



# Town of Newmarket Agenda Council Workshop

Date: Monday, March 25, 2019  
Time: 9:00 AM  
Location: Council Chambers  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Pages

## 1. Notice

In accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

## 2. Additions & Corrections to the Agenda

## 3. Declarations of Pecuniary Interest

## 4. Items

### 4.1 Regulatory Review

2

**Note:** Kiran Saini, Acting Director of Legislative Services/Town Clerk will be in attendance to provide a presentation on this matter.

## 5. Adjournment





# Regulatory Review 2018-2022

Council Workshop  
Date: March 25, 2019

# Agenda

- Background & Overview
  - By-laws reviewed in previous term or recommended to be repealed
- Regulatory areas recommended for update
- Council feedback on which regulatory areas should be prioritized

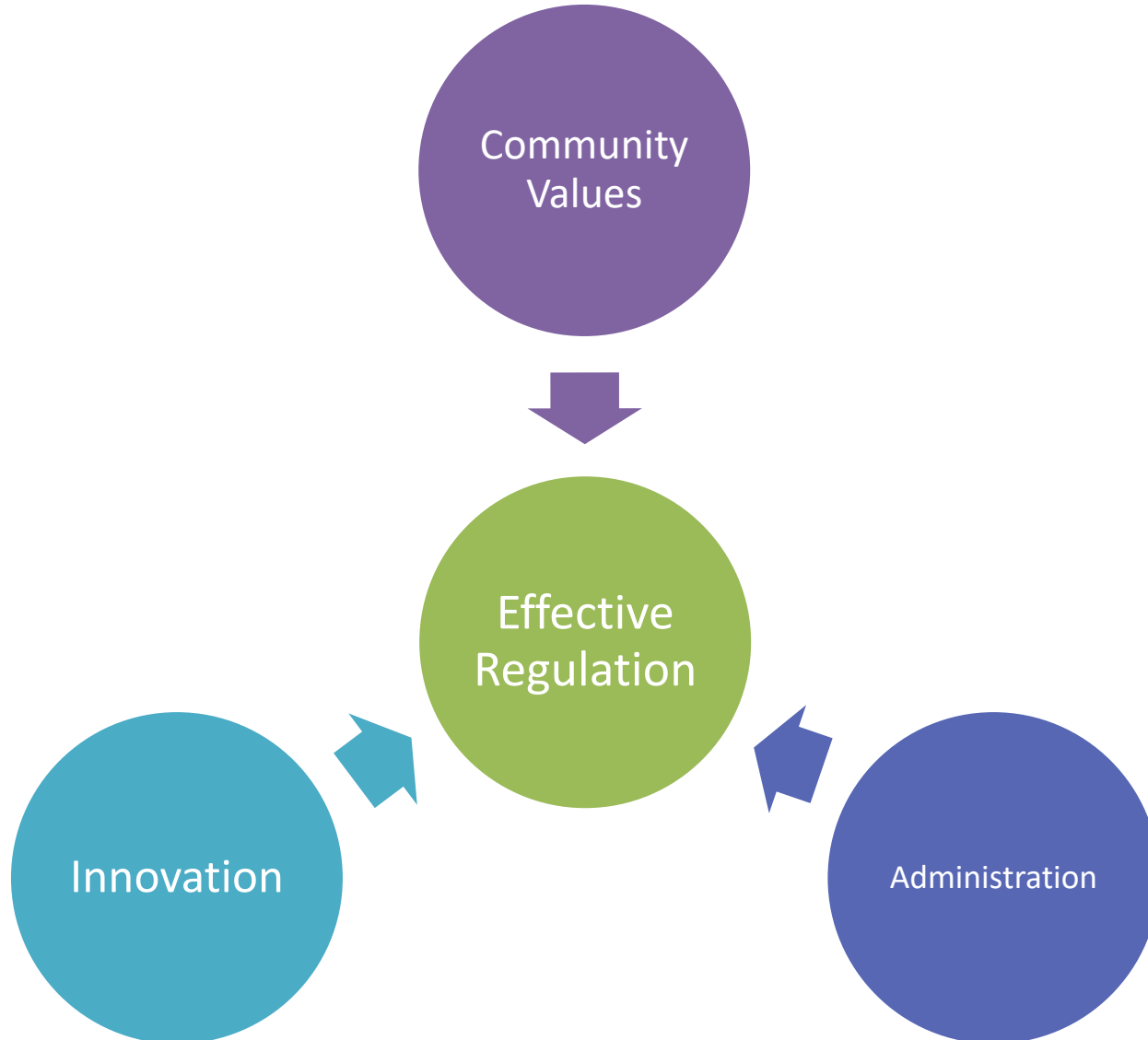
# Background

- Information Report 2018-17 Regulatory Review Update issued in September 2018
- Workshop required to seek Council direction on the by-laws that require updating to align with community priorities
- Town derives authority from provincial legislation to enact regulatory by-laws:
  - Municipal Act
  - Building Code Act

