INTRODUCTION, CONSIDERATION, AND PASSING OF BY-LAW AND MOTIONS**

### **Finance and Administration – Councillor Bishop**

**FA200403** **Kiwanis Club of Saint Andrews Campground Rate Reduction Request**

**Motion: 241 - 07/20** *It was moved by Councillor Bishop, seconded by Deputy Mayor Henderson that Council moves to defer the Kiwanis Club Campground rental rate payment for the 2020 season due to COVID-19 to November 1<sup>st</sup> 2020.*

**Carried 5 - 0**

**FA200405c**

**Amendment No. A-6 to By-Law No. 18-04, A By-Law of the Town of Saint Andrew Respecting Remuneration of Members of the Town Council Third and Final Reading**

**Motion: 242 - 07/20**

*It was moved by Councillor Bishop, seconded by Councillor Gumushel that Council moves to grant leave for Third and Final Reading of Amendment A-6 to By-Law 18-04, A By-Law of the Town of Saint Andrews Respecting Remuneration of Members of the Town Council.*

**Carried 6 - 0**

**Read in Full for the Third and Final Time**

**FA200409**

**Amendment A-9 to By-Law No. 19-07, A By-Law Relating to Water Systems, Water Rates, Wastewater Systems, and Wastewater Rates First Reading.**

**Motion: 243 -07/20**

*It was moved by Councillor Bishop, seconded by Councillor Harrison that Council moves to grant leave for First Reading of Amendment A-9 to By-Law 19-07, A By-Law Relating to Water Systems, Water Rates, Wastewater Systems, and Wastewater Rates.*

**Carried 6 - 0**

**Read in Full for the First Time**

**FA200604**

**TSA-2020-13 Half Ton 4x4 Regular Cab Truck Tender Reissue**

**Motion: 244 -07/20**

*It was moved by Councillor Bishop, seconded by Councillor Akagi that Tender TSA 2020-13- Half Ton 4x4 Regular Cab Truck, be awarded to Downey Ford Sales Ltd in the amount of \$38,896.00 plus HST.*

**Carried 6 - 0**

**FA200605**

**Motion: 245 -07/20**

**Lift Arm Gate for the Entrance to the Wharf**

*It was moved by Councillor Bishop, seconded by Councillor Gumushel that Council moves to approve the purchase of a lift gate system for the entrance of the Wharf from Fundy Fencing Limited at a cost of \$11,933 + HST.*

*Council debated the use of the gate, the long-term viable use of the gate, and scheduling community public access to the Wharf. Council directed staff to reach out to the Wharf Advisory Board for further feedback on the liftgate. The Council tabled the motion until the feedback from the Wharf Advisory Board is received.*

**FA200605**

**Motion: 246 -07/20**

**Tabled Lift Arm Gate for the Entrance to the Wharf**

*It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx that Council moves to table the approve the purchase of a lift gate system for the entrance of the Wharf from Fundy Fencing Limited at a cost of \$11,933 + HST and to seek feedback from the Wharf Advisory Committee regarding the liftgate.*

**Carried 4 - 2**

**Public Works -Councillor Akagi**

**NONE**

**Public Safety – Councillor Groulx**

**PS200305c**                      **Amendment A-4 to By-Law No. 06-04, A By-Law of the Municipality of the Town of Saint Andrews Respecting Noise in the Town of Saint Andrews Third and Final Reading**

**Motion: 247 - 07/20**                      *It was moved by Councillor Groulx, seconded by Councillor Gumushel that leave be granted to move to Third and Final Reading of Amendment A-4 to By-Law No. 06-04, A By-Law of the Municipality of the Town of Saint Andrews Respecting Noise in the Town of Saint Andrew.*

**Carried 6 - 0**

**Read by Title for the Third and Final Time**

**PS200306c**                      **Amendment A-5 to By-Law No. 02-14, A By-Law of the Municipality of the Town of Saint Andrews Respecting Open Air Fires Third and Final Reading**

**Motion: 248 - 07/20**                      *It was moved by Councillor Groulx, seconded by Councillor Bishop that leave be granted to move to Third and Final Reading of Amendment A-5 to By-Law No. 02-14, A By-Law of the Municipality of the Town of Saint Andrews Respecting Open Air Fires.*

**Carried 6 - 0**

**Read by Title for the Third and Final Time**

**PS200601**                      **Amendment to Schedule "B and G" to By-Law No. 18-01, A By-Law Regulating Vehicular Traffic in the Town of Saint Andrews.**

