



# Town of Newmarket

## Agenda

### Council

Date: Monday, May 27, 2019  
Time: 7:00 PM  
Location: Council Chambers  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

#### Pages

1. Open Forum
2. Public Notices (if required)
3. Additions & Corrections to the Agenda
4. Declarations of Pecuniary Interest
5. Presentations & Recognitions
  - 5.1 VivaNext Presentation 2

**Note:** Paul May, Executive Vice President, Project Implementation and Kristina Bergeron, Project Manager, Communications from York Region Rapid Transit Corporation (YRRTC) will be attendance to provide a presentation on this matter.
  - 5.2 Transportation Services in the Town of Newmarket 16

**Note:** Ann Marie Carroll, General Manager, Transit and Brian Titherington, Director, Transportation and Infrastructure Planning from York Region will be in attendance to provide a presentation on this matter.
6. Deputations
  - \*6.1 Common Ground - York Region 42

**Note:** Jon Aston will be in attendance to provide a deputation on this matter.

## 7. Approval of Minutes

7.1	Council Meeting Minutes of May 6, 2019	44
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1. That the Council Meeting Minutes of May 6, 2019 be approved.

## 8. Reports by Regional Representatives

## 9. Reports of Committees and Staff

9.1	Special Committee of the Whole Meeting Minutes of May 6, 2019	58
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**Note:** This meeting dealt with an Update on Properties.

1. That the Special Committee of the Whole Meeting Minutes of May 6, 2019 be approved.

9.2	Special Committee of the Whole Meeting (Closed Session) Minutes of May 6, 2019	
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1. That the Special Committee of the Whole Meeting (Closed Session) Minutes of May 6, 2019 be approved.

9.3	Special Committee of the Whole Meeting Minutes of May 14, 2019	62
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**Note:** This meeting dealt with the 2018 and 2022 Municipal Elections.

1. That the Special Committee of the Whole Meeting Minutes of May 14, 2019 be approved.

9.4	Committee of the Whole Meeting Minutes of May 21, 2019	66
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1. That the Committee of the Whole Meeting Minutes of May 21, 2019 be received and the recommendations noted within be adopted

9.4.1	Presentation - Regulations for Smoking By-law	82
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1. That the presentation entitled Regulations for Smoking By-law be received.

9.4.2	Presentation - Development Charges - Statutory Public Meeting	104
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1. That the presentation by Nataliya Kelbas regarding Development Charges be received.

9.4.3	Deputation - Regulations for Smoking By-law	124
	1. That the deputation by Nagwa Mounir regarding Regulations for Smoking By-law be received.	
9.4.4	Deputation - Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent	126
	1. That the deputation by Jim Arlow regarding Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent be received.	
9.4.5	Deputation - 2019 Annual Servicing Allocation Review	128
	1. That the deputation by Joanna Fast regarding 2019 Annual Servicing Allocation Review be received.	
9.4.6	Deputation - 2019 Annual Servicing Allocation Review	130
	1. That the deputation by Nick Pileggi regarding 2019 Annual Servicing Allocation Review be received.	
9.4.7	Deputation - 2019 Annual Servicing Allocation Review	
	1. That the deputation by Paul Bailey regarding 2019 Annual Servicing Allocation Review be received.	
9.4.8	Regulations for Smoking By-law	132
	1. That the report entitled Regulations for Smoking By-law dated May 21, 2019 be received; and,	
	2. That Smoking By-law be enacted; and,	
	3. That Delegation By-law 2016-17 be amended; and,	
	4. That Parks By-law 2013-14 be amended; and,	
	5. That permanent Designated Smoking Areas only for tobacco consumption be established at Town facilities, if required; and,	
	6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.	
9.4.9	Potential Redevelopment – 693 & 713 Davis Drive and 35	150

### Patterson Street (Hollingsworth Arena Site)

1. That the report entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)”, dated April 29, 2019 be received;
2. That Council endorse in principle the notion of redeveloping the properties municipally known as 693 Davis Drive, 713 Davis Drive and a portion of 35 Patterson Street, in a manner generally consistent with the conceptual drawings entitled “Scenario 1 – Site Plan” and “Scenario 1 – Aerial View”, attached to this Report, prepared by the Briarwood Development Group, dated December 7, 2018; and,
3. That a public session be held for the purposes of obtaining public input into the potential future uses within the community park; and,
4. That Staff be directed to prepare options for the development of the community park and how they would be financed, which will include some or all of net proceeds from any future sale of a portion of the Hollingsworth Arena property; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.10	Site Specific Exemptions to Interim Control By-Law 2019-04	170
	<ol style="list-style-type: none"> <li>1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 dated April 29, 2019 be received.</li> </ol>	
9.4.11	Updated Exemption Process for Interim Control Bylaw 2019-04	174
	<ol style="list-style-type: none"> <li>1. That the report entitled Updated Exemption Process for Interim Control By-law 2019-04 dated May 21, 2019 be received; and,</li> <li>2. That Council approve the updated process for exemption from Interim Control By-law 2019-04, as outlined in this report.</li> </ol>	
9.4.12	By-Law to Regulate Backflow Prevention	178
	<ol style="list-style-type: none"> <li>1. That the report entitled By-Law to Regulate Backflow Prevention dated March 13, 2019 be received; and,</li> </ol>	



2. That Council adopt a New Backflow Prevention Bylaw to regulate the installation and testing of backflow preventers, as described in this report and set out in Attachment 1; and,
3. That a copy of The Town of Newmarket's Backflow Prevention Bylaw be placed on the Town of Newmarket Website; and,
4. That new administration fees for surveys and testing of Backflow Preventers be added to the 2019 Fees and Charges as set out in Attachment 2, and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.13      Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent      200

1. That the report entitled Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent dated May 21, 2019 be received; and,
2. That application for Zoning By-Law amendment, as submitted by Kariminejad Nobari, for lands on the north side of Kathryn Crescent, be referred to a statutory public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Reza Hayati, Sunrise Constrade Corp., 7368 Yonge Street, Unit 210, Thornhill, L4J 8H9 be notified of this action.

\*9.4.14      2019 Annual Servicing Allocation Review      214

1. That the report entitled 2019 Annual Servicing Allocation Review dated May 21, 2019 be received; and,
2. That Council rescind servicing allocation from the following developments:
  - a. 345-351 Davis Drive; and,
3. That Council reinstate servicing allocation to the

following developments:

- a. The Davis (175 Deerfield Rd);
  - b. Redwood Properties Phase 1 (17645 Yonge St);
  - c. Sundial Phase 2 (Davis Drive W);
  - d. Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd);
  - e. Maple Lane Homes (680 Gorham St); and,
4. That Council grant servicing allocation to the following developments:
- a. Goldstein (16333 Leslie St);
  - b. Marianneville / Kerbel Phase 2 (I & I Program);
  - c. 281 Main St N; and,
  - d. Azure Homes; and,
5. That Council grant servicing allocation to Shining Hill in the amount of 485 persons of capacity (179 units), subject to satisfying the following prior conditions:
- i. An executed agreement and/or Memorandum of Understanding be entered into between the Town and Shining Hill, establishing a timeframe and any other associated conditions / securities for the servicing allocation repayment of 647 persons of capacity (to account for the capacity that was up-fronted, plus the Town's 25% allocation for its own use and reserve, as per the Inflow and Infiltration Agreement dated November 2, 2018); and, if necessary,
  - ii. An amended Inflow and Infiltration Agreement, or other form of agreement to the satisfaction of the Town and York Region; and,
6. That Staff work with the owner of the Shining Hill development to establish a servicing allocation repayment timeframe and conditions associated with the granting of this allocation including but not limited to any required amendments to the inflow and infiltration agreement; and,
7. That the Town's resulting remaining servicing capacity (the Town Reserve) of 2797 persons of allocation (of which 20 persons of allocation is to

**be held in a Severance Reserve) be maintained;  
and,**

8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

- |        |   |     |
|--------|---|-----|
| 9.4.15 | Regulatory Review for 2018-2022 Term of Council   | 224 |
|        | <ol style="list-style-type: none"> <li>1. That the report entitled Regulatory Review for 2018-2022 Term of Council dated May 21, 2019 be received; and,</li> <li>2. That Council repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151; and,</li> <li>3. That Staff be directed to implement the timelines for the review or development of by-laws and frameworks as set out within this report; and,</li> <li>4. That the matter of Short Term Accommodations and Rentals be scheduled to be presented to Council for consideration in Q1 2020; and,</li> <li>5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol> |     |
| 9.4.16 | Council Appointments to the Newmarket Historical Society Board  | 232 |
|        | <ol style="list-style-type: none"> <li>1. That the report entitled Council Appointments to the Newmarket Historical Society Board dated May 21, 2019 be received; and,</li> <li>2. That Council make no further appointment to the Newmarket Historical Society Board until the review of the Board structure is complete; and,</li> <li>3. That staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol>  |     |
| 9.4.17 | Property Tax Rates and By-law for 2019  | 236 |
|        | <ol style="list-style-type: none"> <li>1. That the report entitled Property Tax Rates and By-law for 2019 dated May 22, 2019 be received; and,</li> <li>2. That the property tax rates for 2019, as applied to the assessment roll returned in 2018 for 2019 taxation, be set for Town purposes as follows:               <ol style="list-style-type: none"> <li>a. Residential 0.322917%;</li> </ol> </li> </ol>   |     |

- b. Multi-Residential 0.322917%;
  - c. Commercial 0.413140%;
  - d. Industrial 0.507109%;
  - e. Pipeline 0.296761%;
  - f. Farm 0.080729%; and,
- 3. That the applicable Tax Rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
  - 4. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

9.4.18	Resolution from Brantford City Council regarding Single Use-Plastic Straws	250
	<ul style="list-style-type: none"> <li>1. That the Resolution from Brantford City Council regarding Single-Use Plastic Straws be received for information.</li> </ul>	
9.4.19	Accessibility Advisory Committee Meeting Minutes of June 21, 2018	252
	<ul style="list-style-type: none"> <li>1. That the Accessibility Advisory Committee Meeting Minutes of June 21, 2018 be received.</li> </ul>	
9.4.20	Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018 and April 16, 2019	256
	<ul style="list-style-type: none"> <li>1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 3, 2018 and April 16, 2019 be received.</li> </ul>	
9.4.21	Newmarket Public Library Board Meeting Minutes of January 16, 2019 and March 20, 2019	268
	<ul style="list-style-type: none"> <li>1. That the Newmarket Public Library Board Meeting Minutes of January 17, 2019 and March 20, 2019 be received.</li> </ul>	
9.4.22	Outstanding Matters List	278
	<ul style="list-style-type: none"> <li>1. That the list of outstanding matters be received.</li> </ul>	
9.4.23	Motion - Bill 108 Ontario Municipal Board Changes (Councillor Bisanz)	

Whereas the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and,

Whereas All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and,

Whereas Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and,

Whereas On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into “...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.”; and,

Whereas This MOU is “enshrined in law as part of the Municipal Act”. And recognizes that as “...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”; and,

Whereas By signing this agreement, the Province made “...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”; and,

Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved:

1. That the Town of Newmarket oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and,

2. That the Town of Newmarket call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and,
3. That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier and MPP Newmarket-Aurora, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and,
4. That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

9.5 Committee of the Whole Meeting (Closed Session) Minutes of May 21, 2019

1. That the Committee of the Whole Meeting (Closed Session) Minutes of May 21, 2019 be approved.

**10. By-laws**

292

**2019-30** A By-law to adopt Amendment Number 23 to the Town of Newmarket Official Plan (Regional Community Improvement Plans).

**2019-31** A By-law to prohibit the smoking of tobacco, cannabis, and non-tobacco substances in prescribed locations in the Town of Newmarket.

**2019-32** A By-law to amend Delegation By-law 2016-17 (Designated Smoking Areas).

**2019-33** A By-law to amend Parks By-law 2013-14 (Smoking and Vaping Provisions).

**2019-34** A By-law to amend fees and charges by-law 2018-64 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket (Public Works - General Fees - Temporary designated Smoking Areas).

**2019-35** A By-law to repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151.

**2019-36** A By-law to Regulate Cross Connections and Backflow Prevention in Private Plumbing Systems as Required to Protect the Town of Newmarket's Drinking Water System from Contamination.

**2019-37** A By-law to amend fees and charges by-law 2018-64 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket (Public Works - General Fees - Backflow Prevention).

**2019-38** A By-Law To Provide For The Levy And Collection Of The Sums Required By The Corporation Of The Town Of Newmarket For 2019 And To Provide For The Mailing Of Notices Requisitioning The Payment Of Taxes For 2019.

1. That By-laws 2019-30, 2019-31, 2019-32, 2019-33, 2019-34, 2019-35, 2019-36, 2019-37 and 2019-38 be enacted.

**11. Notices of Motions**

**12. Motions**

**13. Announcements & Community Events**

**14. New Business**

**15. Closed Session (if required)**

**16. Confirmatory By-law**

330

**2019-39** A By-law to Confirm the Proceedings of the May 27, 2019 Council meeting.

1. That By-law 2019-39 be enacted.

**17. Adjournment**







Update: rapid transit projects  
Town of Newmarket  
May 27, 2019



# agenda



## Current rapid transit projects

- > Davis Drive rapidway
- > Yonge Street rapidway

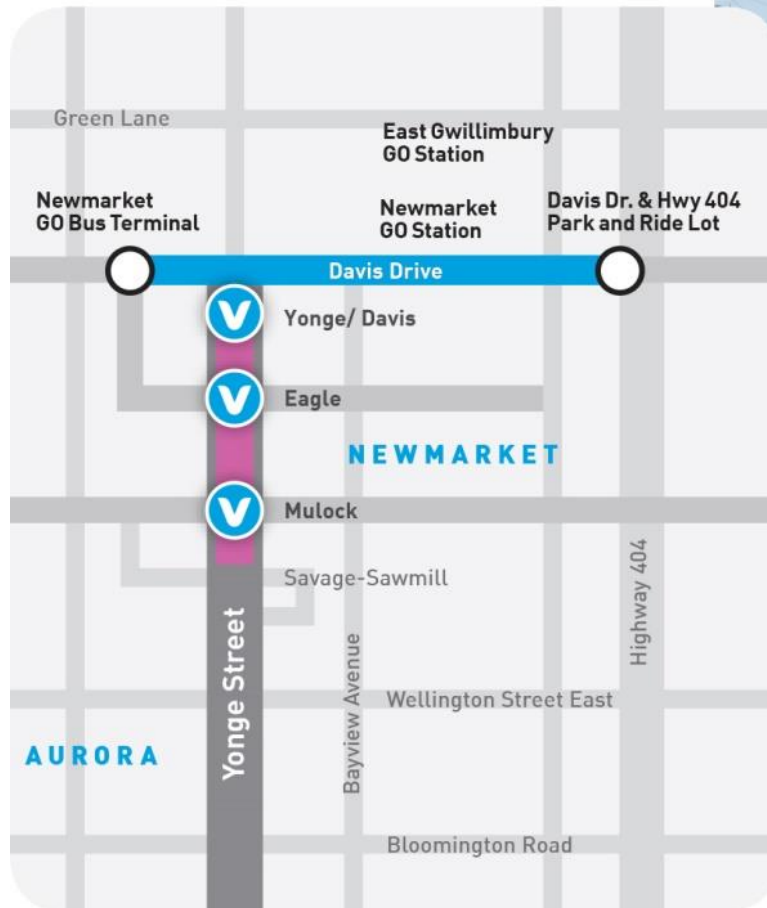
## Community relations

- > Communications efforts
- > Business support program





# Yonge Street >> construction update



2.4 km  
rapidway



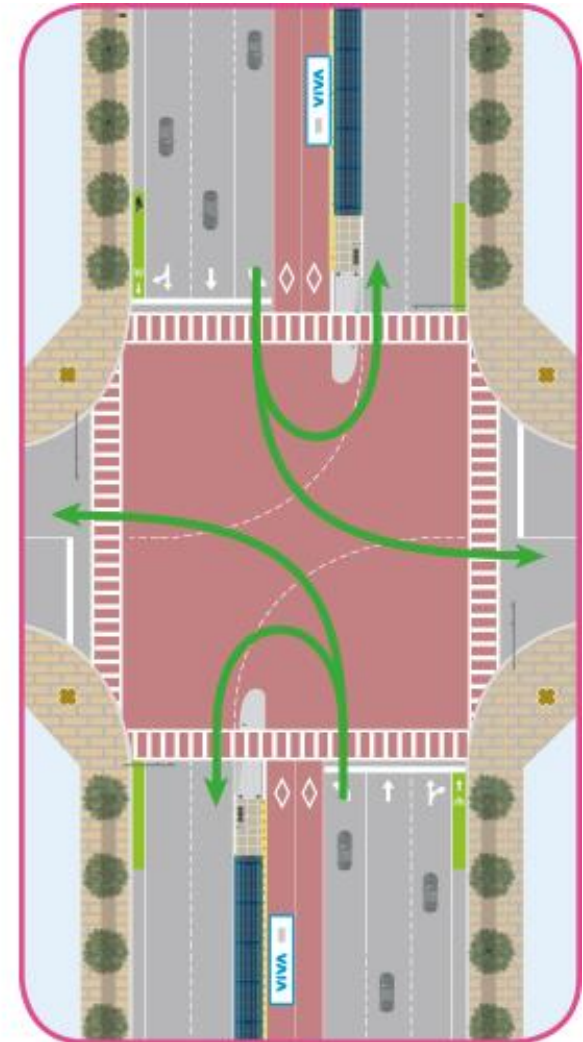
3 vivastations



# Yonge Street >> final traffic configuration

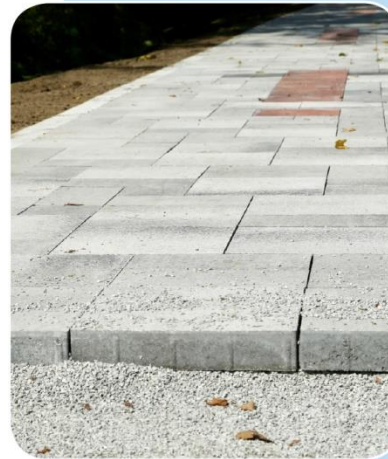


- > Traffic lanes now in permanent configuration
- > New for motorists
  - > Dedicated left-turn traffic signals
  - > Accessing mid-block entrances with U-turns at intersections
- > New for pedestrians – where there are vivastations
  - > Pedestrians will have the ability to cross the road in two stages, if needed
  - > Waiting areas will be available in the middle of the crosswalk where pedestrians can stop and push the “walk” button



# Yonge Street >> construction update

- > Road construction is complete on east and west of Yonge
- > Boulevard construction is 95% complete on the west side of Yonge and is in progress on the east side. This includes:
  - > Planters
  - > Sidewalk construction and installation of paver stones
  - > Bike lane construction
- > Construction of median islands and vivastations have commenced



## Yonge Street >> traffic lane impacts



- > Lots of work underway in Newmarket, which requires daily lane closures
- > Daily lane closures will be in place during off-peak hours (southbound 9:30am to 5:30pm and northbound 7:30am to 3:30pm)





# Yonge Street >> vivastations



- > Caissons completed for all stations
- > Vivastation platforms nearly complete
- > Barrier wall construction ongoing
- > Steel canopies installed at Mulock and Eagle northbound vivastations
- > Canopy glass installation has started at Mulock northbound station



- > 1 Foundation work
- > 2 Creating delineation between station and traffic
- > 3 Skeleton station steel installation
- > 4 Glass installation for curved roof
- > 5 Platform tile installation
- > 6 Fixture installation
- > 7 Electrical and transportation systems installation



# Yonge Street >> construction communications

- > Project newsletters
- > Construction notices
- > On-street signage
- > Meeting with key stakeholders [i.e.; retirement homes, condos, EMS, etc.]
- > Local newspaper advertisement
- > Visiting business owners to provide updates and mitigate impacts
- > Social media and website posts



# Yonge Street >> safety campaign

11



VIVANEXT

**safety is a shared responsibility**

**>> safety is a shared responsibility**

**pay attention to posted signs in and around construction zones.**  
Because construction zones change as work progresses, it's especially important for everyone – pedestrians, cyclists and drivers – to pay attention to posted signs. Watch for signs and traffic barrels that indicate lane closures and shifts, as well as relocated sidewalks and bus stops.

**cross at the designated crosswalk.**  
It can be tempting to cross in the middle of the road, but this can be very dangerous. Instead, cross at a designated crosswalk. Look both ways and be aware of your surroundings.

Thank you for playing your part in ensuring everyone gets home safe to their families every day.

For more information about the bus rapidway construction project on Yonge Street, please visit [vivanext.com](http://vivanext.com).

VIVANEXT  
be moved



# Yonge Street >> business support program

12



Spring/Summer campaign includes:

- > Newspaper and digital advertisements
- > Website and social media posts
- > Assistance for companies claiming their business on Google and website creation
- > Business profiles
- > Community engagement
- > Complimentary memberships to the Newmarket Chamber of Commerce
- > Custom signage

**stop, shop + dine.**

**ShepYonge**  
We're Open.

We'd like to thank all the people who continue to support our local shops and businesses along Yonge Street in the Town of Newmarket during construction. If you haven't visited us lately, we can help you find just what you're looking for. After all, we're your neighbours too—Shop Yonge!

Follow us on Twitter, Facebook, Instagram, and YouTube. Read our blog, go to newmarket.com

METROLINX | VIVANEXT

**stop, shop + dine.**

**ShepYonge**

> support businesses during construction.

METROLINX | VIVANEXT



Sophia Bittar  
Community Liaison  
Yonge Street, Newmarket  
Cell: 905.806.0713







A smiling family of four (mother, father, and two children) posing in front of a modern transit station with a glass and steel roof structure. The station has signs for "FARE PAYMENT" and "WESTBOUND".



# TRANSPORTATION SERVICES IN THE TOWN OF NEWMARKET

Town of Newmarket Council Update

**Brian Titherington**

Director, Transportation Infrastructure Planning

**Ann-Marie Carroll**

General Manager, York Region Transit

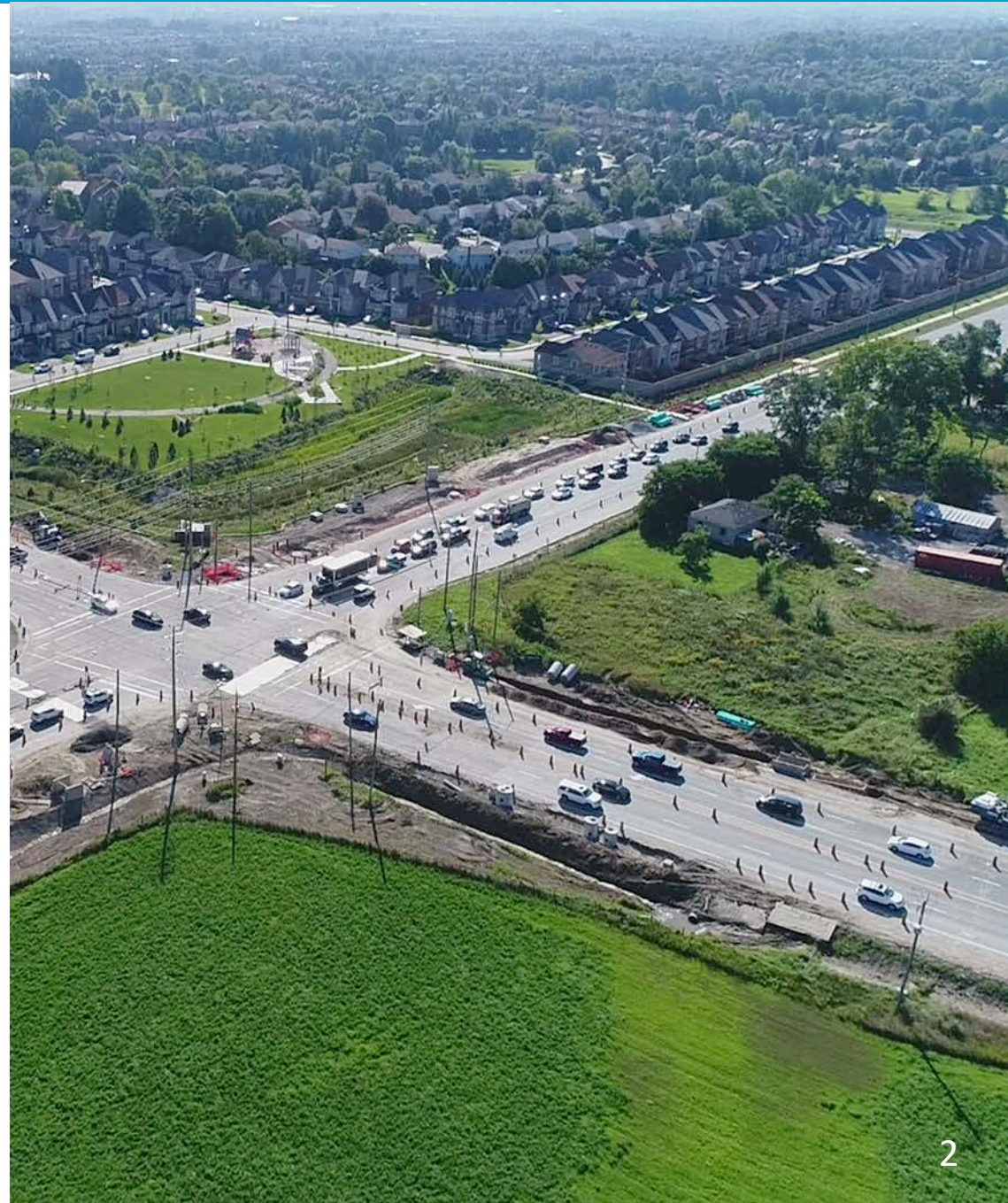
May 2019





# ENHANCING TRAVELLER EXPERIENCE IN THE TOWN OF NEWMARKET

- Delivering more than 100 road improvement projects in 2019 to meet the needs of our growing communities
- Creating and operating an integrated and efficient road network
- Planning for the future with environmental studies and community consultation





# YORK REGION TRANSPORTATION SERVICES



- Move approximately 35,000 commuters daily on YRT
- 22 million annual transit trips



- Move approximately 600,000 commuters daily
- Operate and maintain over 4,200 lane kms
- 6 billion vehicle-kms of travel annually



- Work with Ontario on Yonge Subway Extension, Freeway and Rapid Transit Initiatives



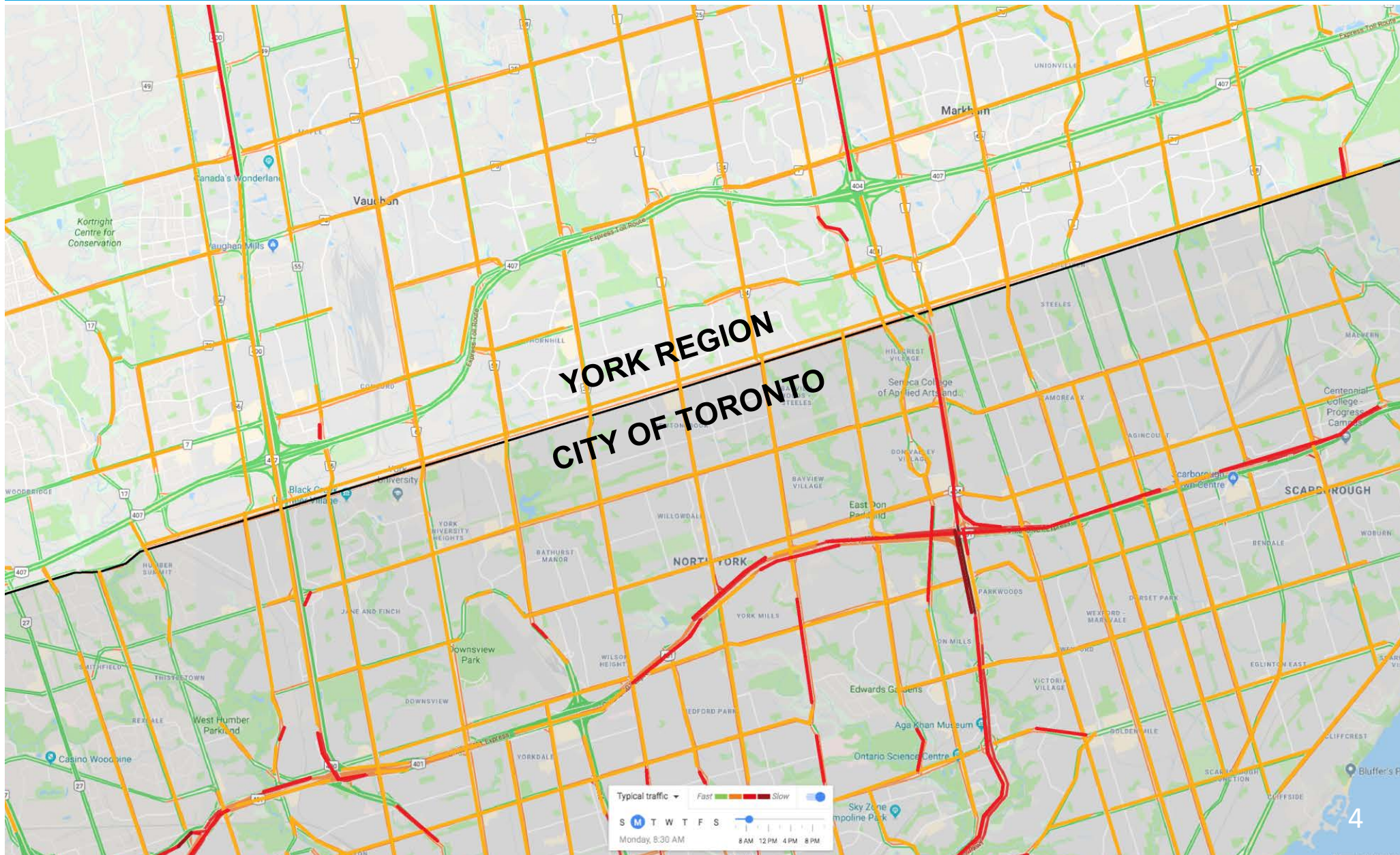
- Add new lane kms
- Complete intersection improvements
- Add cycling facilities