# Regulatory Review

- Best Practice
- Alignment with Community Priorities, Standards and Trends
- Review allows:
  - Identification of Enforcement & Resources Challenges
  - Repealing by-laws that no longer meet community standards

# Regulatory Review



By-laws  
Reviewed  
Between  
2014-  
2018

Animal Control By-law

Clothing Donation Bins By-law

Fireworks By-law

Noise By-law

Outdoor Service Area (Patio) By-law

Parks By-law

Power of Entry By-law

Property Standards By-law

Refreshment Vehicles By-law

Sign By-law

Taxi By-law



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New  
By-laws  
Enacted  
Between  
2014-  
2018

Clean Yards By-law

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Driving Instructor By-law

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Election Sign By-law

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Urban Hens By-law

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# Areas Currently Licensed

## Current Licensing By-laws

Adult Entertainment Parlours	Driving Instructors
Adult Video	Fireworks
Animal Control	Hawker & Peddlers
Place of Amusement	Horse Riding Establishments
Auctioneers	Loud Speakers
Billiards	Newspaper Boxes
Body Rub Parlours	Outdoor Serving Areas
Bowling	Refreshment Vehicles
Carnival	Second Hand Goods Shop
Clothing Donation Bins	Taxi

# Change is inevitable



# Licensing By-laws to be repealed

## No longer align with community standards

- Place of Amusement
- Auctioneers
- Billiards
- Bowling
- Horse Riding Establishments
- Loud Speakers

# Areas currently regulated in Newmarket



# Taxi Industry

- Concerns from the taxi industry regarding regulations imposed on them & not Uber or Lyft drivers.
- Advocating for equal regulations.
- Industry has requested the following regulations be removed from the Taxi By-law:
  - Vulnerable Screening Sector
  - Medical Examination
  - Adjustment of current fees
  - Taxi Inspection
  - Testing (New Drivers)
- Current Interim Measures



# Animal Control By-law

- 2019 a joint partnership was formed with Towns of Aurora & Georgina for Animal Control Services
- Provides joint opportunities to improve service levels with:
  - Wildlife response
  - Community outreach/education
  - Standardized training of staff
  - Stabilization of costs related to the delivery of Animal Control Services



# Animal Control By-law cont'd

- Joint municipal review currently underway & includes:
  - Updated definitions
  - Protective Care of Domestic Animals (i.e., sufficient food & shelter for animals)
  - Added clarity around the types of animals permitted in Town
  - Update enforcement provisions
  - Prohibits cats running at large (Town's by-law already prohibits this)
    - Deputation was received from a member of the community requesting that cats be permitted to run at large





# Animal Control By-law cont'd

- 2 ways to address:
  1. Municipalities that regulate the sale of animals through their Animal Control By-laws
    - Vaughan & Georgina
  2. Municipalities that regulate the sale of animals through a Business Licence
    - Markham, Brampton, Toronto, Oakville, Mississauga



# Clothing Donation Bins

- January 2019, direction from Council to review clothing donation bins by-law
- Existing By-law requires all clothing donation bins to be licensed to:
  - Charitable Organizations
  - Non-Profit Organizations
  - Third Party (collect on behalf of charitable & non-profits)
  - Town licenses on private property
- Textile Donation Program
  - Canadian Diabetes Association
  - 6 on Town property

# Clothing Donation Bins cont'd

- Review could include:
  - Allowing all charitable & non-profit organizations to participate in Textile Donation Program; or,
  - Eliminating Third Party Bins
    - Collect on behalf of charitable & non-profit organizations



# Body Rub Parlour By-law

- What is a “body rub”?
  - Manipulation of the body by a person who is not a Registered Massage Therapist
  - Does not include any sexual acts



# Body Rub Parlour By-law cont'd

- Aligning the Zoning and Licensing By-laws
  - Currently zoning allows for body rub parlours in certain zones
  - Licensing By-law restricts the location
    - ✓ Currently there is a restriction within 500 meters of residential, arterial roads, primary collector roads, school, church or daycare
    - ✓ Currently our by-law allows for medical or therapeutic treatment

Effectively, a business owner cannot open a “body rub parlour” in Town based on the current regulations.