**Motion: 249 - 07/20**                      *It was moved by Councillor Groulx, seconded by Councillor Akagi that Council moves to amend Schedule "B" No Parking Anytime to the to By-Law No. 18-01, A By-Law Regulating Vehicular Traffic in the Town of Saint Andrews from June 26<sup>th</sup> to September 8<sup>th</sup>, 2020.*

**Motion: 250 - 07/20**                      *That Council moves to amend Schedule "G" Parking for Persons with Disabilities to the to By-Law No. 18-01, A By-Law Regulating Vehicular Traffic in the Town of Saint Andrews from June 26<sup>th</sup> to September 8<sup>th</sup>, 2020.*

*Council discussed options for accessible parking, and additional parking space for the Laundromat, and the need to review the parking on some side streets based on size. Council tabled the two motions and directed staff to review the parking options and bring back to the Council.*

**Motion: 251 - 07/20**                      *It was moved by Deputy Mayor Henderson, seconded by Councillor Bishop that Council tables the motions to amend Schedule "B and G" to By-Law No. 18-01, A By-Law Regulating Vehicular Traffic in the Town of Saint Andrews from June 26<sup>th</sup> to September 8<sup>th</sup>, 2020.*

**Carried 6 - 0**

**Business, Tourism, Heritage and Culture – Deputy Mayor Henderson**

**BTHC200401**                      **Passamaquoddy Lodge Request for Support for a New Facility**

**Motion: 252 - 07/20**                      *It was moved by Deputy Mayor Henderson, seconded by Councillor Akagi that Council moves to support the Passamaquoddy Lodge Board of Directors regarding a new nursing home and open discussions with the Board of Directors on land options in Saint Andrews. Council invites*

*the Board of Directors to make a presentation on the project at their earliest convenience.*

**Carried 6 - 0**

**Recreation and Community Services – Councillor Gumushel**

**RCS200601**

**Motion: 253 - 07/20**

**SORTI Katy's Cove Property**

*It was moved by Councillor Gumushel, seconded by Councillor Groulx that Council moves to accept the transfer of ownership of the Katy's Cove property owned by the Saint Andrews Outdoor Recreation and Trails Incorporated to the Town of Saint Andrews.*

**Carried 6 - 0**

**RCS200602**

**Motion: 254 - 07/20**

**In-Town Segment Coastal Link Trail**

*It was moved by Councillor Gumushel, seconded by Councillor Harrison that Council moves to support the proposed Coastal Link Trail System segment within the Town of Saint Andrews as displayed on the attached map.*

**Motion: 255 - 07/20**

*It was moved by Councillor Gumushel, seconded by Councillor Harrison that Council tables the move to support the proposed Coastal Link Trail System segment within the Town of Saint Andrews as displayed on the attached map until public consultation can occur.*

**Carried 6 - 0**

**Planning & Economic Development – Councillor Harrison**

**PED200101e**

**Motion: - 07/20**

**Setting the Date of the Public Hearing of Objection for the Municipal Plan MP 20-01**

*It was moved by Councillor Harrison, seconded by Councillor Akagi that Council sets 6:00 p.m. on Monday, July 27<sup>th</sup>, 2020 for a Public Hearing of Objection for the Municipal Plan MP 20-01 in accordance with Section 111 of the Community Planning Act.*

**Carried 6 - 0**

**PED200101f**

**Motion: - 07/20**

**Obtaining Views of PRAC**

*It was moved by Councillor Harrison, seconded by Councillor Bishop that Council requests written view of the Planning Review and Adjustment Committee on the proposed Municipal Plan By-Law MP 20-01 in accordance with Section 110 of the Community Planning Act.*

**Carried 6 - 0**

**NEW BUSINESS**

**PS200601**

**Motion: - 07/20**

**By-Law Officer Assistance**

*It was moved by Councillor Groulx, seconded by Councillor Bishop that the Canadian Corp of Commissioners, N.B & P.E.I Division Inc, be appointed Assistant By-Law Enforcement Officers for the Town of Saint Andrews until September 6, 2020.*

**Carried 6 - 0**

**QUESTION PERIOD**

1. *I would like to see some data around the past accidents around pedestrians and traffic on the wharf.*
2. *It is also very restrictive to personal boaters that currently need appointments to bring supplies or equipment to their boats.*

3. *Two-sided parking has never been an issue on the other streets because there has never been the demand created by limiting the parking on Water Street.*

## **COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS**

### **Parking Pilot Project**

CAO Spear provided an overview of the brief survey of local Water Street businesses on the Pilot Project. He noted that 2/3 of shops are either neutral or saying the project is helping their business. Issues identified are accessible parking and the look of the barricades. Staff will provide a report for August on the project.