- Oversight of \$4.1 billion in transportation assets

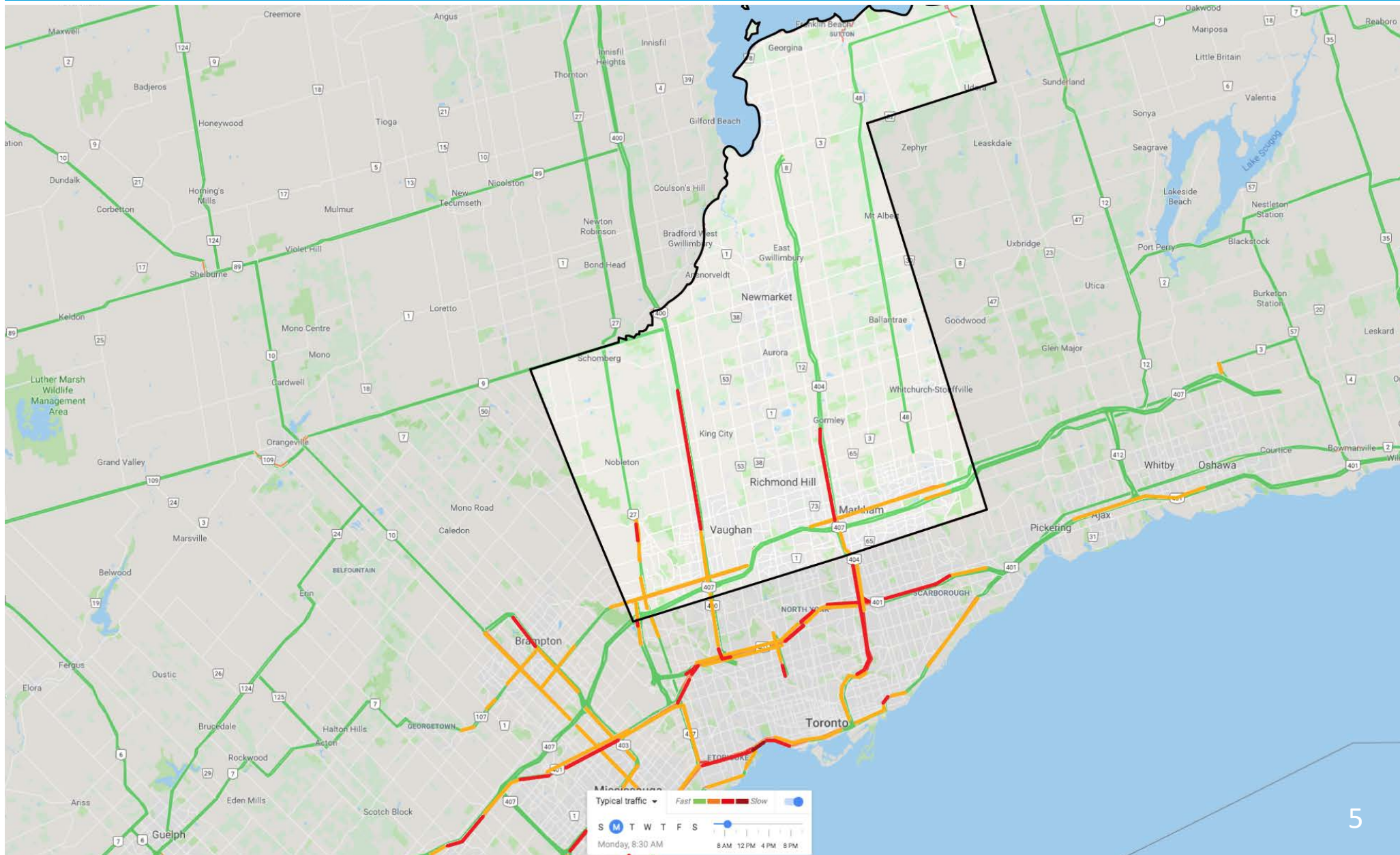


# TRAVELLING ON ARTERIAL ROADS IN OUR URBANIZED MUNICIPALITIES IS A SIMILAR EXPERIENCE TO THE REST OF THE GTHA

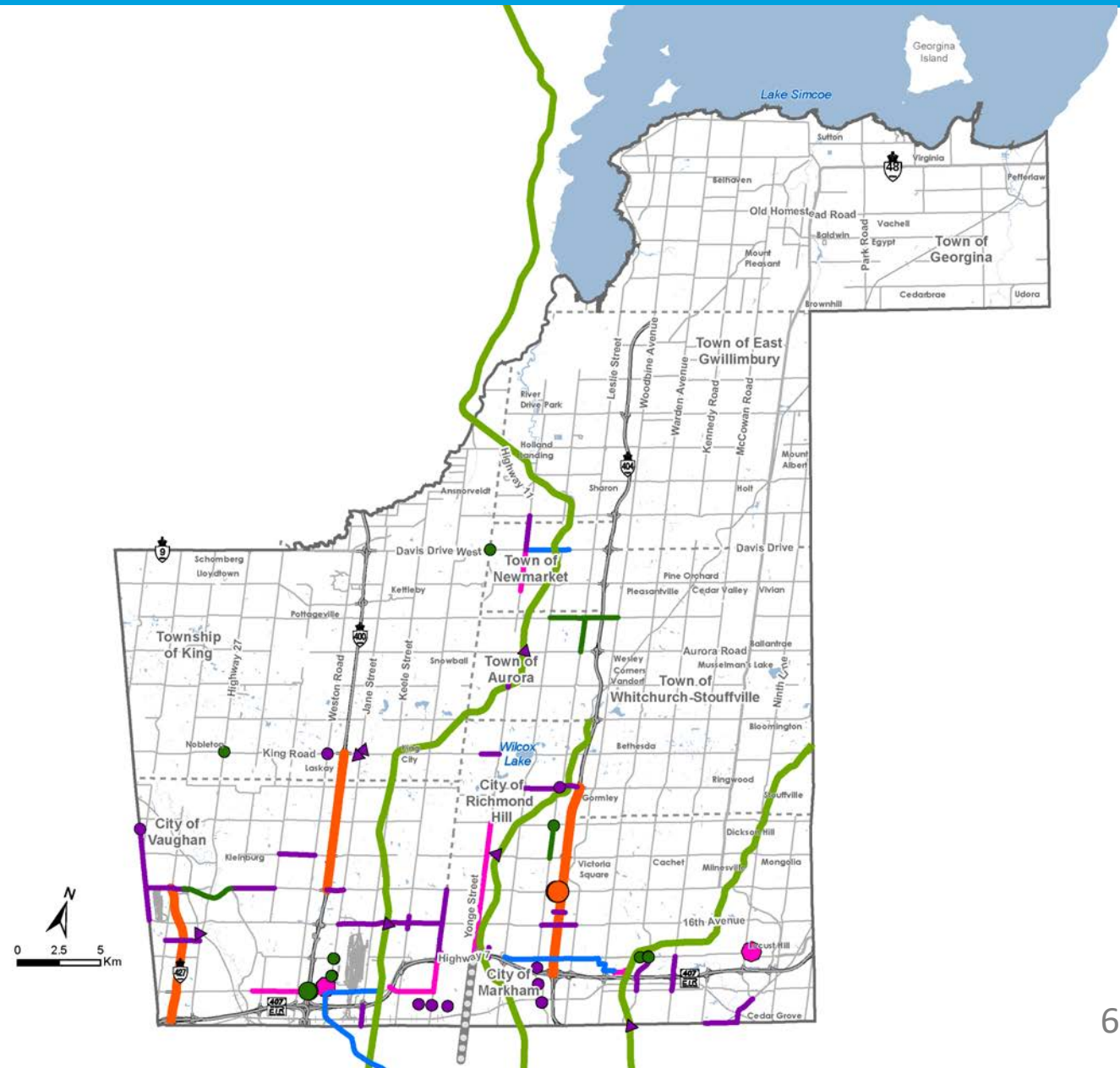




# DURING RUSH HOURS, TRAVEL DELAYS ARE A COMMON FEATURE ACROSS THE GREATER TORONTO AREA

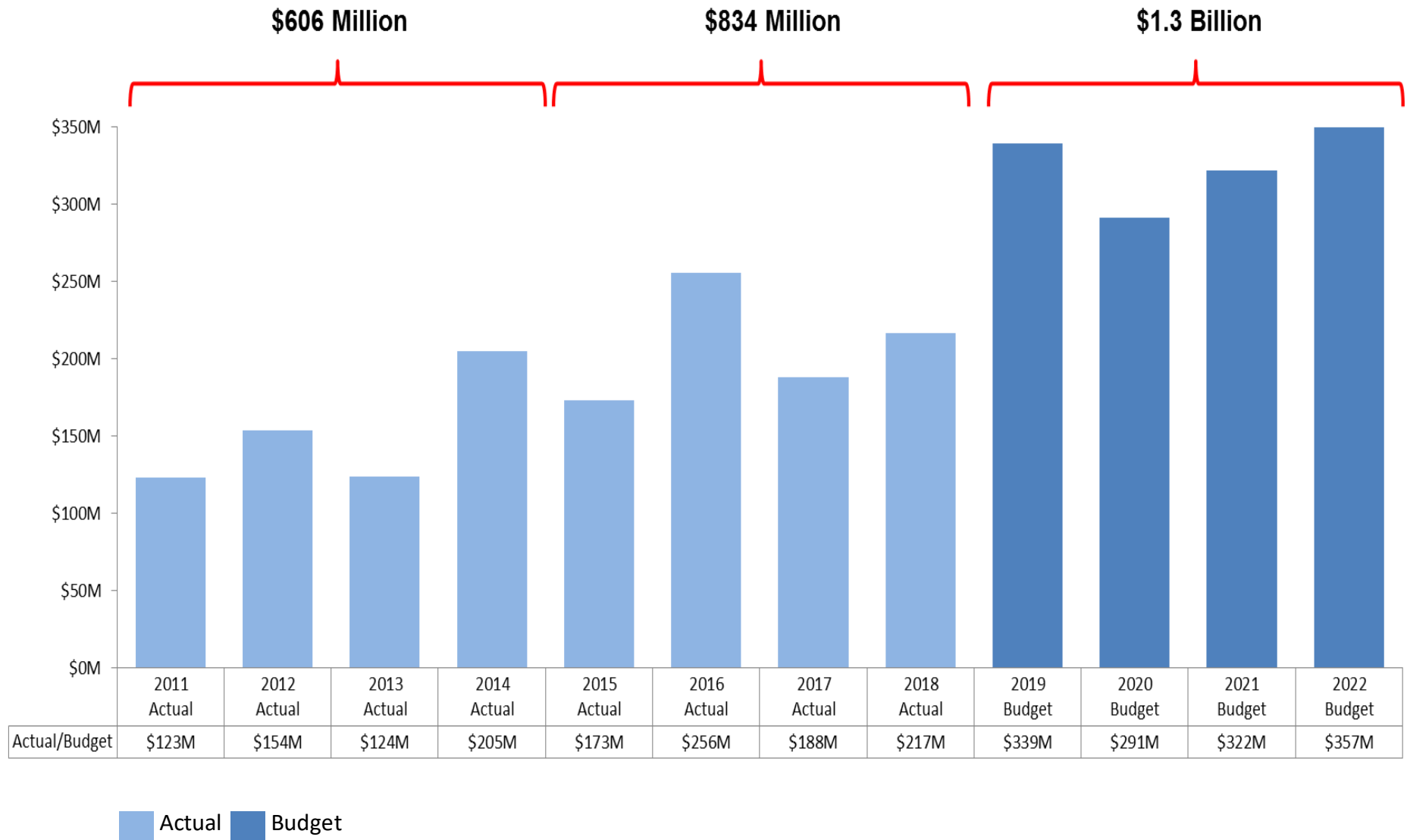


# YORK REGION'S ROAD PROGRAM ALIGNS WITH PROVINCIAL TRANSPORTATION INVESTMENTS



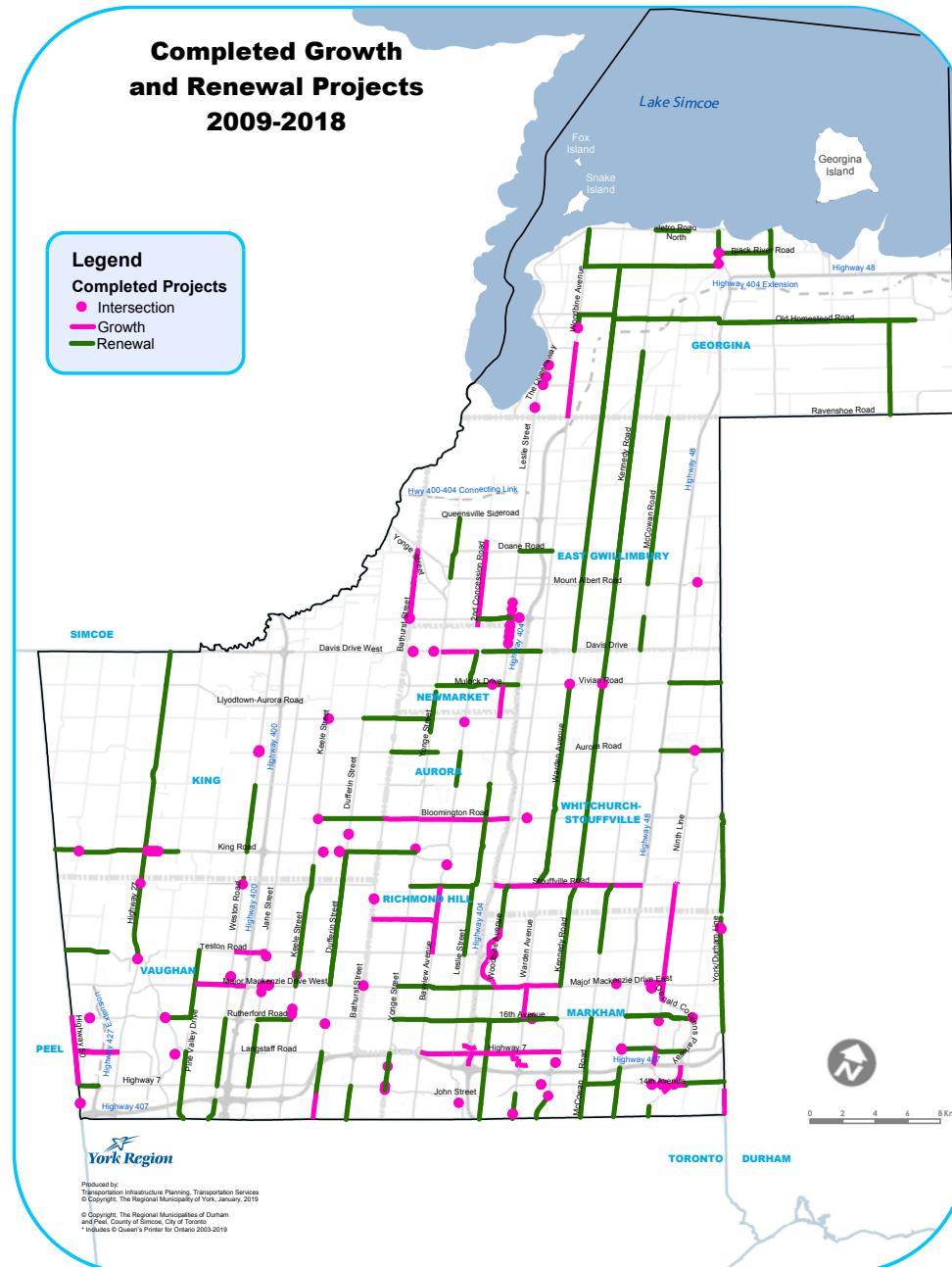
# CAPITAL PLANNING AND DELIVERY

# TRANSPORTATION CAPITAL INVESTMENT





# CAPITAL PROJECTS COMPLETED 2009 TO 2018



## Road Project



Under Construction

2019

2020

2021

2022

2023

2024

2025

2026

2027

2028

### Other Project



Type

Bridge Replacement/  
Improvement

Interchange/ Intersection  
Improvement

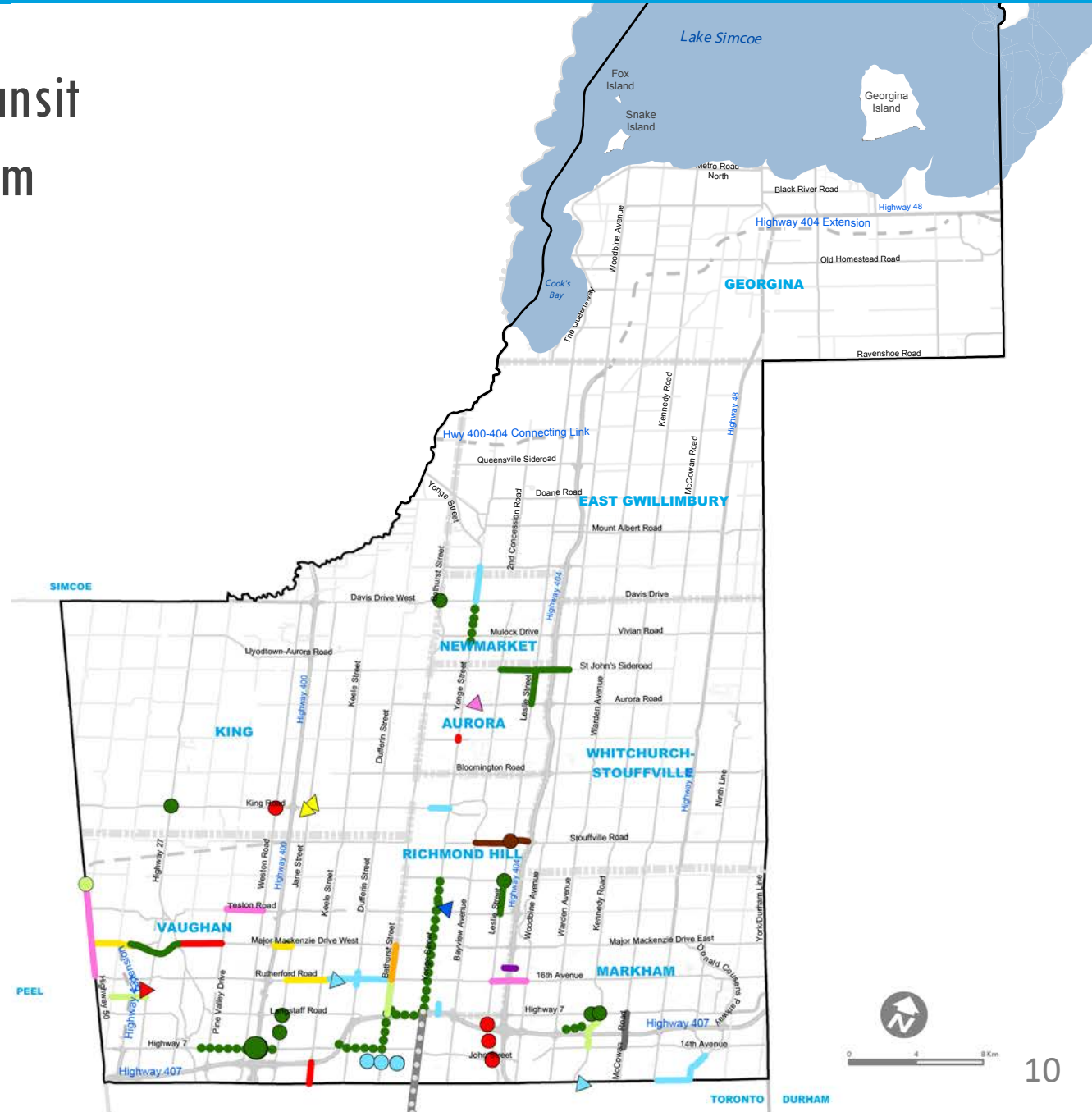
## VivaNext Projects



## Status

## Rapidway Under Construction

### Future Subway Extension





# 2019 CAPITAL PROJECTS IN THE TOWN OF NEWMARKET

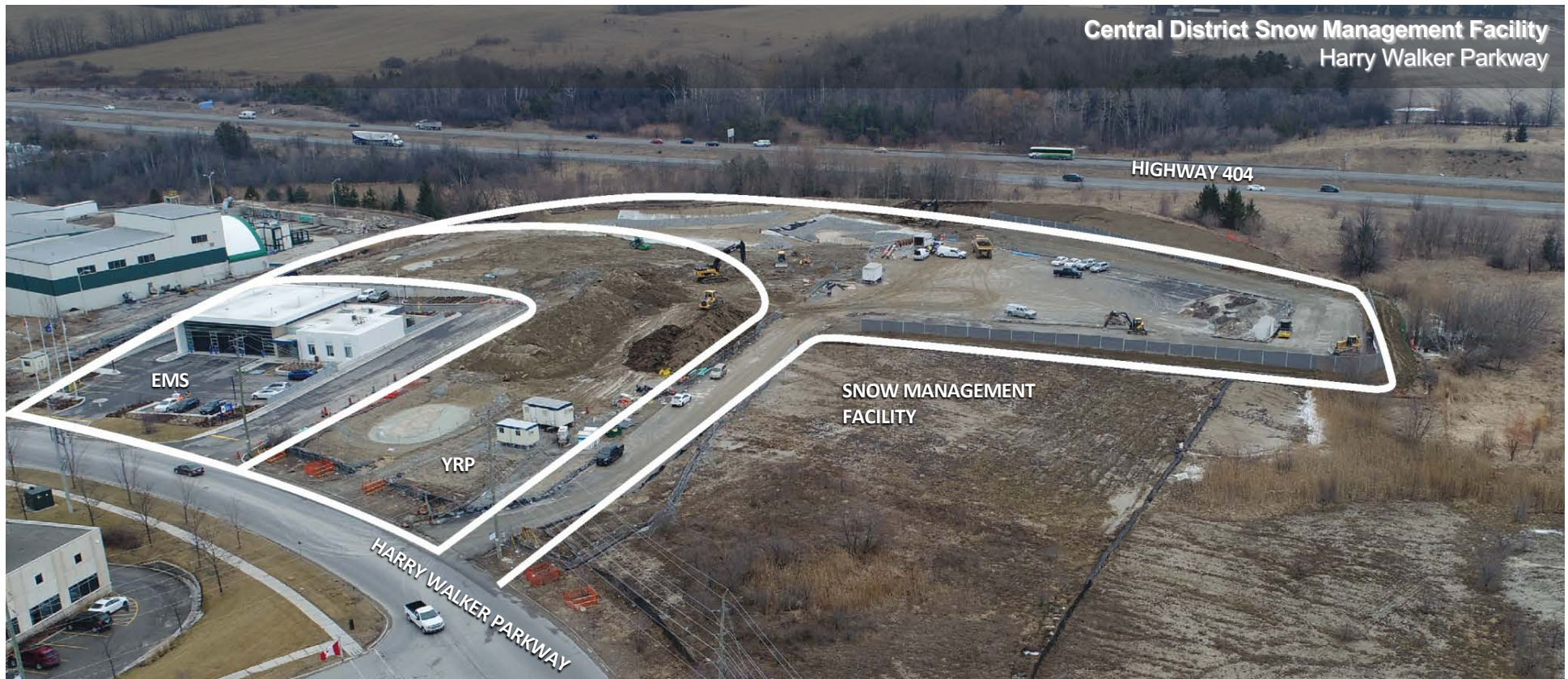


**Traffic Signal Installation**  
Bathurst Street and Clearmeadow Boulevard



# 2019 CAPITAL PROJECTS CONSTRUCTION AND ASSET MANAGEMENT

## ROADS

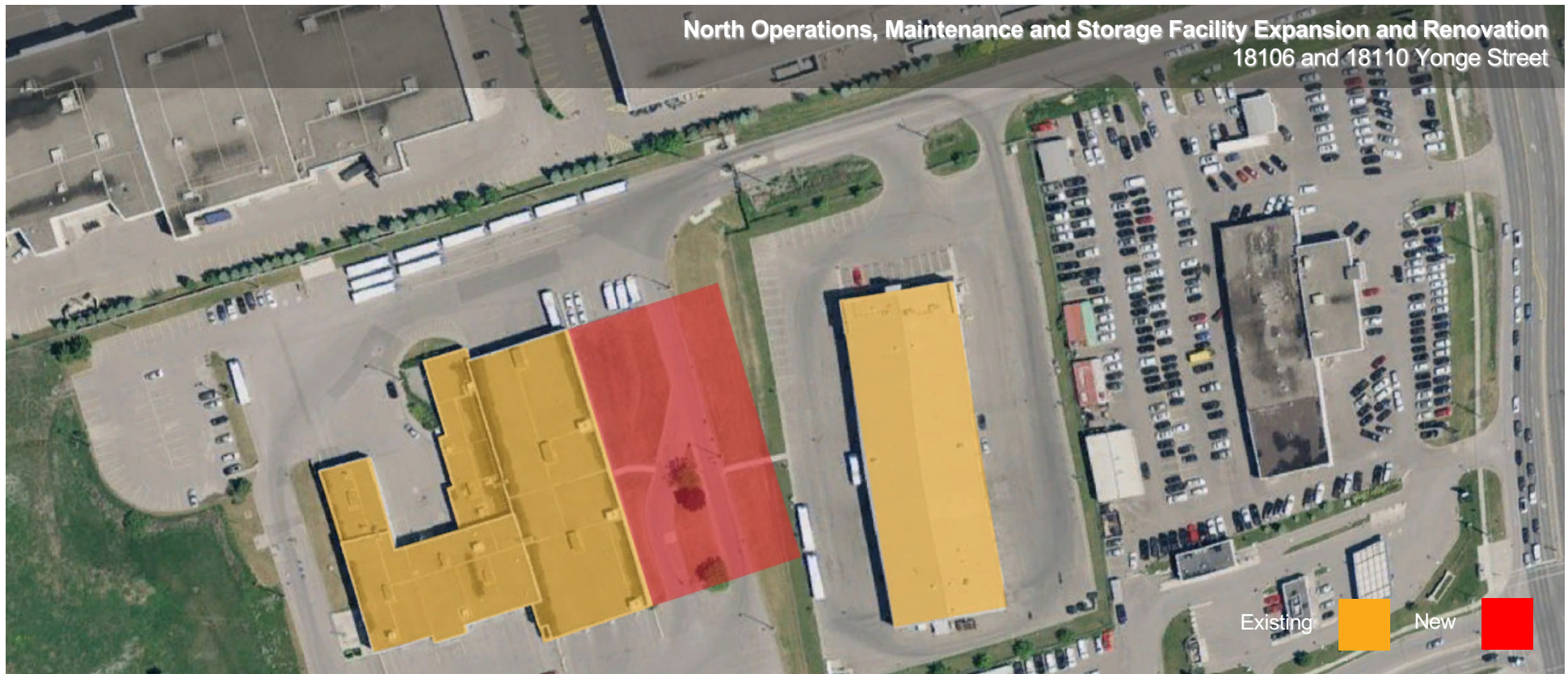


Delivering a road network that connects travellers to important destinations and supports, healthy, vibrant communities



# 2019 CAPITAL PROJECTS CONSTRUCTION AND ASSET MANAGEMENT

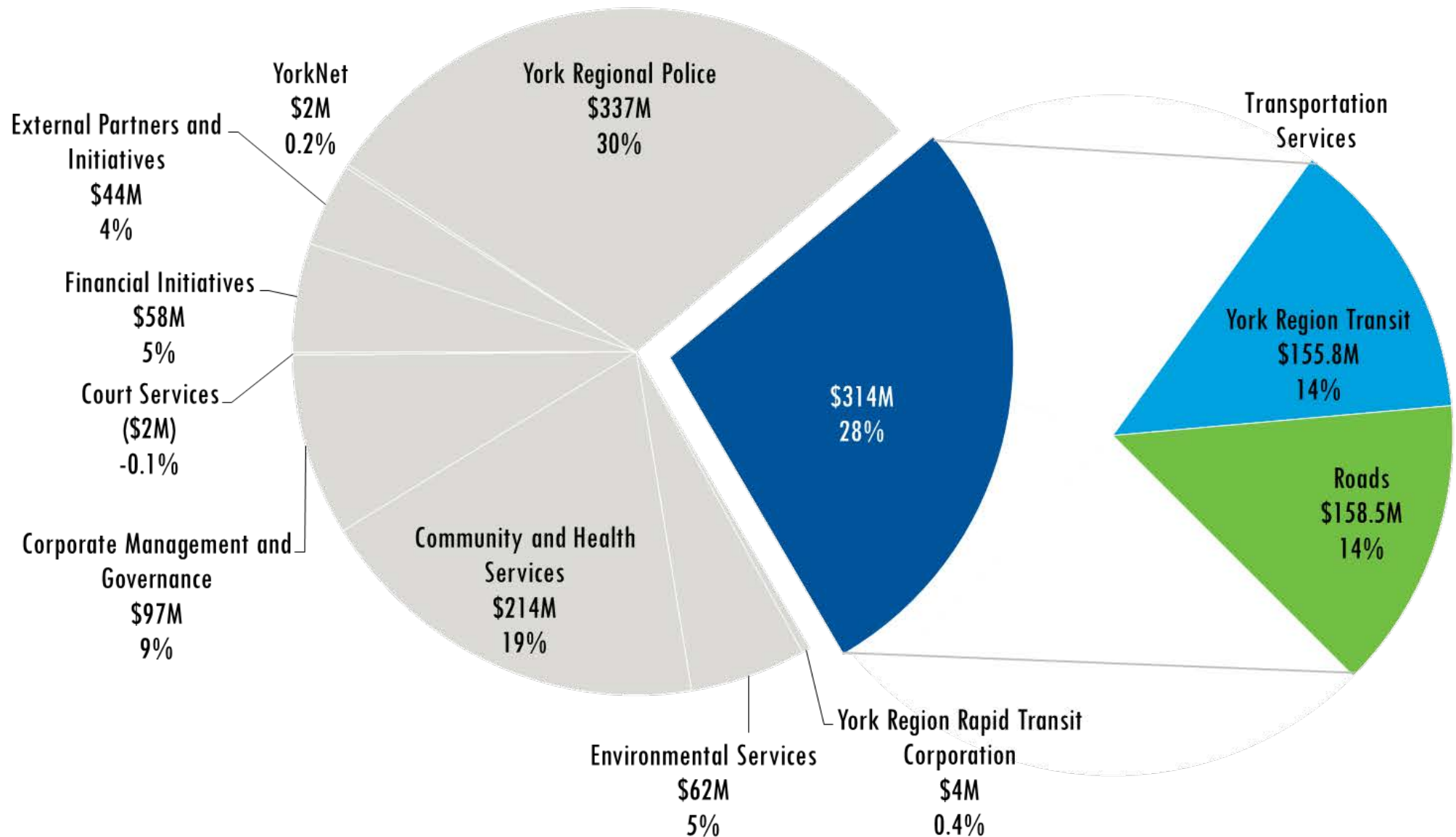
## TRANSIT



Transit facilities are built and maintained to enhance service for travellers and York Region residents