# Hawker & Peddlers

- What is a “Hawker & Peddler”?
  - Street vendors, door-to-door sales
  - Can be on public or private property (with consent of owner)
  - Example: selling flowers on a street corner for Valentine’s Day
- Currently license on public property



# Hawker & Peddlers

- A review could include:
  - Define the different types of classes
    - Classes: Show Sale (organized event with many vendors), Flea Market, Special Sale (any event occurring any place other than a mall – outdoor Christmas Tree sales)
  - Update penalty provisions
  - Update definitions
  - Creating a regulatory by-law for door-to-door salespeople



# Areas not currently regulated in Newmarket





# Shared Economy

“To regulate or not to regulate...that is the question.”

How might the shared economy benefit Newmarket?

Has there been a shift in thinking in the community?

Value of innovation & “changing with the times”?



# Vehicles for Hire

- Face of transportation is changing
- “Smart phones” are the new pencil!
- What is consumer protection?
  - Finding the balance between personal choice & safety
- Concerns:
  - Taxi industry is regulated
  - Uber & Lyft do not have any licensing requirements in Newmarket
  - Focus on passenger safety & consumer protection



# Vehicles for Hire cont'd

- Municipalities have passed by-laws dealing with vehicle for hire to allow for equal opportunities
  - Innisfil
  - Toronto
  - Mississauga
  - Brampton
  - Vaughan



# Vehicles for Hire cont'd

- Uber & Lyft Drivers in Town:
  - On March 20<sup>th</sup> there were 7 Uber drivers & 8 Lyft drivers operating in Town
  - Varies on a daily basis
- Complaints:
  - No complaints from the Community
  - Complaints are from the Taxi industry
- Review could include:
  - Regulations being developed for **all** vehicles for hire

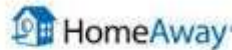


# Short-Term Rentals (STRs)

- STR include house-sharing such as Airbnb
- Airbnb in Newmarket
  - Number of rooms & houses for rent fluctuates based on availability.
  - March 22 - approximately 40 homes/rooms for rent in Newmarket
- Complaints:
  - To date, 7 complaints regarding STRs

# Short Term Rentals (STRs) cont'd

- Not specifically addressed by the Zoning or Licensing By-laws
- Growth of STR has caused concerns of impact on:
  - Neighbourhoods
    - Property upkeep and nuisance complaints
  - Housing affordability
    - Loss of very limited rental housing
  - Tourism
    - Negative effects on hotel industry



# Short Term Rentals (STRs) cont'd

- Considerations:
  - Limit on number of days that can be rented to Short Term Rentals
  - Potential for limiting number of rentals
- Review process to allow STR while minimizing negative impacts on affordability; enabling diversity of tourism accommodations; maintaining community stability; & minimizing nuisances.
- Short-Term Rental Licensing By-law could be developed.



# Short Term Rentals (STRs) cont'd

- The following municipalities have a licensing by-law:
  - Oakville
  - Niagara-on-the-Lake
  - Toronto (Zoning By-law appealed to Local Planning Appeal Tribunal – Hearing Aug 2019)
- The following municipalities are currently reviewing Short Term Rentals:  
Vaughan, Georgina





# Pet Store Licensing

- Licensing regime would create regulations for any pet store selling animals in Newmarket to ensure that animals are being sourced humanely.



# Pet Store Licensing cont'd

- Ensuring that animals are provided clean sanitary environments
- Regulating where the animals are sourced
- Ensuring that all animals have an up-to-date certificate of health from a veterinarian
- Licensing the establishments to ensure that the pets sold in Newmarket are aligned with the animals permitted to be in Town



# Pet Store Licensing cont'd

- Complaints:
  - Councillor received a petition regarding the sale of animals in a pet store
  - To date, 4 complaints regarding a pet store



# Pet Store Licensing cont'd

- 2 ways to address:
  1. Municipalities that regulate the sale of animals through their Animal Control By-laws
    - Vaughan & Georgina
  2. Municipalities that regulate the sale of animals through a Business Licence
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# Tow Trucks