Akagi – Can we get one more laundromat parking space for 30 minutes.

Bishop – Very few people are wearing masks, especially on July 1<sup>st</sup>.

Akagi – We have seen some positive letters come in regarding the project and suggestions on decorations moving forward.

Henderson – When parking is in the downtown, people have fears of sideswiping car doors, mirrors, or dodging people from behind cars. I would ask that a 5-question survey be completed and provided to the Council for review at the August meeting. We should meet with the BIA and Chamber before deciding on the project.

Groulx – One thing I have noted is people are not using the road as a sidewalk. People tend to congregate in bunches on the sidewalk. One idea is to shorten the project and close off the street temporarily Thursday to Sunday.

Gumushel – The barricades are not aesthetically pleasing. They are ugly and hard to look at. Can we simply shorten the distance and set up barricades on the ends of the street for weekends?

Harrison – Can we look into the streets as a one-way, kind of like Fredericton. We can look at parking on both sides of the street as well.

## **MAYOR'S COMMENTS**

### **CLOSED SESSION**

**Motion: 259 – 07/20**

*At 10:06 PM it was moved by Councillor Bishop, seconded by Councillor Groulx and carried that Council move into Closed Session per the Local Governance Act, Section 68(c) information that could cause financial loss or gain to a person or local government or could jeopardize negotiations leading to an agreement or contract*

**6-0 Carried**

**Motion: 260 – 07/20**

*At 10:43 PM it was moved by Councillor Bishop, seconded by Councillor Groulx, and carried that Council return to Open Session.*

**6-0 Carried**


**ADJOURNMENT**

**Motion: 261 - 07/20**

At 10:44 p.m., it was move by Councillor Akagi, seconded Councillor Harrison that the meeting be adjourned.

**6-0 Carried**

  
\_\_\_\_\_  
Doug Naish, Mayor

  
\_\_\_\_\_  
Paul Nopper, Clerk - Senior  
Administrator



**AMENDMENT No. A-6**

**TO**

**BY-LAW No. 18-04**

**A BY-LAW OF THE TOWN OF SAINT ANDREWS RESPECTING REMUNERATION  
OF MEMBERS OF THE TOWN COUNCIL**

**BE IT ENACTED** by the Council of the Town of Saint Andrews that By-Law No. 18-04 a By-Law of the Town of Saint Andrews Respecting Remuneration of Members of the Town Council, is hereby amended as follows:

**1. By adding a new Paragraph 2.6:**

**\$15.00 per hour to a maximum of \$75.00 per occurrence will be provided for care oversight coverage incurred by a Council member while attending a Town of Saint Andrews official functions. A receipt is required for reimbursement.**

Read First Time: on this the 4<sup>th</sup> day of May 2020

Read Second Time: on this the 1<sup>st</sup> day of June 2020

Read Third Time: on this the 6<sup>th</sup> day of July 2020

  
\_\_\_\_\_  
**Mayor Doug Naish**

  
\_\_\_\_\_  
**Paul Nopper Clerk – Senior  
Administrator**





**BY-LAW NO 18-04**  
**A BY-LAW RELATING TO COUNCIL REMUNERATION**

Be it enacted by the Council of the Town of Saint Andrews under the authority vested in it under Section 49 of the *Local Governance Act*, R.S.N.B., 2017, c. 18, as follows:

**1. DEFINITION**

**1. In this by-law**

“*Remuneration*” means an amount of money paid to the Mayor, Deputy Mayor and Council.

“*Councillor*” means a member of the Council of the Town of Saint Andrews who is not the Mayor or Deputy-Mayor.

**2. REMUNERATION OF COUNCIL**

2.1 The Mayor shall be paid an annual salary of \$13,000, to the discharge of the duties of the Mayor; the amount being payable in equal monthly installments.

2.2 The Deputy Mayor shall be paid an annual salary of \$8,500, to the discharge of the duties of the Deputy Mayor; the amounts being payable in equal monthly installments.

2.3 Each Councillor shall be paid an annual salary of \$7,250, to the discharge of the duties of a Councillor; the amounts being payable in equal monthly installments.

2.4 On the first day of January, 2019 and on the first day of January in each and every year thereafter, the salaries set out in paragraphs 2.1 to 2.3 shall be adjusted by an amount equal to the average increase in the Consumer Price Index (CPI) for New Brunswick recorded for the immediately preceding calendar year.

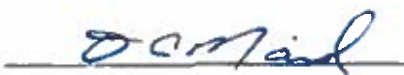
2.5 The first pay to be calculated will be on January 1, 2019. Each adjustment as per paragraph 2.4 will be on January 1 of each proceeding calendar year.