# 2019 TRANSPORTATION OPERATIONS

# 2019 DEPARTMENTAL SHARE OF NET TAX LEVY





# HIGH-QUALITY ROAD SERVICES FOR SAFE AND EFFICIENT TRAVEL



# YORK REGION TRANSIT

## 129

### BUS ROUTES

#### 39

#### SCHOOL SPECIALS



#### 10

#### GO SHUTTLES



#### 30

#### BASE



#### 6

#### EXPRESS



#### 28

#### LOCAL



#### 6

#### VIVA



#### 5

#### COMMUNITY BUS



#### 14

#### ON-DEMAND



#### MOBILITY PLUS



#### 5

#### TTC



## 677

### VEHICLES

# 540



# 137

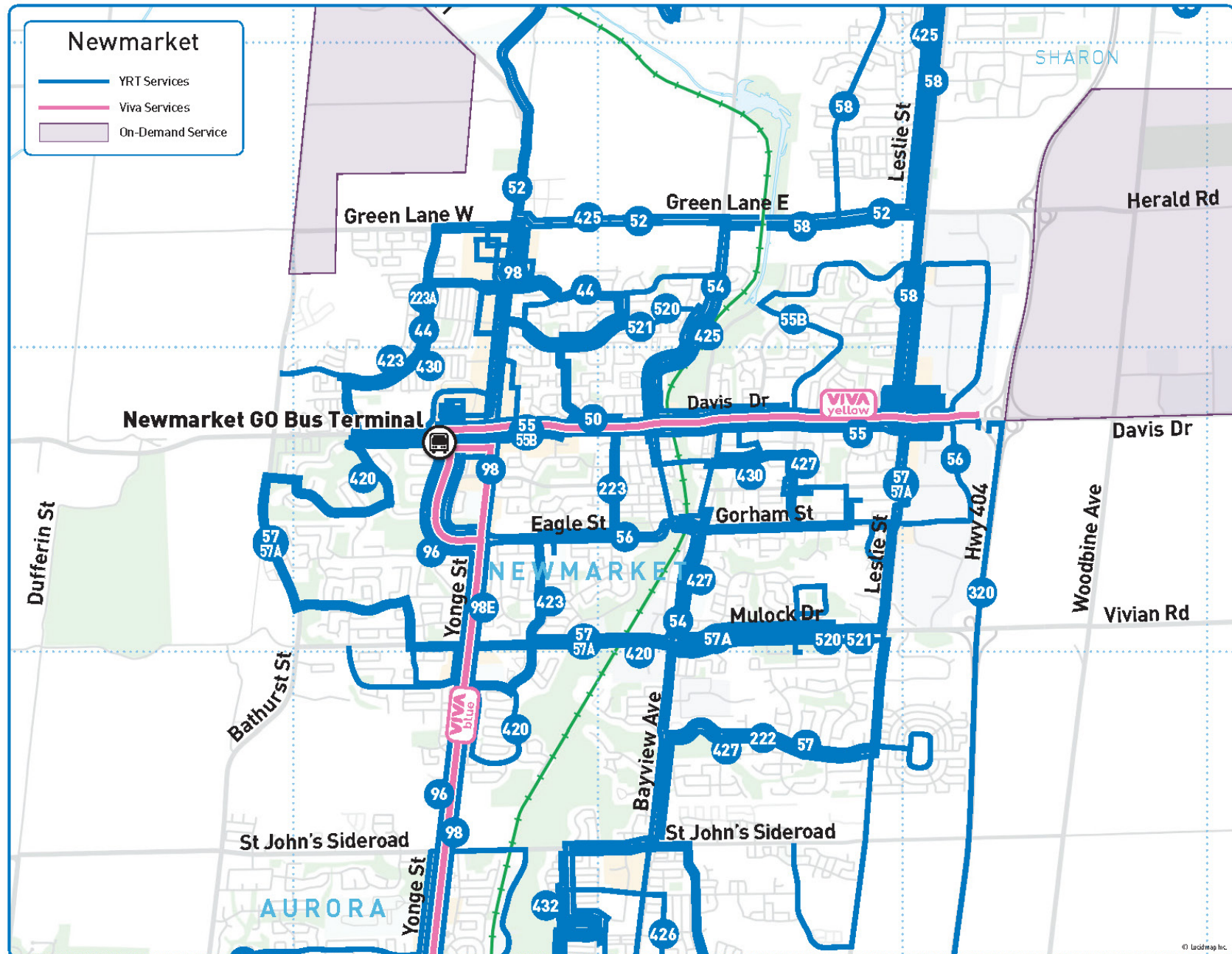


### TTC ROUTES OPERATING IN YORK REGION



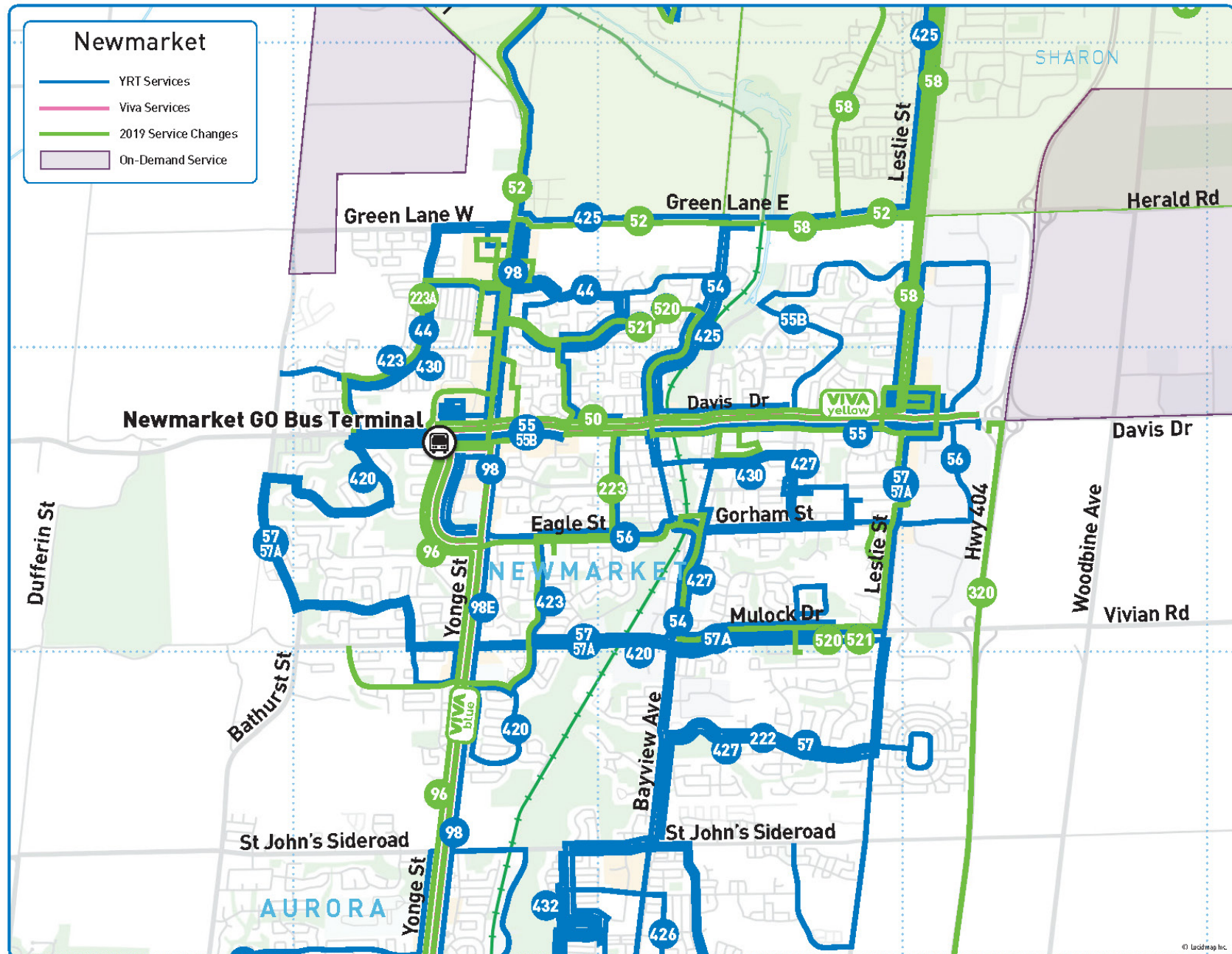


# ROUTES IN THE TOWN OF NEWMARKET





# 2019 SERVICE CHANGES IN THE TOWN OF NEWMARKET

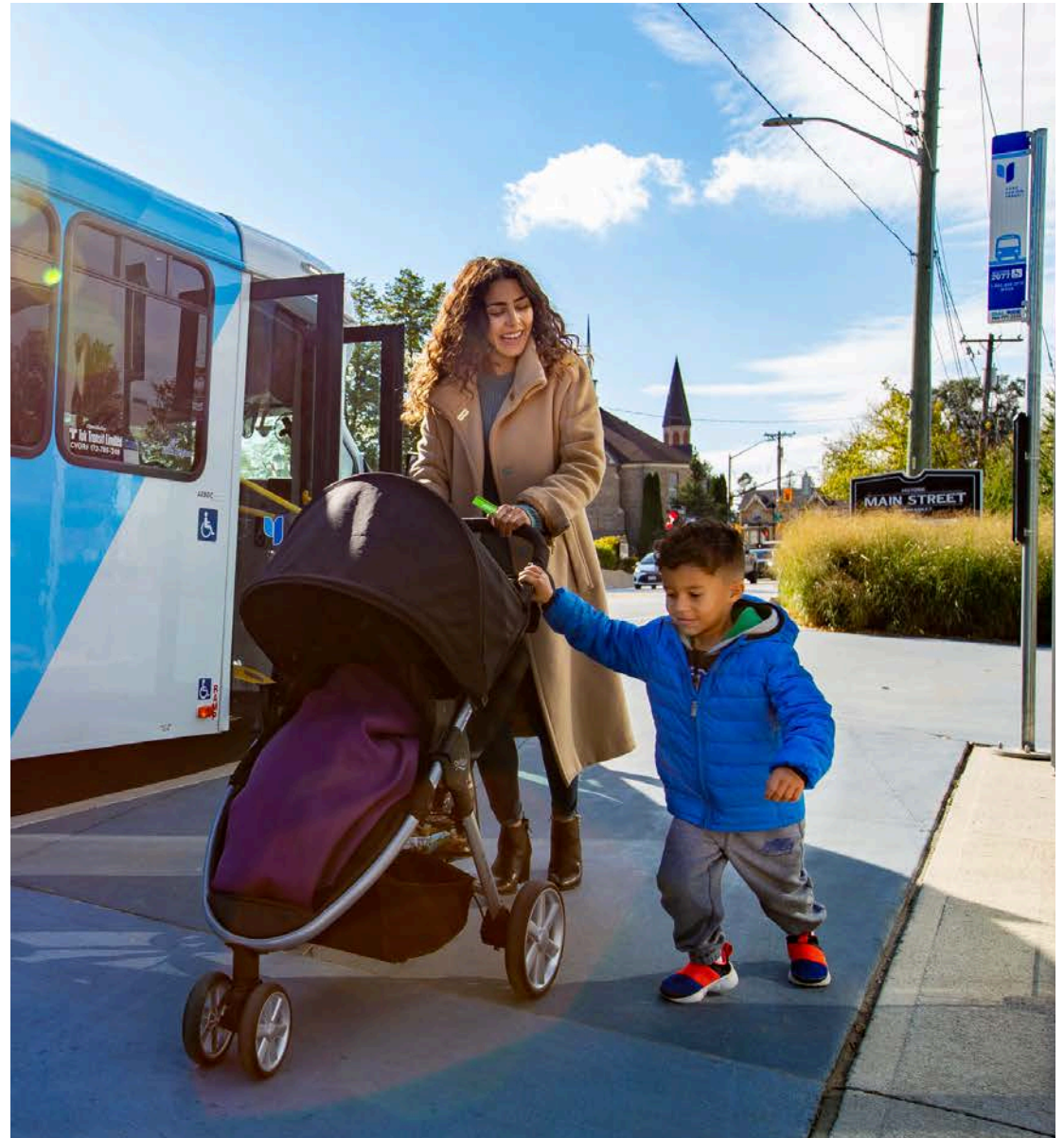


# INVESTING IN ELECTRIC BUSES TO DRIVE TO A GREENER FUTURE AND REDUCE COSTS





# CONNECTING TRAVELLERS IN THE TOWN OF NEWMARKET





# PARTNERSHIP PROGRAMS



## Municipal Streetscape Partnership Program (MSPP)

Annual Funds to Allocate: \$1.0M



## Pedestrian Cycling Municipal Partnership Program (PCMPP)

Annual Funds to Allocate: \$0.5M



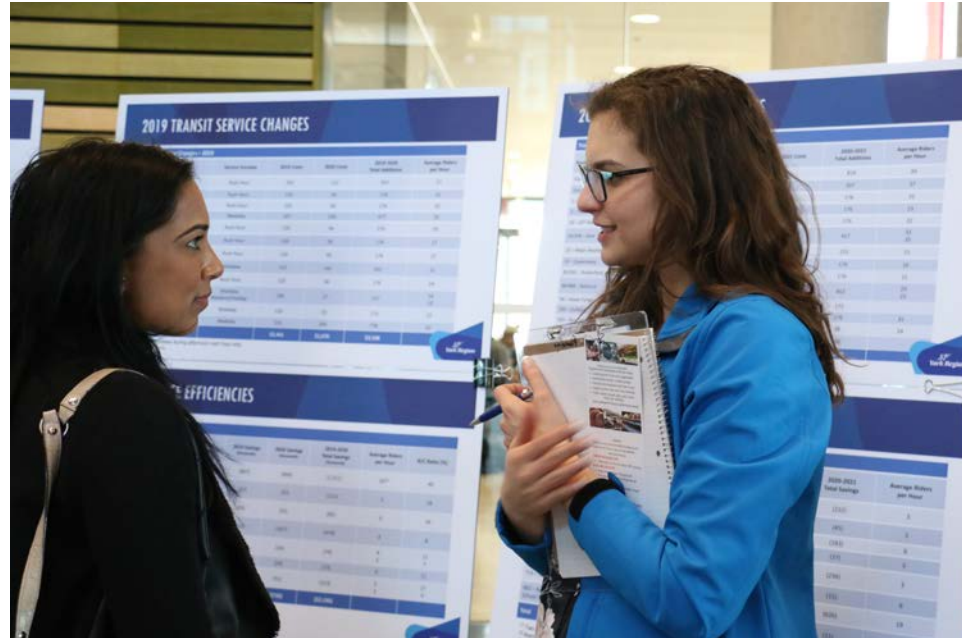
**Yonge Street and Davis Drive**  
Municipal Streetscape Partnership Program



**Fairy Lake West Side Multi-Use Path**  
Pedestrian Cycling Municipal Partnership Program



# COMMUNITY ENGAGEMENT WITH RESIDENTS





# CONTINUED FOCUS

- Improving, maintaining and operating our transportation network to serve the Town of Newmarket
- Balancing the needs of travellers while encouraging alternative modes of travel for a sustainable future
- Proactively engaging residents and stakeholders on their transportation network



[transportation@york.ca](mailto:transportation@york.ca)







## Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to [clerks@newmarket.ca](mailto:clerks@newmarket.ca), fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: Jon Aston	
Organization / Group/ Business represented: Common Ground – York Region	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: Monday, May 27, 2019
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <p>“Common Ground – York Region” is a pan-partisan group founded by Newmarket residents opposed to the Ford government's reckless cuts to public Healthcare, Education and Climate Action. Likewise, we are opposed more recent provincial government maneuvering to place municipalities in the position of making dangerous cuts to Public Health and Paramedic Service funding – or raising property taxes to cover the difference. We seek Council's aid in bringing a resolution forward to Regional Council on the matter.</p>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100





# Town of Newmarket

## Minutes

## Council

Date: Monday, May 6, 2019  
 Time: 7:00 PM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Deputy Mayor & Regional Councillor Vegh  
 Councillor Twinney  
 Councillor Kwapis  
 Councillor Broome  
 Councillor Bisanz  
 Councillor Morrison  
 Councillor Simon  
 Councillor Woodhouse

Staff Present: J. Sharma, Chief Administrative Officer  
 E. Armchuk, Commissioner of Corporate Services  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 L. Lyons, Director of Legislative Services/Town Clerk  
 J. Grossi, Legislative Coordinator

The meeting was called to order at 7:00 PM.  
 Mayor Taylor in the Chair.

### 1. Open Forum

No one in attendance came forward to address Council during Open Forum.

### 2. Public Notices (if required)

None.

### **3. Additions & Corrections to the Agenda**

The Clerk advised that Staff recommend that item 9.2.13 entitled “Site Specific Exemptions to Interim Control By-Law 2019-04” be deferred to the May 21, 2019 Committee of the Whole meeting.

### **4. Declarations of Pecuniary Interest**

None.

### **5. Presentations & Recognitions**

None.

### **6. Deputations**

#### **6.1 Relay for Life**

Leslie Yeates, Co-Chair, Relay for Life Newmarket event with the Canadian Cancer Society, Harper James, student at Pickering College, and Michelle Clayton-Woods provided a deputation to Council regarding the Newmarket Relay for Life event at Pickering College on June 21, 2019. They outlined 2018 event statistics and encouraged members of the community to participate in the event.

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That the deputation regarding Relay for Life be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

### **7. Approval of Minutes**

#### **7.1 Council Meeting Minutes of April 15, 2019**

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome



1. That the Council Meeting Minutes of April 15, 2019 be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

## **8. Reports by Regional Representatives**

(1) Deputy Mayor and Regional Councillor Vegh provided an update on the impact of the Provincial budget on York Region and Newmarket. He outlined public health, child care, affordable housing and homelessness impacts, totaling approximately a \$10M shortfall. Deputy Mayor and Regional Councillor Vegh also advised that library cuts are the only local impact at this time.

(2) Mayor Taylor advised that there was a report on the May 9, 2019 York Region Committee of the Whole meeting agenda relating to the Summary of 2019 Provincial and Federal Budgets.

(3) Mayor Taylor also advised that there was a report on the May 9, 2019 York Region Committee of the Whole meeting agenda relating to the 2020 Budget Direction.

(4) Mayor Taylor advised that there were two reports relating to the Governance Task Force on the May 9, 2019 York Region Committee of the Whole meeting agenda.

## **9. Reports of Committees and Staff**

### **9.1 Council Workshop Meeting Minutes of April 29, 2019**

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

1. That the Council Workshop meeting Minutes of April 29, 2019 be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

### **9.2 Committee of the Whole Meeting Minutes of April 29, 2019**

Moved by: Councillor Simon

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the Committee of the Whole Meeting Minutes of April 29, 2019 be received and the recommendations noted within be adopted with the exception of sub-items 9.2.13. See following sub-items 9.2.13 for motion and recorded vote.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

#### **9.2.1 Presentation - Economic Development Update**

1. That the presentation regarding the Economic Development Update be received.

#### **9.2.2 Presentation - 2018-2022 Council Strategic Priorities**

1. That the presentation regarding the 2018-2022 Council Strategic Priorities be received.

#### **9.2.3 Deputation - Interim Control By-law - 624 Srigley Street**

1. That the deputation by Kelley Scott and Jordan Driediger regarding the Interim Control By-law be received and referred to staff and/or to the Interim Control By-law exemption process.

#### **9.2.4 Deputation - Interim Control By-law - 316 Darlington Crescent**

1. That the deputation by Ian Hypolite regarding the Interim Control By-law be received and referred to staff and/or to the Interim Control By-law exemption process.

#### **9.2.5 Deputation - Interim Control By-law - 84 Howard Road**

1. That the deputation by Andrea Skinner regarding the Interim Control By-law be received and referred to staff and/or to the Interim Control By-law exemption process.

#### **9.2.6 Deputation - Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)**

1. That the deputation regarding the Potential Redevelopment of 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena) be received.

**9.2.7 Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)**

1. That the report entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)”, dated April 29, 2019 be deferred to the May 21, 2019 Committee of the Whole meeting; and,
2. That residents in the area be notified that the matter will be considered at the May 21, 2019 Committee of the Whole meeting; and,
3. That the Correspondence Regarding Hollingsworth Arena from Wendy Cassells be received; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution

**9.2.8 2018-2022 Council Strategic Priorities**

1. That the attached Vision, Strategic Pillars and Strategic Priorities contained within the Final Report from MDB Insight be adopted with the following amendments:
  - a. That point ii of Economic Leadership and Job Creation be amended to read "Increase downtown parking availability through additional spaces and by leveraging Smart City solutions and other innovative options"; and,
  - b. That point v of Vibrancy on Yonge, Davis and Mulock be amended to read "Consider development incentives to provide a range of housing and employment options that meet the needs of current and future residents, including the pursuit of CIP to incent corridor development"; and,
2. That Staff report back to Council with respect to a fulsome, ongoing communications plan and an overall performance measurement approach intended to track and present progress.

**9.2.9 Committee Structure Review**

1. That the report entitled Committee Structure Review dated April 29, 2019 be received; and,
2. That Council approve revised Terms of Reference for the following Committees:
  - a. Accessibility Advisory Committee
  - b. Appeal Committee
  - c. Audit Committee
  - d. Committee of Adjustment
  - e. Elman W. Campbell Museum Board
  - f. Heritage Newmarket Advisory Committee
  - g. Newmarket Economic Development Advisory Committee
  - h. Property Standards Committee; and,
3. That Council approve the revised Committee Administration Policy and Committee Public Appointment Policy; and,
4. That Council dissolve the Newmarket Downtown Development Committee and direct staff to prepare a staff-led process for the evaluation and approval of Community Improvement Plan grant applications; and,
5. That Council dissolve the Newmarket Environmental Advisory Committee and direct staff to continue community wide engagement on Environmental projects; and,
6. That Council adopt amendments to the Code Of Conduct for Members of Council, Local Boards and Adjudicative Boards to remove the Newmarket Environmental Advisory Committee and the Newmarket Downtown Development Committee; and,
7. That Staff report back to Council within sixty days with community engagement options and considerations related to youth, diversity and inclusivity, and the environment; and,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.



### **9.2.10 2020 Budget Process and Target**

1. That the report entitled 2020 Budget Process and Target, dated April 29, 2019, be received; and,
2. That the proposed budget schedule with a target budget adoption date of December 2, 2019 be approved; and,
3. That endorsement be given to staff to proceed with preparation of the 2020 budgets employing the structure and targets as set out in this report with a tax levy increase of less than 3%; and,
4. That the form and timing of budget submissions for all entities accountable to Council be subject to the process outlined in this report; and,
5. That the proposed community engagement plan for the budget be adopted; and,
6. That the Treasurer be authorized and directed to do all things necessary to give effect to these recommendations

### **9.2.11 Update on the Clock Tower Settlement**

1. That the report entitled Update on the Clock Tower Settlement dated April 29, 2019 be received for information.

### **9.2.12 2019 User Fees and Charges – Tree Maintenance Fee For New Trees on Town-Owned Land at Development Sites**

1. That the report entitled “2019 User Fees and Charges – Tree Maintenance Fee for New Trees on Town-Owned Land at Development Sites”, dated April 29, 2019, be received; and,
2. That Schedule “E”, of the Town of Newmarket 2019 User Fees for Engineering Services be amended, approved and adopted through by-law, to include a Tree Maintenance Fee of \$85 (plus HST) per tree, to be reviewed annually and adjusted accordingly; and,
3. That the Tree Maintenance Fee come into effect on May 1, 2019; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **9.2.13 Site Specific Exemptions to Interim Control By-Law 2019-04**

The Commissioner of Development and Infrastructure advised that Staff asked for this item to be deferred to allow for clarifications to be made with a subsequent report on the May 21, 2019 Committee of the Whole agenda.

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Simon

Seconded by: Councillor Bisanz

1. **That the report entitled Site Specific Exemptions to Interim Control By-Law 2019-04 be deferred to the May 21, 2019 Committee of the Whole meeting.**

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

#### **9.2.14 Site Specific Exemption to Interim Control By-law 2019-04 for 578 Lydia Street**

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 578 Lydia Street dated April 29, 2019 be received; and,
2. That 578 Lydia Street be removed from the Municipal Register of Non-Designated Heritage Properties and photo documentation of 578 Lydia Street be submitted to the Town; and,
3. That Council approve the requested site specific exemption to Interim Control by-law 2019-04 for 578 Lydia Street and that staff be directed to bring forward the necessary exemption by-law.

#### **9.2.15 Newmarket Downtown Development Committee Meeting Minutes of October 26, 2018**

1. That the Newmarket Downtown Development Committee Meeting Minutes of October 26, 2018 be received.

#### **9.2.16 Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2019**

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2019 be received.

#### **9.2.17 Outstanding Matters List**

1. That the list of outstanding matters be received.

#### **9.2.18 Correspondence Regarding Hollingsworth Arena**

1. That the Correspondence regarding Hollingsworth Arena from Wendy Cassells be received.

#### **9.2.19 New Business - Ontario Board of Directors for the Ontario Small Urban Caucus (OSUM)**

Whereas Councillor Bob Kwapis is a member of the Ontario Board of Directors for the Ontario Small Urban Municipalities (OSUM) for the 2018 to 2020 term; and,

Whereas the previous term of Council approved up to \$4,000 to cover the associated costs of serving on this Board for 2018;

Therefore be it resolved by the Municipal Council of the Corporation of the Town of Newmarket:

1. That an annual budget of \$4,000 be approved for the 2019 year and for the 2020 year to cover the associated costs of Councillor Kwapis serving on the OSUM Board of Directors.

#### **9.2.20 Public Planning - Official Plan Amendment - Regional Community Improvement Plans**

1. That the presentation regarding the Official Plan Amendment - Regional Community Improvement Plans be received.

#### **9.2.21 Public Planning - Official Plan Amendment and Zoning By-law Amendment - 1015-1029 Davis Drive**

1. That all presentations, deputations and correspondence relating to the Public Planning Session - Official Plan Amendment and Zoning By-law Amendment - 1015-1029 Davis Drive be received.

### **9.3 Committee of the Whole Meeting (Closed Session) Minutes of April 29, 2019**

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the Committee of the Whole Meeting (Closed Session) Minutes of April 29, 2019 be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

### **9.3.1 Hollingsworth Arena**

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That Closed Session Legal Services Report 2019-08 dated April 29, 2019 entitled Potential Disposition of Hollingsworth Arena Lands be deferred until the May 21, 2019 Committee of the Whole meeting.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

### **9.3.2 Stickwood-Walker Farmhouse RFP #2018-145 Update**

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That Closed Session Legal Services Report 2019-09, dated April 29, 2019 entitled Stickwood-Walker Farmhouse be received; and,
2. That the recommendations in Closed Session Legal Services Report 2019-09 dated April 29, 2019 be adopted.



In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

## **10. By-laws**

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That By-laws 2019-25, 2019-26, 2019-27 and 2019-28 be enacted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

## **11. Notices of Motions**

Councillor Bisanz provided notice of motion relating to Bill 108 More Homes, More Choices Act.

## **12. Motions**

None.

## **13. Announcements & Community Events**

(1) Councillor Bisanz congratulated St Nicholas Catholic Elementary School on their 25th Anniversary.

(2) Councillor Bisanz invited residents to a Developer-led Public Information Centre regarding the proposed Glenway West development application on Monday May 13, 2019 from 6:00 PM to 8:00 PM at the Ray Twinney Recreation Complex.

(3) Councillor Woodhouse advised that Wednesday March 8, 2019 is McHappy Day and invited residents to attend any McDonalds to support Ronald McDonald House Charities.

(4) Councillor Kwapis advised that the Newmarket Farmers' Market began on Saturday May 4, 2019 and would continue every Saturday morning from 8:00 AM to 1:00 PM until the end of October.

(5) Councillor Kwapis thanked residents for participating in the 2019 Community Clean Up event.

(6) Councillor Kwapis invited residents to the Open House and Construction Notice hosted by York Region, regarding the Forcemain Twinning Project, on Wednesday May 15, 2019 and Tuesday May 21, 2019 from 4:00 PM to 8:00 PM at the Community Centre Hall 2.

(7) Councillor Morrison invited residents to the first Ward 4 Community Meeting on Wednesday May 8, 2019 from 7:00 PM to 9:00 PM at the Community Centre.

(8) Councillor Morrison invited residents to the Annual Smart Commute Bike to Work Day from 7:30 AM to 9:00 AM at Riverwalk Commons.

(9) Councillor Broome invited residents to the Fun Fair at Terry Fox Public School on Wednesday June 12, 2019 from 4:30 PM to 8:30 PM.

(10) Councillor Broome invited residents to the 12th Annual Moms On The Run BBQ in support of Relay for Life on Saturday June 22, 2019 from 11:00 AM to 3:00 PM on Jordan Ray Boulevard.

(11) Councillor Twinney invited residents to a Public Meeting regarding Established Neighbourhood Studies on Thursday May 16, 2019 at 7:00 PM at the Ray Twinney Recreation Complex in Lounge 2.

(12) Councillor Twinney invited residents to a Public Meeting regarding the Pony Drive Infrastructure on Tuesday May 28, 2019 at 6:30 PM in Cane A/B at the Town Offices (395 Mulock Drive).

(13) Councillor Simon invited ward 1 residents to the Waste Disposal and Recycling Event on Saturday May 25, 2019 from 8:00 AM to 12:00 PM.

(14) Mayor Taylor advised that the Newmarket African Caribbean Canadian Association is hosting their first Scholarship Gala on Saturday May 11, 2019 at the Community Centre at 6:30 PM.

(15) Mayor Taylor advised that he would be appearing on 105.9 The Region radio show regarding the Regional Review on Friday May 10, 2019 at 8:30 AM.

## **14. New Business**

### **14.1 Harvey Williams**

Councillor Broome advised that Harvey Williams passed away on Tuesday April 30, 2019. He was a local advocate for the safety of children and worked as a crossing guard at the intersection of Clearmeadow Boulevard and Rushbrook Drive since Clearmeadow Public School opened.

#### **14.2 York Regional Police District Community Liaison Committee (DCLC)**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That Councillor Simon be appointed to the York Regional Police District Community Liaison Committee (DCLC) as a Council representative for the years of 2019 and 2020, and that Councillor Broome be appointed for the years of 2021 and 2022.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz, Councillor Morrison, Councillor Simon, and Councillor Woodhouse

**Carried (9 to 0)**

#### **15. Closed Session**

Mayor Taylor advised that there was no requirement for a Closed Session.

#### **16. Confirmatory By-law**

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That By-law 2019-29 be enacted.

**Carried**

#### **17. Adjournment**

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the meeting be adjourned at 7:50 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk





# Town of Newmarket

## Minutes

### Special Committee of the Whole

Date: Monday, May 6, 2019  
 Time: 9:00 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Deputy Mayor & Regional Councillor Vegh  
 Councillor Simon  
 Councillor Woodhouse  
 Councillor Twinney  
 Councillor Morrison  
 Councillor Kwapis  
 Councillor Broome

Members Absent: Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
 E. Armchuk, Commissioner of Corporate Services  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 L. Lyons, Director of Legislative Services/Town Clerk  
 M. Mayes, Director of Financial Services/Town Treasurer  
 R. Nethery, Director of Planning & Building Services  
 K. Reynar, Director of Legal and Procurement Services  
 A. Mollicone, Senior Solicitor  
 P. Voorn, Associate Solicitor  
 A. Walkom, Legislative Coordinator

For consideration by Council on May 27, 2019.

The meeting was called to order at 9:01 AM.

Mayor Taylor in the Chair.

**1. Additions & Corrections to the Agenda**

None.

**2. Declarations of Pecuniary Interest**

None.

**3. Presentations**

**3.1 Council Orientation re: Town Property Portfolio**

The Director of Legal and Procurement Services provided an introduction to the presentation as well as an overview of the topics to be discussed.

The Senior Solicitor and Associate Solicitor provided a presentation which outlined Council's role in the acquisition and disposition of property and ongoing projects such as the Easement Mapping Project.

**4. Deputations**

None.

**5. Closed Session**

**5.1 Council Orientation re: Town Property Portfolio**

**5.2 Properties in Ward 5 and Ward 2**

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the Special Committee of the Whole resolve into Closed Session to discuss the following matters:
  - a. Council Orientation re: Town Property Portfolio - Educational or training session per Section 239 (3.1) of the Municipal Act, 2001.
  - b. Properties in Ward 5 and Ward 2 - A proposed or pending acquisition or disposition of land by the municipality or local board, as per Section 239 (2) (c) of the Municipal Act, 2001.

**Carried**

The Special Committee of the Whole resolved into Closed Session at 9:39 AM.

The Special Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Special Committee of the Whole resumed into Open Session at 12:01 PM.

**6. Adjournment**

Moved by: Councillor Morrison

Seconded by: Councillor Simon

1. That the meeting be adjourned at 12:01 PM

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk







# Town of Newmarket

## Minutes

### Special Committee of the Whole

Date: Tuesday, May 14, 2019  
 Time: 10:00 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Deputy Mayor & Regional Councillor Vegh (10:02 AM - 1:42 AM)  
 Councillor Simon  
 Councillor Woodhouse (10:15 AM - 12:44 PM)  
 Councillor Twinney  
 Councillor Morrison  
 Councillor Kwapis  
 Councillor Broome (10:04 AM - 2:07 PM)  
 Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
 E. Armchuk, Commissioner of Corporate Services  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 L. Lyons, Director of Legislative Services/Town Clerk  
 K. Saini, Deputy Town Clerk  
 A. Walkom, Legislative Coordinator  
 S. Niezen, Records & Project Coordinator  
 P. Zambito, Communications Coordinator  
 F. Atin, Graphic Design Assistant  
 E. McLaughlin, Graphic Designer  
 J. Grossi, Legislative Coordinator

For consideration by Council on May 27, 2019.  
 The meeting was called to order at 10:02 AM.

The Special Committee of the Whole recessed at 12:44 PM and reconvened at 1:24 PM.

Mayor Taylor in the Chair.

# **1. Additions & Corrections to the Agenda**

The Clerk advised that a corrected version of item 3.1 "Post 2018 Newmarket Municipal Election Review Presentation" was distributed.

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Kwapis

1. That the correction to the agenda be approved.

**Carried**

# **2. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

# **3. Presentations**

## **3.1 (10:00 AM) Post 2018 Newmarket Municipal Election Review Presentation**

The Director of Legislative Services/Town Clerk introduced the presentation to Council regarding the Post 2018 Newmarket Municipal Election Review. She introduced the core 2018 election team and outlined the election model.