- Establish a licensing regime for tow trucks:
  - Regulate the costs associated with towing on private property
  - Prohibit soliciting or importuning at a scene of an accident
  - Align with Consumer Protection Act, Highway Traffic Act & Repair & Storage Liens Act
- Zoning By-law requirements:
  - Residential & Commercial Zones



# Tow Trucks cont'd

- Assists residents with cost associated with a tow
  - Customer may be over charged
    - Insurance companies not paying the full amount leaving the customer with the remainder of the cost
- Creates standard fees & charges
- Provides York Regional Police with enforcement tools



# Tow Trucks cont'd

- Types of Complaints:
  - Over charging
  - Parking tow trucks on driveways/roadways
  - Some complaints related to over storage of towed vehicles
  - A couple of complaints from Members of Council on behalf of constituents
- Municipalities that regulate the towing industry are as follows:
  - Richmond Hill, Vaughan, Markham, Toronto, Mississauga, Brampton, Oakville, Oshawa and Barrie.



# Tobacco Retail Stores

- Recommendation from the Canadian Cancer Society
  - May assist York Region Public Health with enforcement as the Town would have a registry on where tobacco is sold.
  - Regulate tobacco & e-cigarette retailers to ensure compliance with federal & provincial laws regarding the sale of products
- Tobacco cigarettes currently sold in convenience stores & gas stations





# Tobacco Retail Stores cont'd

- Municipalities that regulate the Sale of Tobacco are:
  - Brampton
  - Markham
  - Mississauga
  - Oakville
  - Richmond Hill
  - Toronto
  - Vaughan



# Personal Service Establishments (PSEs)

- Develops a registry of PSEs & provides consumer protection against unfair or potential unfair business practices
- Licensing may include (but not limited to):
  - Aesthetics
  - Hair Salons/ Barber Shops
  - Nail Salons
  - Tattoo & Body Piercing



# Personal Service Establishments (PSEs) cont'd

- Complaints have not been received by the Town, but is an area that is commonly licensed in other municipalities.
- Municipalities that regulate PSEs:
  - Brampton
  - Guelph
  - London
  - Markham
  - Oakville
  - Toronto
  - Vaughan



# Other Regulatory By-laws

- In addition to the licensing by-laws previously discussed, the following By-laws have also been identified as requiring updates.
  - Sign By-law
    - Requires ongoing updates as signage trends evolve
  - Election Sign By-law
  - Adequate Heat By-law
  - Discharge of Firearms By-law
  - Dumping By-law
  - Encroachment By-law (new)
    - Protects the Town against unauthorized encroachments



# Recommended Timeline

Q2 2019

- Fence By-law
- Smoking By-law
- Animal Control By-law

Q3 2019

- Election Sign By-law
- Parking By-law
- Required for implementation of Administrative Monetary Penalty System in Q1/Q2 2020

Q4 2019

- Vehicles for Hire By-law (Taxi Industry included)



# Recommended Timeline

Q1 2020

- Pet Store Licensing By-law

Q2 2020

- Tow Trucks By-law
- Hawker & Peddlers By-law

Q3 2020

- Short Term Rentals By-law

Q4 2020

- Personal Service Establishments By-law
- Body Rub Parlour By-law



# Recommended Timeline

Q1 2021

- Tobacco Retail Stores By-law

Q2 2021

- Clothing Donation Bins By-law

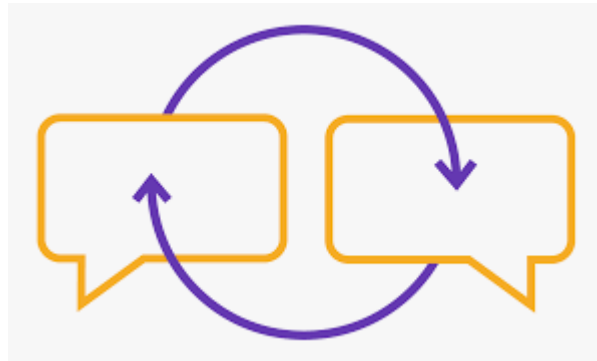
# Community Engagement

- Staff will engage & consult with the community using a range of tactics:
  - Stakeholders
  - Task Force
  - Focus Group
  - Public Information Centre (PIC)
  - Survey
  - HeyNewmarket





# Council Feedback on Recommended Timeline



# Next Steps

1. Report to Council based on today's Workshop.
2. Repeal Licensing By-laws that no longer meet community standards.
3. Present Regulatory By-laws in phased approach based on recommended timeline.



**Thank you  
Questions?**