This by-law comes into effect on the date of its enactment.

Read a first time this 10<sup>th</sup> day of December 2018.

Read a second time this 14<sup>th</sup> day of January, 2019.

Read a third time and passed Council on this 4<sup>th</sup> day of March, 2019.



**Doug Naish, Mayor**



**Chris Spear, Acting Clerk**



**BY-LAW NO. 16-01**

**A BY-LAW OF THE TOWN OF SAINT ANDREWS RESPECTING  
REMUNERATION OF MEMBERS OF THE TOWN COUNCIL**

The Council of the Town of Saint Andrews, under the authority vested in it by the Municipalities Act R.S.N.B. (1973) Chapter 22, Section 36(3) and amendments thereto enacts as follows:

- (1) The salary for the members of the town council for the year 2016 shall be:
  - (a) \$6,666.67 for the Mayor,
  - (b) \$5,333.33 for the Deputy Mayor,
  - (c) \$4,000.00 for Councillors.
- (2) In addition to the salary provided for in section (1), an allowance for expenses, incidental to the discharge of duties by members of the town council with the community, shall be paid for 2016 as follows:
  - (a) \$ 3,333.33 for the Mayor,
  - (b) \$2,666.67 for the Deputy Mayor
  - (c) \$ 2,000.00 for the Councillors.
- (3) The salaries provided for in section (1) and the allowance provided for in section (2) shall be the initial base levels of remuneration.
- (4) In each ensuing year, the base levels of remuneration shall be indexed at the rate of the lesser of the New Brunswick consumer price index (CPI) of the previous year or 4% and shall become the base levels of remuneration for the subsequent year.
- (5) Salaries and allowances shall be paid on a monthly basis.
- (6) This by-law shall come into force May 10, 2016.
- (7) By-Law No. 03-9, A By-Law of the Town of Saint Andrews Respecting the Remuneration of Council Members and any amendments thereto are hereby repealed.

**FIRST READING (in its entirety):**

**March 7, 2016**

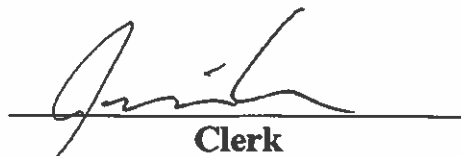
**SECOND READING (in its entirety as amended):**

**May 2, 2016**

**THIRD READING:**

**May 2, 2016**

  
Mayor

  
Clerk



**AMENDMENT No. A-4**

**TO**

**BY-LAW No. 06-04**

**A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF SAINT ANDREWS  
RESPECTING NOISE IN THE TOWN OF SAINT ANDREWS**

**BE IT ENACTED** by the Council of the Town of Saint Andrews that By-Law No. 06-04 a By-Law of the Town of Saint Andrews Respecting Noise in the Town of Saint Andrews, is hereby amended as follows:

**1. By deleting Sections 7., 8., 9., replacing it with the following:**

**7. Offences and Penalties**

- (1) Any person who violates or breaches any provision of this By-Law is guilty of an offence**
- (2) All contraventions of this By-Law are designated By-Law contraventions that may be dealt with by a notice of penalty pursuant to the provisions of the *Local Governance Act*.**
- (3) The Administrative Penalty for all contraventions of this By-Law shall be five hundred dollars (\$500.00).**
- (4) A person to whom a penalty notice is delivered may pay the Administrative penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:**
  - (a) In person at the Town of Saint Andrews Office, 212 Water Street Saint Andrews, New Brunswick, in cash or by cheque, credit card or money order made payable to the Town of Saint Andrews; or**
  - (b) By mail to: Town of Saint Andrews, 212 Water Street, Saint Andrews, New Brunswick, E5B 1B4, Attention Accounting Clerk, by cheque or money order only, payable to the Town of Saint Andrews; or**
  - (c) By phone with credit card to the Town of Saint Andrews main office at (506) 529-5120**
- (5) A person who pays the Administrative Penalty shall be deemed to have contravened the provision of the By-Law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative Penalty.**
- (6) If the Administrative Penalty is not paid in accordance with Section 7(4), the person charged with the offence is liable on summary conviction to a fine of not less than one thousand, five hundred dollars (\$1,500.00).**

Read First Time: on this 4th day of May, 2020 Read

Second Time: on this 1st day of June, 2020 Read

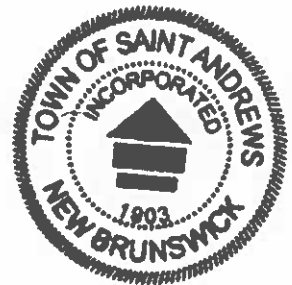
Third Time: on this the 6th day of July, 2020