The Graphic Designer and the Graphic Design Assistant outlined the brand development regarding accessibility, marketing and the communication phases.

The Communications Coordinator outlined the communications tools and tactics regarding the microsite, social presence, and outreach events.

The Deputy Town Clerk presented the award winning videos from the 2018 elections campaign. She also outlined the risk mitigation strategies regarding online voting security, the voters' list and voter confusion.

The Director of Legislative Services/Town Clerk outlined the election successes regarding enumeration, voter turn out and voting behaviour. She also presented improvement areas and future considerations.

### **3.2 Town of Newmarket 2018 Municipal Election Survey Results**

Dr. Nicole Goodman, Director at the Centre for eDemocracy and Assistant Professor at Brock University was in attendance to provide a presentation regarding the Town of Newmarket 2018 Municipal Election Survey Results. Dr. Goodman outlined the online voting trends in Ontario and a summary of the exit survey results of online voters in the Town of Newmarket during the 2018 municipal election. She outlined survey completion by other municipalities compared to the Town of Newmarket regarding voter satisfaction and rationale, vote information and public attitudes and participation.

Members of Council queried Dr. Goodman regarding voter demographics, voting trends and voter fraud. Members of Council queried Staff regarding risk mitigation, the voters list and voter disenfranchisement.

### **3.3 (+/- 1:00 PM) Ranked Ballot Election Presentation**

The Director of Legislative Services/Town Clerk provided a presentation regarding Ranked Ballot Elections outlining ranked ballot styles, the City of London's experience in the 2018 municipal election, and considerations for the Town of Newmarket including public consultation requirements. She also provided preliminary timelines and next steps for the 2022 Municipal Election.

Members of Council queried Staff regarding benefits of Ranked Ballot Elections, potential costs, and referendum questions.

## **4. Deputations**

None.

## **5. Items**

### **5.1 Ranked Ballot Election**

An alternate motion was presented and it noted in bold below.

Moved by: Councillor Bisanz

Seconded by: Councillor Twinney

1. That the report entitled Ranked Ballot Election dated May 14, 2019 be received; and,
2. **That Council direct Staff not to proceed with public engagement and consultation on a Ranked Ballot Election for the 2022 Municipal Election;**
3. **That Staff report back to Council with respect to referendum questions for the 2022 Municipal Election; and,**
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **6. Adjournment**

Moved by: Councillor Bisanz

Seconded by: Councillor Simon

1. That the meeting be adjourned at 2:07 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk





# Town of Newmarket

## Minutes

### Committee of the Whole

Date: Tuesday, May 21, 2019  
 Time: 10:00 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
 Deputy Mayor & Regional Councillor Vegh  
 Councillor Simon  
 Councillor Woodhouse  
 Councillor Twinney  
 Councillor Morrison  
 Councillor Kwapis  
 Councillor Broome  
 Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
 P. Noehammer, Commissioner of Development & Infrastructure Services  
 I. McDougall, Commissioner of Community Services  
 M. Mayes, Acting Commissioner of Corporate Services  
 L. Lyons, Director of Legislative Services/Town Clerk  
 K. Saini, Deputy Town Clerk  
 J. Unger, Acting Director of Planning & Building Services  
 R. Prudhomme, Director of Engineering Services  
 A. Cammaert, Senior Planner, Policy  
 A. Walkom, Legislative Coordinator

For consideration by Council on May 27, 2019.

The meeting was called to order at 10:02 AM.

The Committee of the Whole recessed at 12:11 PM and reconvened at 12:42 PM.

Mayor Taylor in the Chair.

## 1. **Additions & Corrections to the Agenda**

The Clerk advised of the following additions to the agenda:

- Item 3.1: Presentation - Regulations for Smoking By-law
- Item 3.2: Presentation - Development Charges
- Item 4.1: Deputation by Nagwa Mounir - Regulations for Smoking By-law
- Item 4.2: Deputation by Jim Arlow - Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent
- Item 4.3: Deputation by Joanna Fast - 2019 Annual Servicing Allocation Review
- Item 4.4: Deputation by Nick Pileggi - 2019 Annual Servicing Allocation Review
- Item 4.5 Paul Bailey - 2019 Annual Servicing Allocation Review
- Item 5.4: Updated Exemption Process for Interim Control Bylaw 2019-04
- Item 5.10: Property Tax Rates and By-law for 2019

The Clerk advised of the following correction to the agenda:

- Item 5.5: By-Law to Regulate Backflow Prevention

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the additions and corrections to the agenda be approved.

**Carried**

## 2. **Declarations of Pecuniary Interest**

None.

## 3. **Presentations & Recognitions**

### 3.1 **Regulations for Smoking By-law**

**Note:** This item was dealt with under sub-item 5.1. Please see sub-item 5.1 for motion.

The Deputy Clerk provided a presentation on the proposed regulations for a smoking by-law which included the results of a survey of Newmarket residents by phone as well as an online survey. The presentation also included an overview of the draft smoking by-law.

### **3.2 Development Charges - Statutory Public Meeting**

Nataliya Kelbas, Hemson Consulting Ltd. provided a presentation regarding the Development Charges study. The presentation included an overview of the study process, the possible effects of Bill 108, and the calculated development charge rates.

Mayor Taylor invited anyone in attendance to speak on the matter.

No one in attendance came forward to speak on the matter.

Moved by: Councillor Simon

Seconded by: Councillor Twinney

1. That the presentation by Nataliya Kelbas regarding Development Charges be received.

**Carried**

## **4. Deputations**

### **4.1 Regulations for Smoking By-law**

Nagwa Mounir provided a deputation which outlined her concerns related to the health effects of public smoking.

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Woodhouse

1. That the deputation by Nagwa Mounir regarding Regulations for Smoking By-law be received.

**Carried**

#### **4.2 Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent**

Jim Arlow provided a deputation regarding the Zoning By-law Amendment application for 247 and 251 Kathryn Crescent and advised of residents' concerns with the application.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the deputation by Jim Arlow regarding Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent be received.

**Carried**

#### **4.3 2019 Annual Servicing Allocation Review**

Joanna Fast, Evans Planning Inc. provided a brief update for the project at 281 Main Street North and expressed appreciation for the inclusion of the project in the staff report recommendations for servicing allocation.

Moved by: Councillor Woodhouse

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the deputation by Joanna Fast regarding 2019 Annual Servicing Allocation Review be received.

**Carried**

#### **4.4 2019 Annual Servicing Allocation Review**

Nick Pileggi provided a deputation on behalf of Azure Homes regarding 172-178 Old Main Street. He requested that Council grant servicing allocation for 12 semi-detached units.

Moved by: Councillor Morrison



Seconded by: Councillor Simon

1. That the deputation by Nick Pileggi regarding 2019 Annual Servicing Allocation Review be received.

**Carried**

#### **4.5 2019 Annual Servicing Allocation Review**

Paul Bailey provided a deputation regarding the townhouse project by Shining Hill Estates and requested that Council allow the borrowing of servicing allocation for the project. Edward Graham, President, Civica Infrastructure provided Council with an overview of the process to identify and repair inflow and infiltration in the sewage infrastructure, which results in a gain in servicing allocation.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the deputation by Paul Bailey regarding 2019 Annual Servicing Allocation Review be received.

**Carried**

### **5. Consent Items**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That sub-items 5.3, 5.5, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14 and 5.15 be adopted on consent. See following sub-items 5.1, 5.2, 5.4, 5.6, 5.7, and 5.8 for motions.

**Carried**

#### **5.1 Regulations for Smoking By-law**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Twinney

Seconded by: Councillor Woodhouse

1. **That the presentation entitled Regulations for Smoking By-law be received; and,**
2. That the report entitled Regulations for Smoking By-law dated May 21, 2019 be received; and,
3. That Smoking By-law be enacted; and,
4. That Delegation By-law 2016-17 be amended; and,
5. That Parks By-law 2013-14 be amended; and,
6. **That permanent Designated Smoking Areas only for tobacco consumption be established at Town facilities, if required; and,**
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **5.2 Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That the report entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)”, dated April 29, 2019 be received;
2. **That Council endorse in principle the notion of redeveloping the properties municipally known as 693 Davis Drive, 713 Davis Drive and a portion of 35 Patterson Street, in a manner generally consistent with the conceptual drawings entitled “Scenario 1 – Site Plan” and “Scenario 1 – Aerial View”, attached to this Report, prepared by the Briarwood Development Group, dated December 7, 2018; and,**

3. That a public session be held for the purposes of obtaining public input into the potential future uses within the community park; and,
4. That Staff be directed to prepare options for the development of the community park and how they would be financed, which will include some or all of net proceeds from any future sale of a portion of the Hollingsworth Arena property; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

### **5.3 Site Specific Exemptions to Interim Control By-Law 2019-04**

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 dated April 29, 2019 be received.

### **5.4 Updated Exemption Process for Interim Control Bylaw 2019-04**

Moved by: Councillor Twinney

Seconded by: Councillor Simon

1. That the report entitled Updated Exemption Process for Interim Control By-law 2019-04 dated May 21, 2019 be received; and,
2. That Council approve the updated process for exemption from Interim Control By-law 2019-04, as outlined in this report.

**Carried**

### **5.5 By-Law to Regulate Backflow Prevention**

1. That the report entitled By-Law to Regulate Backflow Prevention dated March 13, 2019 be received; and,
2. That Council adopt a New Backflow Prevention Bylaw to regulate the installation and testing of backflow preventers, as described in this report and set out in Attachment 1; and,

3. That a copy of The Town of Newmarket's Backflow Prevention Bylaw be placed on the Town of Newmarket Website; and,
4. That new administration fees for surveys and testing of Backflow Preventers be added to the 2019 Fees and Charges as set out in Attachment 2, and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **5.6 Application for Zoning By-Law Amendment - 247 and 251 Kathryn Crescent**

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the report entitled Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent dated May 21, 2019 be received; and,
2. That application for Zoning By-Law amendment, as submitted by Kariminejad Nobari, for lands on the north side of Kathryn Crescent, be referred to a statutory public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Reza Hayati, Sunrise Constrade Corp., 7368 Yonge Street, Unit 210, Thornhill, L4J 8H9 be notified of this action.

**Carried**

#### **5.7 2019 Annual Servicing Allocation Review**

An alternate motion was presented and is noted below in bold.

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Kwapis



1. That the report entitled 2019 Annual Servicing Allocation Review dated May 21, 2019 be received; and,
2. That Council rescind servicing allocation from the following developments:
  - a. 345-351 Davis Drive; and,
3. That Council reinstate servicing allocation to the following developments:
  - a. The Davis (175 Deerfield Rd);
  - b. Redwood Properties Phase 1 (17645 Yonge St);
  - c. Sundial Phase 2 (Davis Drive W);
  - d. Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd);
  - e. Maple Lane Homes (680 Gorham St); and,
4. That Council grant servicing allocation to the following developments:
  - a. Goldstein (16333 Leslie St);
  - b. Marianneville / Kerbel Phase 2 (I & I Program);
  - c. 281 Main St N;
  - d. **Azure Homes;**
  - e. **Shining Hills; and,**
5. **That Staff work with the owner of the Shining Hill development to establish a servicing allocation repayment timeframe and conditions associated with the granting of this allocation including but not limited to any required amendments to the inflow and infiltration agreement; and,**
6. **That the Town's resulting remaining servicing capacity (the Town Reserve) of 2788 persons of allocation (of which 20 persons of allocation is to be held in a Severance Reserve) be maintained; and,**
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

### **5.8 Regulatory Review for 2018-2022 Term of Council**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Simon

Seconded by: Councillor Kwapis

1. That the report entitled Regulatory Review for 2018-2022 Term of Council dated May 21, 2019 be received; and,
2. That Council repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151; and,
3. That Staff be directed to implement the timelines for the review or development of by-laws and frameworks as set out within this report; and,
4. **That the matter of Short Term Accommodations and Rentals be scheduled to be presented to Council for consideration in Q1 2020; and,**
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

### **5.9 Council Appointments to the Newmarket Historical Society Board**

1. That the report entitled Council Appointments to the Newmarket Historical Society Board dated May 21, 2019 be received; and,
2. That Council make no further appointment to the Newmarket Historical Society Board until the review of the Board structure is complete; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

### **5.10 Property Tax Rates and By-law for 2019**

1. That the report entitled Property Tax Rates and By-law for 2019 dated May 22, 2019 be received; and,
2. That the property tax rates for 2019, as applied to the assessment roll returned in 2018 for 2019 taxation, be set for Town purposes as follows:
  - a. Residential 0.322917%;
  - b. Multi-Residential 0.322917%;
  - c. Commercial 0.413140%;
  - d. Industrial 0.507109%;
  - e. Pipeline 0.296761%;
  - f. Farm 0.080729%; and,
3. That the applicable Tax Rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

**5.11 Resolution from Brantford City Council regarding Single Use-Plastic Straws**

Moved by: Councillor Simon

Seconded by: Councillor Morrison

1. That the Resolution from Brantford City Council regarding Single-Use Plastic Straws be received for information.

**Carried**

**5.12 Accessibility Advisory Committee Meeting Minutes of June 21, 2018**

1. That the Accessibility Advisory Committee Meeting Minutes of June 21, 2018 be received.

**5.13 Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018 and April 16, 2019**

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 3, 2018 and April 16, 2019 be received.

**5.14 Newmarket Public Library Board Meeting Minutes of January 16, 2019 and March 20, 2019**

1. That the Newmarket Public Library Board Meeting Minutes of January 17, 2019 and March 20, 2019 be received.

**5.15 Outstanding Matters List**

1. That the list of outstanding matters be received.

**6. Action Items**

None.

**7. Reports by Regional Representatives**

None.

**8. Notices of Motions**

**8.1 Single-Use Plastics**

Councillor Simon provided notice for a motion regarding Single-Use Plastics.

**9. Motions**

**9.1 Bill 108 Ontario Municipal Board Changes (Councillor Bisanz)**

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

Whereas the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and,

Whereas All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and,



Whereas Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and,

Whereas On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into "...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government."; and,

Whereas This MOU is "enshrined in law as part of the Municipal Act". And recognizes that as "...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest"; and,

Whereas By signing this agreement, the Province made "...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact"; and,

Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved:

1. That the Town of Newmarket oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and,
2. That the Town of Newmarket call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and,
3. That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier and MPP Newmarket-Aurora, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and,

4. That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

**Carried**

## **10. New Business**

### **10.1 Newspaper Delivery**

Councillor Broome advised she had received complaints from residents in her Ward regarding unwanted newspaper delivery and requested that staff investigate ways to deal with the issue.

### **10.2 Main Street District Business Improvement Area Board Update**

Councillor Kwapis advised that the Main Street District Business Improvement Area Board had made two recommendations at its recent meeting regarding downtown parking and garbage collection.

### **10.3 Sacred Heart High School Parking**

Councillor Woodhouse advised of concerns with parking related to Sacred Heart High School and requested that staff investigate the issues.

## **11. Closed Session**

### **11.1 Hollingsworth Arena**

Moved by: Councillor Woodhouse

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
  - a. Hollingsworth Arena - A proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239(2)(c) of the Municipal Act, 2001.

**Carried**

The Committee of the Whole resolved into Closed Session at 1:14 PM.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Open Session at 2:08 PM.

**12. Public Hearing Matter**

None.

**13. Adjournment**

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

1. That the meeting be adjourned at 3:24 PM

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk





# Regulations for Smoking By-law

**Committee of the Whole**

**May 21, 2019**

Presented by:

Kiran Saini, Deputy Town Clerk



# Presentation Outline

- Background
- Community Consultation & Survey Results
- York Region Working Group
- Draft Smoking By-law
- Municipal Comparators
- Conclusion & Discussion

# Background

- Smoke-Free Ontario Act governs smoking & vaping of tobacco & cannabis across the province.
- March 18, 2019 – Committee directed staff to undertake community consultation & report back with draft regulations for the Town.

# Community Consultation

- Telephone & online survey conducted over month of April.
- MDB Insight conducted telephone survey.
- Staff conducted online survey.
  - Launched at April 3 Community Open House
  - One of the top posts on Twitter



Newmarket

## SMOKING BY-LAW SURVEY

Where should the Town prohibit or allow smoking/vaping tobacco and cannabis?

<p>Public green spaces</p> 	<p>Public Trails</p> 
<p>Backyards of private residences</p> 	<p>Designated smoking areas on private property</p> 



**GET INVOLVED** Complete our survey today!



**Town of Newmarket** ✓

@TownofNewmarket

**#DYK:** The province allows **#cannabis** and **#tobacco** to be smoked in the same places, except for in vehicles? Should **#Newmarket** regulate cannabis and tobacco the same way 🚫? Have your say at our Community Open House on Wednesday, April 3, drop by 4-8 p.m.! **#NewmarketOpenHouse**



### Top - Smoking By-law Survey

- Impressions: 2,430
- Relevant and hot topic for residents
- Website Card was used to optimize Link Clicks
- Received 15 Link Clicks compared to an avg. of 8.8.

# Online & Telephone Survey

- Respondents were asked if they were over 19 years old & lived in Newmarket.
- 352 telephone responses & 1157 online responses.





# Survey Questions

- Draft questions were presented on March 25, 2019 Council agenda in a memorandum.
- Respondents were asked to answer each question treating tobacco & cannabis (smoked & vaped) separately.
- Respondents were asked whether they smoke or vape tobacco &/or cannabis products, & if so, how frequently they smoke or vape.

# Survey Questions<sup>89</sup>

1. Below is a list of locations where the smoking or vaping of tobacco & cannabis products is currently permitted according to provincial laws & we want to know if you think it should be allowed or prohibited.
  - Public green spaces
  - Public trails
  - Backyards of private residences
  - Designated smoking areas on private property
2. Smoking tobacco or cannabis is not permitted on or within 20 metres from a recreation facility such as the Tim Hortons Skating & Water Feature at Riverwalk Commons. However, public gathering areas beyond the 20 metre limit do not have any such restriction.

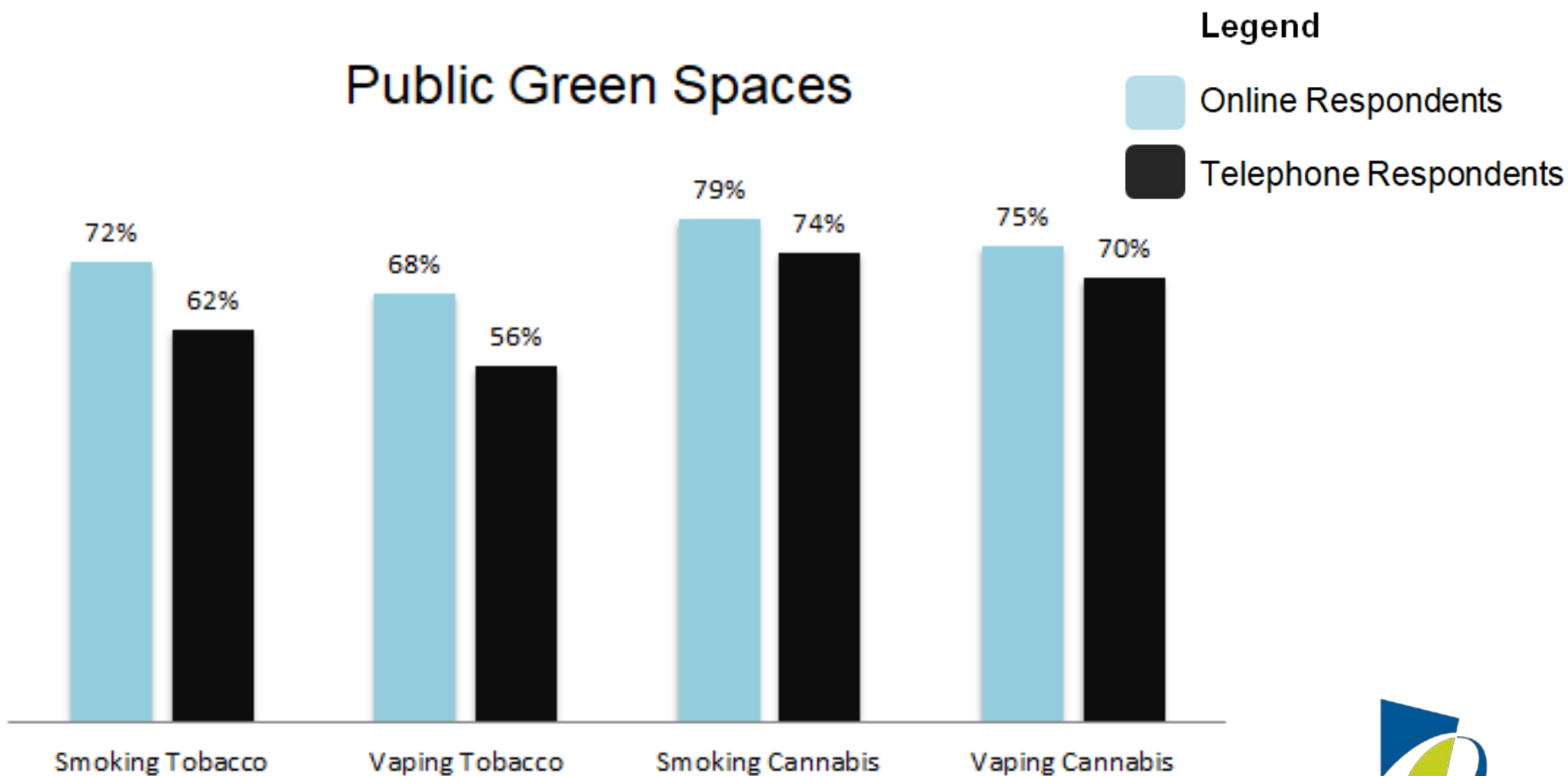
Should smoking or vaping of tobacco or cannabis products be allowed or prohibited in the public areas beyond the 20 metre limit?
3. Shisha smoking (also called hookah), is a way of smoking tobacco, sometimes mixed with fruit or molasses sugar, through a bowl & hose or tube.

Do you think Shisha smoking in a private business catering to Shisha smoking should be allowed or prohibited in the Town of Newmarket?

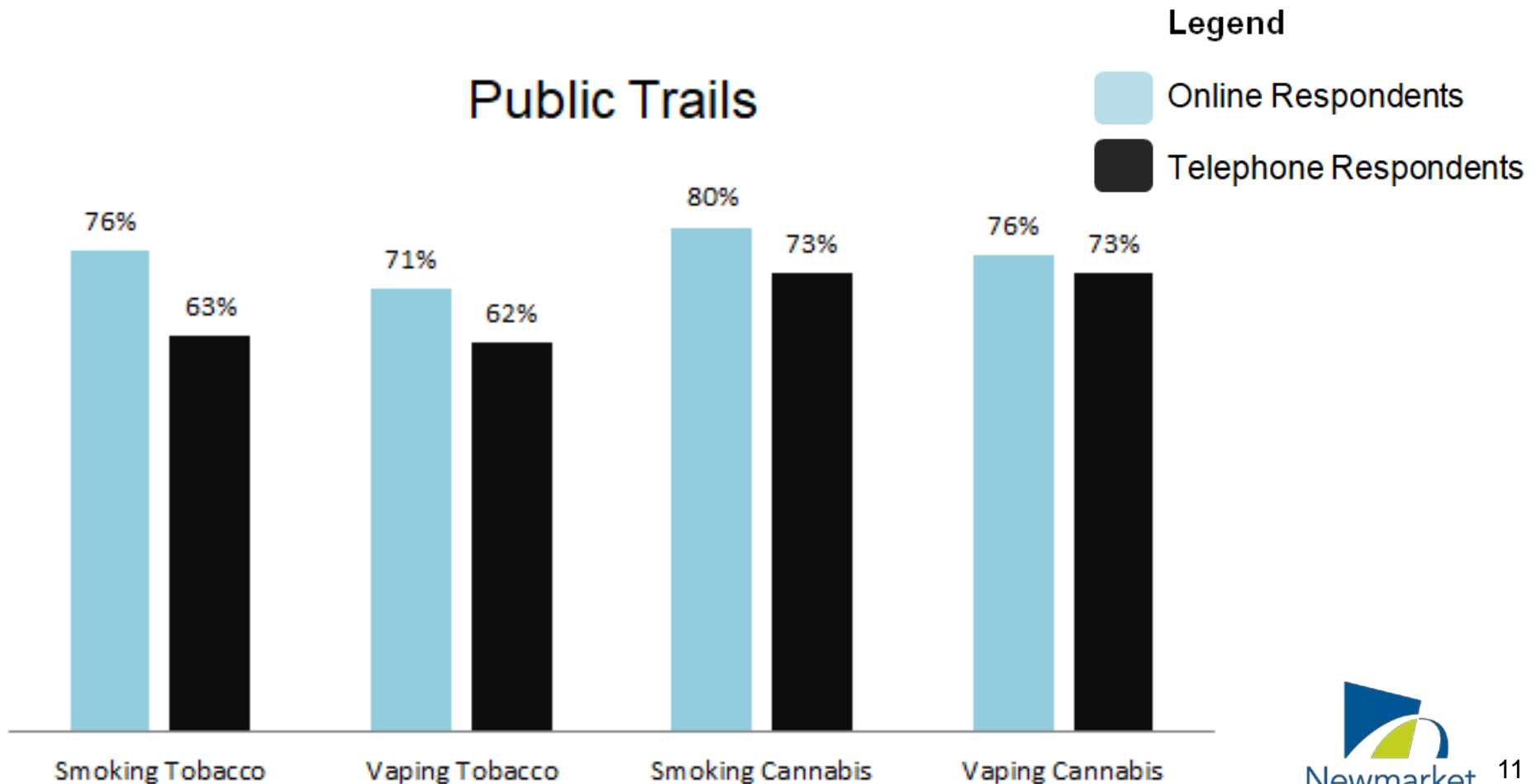
# Shisha/Hookah Lounges

- Question asked to inform future Zoning By-law amendments (not the Smoking By-law).
- Clarification:
  - Shisha/Hookah lounges are permitted under the Smoke-Free Ontario Act so long as the product is **tobacco free**.

# Percentage of Respondents who said substances should be **prohibited**



# Percentage of Respondents who said substances should be **prohibited**

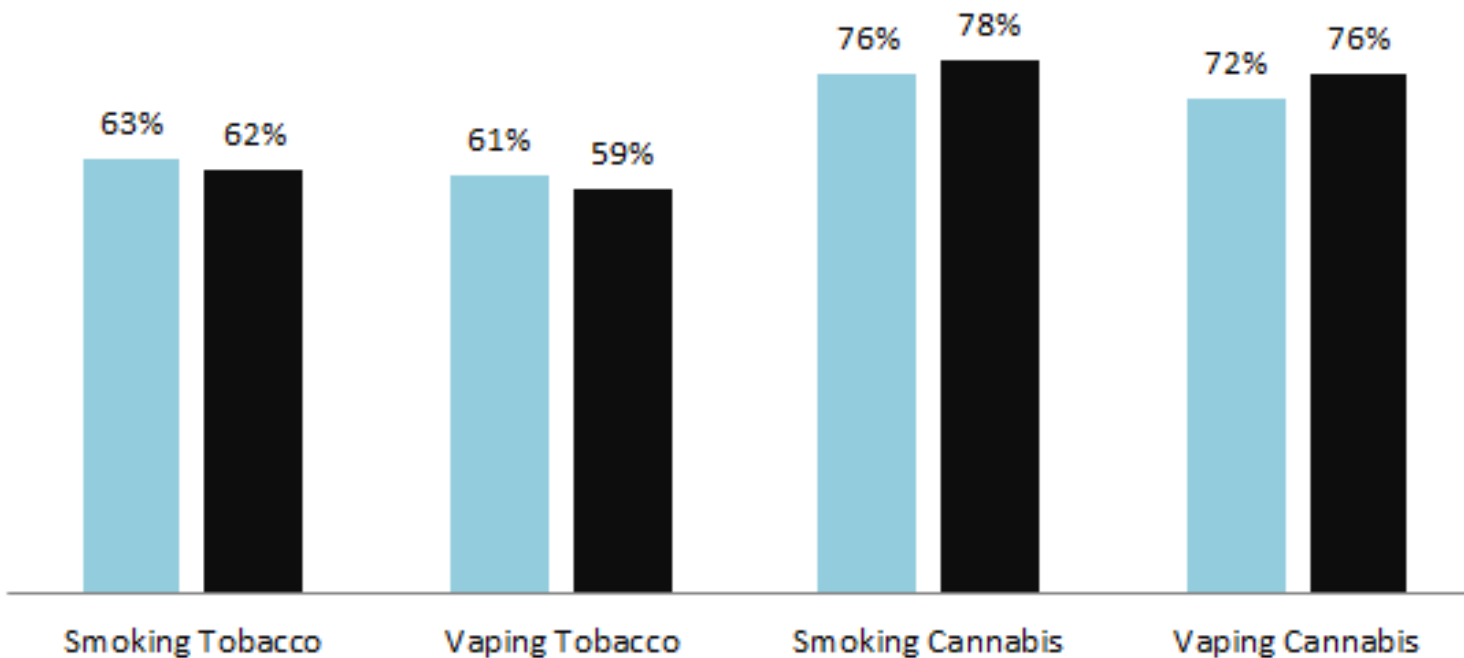
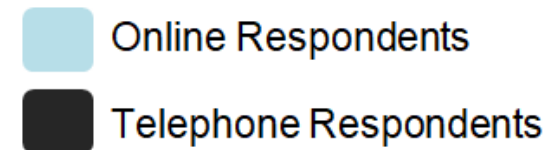




# Percentage of Respondents who said substances should be **prohibited**

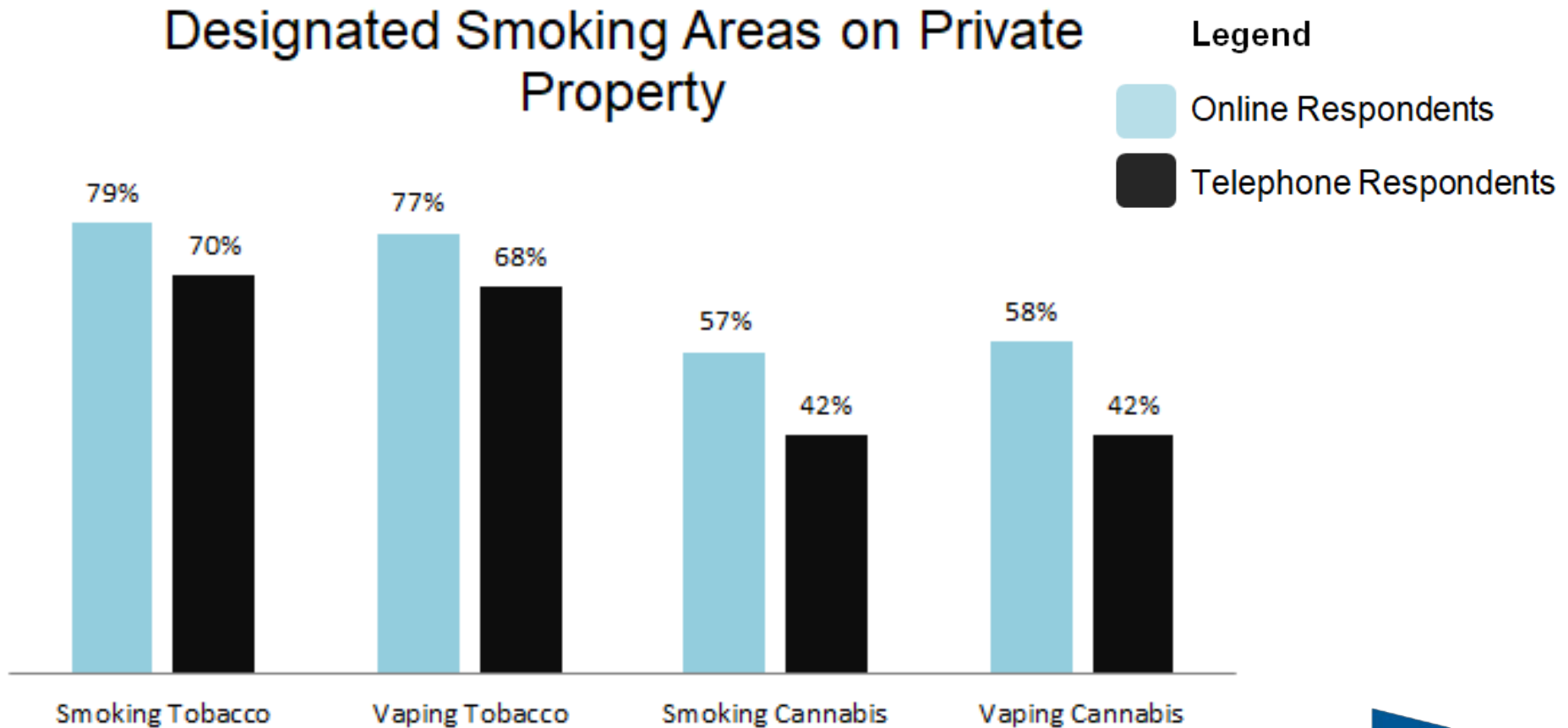
Public Gathering Areas beyond the 20 metre limit under the SFOA

Legend

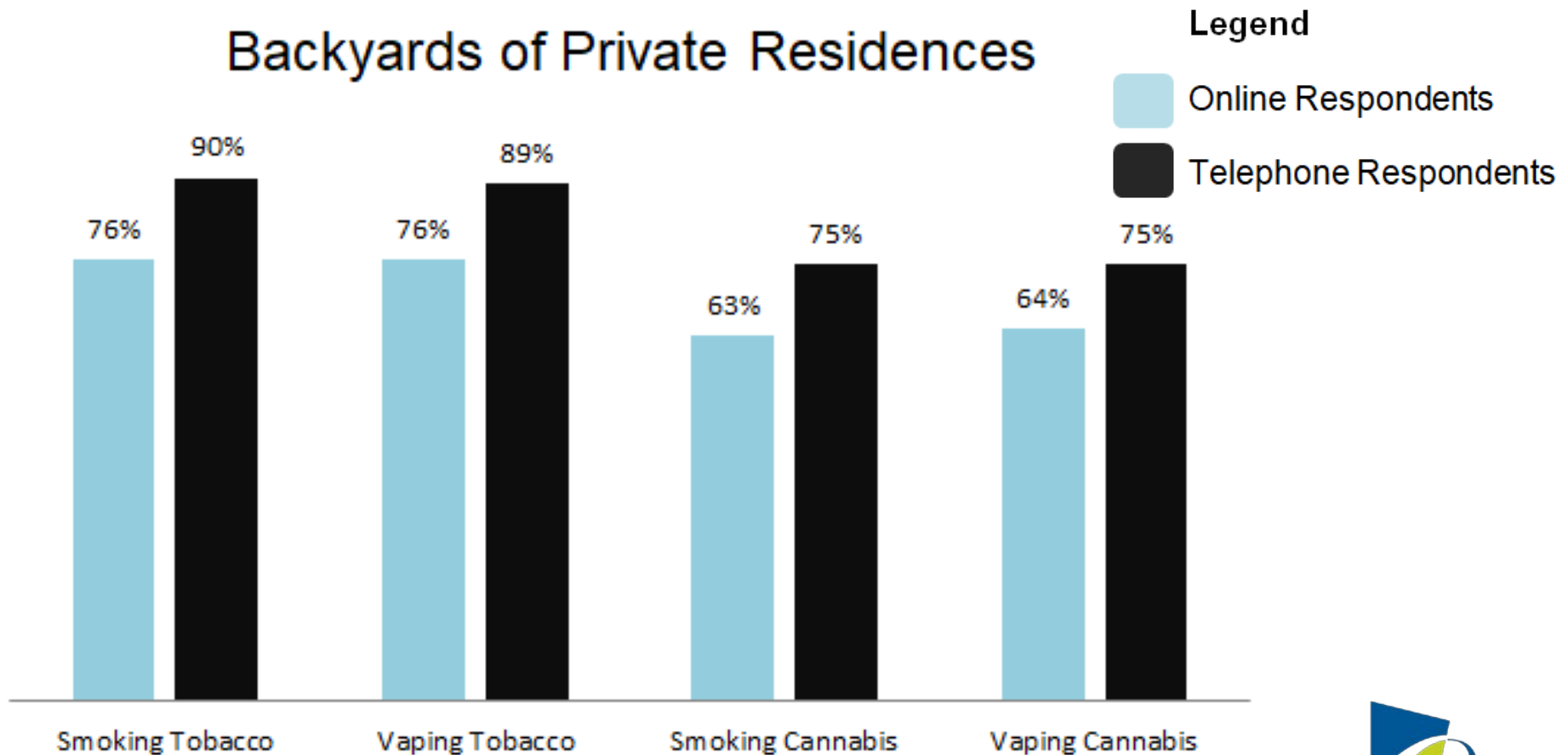


# Percentage of Respondents who said substances should be **permitted**

## Designated Smoking Areas on Private Property



# Percentage of Respondents who said substances should be **permitted**



# Summary of Survey Results

- The majority of respondents **would not permit** smoking or vaping of **tobacco & cannabis** in public green spaces, public trails, or public gathering areas beyond the areas already prohibited by the Smoke-Free Ontario Act.
- The majority of respondents **would permit** smoking & vaping of both tobacco & cannabis in backyards.
- Tobacco smoking & vaping in designated smoking areas on **private** property seems acceptable to most, but not cannabis.

# Feedback from <sup>97</sup>Committee of the Whole on March 18, 2019

- Recognition of enforcement considerations & challenges.
- Enforcement concerns about products **other than** cannabis & tobacco being vaped or smoked.
- How will the Town handle smoking & vaping at Special Events? (e.g., closure of Main Street)
- Alignment of regulations for tobacco & cannabis.
- Reduction in second-hand smoke exposure.
- Designated areas would allow a place for individuals who do smoke or vape tobacco &/or cannabis.



# York Region Working Group

- Working group developed 2 templates for use by lower tier municipalities.
- Templates were developed to create some level of consistency for definitions, enforcement & offence provisions.
- Working group recognized that the general prohibitions & applicability sections would be unique for each community.

# Draft Smoking By-law for Newmarket

- Used feedback from Committee of the Whole & public consultation to draft By-law.
- Prohibits smoking & vaping **tobacco & cannabis & other substances** on all public property, including:
  - Parks, trails, green spaces
- Designated Smoking Areas may be established on public property to provide a specific area for those who consume.

# Other Municipal Smoking By-laws<sup>100</sup>

(as of May 15, 2019)

Municipality	Substance(s) prohibited			Substance prohibited on public property	Designated Smoking Areas may be established
	Tobacco	Cannabis	Other substances		
<b>Barrie*</b> *To be considered at June 17 Council meeting	✓	✓	✓	✓	✓
<b>Bradford</b>	✓	✓	✓	✓	✓
<b>Orillia</b>	✓	✓	✓	✓	✓
<b>Vaughan</b>	✓	✓	✓	✓	✓

# Conclusion & Next Steps

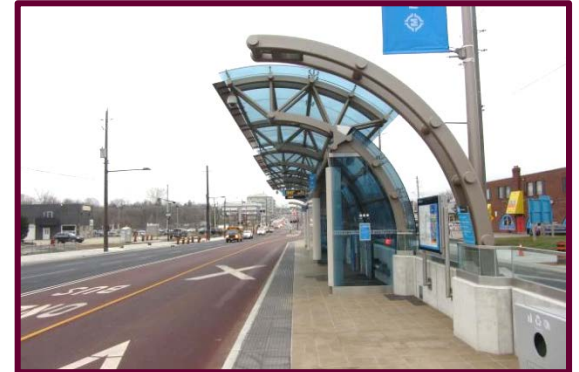
- Staff seeking Council approval of new Smoking By-law.
- Pilot Smoking By-law for 1 year & report back, if By-law amendments required.
- Communicate to public on where smoking & vaping is permitted & not permitted.
- Conduct public education through summer months (2 summer students hired to conduct outreach).

# Questions?





# Town of Newmarket Development Charges Statutory Public Meeting



Tuesday, May 21<sup>st</sup>, 2019

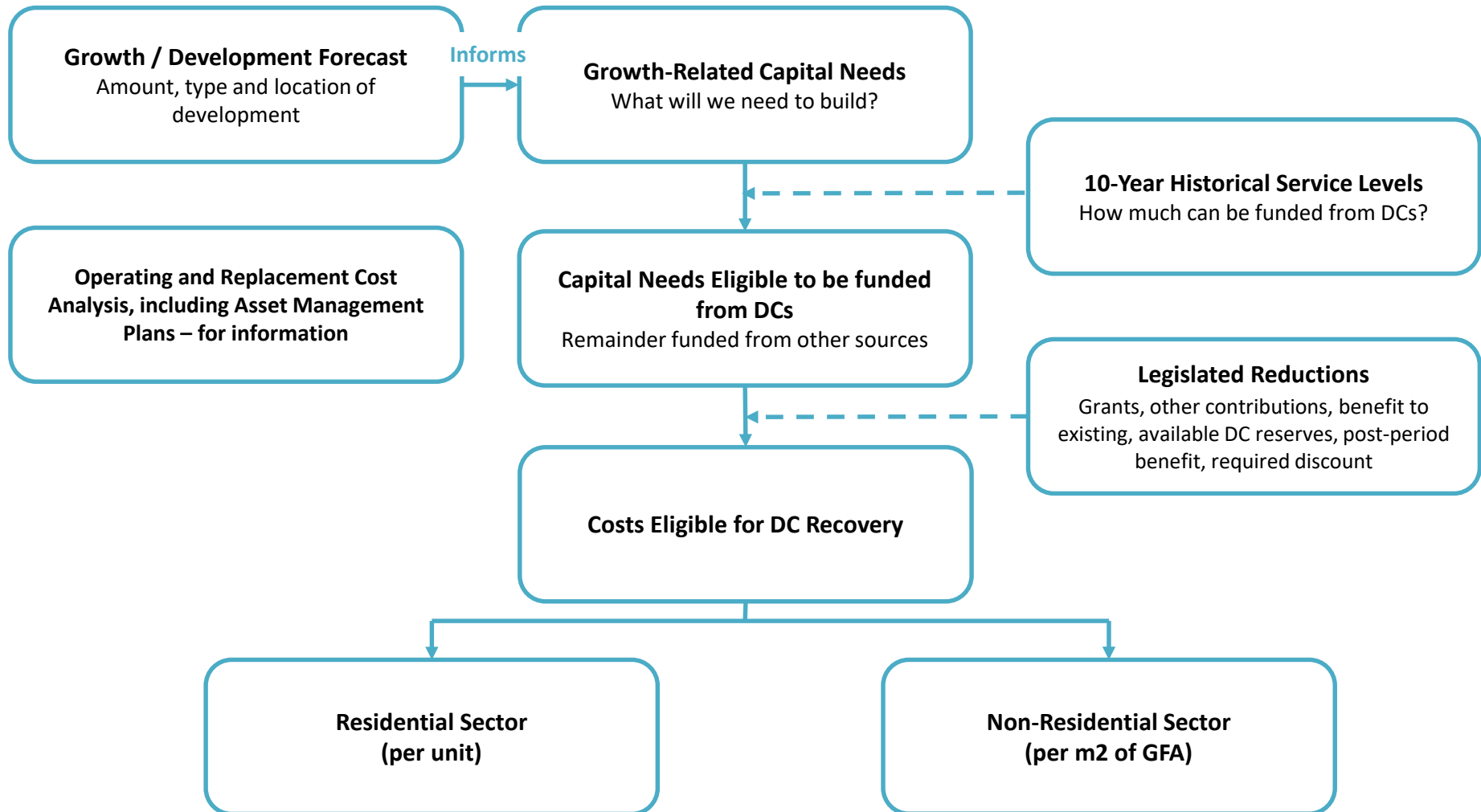
**HEMSON**  
Consulting Ltd.



# Today We Will Discuss

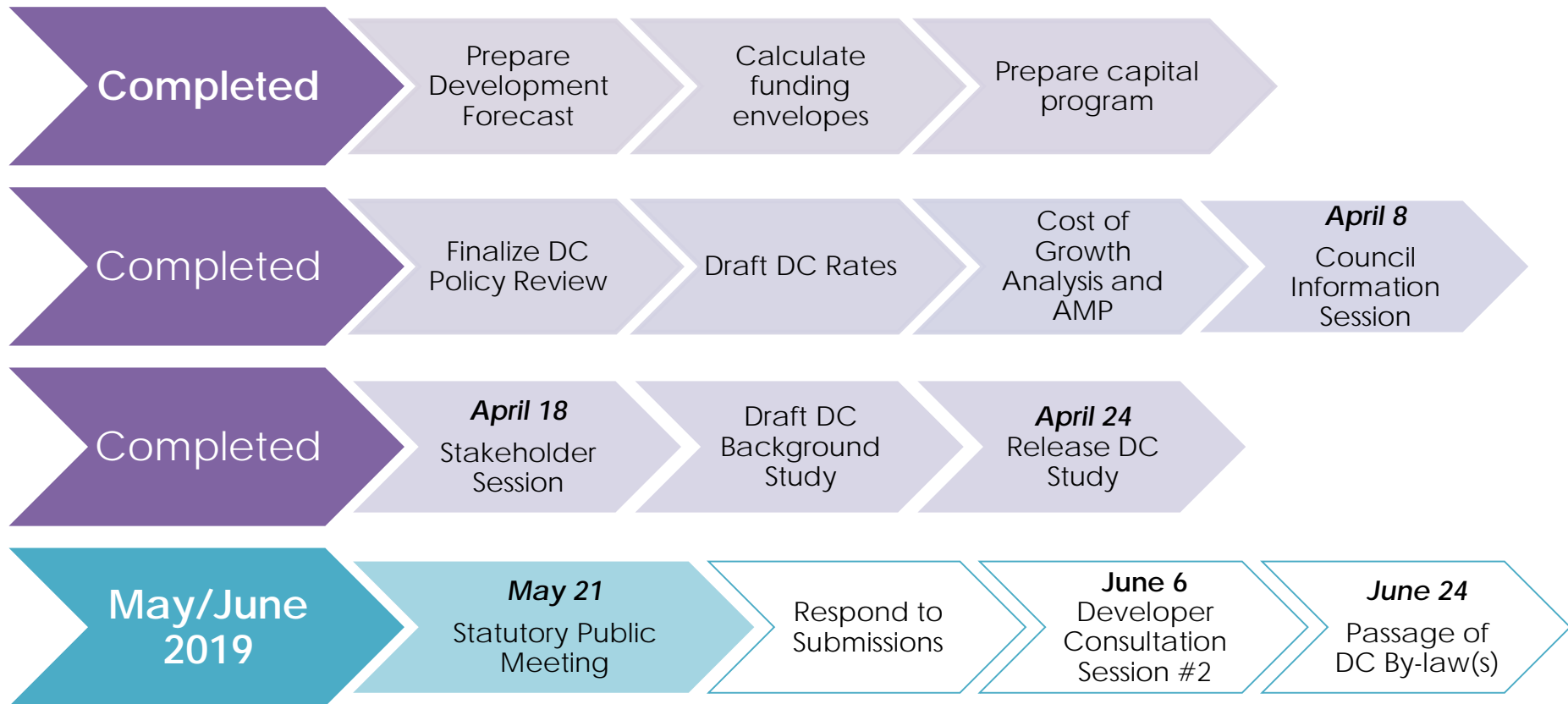
- Review of the Study Process
- Project Timeline
- Bill 108: *More Homes, More Choice Act*, 2019
- Calculated Development Charge Rates
- Proposed Policy Changes
- Next Steps

# Overview of Study Process



# Project Timeline

By-law Expires: **September 2, 2019**





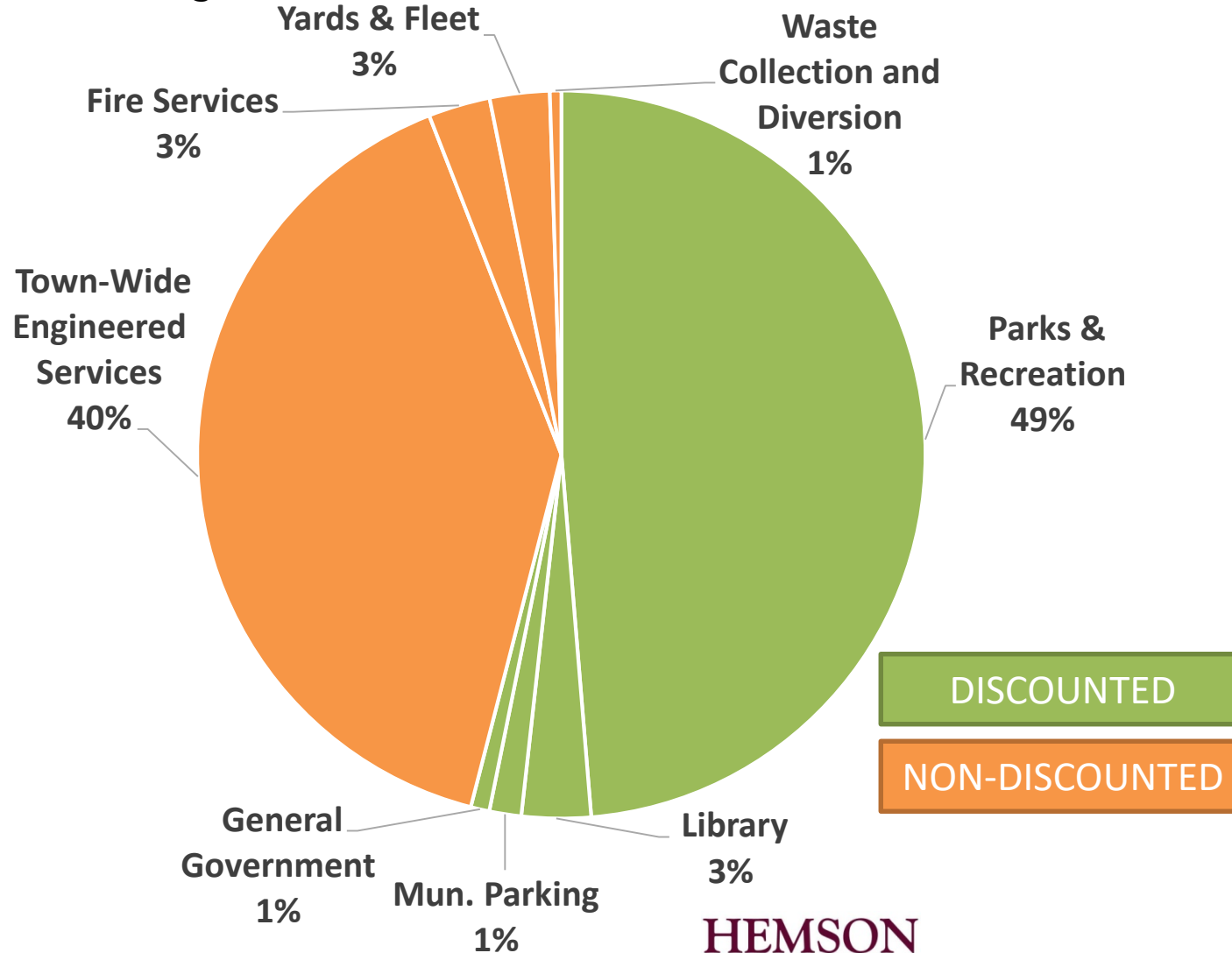
# Bill 108:

## *More Homes, More Choice Act, 2019*

- Provincial announcement of Bill on May 2, 2019
- Proposed changes to the *Development Charges Act, 1997* (DCA) and DC Regulations
  - Exempting secondary suites from DCs in new construction
  - DC rates payable at different times
  - Soft DC services to be collected through a Community Benefits By-law under the *Planning Act*
- Regulations still to be released
- Comments to the Province due June 1, 2019

# Calculated DC Rates<sup>1</sup>

<sup>1</sup> Excluding Northwest Quadrant Area



## Development Charges

Singles & Semis  
**\$32,402**

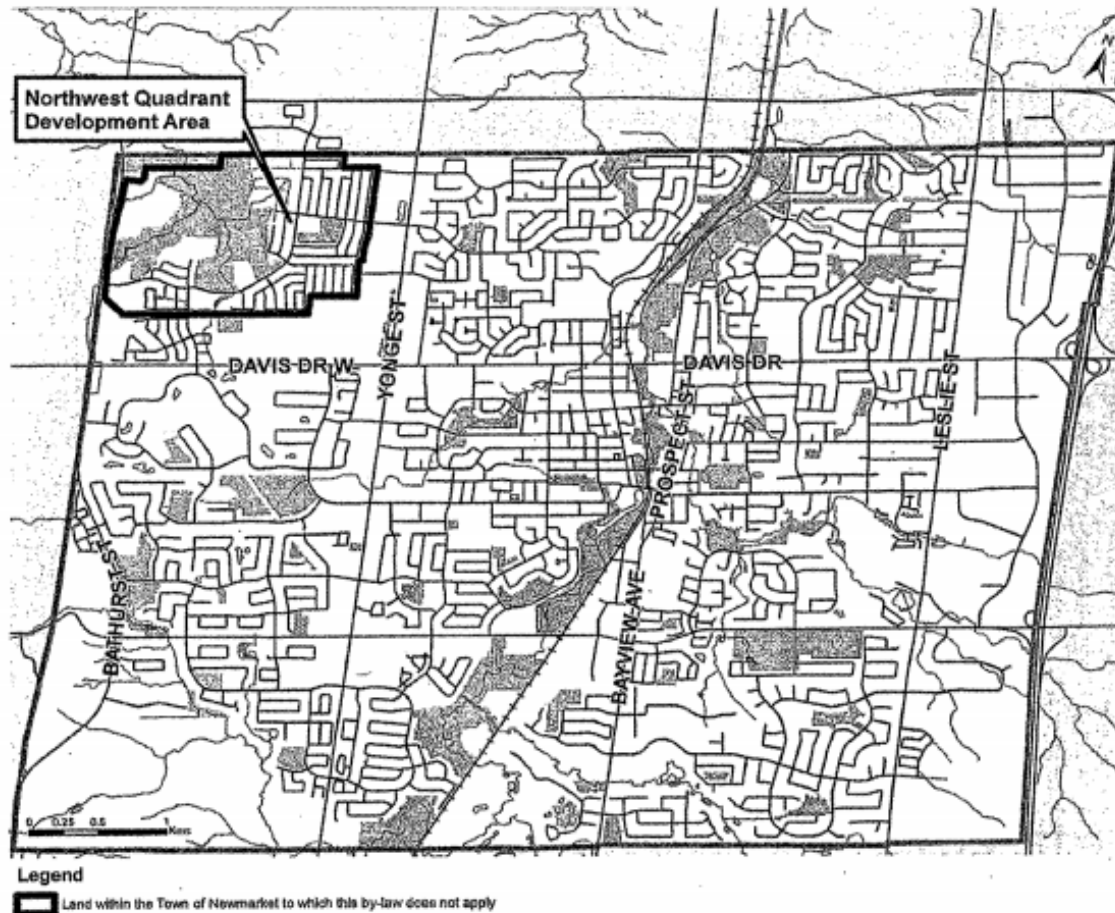
Rows & Multiples  
**\$25,416**

Apartments: 700 sq.ft. or greater  
**\$19,233**

Apartments: under 700 sq. ft.  
**\$13,738**

Non-Residential Charges Per Sq. Metre  
**\$80.82**

# Northwest Quadrant Development Area DC Rates



## Development Charges

Singles & Semis  
**\$29,836**

Rows & Multiples  
**\$23,403**

Apartments: 700  
sq.ft. or greater  
**\$17,710**

Apartments: under  
700 sq. ft.  
**\$12,650**

Non-Residential  
Charges Per Sq.  
Metre  
**\$67.04**

# Create three DC By-laws

## Typical Approach

	Town-wide	Northwest Quadrant
All Services	1	2

## Preparing for Bill 108

	Town-wide	Northwest Quadrant
Non-Discounted Services	1	2
Discounted Services	3	

# Capital Program Major Projects

Service	Major Development Related Projects
General Government*	<ul style="list-style-type: none"> <li>• Development-related studies; OP Review</li> </ul>
Library*	<ul style="list-style-type: none"> <li>• New Library</li> </ul>
Fire Services (to 2031)	<ul style="list-style-type: none"> <li>• Training Centre (Station 4-5)</li> <li>• New pumpers and other vehicles</li> </ul>
Parks & Recreation*	<ul style="list-style-type: none"> <li>• Mulock Estate Development (Phase 2)</li> <li>• Recovery of past debt (Magna Centre, Youth Centre)</li> <li>• Community-wide Parkland Development</li> <li>• Trail connections and parkland development</li> <li>• Fleet and Equipment</li> </ul>

\*Proposed to be funded through community benefit charge with Bill 108

# Capital Program Major Projects Con't.

Service	Major Development Related Projects
Yards & Fleet	<ul style="list-style-type: none"><li>• Facilities, fleet and equipment investments</li></ul>
Municipal Parking*	<ul style="list-style-type: none"><li>• 250-space downtown parking structure</li></ul>
Waste Collection & Transfer	<ul style="list-style-type: none"><li>• Growth-related building and vehicle costs</li></ul>
Engineered Services	<ul style="list-style-type: none"><li>• Roadworks</li><li>• Debt recovery (Harry Walker Pkwy)</li><li>• Sidewalks and multiuse pathways</li><li>• Water and wastewater upsizing</li><li>• Engineering-related studies</li></ul>

\*Proposed to be funded through community benefit charge with Bill 108



# Development Forecast

Growth Forecast	2018	2019 - 2028		2019 - 2031	
		Growth	Total at 2028	Growth	Total at 2031
<b>Residential</b>					
Total Occupied Dwellings	29,500	3,900	33,400	5,300	34,900
Population	89,100	9,100	98,200	11,600	100,700
<b>Non-Residential</b>					
Employment	40,400	3,600	44,000	4,600	44,900
Non-Residential Building Space (sq.m.)		198,400		252,600	

\*Rounded for presentation

Employment does not include work at home

# Comparison of <sup>115</sup>Current Rates vs. Calculated Rates (\$/Lrg. Apt.)

Service	Residential (\$/Large Apartment)			
	Calculated Residential Charge	Current Residential Charge	Difference in Charge	
General Government	\$159	\$275	(\$116)	-42%
Library	\$591	\$578	\$13	2%
Fire Services	\$529	\$399	\$130	32%
Parks & Recreation	\$9,365	\$7,368	\$1,997	27%
Yards & Fleet	\$511	\$744	(\$233)	-31%
Municipal Parking	\$272	\$234	\$38	16%
Waste Collection & Transfer	\$98	\$0	\$98	100%
<b>Subtotal General Services</b>	<b>\$11,525</b>	<b>\$9,599</b>	<b>\$1,926</b>	<b>20%</b>
Town-Wide Engineered Services	\$7,708	\$4,173	\$3,535	85%
<b>TOTAL CHARGE PER UNIT</b>	<b>\$19,233</b>	<b>\$13,771</b>	<b>\$5,462</b>	<b>40%</b>

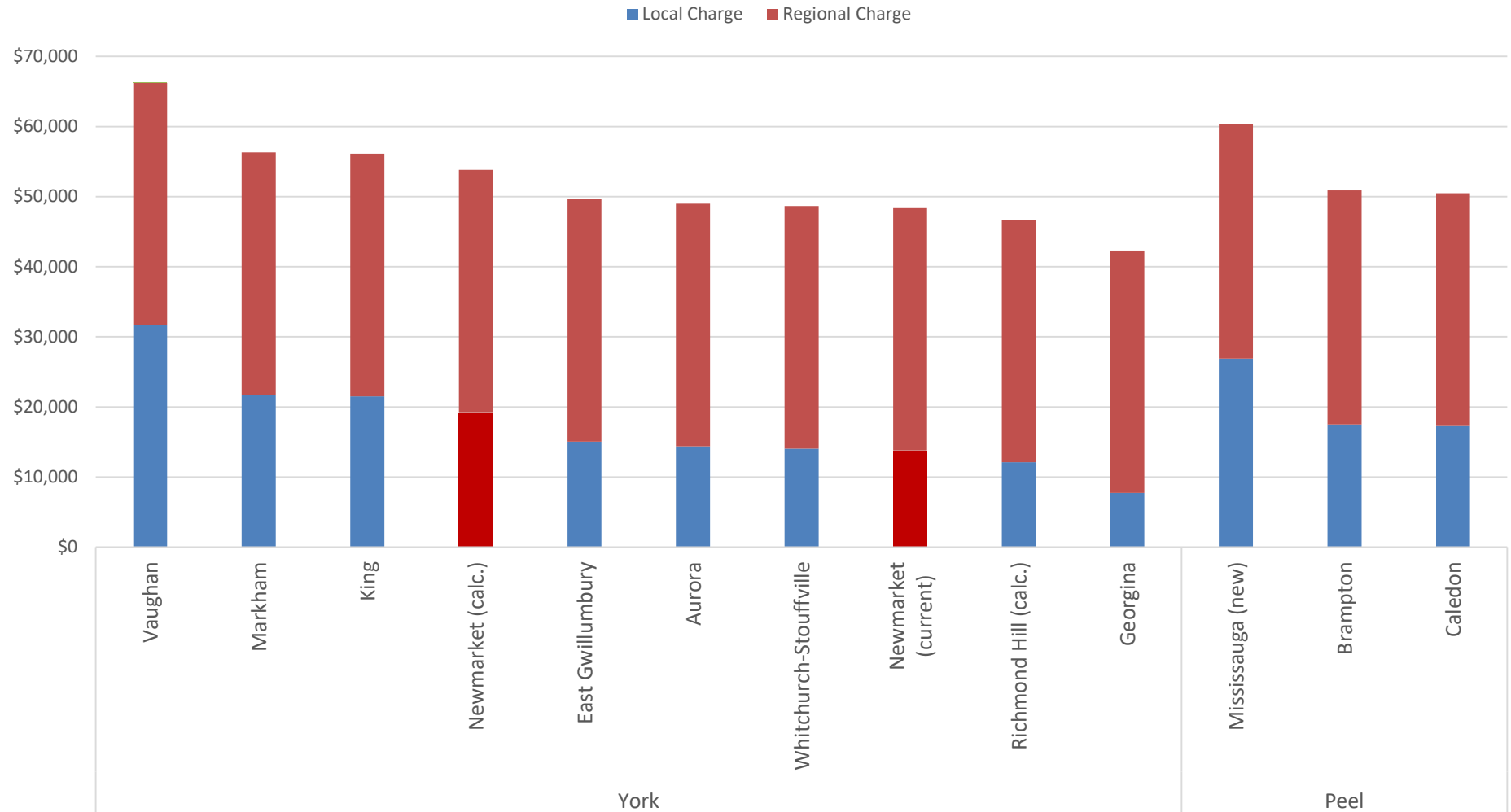
# Comparison of Current Rate vs. Calc. Non-Residential Rate (\$/sqm)

Service	Non-Residential (\$/Square Metre)			
	Calculated Non-Residential Charge	Current Non-Residential Charge	Difference in Charge	
General Government	\$1.39	\$2.76	(\$1.37)	-50%
Library	\$0.00	\$0.00	\$0.00	N/A
Fire Services	\$4.69	\$4.01	\$0.68	17%
Parks & Recreation	\$0.00	\$0.00	\$0.00	N/A
Yards & Fleet	\$4.45	\$7.59	(\$3.14)	-41%
Municipal Parking	\$2.38	\$2.34	\$0.04	2%
Waste Collection & Transfer	\$0.00	\$0.00	\$0.00	N/A
<b>Subtotal General Services</b>	<b>\$12.91</b>	<b>\$16.70</b>	<b>(\$3.79)</b>	<b>-23%</b>
Town-Wide Engineered Services	\$67.91	\$42.16	\$25.75	61%
<b>TOTAL CHARGE PER SQUARE METRE</b>	<b>\$80.82</b>	<b>\$58.86</b>	<b>\$21.96</b>	<b>37%</b>