Mayor Doug Naish



Paul Nopper Clerk – Senior  
Administrator



# TOWN OF ST. ANDREWS

## BY-LAW NO. 06-04

### A BY-LAW CONCERNING THE REGULATING OF NOISE IN THE TOWN OF ST. ANDREWS

BE IT ENACTED by the Council of the Town of Saint Andrews and under the authority of section 11.1 (l) of the Municipality Act, R.S.N.B., 1973, c. M-22 and amendments thereto as follows:

#### 1. DEFINITIONS:

In this by-law,

- 1.1 **"Town"** and **"Town of Saint Andrews"** mean The Corporation of the Town of Saint Andrews, as incorporated on August 5<sup>th</sup>, 1903 and all of its administrative officers;
- 1.2 **"Construction"** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;
- 1.3 **"Construction equipment"** means any equipment or device designed and intended for use in construction or material handling, including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- 1.4 **"Council"** and **"Town Council"** mean the Council of the Town of Saint Andrews;
- 1.5 **"Emergency"** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;
- 1.6 **"Emergency vehicle"** includes a land ambulance, an air ambulance, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- 1.7 **"Town Administration Officer"** means the Chief Administrative Officer of the Town of Saint Andrews that is responsible for enforcing the general by-laws of the Town, or any designated Bylaw officer, Police agency, Peace Officer or agent appointed or contracted by the Town.
- 1.8 **"Motor vehicle"** includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;
- 1.9 **"Municipal service vehicle"** means a vehicle operated by or on behalf of the Town while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose;
- 1.10 **"Noise"** means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;
- 1.11 **"Other areas"** means the lands designated in Schedule D as "Other Areas"
- 1.12 **"Person"** includes a corporation as well as an individual;

1.13 **"Premises"** means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location or place;

1.14 **"Residence"** means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;

1.15 **"Residential areas"** means all lands within the geographic boundaries of the Town except for those lands designated in Schedule D as "Other Areas";

1.16 **"Road"** includes a public highway, private road, lane, pathway and sidewalk;

1.17 **"Utility"** means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;

1.18 **"Utility service vehicle"** means a vehicle operated by or on behalf of the Town of Saint Andrews and by any other company or agency that supplies or manages a service within the Town while the vehicle is being used for the construction, repair or maintenance of that service;

1.19 **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power;

1.20 **"Zoning by-law"** means By-law #98-5 a Bylaw of the Town of Saint Andrews which regulates the use of land.

## 2. APPLICATION:

2.1 The general prohibitions on activities described in Schedule A apply to the lands within the residential areas and other areas of the Town designated in Schedule D at all times.

2.2 The prohibitions on activities by time and place described in Schedule B apply to the lands within the residential areas and other areas of the Town designated in Schedule D during the days and between the hours specified in Schedule B.

## 3. ADMINISTRATION:

3.1 The Town administrative officer is responsible for the administration of this by-law.

3.2 All officers with authority to enforce the by-laws of the Town are responsible for enforcing the provisions of this by-law.

3.3 Any person may submit an application to the Town administration officer requesting an exemption from any of the prohibitions described in Schedules A and B.

3.4 If Council approves the application, the exemption will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.

3.5 An exemption shall be invalid if these conditions are contravened.

## 4. REGULATIONS:

4.1 No person shall, at any time, make, cause or permit the making of noise within the Town that is the result of any of the activities described in Schedule A and that is audible to:

4.1(1) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or

4.1(2) a person in a residence other than the residence from which the noise is originating.

4.2 No person shall, during the days and between the hours specified in Schedule B, make, cause or permit the making of noise within the residential areas and other areas designated in Schedule D that is the result of any of the activities described in Schedule B and that is audible to:

4.2(1) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or

4.2(2) a person in a residence other than the residence from which the noise is originating.

#### 5. EXEMPTIONS:

5.1 The prohibitions described in Schedules A and B do not apply if the noise is the result of measures undertaken in an emergency for the:

5.1(1) immediate health, safety or welfare of the inhabitants; or

5.1(2) preservation or restoration of property; unless the noise is clearly of a longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.

5.2 The prohibitions described in Schedules A and B do not apply if the noise is the result of any of the activities described in Schedule C.

5.3 The prohibitions described in Schedules A and B do not apply if the noise is the result of an activity that has been granted an exemption under section 3.4.

#### 6. SCHEDULES:

The following schedules are attached to and form part of this by-law:

Schedule A - General Noise Prohibitions;

Schedule B - Noise Prohibitions by Time and Place;

Schedule C - Exemptions from the Noise Prohibitions; and

Schedule D - Designated Residential Areas.

#### 7. OFFENCE AND PENALTY PROVISIONS:

7.1 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine no less than \$500.00 for the first offence and \$500.00 for any subsequent offences.

7.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

#### 8. VALIDITY:

8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

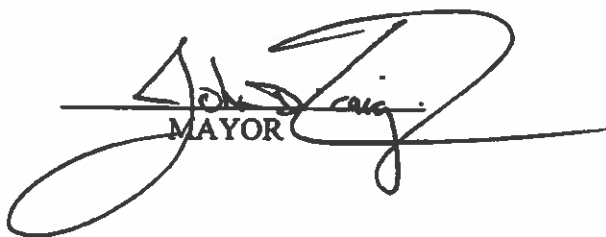
#### 9. COMMENCEMENT:

9.1 This by-law comes into effect after the day that it receives third reading and is passed.

Read the first time: November 6, 2006

Read the second time: February 5, 2007

Read the third time: February 5, 2007

  
MAYOR

  
CLERK

## **SCHEDULE A**

### **GENERAL NOISE PROHIBITIONS**

- 1.. Operation of a motor vehicle in such a way that the tires squeal.
2. Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
3. Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and in constant operation.
4. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load.
5. Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
6. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.
7. Persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets.
8. No person shall advertise any event or merchandise by ringing bell, blowing whistles, calling loudly, playing music or sound recordings, playing any type of musical instrument, or by the use of loud speakers or other devices for the amplification of sound, in any place or in any building or premises with the intention or result that the sound there from shall be or is audible to persons using or frequenting any street or other public place.
9. Unauthorized setting off of fireworks.
10. Operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes, while such vehicle is stationary in a residential area, unless:
  - 10.(1) The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of excessive noise;
  - 10.1(2) Continuous operation of the engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to the operation of ready-mixed concrete trucks, lift platforms, refuse compactors and heat exchange systems during normal operation;
  - 10.1(3) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo;



# SCHEDULE B

## NOISE PROHIBITIONS BY TIME AND PLACE

| Activity   | Prohibited Times<br>Other Areas | Prohibited Times<br>Residential Areas |
|--|---------------------------------|---------------------------------------|
| 1. Operation of construction equipment in connection with construction   | C                               | C                                     |
| 2. Operation of equipment for removing snow  | D                               | D                                     |
| 3. Erection, alteration, repair, dismantling or any activity related to construction   | C                               | C                                     |
| 4. Outdoor operation of any powered or non powered tool for domestic purposes other than snow removal  | D                               | D                                     |
| 5. Operation of any device or group of connected devices intended for the production, reproduction or amplification of voices or sound   | E                               | D                                     |
| 6. Loading or unloading, delivering, packing, unpacking or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects | E                               | C                                     |
| 7. Yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments  | E                               | D                                     |