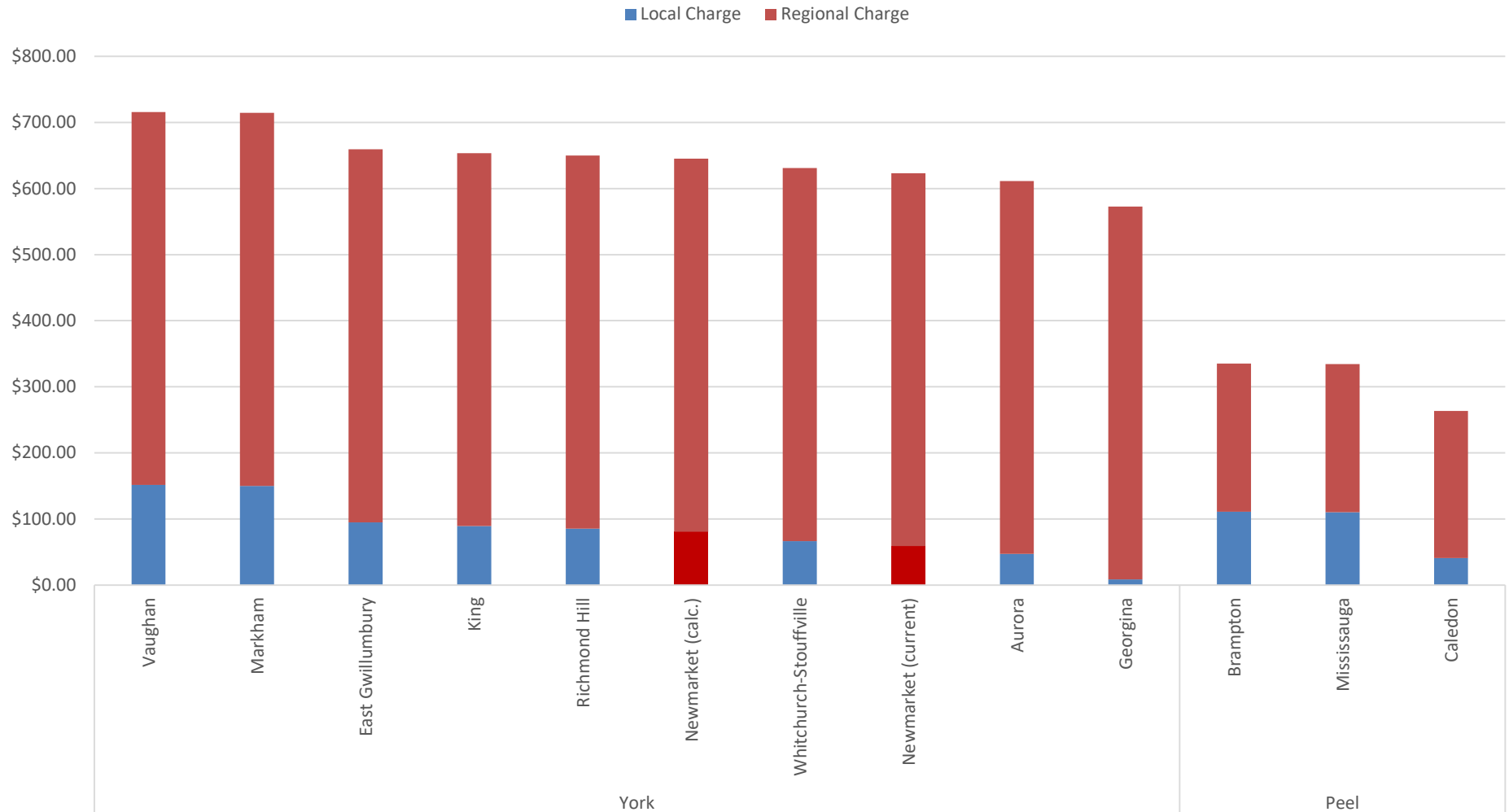
# Current vs. Calculated Total Rate Large Apartment

	Draft Calculated Charge	Current Charge (Large Apartment)	Difference in Charge	
York Region	\$34,584		\$0	0%
Town-Wide	\$19,233	\$13,771	\$5,462	40%
<b>Total Charge per Unit</b>	<b>\$53,817</b>	<b>\$48,355</b>	<b>\$5,462</b>	<b>11%</b>

# Development Charges Comparison (Large Apartment)



# Non-Res. Rate Comparison (\$/Square Metre)



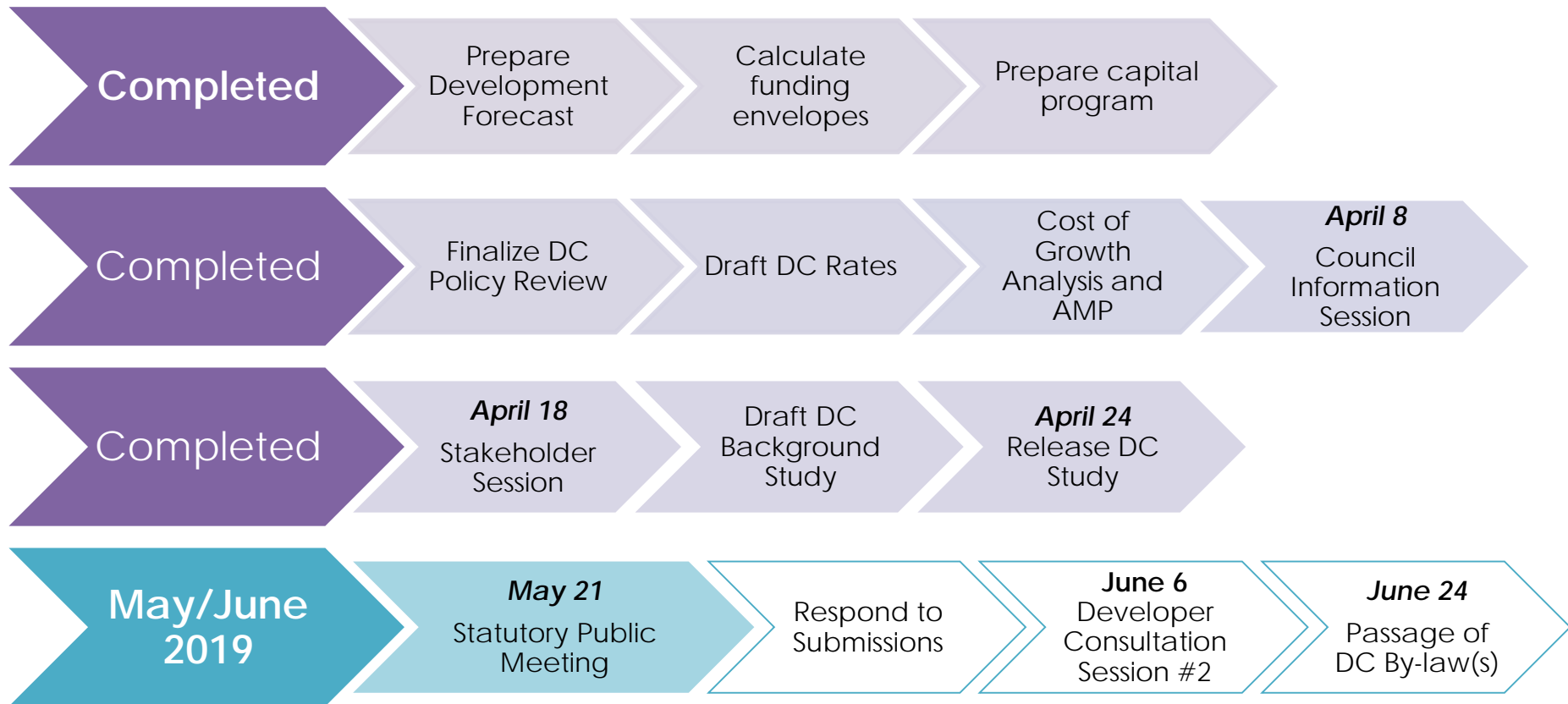


# Proposed DC<sup>120</sup> By-law Policy Changes

- Apartment threshold updated (from 650 sq.ft. for a small apartment to 700 sq.ft.) to match Region's
- Indoor and Outdoor recreation category/charge has been combined
- No other major changes to the existing exemptions, definitions or policies

# Project Timeline

By-law Expires: **September 2, 2019**



# Next Steps

- Public Meeting – **May 21<sup>st</sup> 2019** (today)
- Developer Consultation Session - **June 6<sup>th</sup>**
- Proposed Council By-law Passage – **June 24<sup>th</sup>**  
*Current by-law expires **Sept 2<sup>nd</sup> 2019***

Bill 108 – may change the timeline but the impact is not yet known



Please email to [clerks@newmarket.ca](mailto:clerks@newmarket.ca), fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

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Name: <b>JIM ARLOW</b>	
Organization / Group/ Business represented: <b>RESIDENT</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: <b>SAME</b>
Email: [REDACTED]	Date of Meeting: <b>21 MAY 19</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <b>JUST A BRIEF INTRODUCTION TO APPRISE COUNCIL THAT PETITIONS ARE GOING AROUND <del>BY</del> SHOWING RESIDENTS DISAPPROVAL OF THIS REZONING APPLICATION</b>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Joanna Fast</b>	
Organization / Group/ Business represented: <b>Evans Planning Inc.</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>May 21st</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5,6
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To advise Committee that we appreciate Staff's recommendation that servicing allocation be granted for 281 Main Street North and that we will continue to work towards final approvals and site construction in 2019.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Angela Sciberras of Macaulay Shiomi Howson Ltd.</b>	
Organization / Group/ Business represented: <b>Azure Homes Inc.</b>	
Address: <span style="background-color: black; color: black;">[REDACTED]</span>	Postal Code: <span style="background-color: black; color: black;">[REDACTED]</span>
Daytime Phone No: <span style="background-color: black; color: black;">[REDACTED]</span>	Home Phone:
Email: <span style="background-color: black; color: black;">[REDACTED]</span>	Date of Meeting: <b>May 21st</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.6
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):  To request approval of servicing allocation for the Azure Homes subdivision notwithstanding the Staff Report recommendation.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## Regulations for Smoking By-law Staff Report to Council

Report Number: 2019-52

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: May 21, 2019

### Recommendations

1. That the report entitled Regulations for Smoking By-law dated May 21, 2019 be received; and,
2. That Smoking By-law (**Attachment 1**) be enacted; and,
3. That Delegation By-law 2016-17 be amended (**Attachment 2**); and,
4. That Parks By-law 2013-14 be amended (**Attachment 3**); and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### Executive Summary

The Smoke Free Ontario Act governs smoking and vaping of tobacco and cannabis products in Ontario. Under the Municipal Act, the Town has the authority to further restrict where smoking and vaping may be permitted within Newmarket. Town Council directed staff to review the Smoking By-law in light of the recent legislation which legalized cannabis consumption for personal use. This report presents a draft Smoking By-law that has been formed based on consultation that was conducted with the community over the month of April and with staff from across York Region (upper and lower tier municipalities) and York Region Public Health.

The basis of the draft By-law proposes to prohibit smoking and vaping tobacco and cannabis on all municipally-owned property, including facilities, parks public green spaces, and trails. The By-law also provides for the provision of Designated Smoking

Areas on Town-owned property, which will be determined on a case by case situation to ensure that the Area does not conflict with the regulations within the Smoke Free Ontario Act.

## **Purpose**

The purpose of this report is to seek Council approval for a revised Smoking By-law for the Town.

## **Background**

This report supplements the information that was presented to Committee of the Whole at its meeting on March 18, 2019. [Report 2019-33](#) identified three options for consideration, and it also directed staff to undertake a period of public consultation with the community. Council directed staff to survey the community and report back with a draft by-law for consideration. This report summarizes the feedback from the community and also presents a new Smoking By-law for the Town.

## **Discussion**

### **Community Consultation**

Following Council direction, staff conducted community consultation over the month of April. The Town retained MDB Insight to undertake a telephone survey of Newmarket residents, and an online survey with the same questions was developed and used to gather the community's feedback.

The online survey was launched on April 3, 2019 at the Community Open House. At this event, staff encouraged residents to complete the survey, and answered many questions regarding current and possible regulations for smoking in the Town. The survey was distributed to all Boards and Committees of Council (e.g., the Main Street Business Improvement Area, Accessibility Advisory Committee, etc.). Additionally, laptops with access to the survey were made available at the Magna Centre, the Municipal Offices and at the Newmarket Public Library. The survey was promoted on the Town's social media accounts and these links were shared with Members of Council for their own use and distribution. The online survey was restricted to completion once per device.

352 responses were received from the telephone survey, and 1157 individuals provided responses online.

### **Survey Questions**

Following confirmation that the survey respondent was over the age of 19 and lived in Newmarket, the following questions were asked of respondents regardless of whether they were completing the survey over the phone or online. It is noted that the response of the respondent to declare that they live in Town and were over the age of 19 was

based on them answering truthfully; no additional verification was undertaken to prove this claim.

The survey differentiated vaping and smoking tobacco from vaping and smoking cannabis with all questions.

1. [Context regarding where smoking is permitted and prohibited was provided.]  
Below is a list of locations where the smoking or vaping of tobacco and cannabis products is currently permitted according to provincial laws and we want to know if you think it should be allowed or prohibited.

- Public green spaces
- Public trails
- Backyards of private residences
- Designated smoking areas on private property

2. Smoking tobacco or cannabis is not permitted on or within 20 metres from a recreation facility such as the Tim Hortons Skating and Water Feature at Newmarket's Riverwalk Commons, playgrounds, sports fields, or recreation facilities. However, public gathering areas beyond the 20 metre limit do not have any such restriction.

Should smoking or vaping of tobacco or cannabis products be allowed or prohibited in the public areas beyond the 20 metre limit?

3. Shisha smoking (also called hookah), is a way of smoking tobacco, sometimes mixed with fruit or molasses sugar, through a bowl and hose or tube.

Do you think Shisha smoking in a private business catering to Shisha smoking should be allowed or prohibited in the Town of Newmarket?

Respondents were also asked to advise whether they smoke or vape tobacco and cannabis products, and if so, how frequently they smoke or vape.

### **Telephone and Online Survey Findings**

The majority of respondents would not permit smoking or vaping of tobacco and cannabis in public green spaces, public trails, or public gathering areas beyond the areas already prohibited by the Smoke Free Ontario Act (SFOA).

The majority of respondents would permit smoking and vaping of both tobacco and cannabis in backyards.

Tobacco smoking and vaping in designated smoking areas on private property seems acceptable to most, but not cannabis.

The majority of telephone respondents would permit smoking of shisha in a private business catering to Shisha Smoking in the Town of Newmarket. Online respondents

were more divided on this question. Almost half of respondents would permit private shisha businesses, whereas almost 40% would suggest banning. It is noteworthy that when staff were assisting respondents at the Community Open House, there were a number of questions regarding specifically what shisha was. Given that most of the responses between the online and telephone survey were generally consistent, it can be inferred that individuals may not have had the benefit of speaking to a person prior to answering a question they were unsure of. It is also noteworthy that 30% of the online respondents skipped this question and a further 12% stated they “didn’t know or were unsure”, which further supports staff’s suggestion that respondents didn’t necessarily understand what shisha was when they answered this question.

### **Demographics and Behaviour Information from Telephone Survey**

The telephone survey was able to weight answers based on ward and age. The following information was provided by MDB Insight based on their analysis.

The results across wards were very similar with the exception of ward 2, who are more likely to permit smoking and vaping of tobacco on public green space and trails.

The attitudinal difference between smoking and vaping tobacco versus cannabis in designated smoking areas seems to be driven by age and over time would dissolve.

### **Demographics and Behaviour Information from Both Surveys**

Respondents were asked to comment on the frequency in which they smoke or vape tobacco and cannabis products.

The majority (80% or more) of online and telephone respondents stated that they never smoke or vape tobacco or cannabis.

9% of online and telephone respondents smoke or vape **tobacco** products everyday, and between 1% and 5% of online and telephone respondents smoke or vape **cannabis** products everyday.

The remaining respondents indicated that they either smoke or vape tobacco and cannabis products on a frequency that ranged from several times a week to less often.

### **Draft Smoking By-law (Attachment 1)**

As indicated at the March 18, 2019 Committee of the Whole meeting, staff have participated in a York Regional Working Group to develop consistency as it relates to by-law definitions, powers of entry, enforcement, offences and penalties, etc. This group included staff from York Region’s prosecutor’s office.

In general, the provisions of the Smoking By-law presented with this report (**Attachment 1**) are as follows:

- With limited exceptions, this By-law addresses regulations for smoking and vaping on public property only. This means that private property owners are responsible for establishing their own regulations (and Designated Smoking Areas) as it pertains to tobacco and cannabis use on their property.
- Smoking and vaping tobacco and cannabis is not permitted on all properties where schools, daycare facilities, and other child care facilities are located.
- Smoking and vaping tobacco and cannabis would not be permitted at all Town-owned parks, green spaces, and trails. **Attachment 3** seeks Council approval to amend Parks By-law for clarity.
- Smoking and vaping tobacco and cannabis is not permitted on street furniture, which include benches, picnic tables, or other furniture items that are maintained, owned or leased by the Town.
- Smoking and vaping tobacco and cannabis would be permitted only in Designated Smoking Areas.

### **Designated Smoking Areas on Public Property**

The draft Smoking By-law currently permits Designated Smoking Areas to exist so long as they do not contravene the Smoke Free Ontario Act (SFOA). Staff recommend that the establishment of permanent Designated Smoking Areas on public property (including potential Designated Smoking Areas in parks and along trails) be delegated to staff. This would allow staff to evaluate each property based on the a number of matters including the regulations contained in the SFOA, health and safety, the Town's current Smoking in the Workplace Policy, and individuals within each environment. Staff would also use factors such as proximity to a sidewalk as factors to determine whether a Designated Smoking Area should exist on public property. Accordingly, **Attachment 2** seeks Council approval to amend Delegation By-law to provide for this delegation to staff.

For approved Designated Smoking Areas, staff would evaluate each property and develop a mechanism to delineate the defined Area. Additionally, signage will be erected to clearly mark the Area as designated for smoking, and waste receptacles will be installed to help reduce littering.

Upon approval of the permanent Designated Smoking Areas, staff will communicate these areas on the Town's website (with visual maps) to promote compliance and develop marketing material to conduct public education over the summer months.

## **Special Events**

Staff note that the event organizers have already inquired whether smoking or vaping is permitted at their special event being held on Town-owned property. Given that each event is unique, staff recommend that each event organizer work with the Town's Program Coordinators to determine whether a temporary Designated Smoking Area would be permitted at their event. Following consultation with York Region Public Health staff, it is apparent that each special event needs to be evaluated and considered separately (i.e., staff will need to know if food being served, if there is a movable play structure such as a bouncy castle for children to play on, etc.) These are some factors that would require staff to determine whether the SFOA provisions apply and if there is an established setback in accordance with the Act. For example, an inflatable bouncy castle would classify as a playground for the purposes of the SFOA, therefore, smoking or vaping on the structure would be prohibited, and smoking or vaping within 20 metres of it would also not be permitted.

## **Individuals are permitted to smoke or vape tobacco and cannabis on Municipal Boulevards**

As indicated on page 11 of [Staff Report 2019-33](#), the Municipal Act specifies that individuals may smoke or vape on a highway, which includes the municipal boulevard. This means that individuals are permitted to smoke or vape on sidewalks.

At the March 18, 2019 Committee of the Whole meeting, there was discussion regarding a specific laneway between Main and Cedar streets in downtown Newmarket, and whether it was classified as a "highway" for the purposes of the Municipal Act. Staff conducted further research into this matter, and have concluded that this laneway is a highway; therefore, smoking and vaping cannot be restricted on this laneway.

## **Medical Cannabis**

Individuals who use cannabis for medicinal purposes are provided an exemption from the By-law. This means that if they are smoking or vaping for medical reasons in places that are prohibited, they will need to ensure that they are carrying their documentation with them in the event they are asked by an Enforcement Officer.

## **Conclusion**

Should Council approve the recommendations as set out within this report, staff will work to develop a communication and education plan to advise residents and visitors of the community of the smoking and vaping regulations in Newmarket.

## **Business Plan and Strategic Plan Linkages**

This report aligns with the Town's vision of being Well-Equipped & Managed, and Well Planned & Connected.



## **Consultation**

An internal working group of staff from Planning & Building Services, Financial Services, Public Works Services, Legal Services, Legislative Services, Customer Service, Economic Development, Recreation and Culture, Central York Fire Services, and Communications was consulted on this report.

Additionally, staff have been participating in a York Region Working Group consisting of staff from all 10 York Region municipalities and York Region Public Health, and as part of this Working Group staff have solicited external legal opinions with matters respecting a municipality's authority to limit cannabis consumption in private and public spaces.

## **Human Resource Considerations**

In anticipation of the public education campaign over the summer months, staff will be hiring 2 summer students to conduct public outreach and education between June and August of this year.

## **Budget Impact**

Many of the parks and trails currently have signs advising visitors of the rules of being on the property; these signs will be updated to advise that smoking is not permitted while in a park or on a trail. Additional signs will be erected on an as needed basis, and should additional funding be required to support these signs, staff will report to Council with a budget request.

## **Attachments**

**Attachment 1** - Draft Smoking By-law

**Attachment 2** - Amendment to Delegation By-law

**Attachment 3** - Amendment to Parks By-law

## **Approval**

Lisa Lyons

Director of Legislative Services/Town Clerk

## **Contact**

For more information, please contact Kiran Saini at [ksaini@newmarket.ca](mailto:ksaini@newmarket.ca).





# Corporation of the Town of Newmarket

## By-law 2019-31

A By-law to prohibit the smoking of tobacco, cannabis, and non-tobacco substances in prescribed locations in the Town of Newmarket.

Whereas Section 8 the Municipal Act, 2001, c. 25, as amended (the “Municipal Act”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and,

Whereas Section 115 of the Municipal Act provides that a municipality may prohibit and regulate the Smoking of tobacco and cannabis in Public Places and workplaces; and,

Whereas clause 6 of subsection 11(2) of the Municipal Act provides that a municipality may pass By-laws in the interest of the health, safety and well-being of its residents; and,

Whereas Section 128 of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council of the Town of Newmarket (the “Council”) are or could become or cause public nuisances; and,

Whereas Section 129 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to odours; and,

Whereas Section 425 of the Municipal Act provides that a municipality may pass By-laws providing that a person who contravenes any By-law of the municipality is guilty of an offence; and,

Whereas subsection 429(1) of the Municipal Act provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under the Municipal Act; and,

Whereas Section 434.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a By-law of the municipality passed under the Municipal Act; and,

Whereas Section 434.2(1) of the Municipal Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality; and,

Whereas Section 435 of the Municipal Act provides for conditions governing the powers of entry of a municipality; and,

Whereas Section 436 of the Municipal Act provides that a municipality has the power to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law; and

Whereas the Council wishes to prohibit the Smoking of tobacco, cannabis, and any other non-tobacco products in prescribed places within the Town of Newmarket; and,

Whereas Section 18 of the Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Schedule 3, as amended (the “Smoke Free Ontario Act”) contemplates that a municipal By-law may deal with a matter to which that Act applies but in a more restrictive manner, and directs that the By-law prevails to the extent it is more restrictive than that Act; and,

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

## **1.0 By-law Title**

1.1 This By-law may be cited as the “Smoking By-law”.

## **2.0 Definitions**

2.1 For the purpose of this By-law:

- (a) “Council” means the Council of The Corporation of the Town of Newmarket.
- (b) “Designated Smoking Area” means an open-air unenclosed outdoor area in a Public Place or Town Property leased by a Tenant marked by signage approved by the Municipality and where an individual may Smoke, provided that this area does not conflict with the Smoke-Free Ontario Act.
- (c) “Highway” means:
  - I. A common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided includes a portion of the highway.
- (d) “Municipality” means The Corporation of the Town of Newmarket.
- (e) “Officer” means:
  - I. a Provincial Offences Officer of the Municipality or other person appointed by or under the authority of a municipal By-law to enforce municipal By-laws; or
  - II. a Police Officer employed by York Regional Police, Ontario Provincial Police or the Royal Canadian Mounted Police.
- (f) “Private Dwelling” means private self-contained living quarters in any detached or multi-unit building or facility
- (g) “Public Place” includes Town Property to which the public has access as of right or invitation, express or implied, and also includes any motor vehicle located in a Public Place.
- (h) “Smoke or Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer or any other lighted, heated or otherwise activated smoking or vaporizing equipment, that contains any tobacco, cannabis or other substance or product.
- (i) “Tenant” means any person(s) or corporation(s) leasing or licensing Town Property and includes any director(s) and

officer(s) of a corporation that is leasing or licensing a Town Property.

- (j) “Town Property” means all lands and premises, whether or not a building is constructed thereon, which is owned, leased, licensed, managed or maintained by the Municipality but excludes Highways.

### **3.0 General Prohibitions:**

- 3.1 In addition to the prohibitions set out in the Smoke-Free Ontario Act as amended from time to time, no person shall Smoke in a Public Place.
- 3.2 A Tenant shall not permit Smoking on Town Property leased or licensed by the Tenant.

### **4.0 Applicability and Exceptions**

- 4.1 This By-law does not apply to a Private Dwelling.
- 4.2 Despite subsections 3.1 and 3.2 of this By-law, a person may Smoke in a Designated Smoking Area.
- 4.3 Despite subsections 3.1 and 3.2 of this By-law, if permitted under the Smoke Free Ontario Act, as amended from time to time, a person may Smoke cannabis in a Public Place other than a Designate Smoking Area where the person is authorized to possess cannabis for the individual’s own medical purposes in accordance with Part 14 of the Cannabis Regulations (Canada) or in accordance with a court order.
- 4.4 A person claiming exemption in accordance with subsection 4.4 shall have their medical document on their possession at all times of Smoking cannabis, and shall surrender the medical document for inspection upon demand of an Officer.

### **5.0 Powers of Entry and Inspection**

- 5.1 Officers and persons acting under their direction may, at any reasonable time, or at any time when there are reasonable grounds to believe that a contravention of this By-law is occurring or alleged to be occurring, enter onto any Town Property to determine if the provisions of this By-law are being complied with.
- 5.2 Officers are authorized, for the purposes of inspection to determine and enforce compliance with the By-law, to:
  - (a) require any person to produce for inspection all documents or things relevant to the inspection. Officers may inspect and remove documents and things for the purposes of making copies or extracts;
  - (b) alone or in conjunction with a person possessing special or expert knowledge, make examinations, take tests, samples, audio recordings, video recordings, or photographs necessary for the purposes of inspection; and,
  - (c) require information from any person concerning a matter related to the inspection including their name, date of birth and address.

## **6.0 Enforcement**

- 6.1 The provisions of this By-law may be enforced by an Officer.
- 6.2 An Officer who has reasonable grounds to believe that a person or Tenant has contravened any provision of this By-law may require that person or Tenant to provide their identification to the Officer.
- 6.3 Every person or Tenant who is required by an Officer to provide identification under Section 6.2 shall identify themselves to the Officer. Giving their name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute an offence as set out in Section 7.2 of this By-law.

## **7.0 Offences**

- 7.1 Any person or Tenant who contravenes or fails to comply with any provision of this By-law is guilty of an offence.
- 7.2 No person or Tenant shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.
- 7.3 A court or hearing officer may, in the absence of evidence to the contrary, infer that any substance in question is cannabis from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis. For greater certainty, a witness need not possess special or expert knowledge for the court to make any such inference.

## **8.0 Continuation, Repetition Prohibited by Order**

- 8.1 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or Tenant convicted, and such order shall be in addition to any other penalty imposed on the person or Tenant convicted.

## **9.0 Administrative Penalties**

- 9.1 Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended (the "Provincial Offences Act"), for a breach of any provision of this By-law, an Officer may issue an administrative penalty to the person or Tenant who has contravened this By-law.
- 9.2 The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a person or Tenant for the breach, no charge shall be laid against that same person or Tenant for the same breach.
- 9.3 The amount of the administrative penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in an administrative penalty By-law as amended, or any successor By-law.
- 9.4 A person or Tenant who is issued an administrative penalty shall be subject to the procedures as provided for in an administrative penalty By-law, as amended, or any successor By-law.



- 9.5 An administrative penalty imposed on a person or Tenant pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person or Tenant to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

## **10.0 Penalties**

- 10.1 Every person or Tenant who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction, to a fine of not less than \$100.00 and not more than \$5,000.00.
  - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$250.00 and not more than \$10,000.00.
  - (c) Upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00.

## **11.0 Collection of Unpaid Fines**

- 11.1 Where a fine is in default, the Municipality may proceed with civil enforcement against the person or Tenant upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 11.2 The Municipality may make a request to the treasurer of a local municipality to add any part of a fine for which a person or Tenant is responsible that is in default to the tax roll for any lands owned by the person or Tenant in the local municipality, and collect it in the same manner as municipal taxes.

## **12.0 Severability**

- 12.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## **13.0 Interpretation**

- 13.1 The provisions of Part VI of the Legislation Act, 2006, S.O. 2006, c. 21, Schedule F shall apply to this By-law.
- 13.2 Where a term used in this By-law is not defined in this By-law, but is defined in the Smoke-Free Ontario Act that definition shall apply to the term used in this By-law.
- 13.3 The onus of proving an exception under Part 4 of this By-law is on the person claiming the exception, in accordance with s. 47(3) of the Provincial Offences Act as amended.

## **14.0 Force and Effect**

- 14.1 This By-law comes into force and effect on the day it is passed.
- 14.2 That By-laws 1987-85, 1994-22, 1994-79, 2009-24, and 2011-73 be repealed.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Attachment 2

Corporation of the Town of Newmarket  
By-law 2019-XX

A By-law to amend Delegation By-law 2016-17.

Whereas Council deems it necessary to delegate the establishment of Designated Smoking Areas to staff in accordance with the Town’s Smoking By-law, as may be amended from time to time.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Schedule D of the Delegation By-law 2016-17 be amended as follows:

TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
Designated Smoking Areas	Approval and establishment of permanent Designated Smoking Areas on Public Property	Municipal Act 2001, S.O. 2001 C.25 s. 115	Designated Smoking Areas must comply with the Smoke Free Ontario Act, as amended from time to time.	Legal Services; Legislative Services; Planning & Building Services; Public Works Services; Recreation & Culture	Chief Administrative Officer	

2. That Schedule C of the Delegation By-law 2016-17 be amended as follows:

TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
Designated Smoking Areas	Approval and establishment of temporary Designated Smoking Areas on Public Property	Municipal Act 2001, S.O. 2001 C.25 s. 115	Designated Smoking Areas must comply with the Smoke Free Ontario Act, as amended from time to time.	Legal Services; Legislative Services; Planning & Building Services; Public Works Services; Recreation & Culture	Director of Public Works Services or designate	

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



**Attachment 3****Corporation of the Town of Newmarket****By-law 2019-XX**

A By-law to amend Parks By-law 2013-14.

Whereas Council deems it necessary to ensure public clarity for smoking and vaping provisions within the Town of Newmarket.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subsection 2.8.1 of the Parks By-law be repealed and replaced with the following:
  - 2.8.1 While in a park, a person shall comply with the provisions of the Town's Smoking By-law, as amended from time to time.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk





Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

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## **Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site) Staff Report to Council**

Report Number: 2019-40

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: April 29, 2019

### **Recommendations**

1. That the report entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)”, dated April 29, 2019 be received;
2. That Council endorse in principle the notion of redeveloping the entirety of the properties municipally known as 693 Davis Drive, 713 Davis Drive and 35 Patterson Street, in a manner generally consistent with the conceptual drawings entitled “Scenario 2 – Site Plan” and “Scenario 2 – Aerial View”, attached to this Report, prepared by the Briarwood Development Group, dated December 7, 2018; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this Report is to provide Council with sufficient information in order to assist with a strategic land use decision on the properties known as 693 Davis Drive, 713 Davis Drive, and the Town-owned 35 Patterson Street / the Hollingsworth Arena property (combined, hereafter referred to as the ‘subject properties’).



## Background

Staff Report 2018-38 was presented to Committee of the Whole in June, 2018. This Report introduced a redevelopment concept that was prepared by the Briarwood Development Group for the subject properties.

As per direction received at the June, 2018 Committee of the Whole meeting, the Briarwood Development Group revised the concept and subsequently submitted two revised concept plans dated December 7, 2018 for presentation to the public at a developer-led Public Information Centre (PIC). This developer-led PIC was held on February 5, 2019, where the Briarwood Development Group presented their two concept plans (Scenario 1 and Scenario 2, dated December 7, 2018) to the public.

On April 15, Council formally decided to decommission the Hollingsworth Arena. With this decision made, the Council must now make a decision regarding the future use of this property. As Council is aware, the Briarwood Development Group has expressed an interest in purchasing the arena property to facilitate the comprehensive redevelopment of the subject properties. This report will provide background information to Council to assist in this decision.

## Discussion

### Two Redevelopment Scenarios

The Briarwood Development Group has prepared two redevelopment scenarios, Scenario 1 and Scenario 2, as described in greater detail in the following sections:

#### Scenario 1 (attachments 1 & 2)

This concept is applicable to the two properties that front on Davis Drive (693 Davis Drive, 713 Davis Drive) and the southerly 21m of the Hollingsworth Arena property (35 Patterson Street).

This concept shows two 15 storey point towers connected by a 2 and 3 storey podium, an 'urban park' fronting along Davis Drive, and commercial uses at the base of each tower fronting Davis Drive and the urban park. Townhouse units are also shown at the base of each tower, facing Patterson Street and the internal street located east of the eastern tower. Finally, limited surface parking is shown to the north and east of the towers; the majority of the required parking is located underground.

In total, 289 residential units are shown (apartment and townhouse), as well as 1,260 sq m of commercial space.

The balance of the subject properties (specifically the remainder of the Hollingsworth Arena property) is shown as a 'community park'.

## Scenario 2 (attachments 3 & 4)

This concept is a revised version of the concept presented to Council in June, 2018 (the “Initial Concept”). It is applicable to the entirety of the subject properties.

This concept shares the same development as Scenario 1 on the two properties that front on Davis Drive and the southerly 21m of the Hollingsworth Arena property, including the two 15 storey towers, podium, townhouse units, commercial uses, urban park and limited surface parking.

However, this concept differs from Scenario 1 as it relates to the balance of the subject properties (specifically the remainder of the Hollingsworth Arena property). In this area, a 6 storey residential building is shown with limited surface parking area, and a ‘community park’ located in the northern area of the property along the Irwin Street frontage. The uses of the 6 storey building are identified as ‘community facility’ on a portion of the ground floor, and a ‘senior’s residence’ in the remainder of the building.

With the inclusion of the 6 storey residential building, 120 residential units and 798 sq m of community space is added to the redevelopment concept. The total number of residential units in this concept is 409.






Attachment 5 provides a comparison sheet of redevelopment Scenarios 1 and 2.

## Urban Centres Secondary Plan Sets the Vision for the Properties

As noted in Report 2019-01, the Urban Centres Secondary Plan sets out the vision for the subject properties. This vision consists of redeveloping these properties in a more intensive, efficient urban form than what currently exists.



In terms of land use, the Secondary Plan designates the majority of the subject properties Mixed Use (residential, commercial, employment, community uses, etc.) and requires at-grade commercial uses fronting along Davis Drive through the use of a Priority Commercial Area overlay. There is also an area

-  Planned VIVA Rapidway Station
-  Major Institutional
-  Mixed Use
-  Parks and Open Space
-  Priority Commercial Area

designated Parks and Open Space along the Irwin Crescent frontage.

The Secondary Plan designates the two

properties that front on Davis Drive and the southerly 21m of the Hollingsworth Arena property as Medium-High Density, which requires building heights ranging from 4-12 storeys and floor space indexes (FSI) ranging from 2.0 to 2.5. The remainder of the subject properties are designated Low Density which requires building heights ranging

Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street

from 2-6 storeys and floor space indexes (FSI) ranging from 1.5 to 2.0. With these height and density designations, the higher and more intensive development is concentrated along the Davis Drive frontage, decreasing towards the northern part of the subject sites.



The Secondary Plan also provides for discretionary maximum height and density bonusing, applicable only to the two properties that front on Davis Drive and the southerly 21m of the Hollingsworth Arena property. In these areas, maximum building heights can be increased to 15 storeys and maximum density can be increased to 3.0 Floor Space Index (FSI) in exchange for specified community benefit(s) that are determined as per the Town's Height and Density Bonusing Implementation Guidelines.

	permitted min. height	permitted max. height	permitted min. FSI	permitted max. FSI	discretionary max. height with bonusing	discretionary max. FSI with bonusing
High Density	6 storeys (20m)	17 storeys (53m)	2.5	3.5	20 storeys (62m)	4.0
Medium-High Density	4 storeys (14m)	12 storeys (38m)	2.0	2.5	15 storeys (47m)	3.0
Medium Density	3 storeys (11m)	8 storeys (26m)	1.5	2.0	10 storeys (32m)	2.5
Low Density	2 storeys (8m)	6 storeys (14m)	1.5	2.0		

Note: - Bonusing is subject to Policy 6.4.5 iv.  
- The proposed streets network is shown conceptually on this Schedule and will be determined in accordance with Policy 8.3.2.

Being a Council-approved planning document, any redevelopment of the subject properties must be consistent with these requirements, not only regarding *maximum* limits,

but also *minimum* requirements such as minimum building heights and densities. Based on a preliminary review of the materials provided by Briarwood Developments, it appears that 'Scenario 1' and Scenario 2' both generally satisfy the Urban Centres Secondary Plan's vision; this conclusion was noted previously in Report 2019-1.

## Marketing the Corridors Efforts

As noted in Information Report 2018-44, a series of cross-departmental initiatives were identified in order to facilitate the redevelopment of the Yonge Street and Davis Drive corridors. This project became known as the 'Marketing the Corridors' campaign, and various departments were tasked with determining and implementing ways to encourage the redevelopment of the Yonge Street and Davis Drive corridors.

A total of 9 policy-related initiatives were completed by Planning and Building Services, including those that reduced hard and soft development costs in our corridors in an effort to make the Town more competitive. These initiatives included the reduction of parking requirements, the development of density bonusing guidelines, the update to and reinstatement of the Town's Development Charge Deferral policy, and an update to the Servicing Allocation Policy to focus prioritization to the Urban Centres. Finally, the preparation and passing of the Urban Centres Zoning By-law, which 'zoned-in' almost

20 million square feet (1,858,061 square metres) of additional mixed-use space along our transit-supported Urban Centre corridors.

These planning initiatives were completed in parallel with a Community Investment Brand/Marketing and Communications Strategy, headed by Economic Development and Corporate Communications. This initiative involved the creation of a print and digital marketing strategy intended to attract further development and sustainable interest in Newmarket's corridors.

Finally, various members of the Town's senior staff and elected officials meet regularly with developers and owners of strategic landholdings along the corridors to advise on the Marketing the Corridors campaign and obtain information on any redevelopment plans.

The above noted efforts are beginning to pay dividends. An increasing number of developers are requesting pre-consultation meetings, expressing interest in developing their properties for higher, denser and more efficient uses, as per the vision of the Urban Centres Secondary Plan.

One such developer is the Briarwood Development Group, whose redevelopment scenarios (particularly Scenario 2) generally implement the approved planning vision of the subject properties as per the Secondary Plan.

### **Major Transit Station Area (BRT)**

As defined by provincial policy, Major Transit Station Areas (MTSAs) are the areas within an approximate 500 metre radius of any existing or planned higher order transit station, including Bus Rapid Transit (BRT) stations and GO Rail Stations. Newmarket has a total of 12 such station areas.

As per provincial policy, MTSAs are to be focus areas for growth and development. In particular, BRT stations must be planned to accommodate a minimum of 160 people and jobs (combined) per hectare. This is a fundamental planning principle, known as Transit Oriented Development, where higher levels of people and jobs are located in close proximity to transit in order to achieve more efficient use of land and servicing infrastructure, and create healthier, more walkable communities.

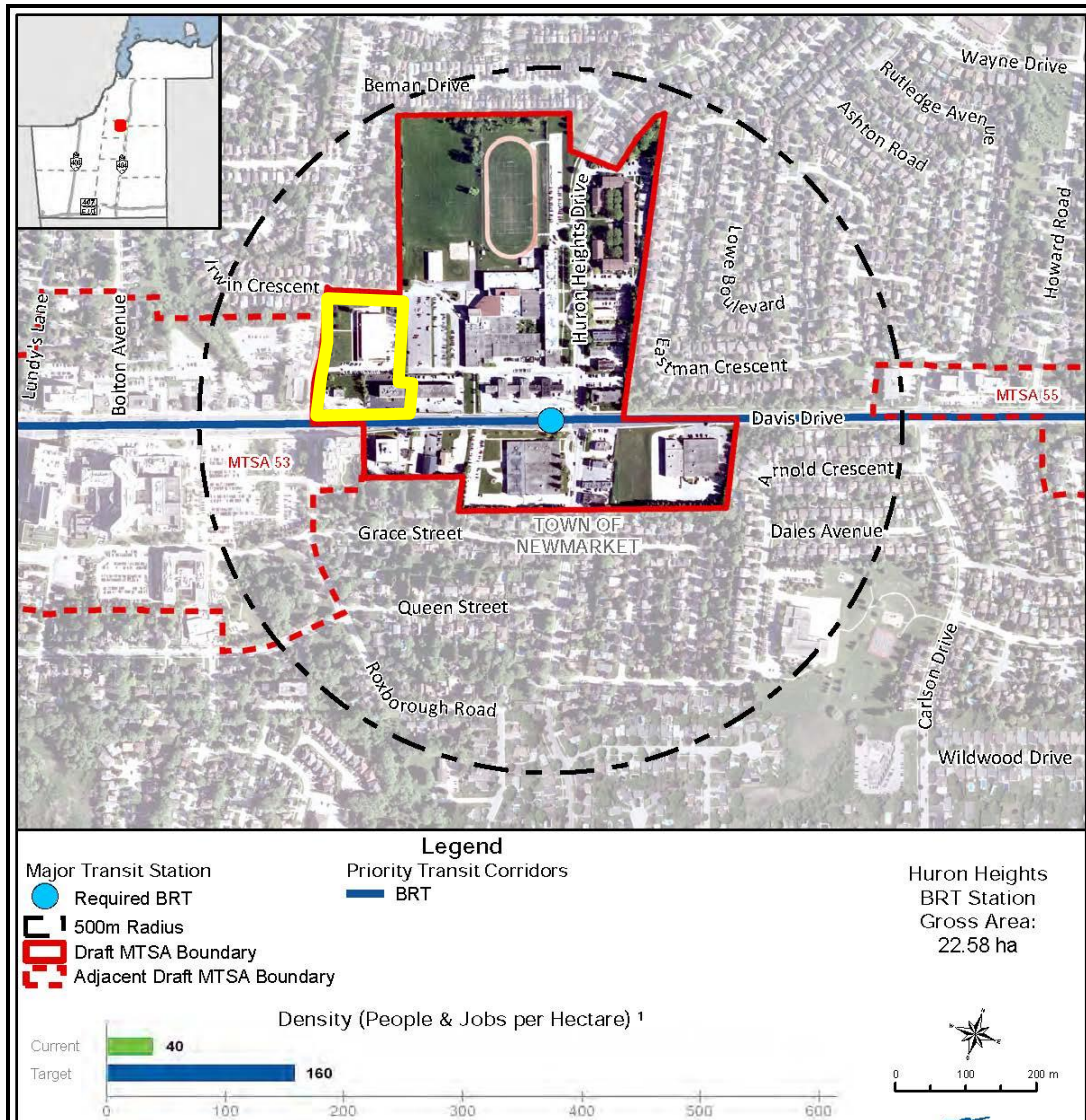
York Region is required to delineate and set minimum density targets for MTSAs. Over the last year, staff have been working closely with York Region staff through the Municipal Comprehensive Review to both delineate and set the minimum density targets for each MTSA (these areas and density targets are currently in draft form and are awaiting approval by the Region).

The subject properties are located in The Huron Heights BRT Station MTSA as mapped below. This MTSA has a required minimum density target of 160 people and jobs (combined) per hectare, thereby satisfying the minimum density target as set out in provincial policy. Significant redevelopment within this MTSA is required in order to

Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street

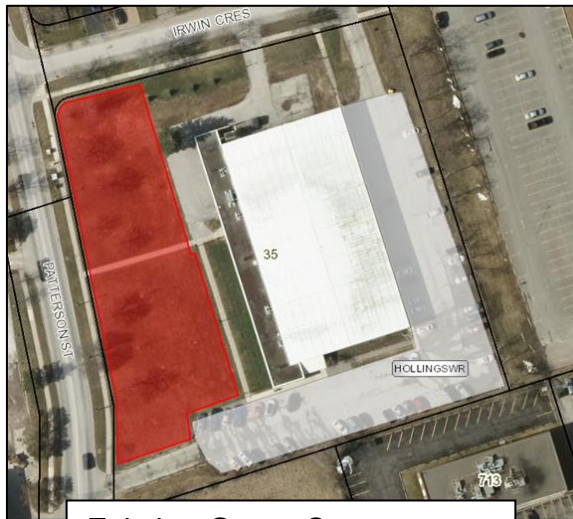


meet this future density target; the contemplated Briarwood redevelopment scenarios (particularly Scenario 2) would assist in this regard.

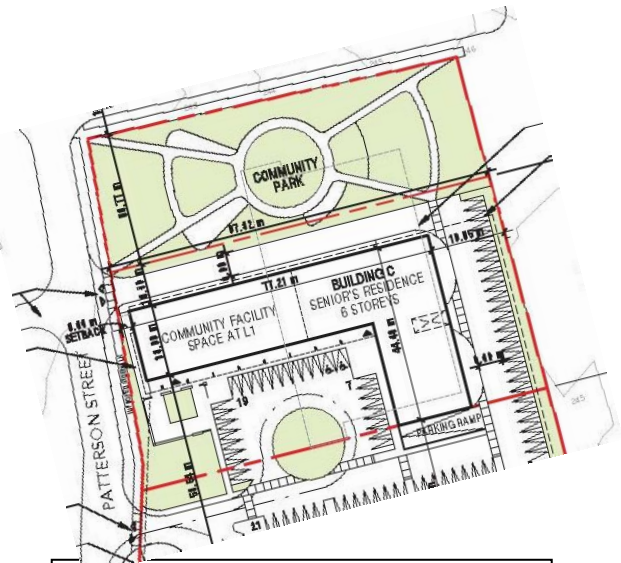


## Parkland Area

It is understood that many residents in the surrounding neighbourhood currently use the green space located to the west of the existing arena building for informal recreation purposes. Therefore a comparison of this area has been undertaken to see how this informal green space compares with the potential 'community park' area shown on Scenario 2. As shown in red below, these areas are generally comparable in shape but the 'community park' in Scenario 2 is slightly larger.



Existing Green Space  
Approx. 2,600 sq m (0.26ha)



Scenario 2's 'Community Park'  
Approx. 3,300 sq m (0.33ha)

## Recreation Opportunities

Within the Recreation Playbook, the north-east quadrant of the Town was identified as an area in which residents would benefit from a number of recreational opportunities. With the decommissioning of Hollingsworth Arena, this site represents an excellent opportunity to address a couple of key facilities recommended within the Playbook. Specifically, this site would be the ideal location for a Spray Pad and a paved basketball court that could accommodate a community run outdoor rink during the winter months. There is a lack of these type of amenities anywhere in the area.

The addition of these types of amenities could be accommodated in a park environment that could be built in either of the proposed development scenarios. In the case of Scenario 2, this would occur in the area identified as "community park" along the Irwin Street frontage.

## Preferred Redevelopment Scenario

As noted in Report 2019-1 (as well as earlier in this Report):

*"Generally speaking, the 'Scenario 1' and Scenario 2' concepts both satisfy the Urban Centres Secondary Plan's vision.*

Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street

*Scenario 2 does so in a more comprehensive, immediate manner whereas Scenario 1 does so by first developing the southern portion of the properties in a way that is generally consistent with the Urban Centres Secondary Plan, but does not preclude future development to occur on the remainder of the site as per the Secondary Plan. As such, both scenarios provide a reasonable foundation on which to base a formal planning application.”*

Although both redevelopment scenarios generally satisfy the approved planning vision for the subject properties, Scenario 2 implements the Secondary Plan in a more fulsome manner in terms of land uses, building Heights and densities, including the community park shown in the northern area of the subject properties which implements the linear ‘Parks and Open Space’ designation shown on Schedule 3 of the Secondary Plan.

Therefore, Scenario 2 is staff’s preferred redevelopment scenario. Accordingly, it is being recommended that the notion of redeveloping the entirety of the subject properties in a comprehensive manner, as exemplified by Scenario 2, be endorsed in principle.

### **Preliminary Planning Opinion vs Support**

As Council is aware, a planning opinion of any kind is typically reserved until such time as a formal planning application has been submitted by a developer and reviewed by staff. However, this is a unique situation involving the potential sale of Town-owned land (the Hollingsworth arena property) and therefore a preliminary opinion is required to determine to what extent the redevelopment scenarios align with the approved planning vision for the subject properties. This preliminary opinion and accompanying information will assist Council in making an informed decision regarding this potential sale.

Should any future planning application be submitted involving the subject properties, all materials will be reviewed and a formal planning opinion will be provided to Council consistent with the statutory planning process. The preliminary planning opinion in this Report is not a statement of supportability on any such future planning application.

### **Conclusion**

The Town is in the unique position of owning a significant portion of land within the Urban Centres that is central to implementing the approved planning vision in a key location within the Urban Centres.

In order to realize the approved planning vision for the subject properties, capitalize on the Marketing the Corridors initiative, and more expeditiously meet minimum density targets of the area, this Report is recommending that Council endorse in principle the notion of redeveloping the entirety of the properties municipally known as 693 Davis Drive, 713 Davis Drive and 35 Patterson Street, as exemplified by the ‘Scenario 2’ concept prepared by the Briarwood Development Group.



## **Business Plan and Strategic Plan Linkages**

Well-Equipped and Managed:

- Creating a clear vision of the future and supporting plans and strategies to guide the way.

Well-Planned and Connected:

- Planning and managing growth through long-term plans and strategies, supported by short-term action plans.

## **Consultation**

Internal stakeholders consulted during the preparation of this Report include Legal Services staff and Recreation and Culture Services staff.

## **Human Resource Considerations**

None.

## **Budget Impact**

A large-scale redevelopment within the Urban Centres such as the one contemplated, would increase the tax base and efficiently uses existing infrastructure, land and resources.

## **Attachments**

1. Redevelopment Scenario 1 – Site Plan, the Briarwood Development Group, dated December 7, 2018.
2. Redevelopment Scenario 1 – Aerial View, the Briarwood Development Group, dated December 7, 2018.
3. Redevelopment Scenario 2 – Site Plan, the Briarwood Development Group, dated December 7, 2018.
4. Redevelopment Scenario 2 – Aerial View, the Briarwood Development Group, dated December 7, 2018.
5. Comparison Sheet of Redevelopment Scenarios 1 & 2.

## **Approval**

Adrian Cammaert, MCIP, RPP, CNU-A  
Senior Planner, Policy

Jason Unger, MCIP, RPP  
Assistant Director of Planning

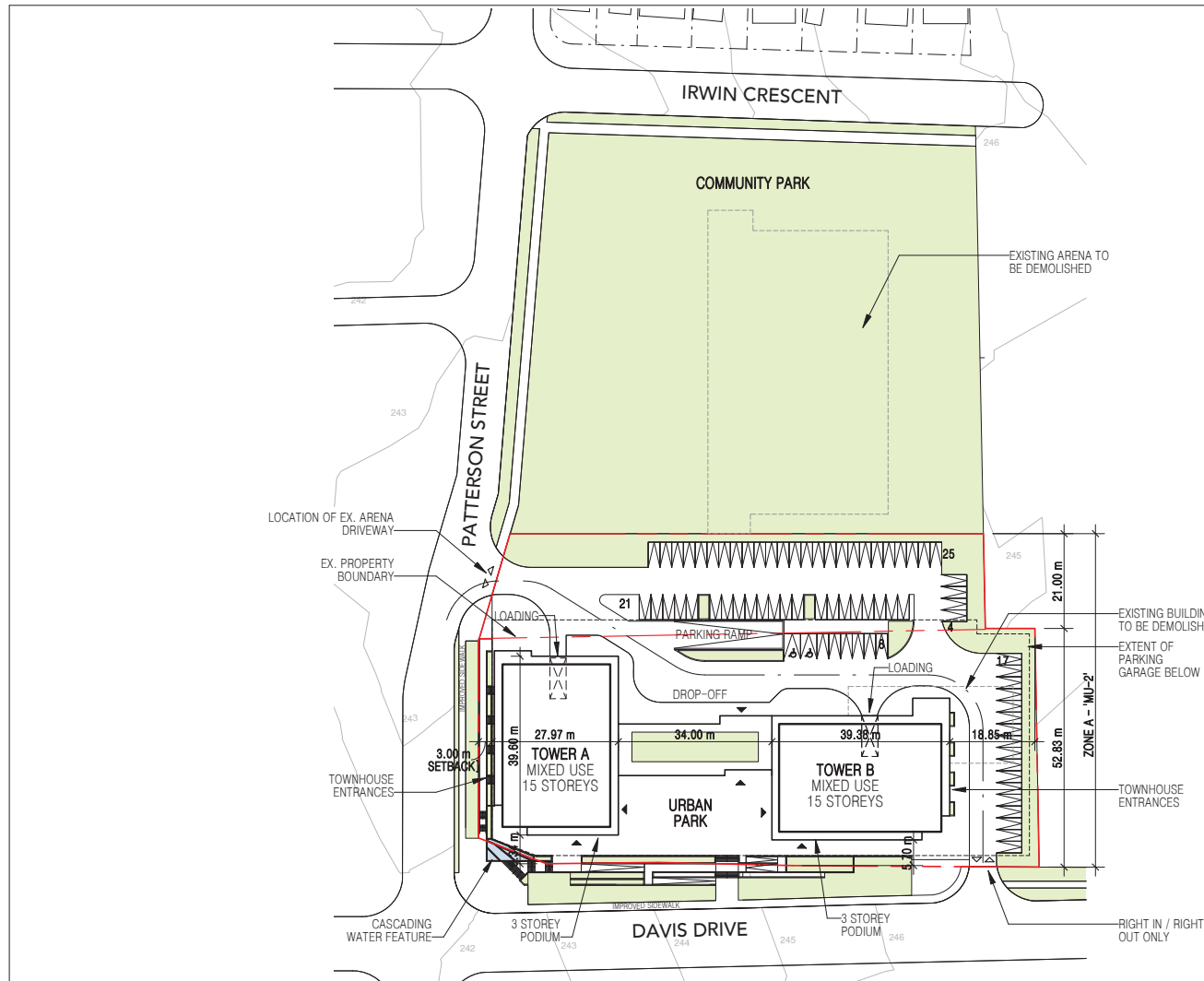
Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street

Rick Nethery, MCIP, RPP  
Director of Planning & Building Services

Peter Noehammer, P. Eng.  
Commissioner of Development & Infrastructure Services

## **Contact**

Adrian Cammaert, Senior Policy Planner, [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)



## KEY MAP



## SITE STATISTICS - ZONE A

ZONING DESIGNATION	SITE AREA	TOTAL GFA	FSI
ZONE A: MU-2	8,699 m <sup>2</sup>	26,060 m <sup>2</sup>	3.00

## BUILDING STATISTICS

GROSS FLOOR AREA	UNITS	AREA(sm)
TOWER A&B		26,060 sm
Residential	289	24,800 sm
Commercial		1,260 sm
<b>TOTAL:</b>	<b>289</b>	<b>26,060sm</b>

PARKING SPACES	REQUIRED	PROPOSED
TOWER A&B		
RESIDENTS	272	272 (U/GROUND)
VISITOR	44	26 (U/GROUND)
COMMERCIAL	32	75 (@ GRADE)
<b>TOTAL</b>	<b>348</b>	<b>373</b>

\*REFER TO COMPLETE STATISTICS PROVIDED

## SCENARIO 1 - SITE PLAN

17-126  
2018-12-07  
As indicated

DAVIS DRIVE & PATTERSON STREET  
693 - 713 Davis Drive  
Newmarket, ON

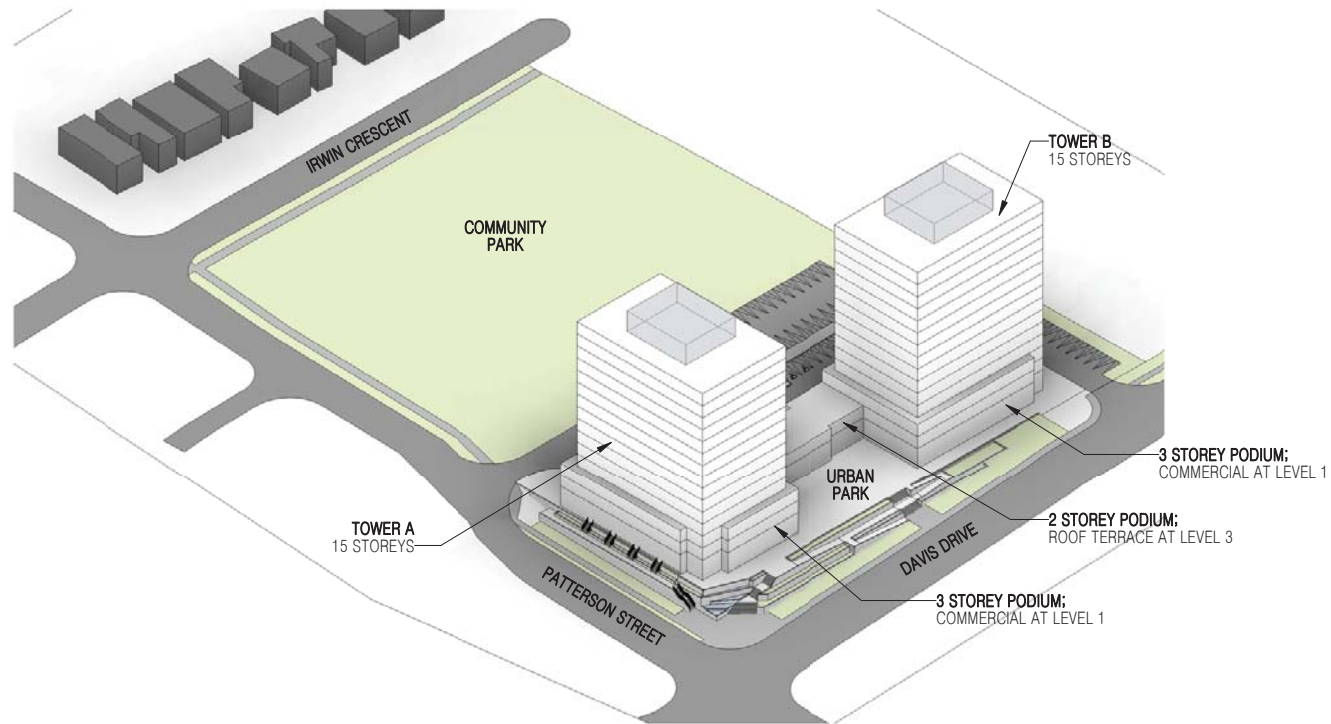
Briarwood Development Group



# Kohn

Kohn Partnership Architects Inc.  
116 Spadina Avenue, Suite 501, Toronto ON M5V 2K6  
Tel 416.703.6700 www.kohnarchitects.com





## SCENARIO 1 - AERIAL VIEW

17-126  
2018-12-07

DAVIS DRIVE & PATTERSON STREET  
693 - 713 Davis Drive  
Newmarket, ON

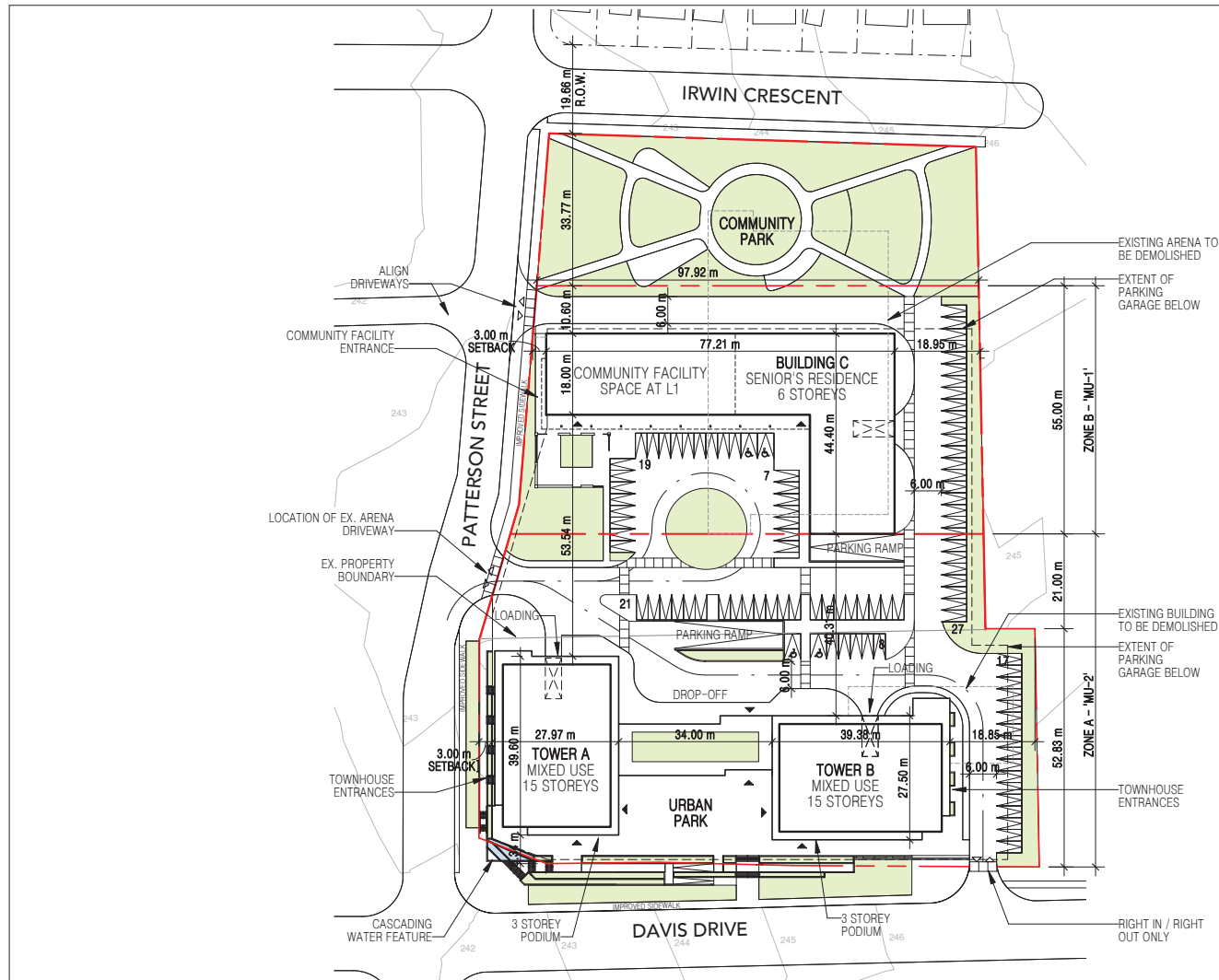
Briarwood Development Group



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## KEY MAP



## SITE STATISTICS - ZONE A &amp; B

ZONING DESIGNATION	SITE AREA	TOTAL GFA	FSI
ZONE A: MU-2	8,699 m <sup>2</sup>	26,060 m <sup>2</sup>	3.00
ZONE B: MU-1	5,542 m <sup>2</sup>	11,100 m <sup>2</sup>	2.00