Prohibited Times

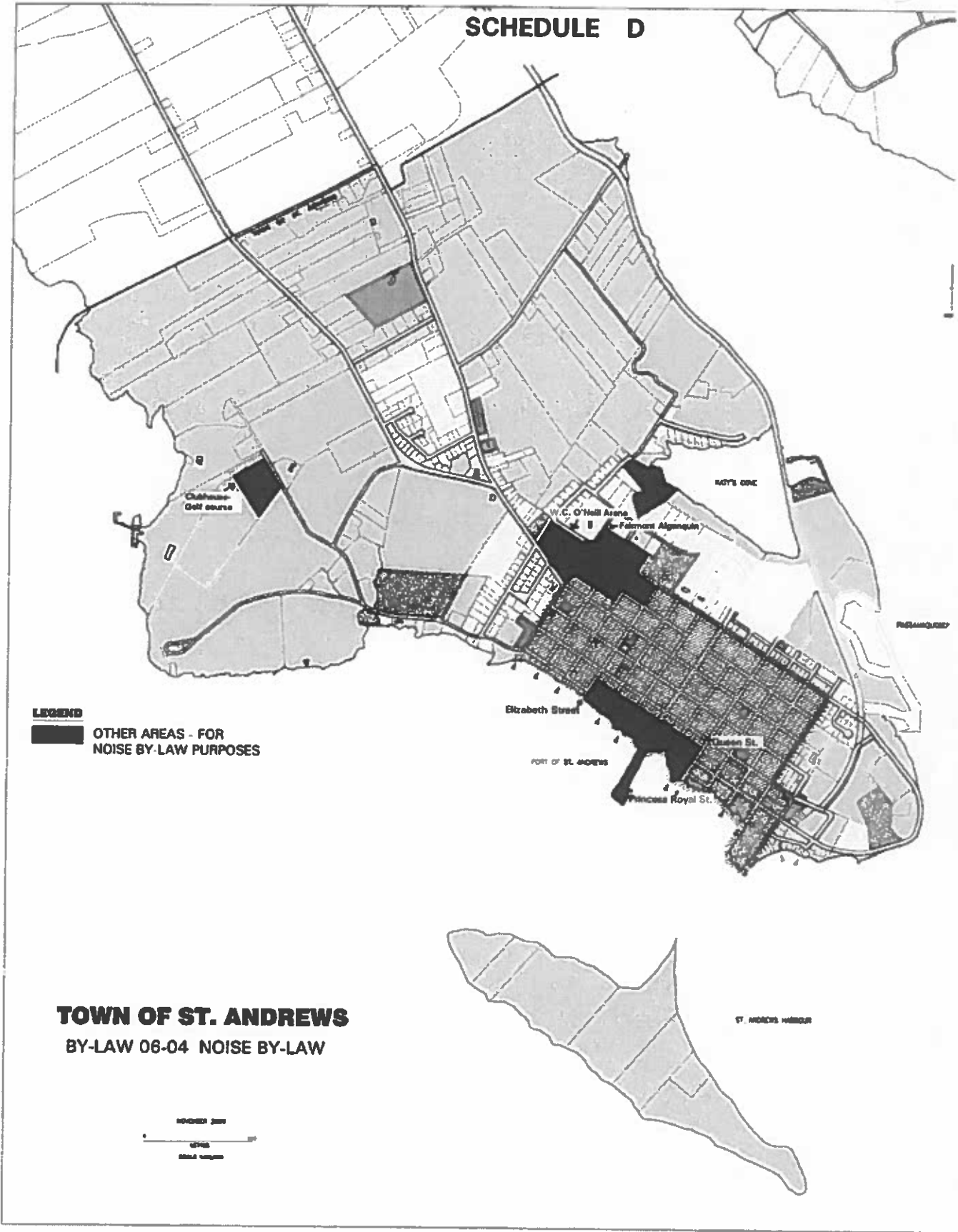
- A. Anytime
- B. 1700 hours of one day to 0700 hours of the next day (0900 Sundays)
- C. 1900 hours of one day to 0700 hours of the next day (0900 Sundays)
- D. 2100 hours of one day to 0700 hours of the next day (0900 Sundays)
- E. 2300 hours of one day to 0700 hours of the next day (0900 Sundays)

## **SCHEDULE C**

### **EXEMPTIONS FROM THE NOISE PROHIBITIONS**

1. Operation of emergency vehicles.
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Authorized displays of fireworks.
5. Midways that have been authorized by the Town.
6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the Town.
7. Operation of bells, chimes, carillons and clocks in churches and public buildings.
8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the Town.
9. Neighborhood events on municipal highways and other municipal property that have been authorized by the Town.
10. Normal seasonal commercial activity at the St. Andrews Market Wharf.
11. Events which have applied and been approved by the Town for a Special Events Permit.

SCHEDULE D



**AMENDMENT No. A-5**

**TO**

**BY-LAW No. 02-14**

**A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF SAINT ANDREWS  
RESPECTING OPEN AIR FIRES**

**BE IT ENACTED** by the Council of the Town of Saint Andrews that By-Law No. 02-14 a By-Law of the Town of Saint Andrews Respecting Open Air Fires within the Town of Saint Andrews, is hereby amended as follows:

1. By deleting Section 4 and replacing it with the following:

**4. Offences and Penalties**

- (1) Any person who violates or breaches any provision of this By-Law is guilty of an offence
- (2) All contraventions of this By-Law are designated By-Law contraventions that may be dealt with by a notice of penalty pursuant to the provisions of the *Local Governance Act*.
- (3) The Administrative Penalty for all contraventions of this By-Law shall be one hundred fifty dollars (\$150.00).
- (4) A person to whom a penalty notice is delivered may pay the Administrative penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:
  - (a) In person at the Town of Saint Andrews Office, 212 Water Street Saint Andrews, New Brunswick, in cash or by cheque, credit card or money order made payable to the Town of Saint Andrews; or
  - (b) By mail to: Town of Saint Andrews, 212 Water Street, Saint Andrews, New Brunswick, E5B 1B4, Attention Accounting Clerk, by cheque or money order only, payable to the Town of Saint Andrews; or
  - (c) By phone with credit card to the Town of Saint Andrews main office at (506) 529-5120
- (5) A person who pays the Administrative Penalty shall be deemed to have contravened the provision of the By-Law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative Penalty.
- (6) If the Administrative Penalty is not paid in accordance with Section 4(4), the person charged with the offence is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00).

Read First Time: on this the 4th day of May 2020

Read Second Time: on this the 1st day of June 2020

Read Third Time: on this the 6th day of July 2020

  
Mayor Doug Naish

  
Paul Nopper Clerk - Senior  
Administrator



69

This instrument purports  
to be a copy of the  
original registered or  
unregistered instrument  
in the Charlotte  
County Registry Office NB  
Exemplaire présenté comme  
copie conforme à l'instrument  
enregistré ou déposé au bureau  
d'enregistrement du  
comté de Charlotte NB

**TOWN OF SAINT ANDREWS**

**By-law NO. 02-14**

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**A BY-LAW TO AMEND BY-LAW 98-1 BEING A BY-LAW TO REGULATE  
OPEN AIR FIRES WITHIN THE TOWN OF SAINT ANDREWS**

**1. Interpretation**

In this Bylaw:

"Acceptable Fire Pit" means an outdoor receptacle whereby the fire pit opening does not exceed 61 cm. (24 in.) in width or in diameter when measured between the widest points or outside edges.

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

"Fire Chief" means Fire Chief for the Town of Saint Andrews.

"Garden and Yard Waste" means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf, and similar vegetation.

"General Waste" means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure, human or animal excrement, sewage or the whole or part of an animal carcass.

"Hazard" means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance.

"Nuisance" means the causing of any smoke by or from any fire permitted or allowed under this Bylaw with compromises surrounding property owners with respect to the quiet enjoyment of their property.

"Portable Barbecuing Appliance" means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal.

"Town" means the Town of Saint Andrews.

**2. Open Air Fires Prohibited**

(1) No person shall be permitted to have an open air fire or any other fire upon land owned or occupied by such person, or on any other lands within the Town.

(2) No person shall be permitted to burn general waste, or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town.

(3) Notwithstanding Section 1, persons are permitted under this Bylaw to conduct:

(a) the cooking of food using a portable barbecuing appliance;

(b) the cooking of food in acceptable fire pits or acceptable fireplaces provided:

(i) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;

(ii) the fire does not create a nuisance, which is offensive to any other person;

- (iii) the fire does not create a hazard to persons or to other properties;
  - (iv) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
  - (v) a responsible adult is present on the property when the fire is burning;
  - (vi) the fire is extinguished before supervision of the fire ends;
  - (c) burning in Town-sanctioned parks where fireplaces, stoves and fire pits are provided by or approved by the Town;
  - (d) burning by the Fire Department for the purpose of training its members;
  - (e) burning for municipal purposes at the direction of the Fire Chief.
- 3. Requirements for acceptable fire pits, outdoor fireplaces and structures**
- (1) Acceptable fire pits, outdoor fireplaces, or structures must meet the following requirements:
- (a) A minimum of 4.5 metres (15 feet) clearance shall be maintained from buildings;
  - (b) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal, stone, or other suitable non-combustible components;
  - (c) A spark arrestor mesh screen of 1/4 inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.

**4. Offences and Penalties**

- (1) Every person who contravenes or fails to comply with any of the provisions of this Bylaw shall be liable to a penalty of \$50.00 for the first offence and \$250.00 for each subsequent offence.

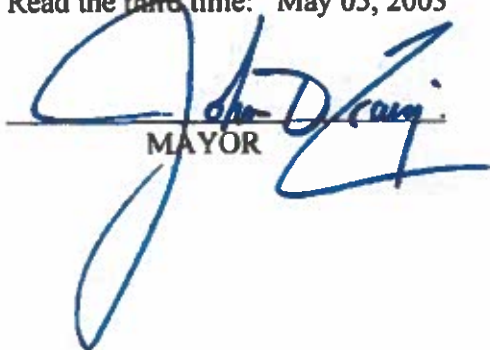
**5. The Town of St. Andrews Bylaw 98-1 is hereby repealed.**

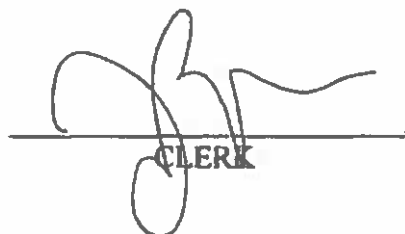
**Town of Saint Andrews Bylaw Regulating Open Air Fires**

Read the first time: November 4, 2002

Read the second time: April 07, 2003

Read the third time: May 05, 2003

  
MAYOR

  
CLERK