## BUILDING STATISTICS

GROSS FLOOR AREA	UNITS	AREA(sm)
<b>TOWER A&amp;B</b>		<b>26,060 sm</b>
Residential	289	24,800 sm
Commercial		1,260 sm
<b>SENIOR'S RESIDENCE</b>		<b>11,000 sm</b>
Residential	120	10,202 sm
Community Facility		798 sm
<b>TOTAL:</b>	<b>409</b>	<b>37,060sm</b>

PARKING SPACES	REQUIRED	PROPOSED
<b>TOWER A&amp;B</b>	<b>348</b>	<b>366</b>
RESIDENTS	272	272 (U/GROUND)
VISITOR	44	26 (U/GROUND)
COMMERCIAL	32	68 (@ GRADE)
<b>SENIOR'S RESIDENCE</b>	<b>155</b>	<b>165</b>
RESIDENT	108	108 (U/GROUND)
VISITOR	18	18 (@ GRADE)
COMMUNITY	29	39 (@ GRADE)
<b>TOTAL</b>	<b>503</b>	<b>531</b>

\*REFER TO COMPLETE STATISTICS PROVIDED

## SCENARIO 2 - SITE PLAN

2018-12-07  
As indicated

DAVIS DRIVE & PATTERSON STREET  
693 - 713 Davis Drive  
Newmarket, ON

Briarwood Development Group

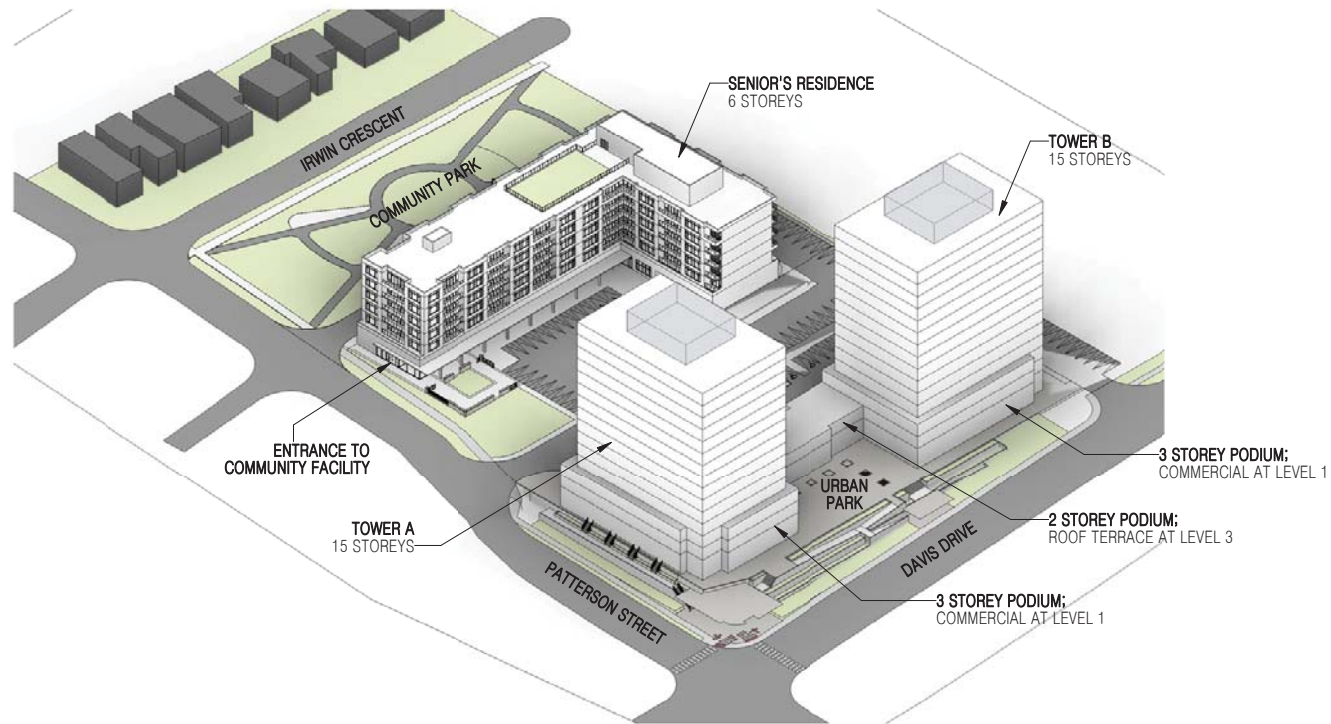


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## SCENARIO 2 - AERIAL VIEW

2018-12-07

DAVIS DRIVE & PATTERSON STREET  
693 - 713 Davis Drive  
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## Comparison Sheet of Redevelopment Scenarios 1 & 2

Scenario 1	Scenario 2
Properties: 693 Davis Drive, 713 Davis Drive and the southerly 21m of 35 Patterson Street	Properties: 693 Davis Drive, 713 Davis Drive and 35 Patterson Street
<b>Conceptual Rendering</b>	
	
<b>Implement the vision of the Secondary Plan?</b>	
Yes, in a staged manner. Davis Drive / tower portions are redeveloped without precluding future redevelopment of the arena portion.	Yes, in a comprehensive manner.
<b>Building Heights</b>	
<p>Towers:</p> <ul style="list-style-type: none"> <li>• Tower A: 15 Storeys (47m)</li> <li>• Tower B: 15 Storeys (47m)</li> </ul> <p>Podium:</p> <ul style="list-style-type: none"> <li>• 2-3 storeys (max 11m)</li> </ul>	<p>Towers:</p> <ul style="list-style-type: none"> <li>• Tower A: 15 Storeys (47m)</li> <li>• Tower B: 15 Storeys (47m)</li> </ul> <p>Podium:</p> <ul style="list-style-type: none"> <li>• 2-3 storeys (max 11m)</li> </ul> <p>Mid-rise:</p> <ul style="list-style-type: none"> <li>• 6 storeys (22m)</li> </ul>
<b>Density</b>	
<p>Tower portion:</p> <ul style="list-style-type: none"> <li>• 3.0</li> </ul>	<p>Tower portion:</p> <ul style="list-style-type: none"> <li>• 3.0</li> </ul> <p>Mid-rise portion:</p> <ul style="list-style-type: none"> <li>• 2.0</li> </ul>
<b>Section 37 Bonusing Required?</b>	
Yes, for Davis Drive tower portions	Yes, for Davis Drive tower portions
<b>Total Number of Residential Units</b>	
<p>Tower portion: 289</p> <p>TOTAL: 289</p>	<p>Tower portion: 289</p> <p>Mid-rise portion: 120</p> <p>TOTAL: 409</p>
<b>Inclusion of Mid-rise?</b>	
No	Yes
<b>Inclusion of Commercial Presence along Davis Drive?</b>	
Yes, 1260 sq m	Yes, 1260 sq m
<b>Inclusion of indoor Community Facility area?</b>	
No	Yes, 798 sq m
<b>Parkland</b>	
1. Urban Park fronting on Davis Drive	1. Urban Park fronting on Davis Drive 2. Community Park fronting on Irwin Crescent
<b>Require Sale of Arena Property?</b>	
Yes, the southernmost 21m at a minimum.	Yes, in its entirety.





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## **Site Specific Exemptions to Interim Control bylaw 2019-04 Staff Report to Council**

Report Number: 2019-43

Department(s): Development and Infrastructure Services/Planning and Building Services

Author(s): D. Ruggle

Meeting Date: April 29, 2019

### **Recommendations**

1. **That** the report entitled Site Specific Exemption to Interim Control By-law 2019-04 dated April 29, 2019 be received; and,
2. **And That** Council approve the process for exemption from Interim Control By-law 2019-04, as outlined in this report.

### **Purpose**

The purpose of this report is to recommend to Council a site specific amendment process for properties within the boundaries of Interim Control by-law 2019-04.

### **Background**

Council passed Interim Control By-law 2019-04 on January 21, 2019, put in place due to concerns with over building in established neighbourhoods. At the March 18, 2019 Committee of the Whole meeting, Committee directed staff to bring forward an exemption process for properties subject to Interim Control By-law 2019-04.

### **Discussion**

Residential trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment. Concerns have been raised regarding the compatibility of new homes or additions to existing homes that comply with the current

### **Site Specific Exemption Process for Interim Control by-law 2019-04**

zoning by-law regulations, but are considered to be out of character with the built form of the established neighbourhoods in which they are located.

One of the fundamental objectives of planning and zoning is to ensure compatibility between properties and land uses. Compatibility is achieved in part by regulating land use and built form.

As such, Council directed staff to initiate a study of existing established neighbourhoods to examine the regulatory framework of the Town's Zoning By-law and Official Plan and propose recommendations for amendments that will assist in maintaining the existing character of the mature neighbourhoods.

Council enacted Interim Control By-law 2019-04 on January 21, 2019, to restrict the level of change in the Town's established neighbourhoods until new directions have been established through completion of the study.

At the March 18, 2019 Committee of the Whole meeting, staff were given direction to bring forward an exemption process for properties subject to Interim Control By-law 2019-04. The process established by the Town of Halton Hills was referenced in the discussion by Council.

The Town of Halton Hills recently proceeded through a similar process in relation to an Interim Control By-law controlling development in established neighbourhoods. Halton Hills established an exemption process that consists of an internal review of proposed residential dwellings and additions within the subject area of the ICB on a case by case basis to determine compatibility with the existing neighbourhood character. Approvals are granted by Council through an amendment to the ICB.

### The Proposed Process

The proposed process is heavily based on the process Halton Hills has implemented as it appears to provide sufficient review to enable staff to make a recommendation and Council to make an informed decision.

The Owner of the property will submit a written exemption request to Planning and Building Services, including:

- the address and lot dimensions
- photos of all four sides of the existing dwelling (front, sides, and rear), as well as photos of the streetscape that depict the relationship between the existing dwelling and adjacent dwellings;
- the gross floor area of the existing dwelling;
- the gross floor area and conceptual site plan of the proposed dwelling or addition;
- four dimensioned elevations of the proposed dwelling or addition (front, sides, and rear);

### **Site Specific Exemption Process for Interim Control by-law 2019-04**



- explanation of how the proposed dwelling or addition is compatible with the existing character of the neighbourhood; and,
- the applicant's contact information.

The exemption requests will be evaluated against the following two criteria:

**Physical Character Compatibility** of the proposed dwelling or addition with the physical character of the existing neighbourhood, inclusive of height, massing, roof lines, and built form; and,

**Streetscape Character Compatibility** of the proposed dwelling or addition with the streetscape character of the existing neighbourhood, inclusive of setbacks, building projections, siting on property, and relationship to adjacent dwellings.

The Town will notify all abutting and adjacent property owners of the applicant's request for exemption from the ICB, and provide those property owners with 10 days to make a written submission to the Town for staff consideration. Exemption requests and written submissions are to be reviewed by staff and a recommendation is presented in a staff report to Committee/Council for approval. If an exemption is granted by Council, the Town will notify abutting/adjacent property owners that a Council-approved site-specific exemption from the ICB has been granted as well as post Notice of the amending by-law in the local paper. As required under the Planning Act, any Council-approved exemption from the ICB will be subject to a 60-day appeal period. The Town will only issue the required building permits for proposed residential dwellings or additions after a site-specific exemption has been granted by Council and the associated appeal period has lapsed.

Staff propose a fee of \$465.00 for the exemption request to cover the costs associated with posting the Notice in the paper. In the event the exemption is not granted, the fee will be reimbursed.

## Conclusion

Staff recommend the above exemption process, largely based on the Halton Hills example, for exemption requests to Interim Control bylaw 2019-04.

## Business Plan and Strategic Plan Linkages

The development of new Official Plan policies and implementing zoning by-law related to infill housing and compatibility has linkages to the Community Strategic Plan by

## Site Specific Exemption Process for Interim Control by-law 2019-04

developing growth management plans and strategies to create a clear vision for the future of the identified neighbourhoods.

## **Consultation**

N/A

## **Human Resource Considerations**

N/A

## **Budget Impact**

While there is no budgetary component in relation to the recommendation of this report, there will be an increase in staff time for review of the submissions and the preparation of reports for Council consideration. Staff proposed a fee of \$465.00 intended to cover the costs associated with posting the required Notice in the paper.

## **Attachments**

N/A

## **Approval**

Peter Noehammer, Commissioner of Development and Infrastructure Services

Rick Nethery, Director of Planning and Building Services

Dave Ruggle, Senior Planner Community Planning

## **Contact**

Dave Ruggle, Senior Planner – Community Planning [druggle@newmarket.ca](mailto:druggle@newmarket.ca)



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## **Updated Exemption Process for Interim Control bylaw 2019-04 Staff Report to Council**

Report Number: 2019-56

Department(s): Development and Infrastructure Services/Planning and Building Services

Author(s): D. Ruggle

Meeting Date: May 21, 2019

### **Recommendations**

1. **That** the report entitled Updated Exemption Process for Interim Control By-law 2019-04 dated May 21, 2019 be received; and,
2. **And That** Council approve the updated process for exemption from Interim Control By-law 2019-04, as outlined in this report.

### **Purpose**

The purpose of this report is to recommend to Council an updated site specific amendment process based on new information for properties within the boundaries of Interim Control by-law 2019-04.

### **Background**

Council passed Interim Control By-law 2019-04 on January 21, 2019, put in place due to concerns with over building in established neighbourhoods. At the March 18, 2019 Committee of the Whole meeting, Committee directed staff to bring forward an exemption process for properties subject to Interim Control By-law 2019-04. Council adopted the recommendations of report 2019-43 outlining a proposed process at the April 29, 2019 Committee of the Whole meeting. Subsequently at Council on May 6, 2019, the report was deferred to look into the issues of appeals and permit eligibility.

## Discussion

Legal Services have had an opportunity to further review the requirements for providing notice and appeal opportunities for an exemption to an Interim Control By-law. It has been determined that there are no appeal opportunities after an exemption to the ICB has been passed. Once Council adopt a by-law to exempt property, the by-law is in full force and the property owner will be entitled to submit and draw a building permit immediately under the normal and usual building permit process. As notice is not required, and the previously proposed fee was to cover the costs of posting such notice in the paper, staff are recommending not implementing a fee for this exemption process.

Staff are continuing to recommend that notice be provided to adjacent and abutting property owners that would have been originally notified of the exemption application to advise them of the Council decision, but not for appeal purposes.

84 Howard Road Deputation – The agent for the owners of 84 Howard Road have put forward an interpretation of the interim control by-law that would consider the subject property exempt from the by-law's provisions. It was submitted that as the applications for consent and minor variance for this property were deemed complete at a point in time (2016), it is exempt from the provisions of the by-law and the owners should be in a position to draw a building permit. Given the definition of "complete" in the ICB, this property is properly exempt from the ICB and the owner of 84 Howard Road will be notified.

An updated process for exemption to Interim Control By-law 2019-04 is found below:

### The Proposed Process

The Owner of the property will submit a written exemption request to Planning and Building Services, including:

- the address and lot dimensions
- photos of all four sides of the existing dwelling (front, sides, and rear), as well as photos of the streetscape that depict the relationship between the existing dwelling and adjacent dwellings;
- the gross floor area of the existing dwelling;
- the gross floor area and conceptual site plan of the proposed dwelling or addition;
- four dimensioned elevations of the proposed dwelling or addition (front, sides, and rear);
- explanation of how the proposed dwelling or addition is compatible with the existing character of the neighbourhood; and,
- the applicant's contact information.

### **Updated Site Specific Exemption Process for Interim Control by-law 2019-04**

The exemption requests will be evaluated against the following two criteria:

**Physical Character Compatibility** of the proposed dwelling or addition with the physical character of the existing neighbourhood, inclusive of height, massing, roof lines, and built form; and,

**Streetscape Character Compatibility** of the proposed dwelling or addition with the streetscape character of the existing neighbourhood, inclusive of setbacks, building projections, siting on property, and relationship to adjacent dwellings.

The Town will notify all abutting and adjacent property owners of the applicant's request for exemption from the ICB, and provide those property owners with 10 days to make a written submission to the Town for staff consideration. Exemption requests and written submissions are to be reviewed by staff and a recommendation is presented in a staff report to Committee/Council for approval. If an exemption is granted by Council, the Town will notify abutting/adjacent property owners that a Council-approved site-specific exemption from the ICB has been granted. The Town will only issue building permits for proposed residential dwellings or additions after a site-specific exemption has been granted by Council.

## **Conclusion**

Staff recommend the above updated exemption process for exemption requests to Interim Control bylaw 2019-04.

## **Business Plan and Strategic Plan Linkages**

The development of new Official Plan policies and implementing zoning by-law related to infill housing and compatibility has linkages to the Community Strategic Plan by developing growth management plans and strategies to create a clear vision for the future of the identified neighbourhoods.

## **Consultation**

N/A

## **Human Resource Considerations**

N/A

## **Budget Impact**

While there is no budgetary component in relation to the recommendation of this report.

## **Attachments**

N/A

**Updated Site Specific Exemption Process for Interim Control by-law 2019-04**

## **Approval**

Peter Noehammer, Commissioner of Development and Infrastructure Services

Rick Nethery, Director of Planning and Building Services

Dave Ruggle, Senior Planner Community Planning

## **Contact**

Dave Ruggle, Senior Planner – Community Planning [druggle@newmarket.ca](mailto:druggle@newmarket.ca)



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## **By-Law to Regulate Backflow Prevention Staff Report to Council**

Report Number: 2019-48

Department(s): Development & Infrastructure Services, Public Works Services

Author(s): Luigi Colangelo

Meeting Date: May 21, 2019

### **Recommendations**

1. That the report entitled By-Law to Regulate Backflow Prevention dated March 13, 2019 be received; and,
2. That Council adopt a New Backflow Prevention Bylaw to regulate the installation and testing of backflow preventers, as described in this report and set out in Attachment 1; and,
3. That a copy of The Town of Newmarket's Backflow Prevention Bylaw be placed on the Town of Newmarket Website; and,
4. That new administration fees for surveys and testing of Backflow Preventers be added to the 2019 Fees and Charges as set out in Attachment 2, and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

To help protect the safety of the Town's drinking water system and its users by implementing a mandatory bylaw to install and inspect backflow prevention devices in all Industrial, Commercial, Institutional and Multi-Residential properties.

### **Background**

This report is to follow-up on the information report (2018-52) on the proposed backflow prevention program provided to Council on November 13, 2018. A cross-connection is defined as "any actual or potential connection between a potable water system and any



source of possible pollution or contamination”. Cross-connections are present in every drinking water system and are potentially dangerous sources of contamination if the Town’s water distribution system is not protected against backflow. Backflow occurs when water flows from private properties back into the municipal water distribution system. This can occur due to higher pressures generated on the private side of the water service connection or lower pressure within the municipal system due to a water main break or fire hydrant use. Due to the resulting health hazards, it is important for the municipality to have an effective backflow prevention program and By-Law in place to control these hazards.

The proposed Backflow Prevention By-Law will regulate the installation and testing of backflow prevention devices to minimize the potential of contaminants entering the municipal water distribution system and placing it at risk; and to establish a system of recourse and penalties for non-compliance for all new and existing Industrial Commercial and Institutional (ICI) properties including mixed use properties as well as multi-residential properties.

These requirements are consistent with the Town’s Drinking Water Quality Management System (DWQMS) and Quality Management System (QMS) Policy which states that:

- The Town of Newmarket Water Distribution System is recognized by the Ministry of the Environment Conservation and Parks (MECP) previously known as Ministry of Environment & Climate Change (MOECC) as a Large Municipal Residential Drinking Water System.
- The Town of Newmarket is committed to the consistent delivery of safe drinking water through compliance with applicable legislative and regulatory requirements.
- The Town will strive to achieve this goal through the implementation, maintenance, and continuous improvement of the Quality Management System.

## **Discussion**

The Town’s Water Distribution System is regulated by the Safe Drinking Water Act, 2002 and applicable regulations and adheres to the Town’s Quality Management System Policy

It is important to note that the Safe Drinking Water Act, 2002, Section 19 requires those with decision-making responsibility for a water system or those with operating authority, to demonstrate a “standard duty of care”. This requirement applies to members of Council and senior municipal officials. In 2011 as part of the Annual Drinking Water Inspection Report, the MECP recommended that “the Town of Newmarket develop a program, policy, or By-Law that requires the installation, inspection, and maintenance of backflow preventers at high hazard facilities (any industrial, commercial, institutional and agricultural facilities)”.

Part 7 of The Ontario Building Code (OBC) has required the installation of backflow prevention devices on fixtures or areas within the facility since 2006. However it was not until 2014 that complete premise isolation was required for Severe and Moderate hazard levels due to a cross connection or potential cross connection within the entire facility. Premise isolation is achieved through the installation of a backflow preventer immediately after the water meter in order to protect the Towns drinking water system from contamination.

The OBC requires that a backflow prevention device be selected and installed in accordance with Canadian Standards Association (CSA) B64 series standards. However, the OBC does not give authority to plumbing inspectors to re-enter a building for the purposes of inspecting backflow prevention devices to ensure they are being tested annually. It also does not give them the authority to inspect existing buildings to ensure that adequate backflow protection is in place. The Backflow Prevention Bylaw will give the Town this authority.

A backflow prevention By-Law would require the installation and annual maintenance and testing of backflow prevention devices for severe or moderate hazards in order to protect the drinking water system from potential contamination. Minor hazards will require testing every five years.

The proposed By-Law is limited to industrial, commercial, institutional, multi-residential and mixed use properties only. There are approximately 900 properties that would be subject to the by-law. Several of these properties already meet the requirements of the proposed By-Law and would only be required to perform the survey and submit the information requested.

The facility survey that must be completed by a qualified person recognized under the Authorized Functions List (Attachment 3) will identify any properties that currently meet the proposed By-Law, require retrofitting for the purpose of premise isolation, improper devices, or annual maintenance and testing.

Records of installed backflow preventers have only been compiled with the Building Department since 2016. Consequently the number of properties not meeting the proposed requirements is unclear. Additionally, many properties that are classified under ICI may not require backflow prevention as per the criteria set out in the proposed By-Law.

The survey will identify the manufacturing methods or service the facility provides, level of hazard (severe, moderate, minor) or requirements of backflow protection. Plumbing systems that pose a minor risk to the municipal drinking water system may be exempt from the requirement to install a backflow preventer, provided no other testable device is located within the facility and at the sole discretion of the Director.

The majority of large municipalities within Ontario have already established a similar By-Law which include Markham, Richmond Hill, Vaughan, Guelph, and Grimsby to mention a few.

## **Conclusion**

The backflow prevention program and By-law is intended to reduce risk of cross contamination of the Town's water supply through inappropriate or illegal connections within private property.

The program consists of two responsibilities of the owners of property required to comply with the by-law being:

- Completion of a cross connection survey on a regular basis which verifies that proper backflow prevention devices are in place
- Annual testing and reporting of the performance of back flow prevention devices installed on the property

This program supports the objectives set out through the Town's Drinking Water Quality Management System.

## **Business Plan and Strategic Plan Linkages**

Focusing on health, safety and the environment to promote activity, innovation and create a truly livable and engaged community means we are: • Ensuring community safety and security • Encouraging environmental protection.

## **Consultation**

Through funding from the Clean Water and Wastewater Fund (CWWF), DFA Infrastructure International Inc. was selected as the consultant to develop the Backflow Prevention Program. The Project Team also includes staff from Public Works Services, Communications, Building, By-Laws, Customer Service and Legal Services.

Best Management Plans were reviewed from several other municipalities, regulatory agencies, and industry leaders.

An open house was held at the Operations Centre on the evening of February 19, 2019 to present the proposed program and obtain feedback from customers. Invitations to the open house were sent directly to all ICI and Multi residential customers through inserts in their water bills in January 2019. Program information and notice of the open house were also placed on the Town's website. However no customers attended. Staff has since been working with the Economic Development Department to reach out to the business associations and their membership to increase program awareness and obtain feedback. The feedback from only a few customers to date has been in support of the

program. Future consultation will include staff from Information Technology to establish the capability for customers to directly submit the information on-line.

## **Human Resource Considerations**

Immediate staffing levels are not impacted as a result of the recommendations in this report. Staffing of 0.5 FTE will be recommended in the 2020 draft budget. This may be accommodated through a 50/50 sharing of responsibility through the water meter replacement coordinator.

## **Budget Impact**

The 0.5 FTE would be partially or fully funded by the Administration Fee's collected.

## **Attachments**

Attachment 1. Proposed By-Law

Attachment 2. Proposed Administration Fees

Attachment 3. Authorized Functions List

## **Approval**

Chris Kalimootoo

Director, Public Works Services

Peter Noehammer

Commissioner, Development & Infrastructure Services

## **Contact**

Luigi Colangelo, Manager

Water Waste/Water Services

905.895.5193 extension 2553





# Corporation of the Town of Newmarket

## By-law 2019-XX (May 2, 2019)

A By-law to regulate cross connections and backflow prevention in private plumbing systems as required to protect the Town of Newmarket's drinking water system from contamination.

**Whereas** section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that The Corporation of the Town of Newmarket (the "Town") may pass By-Laws relating to public utilities, including matters affecting water distribution, and for the purposes related to health, safety and well-being of persons;

**And whereas** subsection 11(1) of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every owner of a municipal drinking water system to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the *Safe Drinking Water Act, 2002*;

**And whereas** section 19 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every person who oversees or has decision-making authority over a municipal drinking water system to exercise the level of care diligence and skill that a reasonable prudent person would be expected to exercise in a similar situation and act honestly competently and with integrity with a view to ensuring the protection and safety of the users of the municipal drinking water system;

**And whereas** Part 7 (Plumbing) of the Building Code (as defined in this By-Law) requires potable water systems to be protected from contamination;

**And whereas** contamination of the Town's drinking-water system can arise as a result of a backflow incident from a private plumbing system that is attached to the Town's municipal drinking-water system and such contamination of the municipal drinking-water system can have an adverse impact on the health, safety and well-being of the users of the Town's drinking water;

**And whereas**, the Town desires to put mechanisms in place so as to minimize the potential or discharging of a contaminating substance into the municipal drinking-water system

Now therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

### 1. SHORT TITLE

1.(1) This By-Law shall be known as the "Backflow Prevention By-Law."

### 2. DEFINITIONS

2.(1) The following words as set out in this By-Law shall have the following meanings:

**"Authorized Functions List"** means the list of functions and the persons with the required qualifications authorized to carry out such functions as set out in Schedule "A" of this By-Law;

**"Auxiliary Water Supply"** means any water source or system, other than the Town's potable water distribution system, that may be available in a building or structure on any property;

**“Backflow”** means the flowing back of or reversal of the normal direction of the flow of water;

**“Backflow Preventer”** means a device or a method that prevents backflow in a water distribution system and includes, but is not limited to, a reduced pressure principle assembly, a dual check valve and a double check valve;

**“Building”** shall have the same meaning as set out in Building Code Act and includes anything constructed or built permanently or temporarily which is provided with a source of potable water;

**“Building Code (OBC)”** means the regulations, as amended from time to time, made under section 34 of the Building Code Act;

**“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or successor thereto;

**“Cross Connection”** means any actual or potential connection between a potable water system and any source of pollution or contamination and includes any by-pass, jumper connection, removable section of pipe, swivel or changeover device and any other temporary or permanent connecting arrangement through which backflow may occur;

**“Cross Connection Control Survey Report”** means a report which shall include all cross connections identified, the existing method of protecting those cross connections and corrective measures, recommendations and a date for which each device will be installed on the Town’s prescribed form, as amended from time to time;

**“Cross Connection Control Survey Report Fee”** means the prescribed fee, if any, as set out in the Town’s Fees and Charges By-law, as amended from time to time;

**“CSA Standard”** means the document entitled B64.10-17/B64.10.1-17 – ‘Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers’, as well as any other standards documents that are applicable to backflow prevention works, installation, testing and maintenance, published by the Canadian Standards Association, as amended or any successor thereof;

**“Director”** means the Director of Public Works Services or any person authorized by the aforesaid to act in his/her place;

**“Fire Service Main”** as defined by the Ontario Building Code means a pipe and its appurtenances that are connected to a source of water and that are located on a property as follows:

- I. Between the source of water and the base of the riser of a water-based fire protection system;
- II. Between the source of water and inlets to foam making systems;
- III. Between the source of water and the base elbow of private hydrants or monitor nozzles;
- IV. As a fire pump suction and discharge piping not within a building; or
- V. Beginning at the inlet side of the check valve on a gravity or pressure tank

**“Initial Administration Fee”** means a one-time administration fee, as set out in the Town’s Fees and Charges By-law, as amended from time to time, due upon submission of the first Cross Connection Control Survey Report;

**“Minor Hazard”**; means any type of cross-connection or potential cross-connection that involves a substance that does not affect health but only reduces the aesthetic quality of the water, as defined by the CSA Standard;

**“Mixed Use Building”** means residential properties including single family homes where there is a business activity in addition to the property being a home

**“Moderate Hazard”** means any minor hazard (MH) connection that has a low chance of becoming a severe hazard. The water’s aesthetic qualities have been further reduced



and, under certain conditions, can create a danger to health, as defined by the CSA Standard;

**"Multi-residential building"** means a residential building that consists of more than five (5) self-contained residential dwelling units, but does not include buildings that only consist of residential single-dwelling units that are solely attached to other residential units on the sidewall (such as semi-detached homes, townhomes or row houses) or single-dwellings that contain basement apartments or annexes;

**"Municipal Act"** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or successor thereto;

**"Municipal Drinking Water System"** means municipal drinking water system as defined by Section 2(1) of the Safe Drinking Water Act and that is owned and operated by the Town

**"Owner"** means any person, firm or corporation having control over property to which this By-Law applies and includes the owner registered on the title of the property and any occupant of any building or structure on such property;

**"OWWA"** means the Ontario Water Works Association

**"Person"** includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person to whom the context can apply at law and shall also include any group of persons comprising a society, association or other organization and shall include the plural where the context so requires;

**"Plumbing System"** means a system for water and wastewater not on the Town's right of ways and waterworks easements, separate from the municipal potable water system as defined in the Building Code;

**"Potable Water"** means water that is safe for human consumption and that complies with section 10 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended or successor thereto;

**"Premise Isolation"** means the isolation of a property's private plumbing system from the Town's drinking water distribution system by installing a backflow preventer

**"Preventer Test Report"** means an inspection and testing report of a backflow preventer containing the make, model, serial number, size, type, installation date, location and installation address and the test results on the Town's prescribed form, as amended from time to time;

**"Preventer Test Report Fee"** means the prescribed fee, if any, as set out in the Town's Fees and Charges By-Law, as amended from time to time;

**"Preventer Test Tag"** means a tag, containing the make, model, serial number, size, type, location, installation date and address as well as test history of a backflow preventer;

**"Qualified Person"** means a person with the qualifications noted in the Authorized Functions List.

**"Provincial Watermain Disinfection Procedure"** means the most up-to-date version of the Watermain Disinfection Procedure published by the Ministry of the Environment Conservation and Parks, Environmental Assessment and Permissions Division, or its future successor document;

**"Residential full flow through fire sprinkler system"** means an assembly of pipes and fittings installed in the residential portions of a building containing one or two dwelling units that conveys water from a water service pipe to outlets in the sprinkler system and is fully integrated into the potable water system to ensure a regular flow of water through all parts of the sprinkler system as defined by Part I of the Building Code);

**"Severe Hazard"** means any type of cross-connection or potential cross-connection that involves water that has additives or substances that, under any concentration, can create a danger to health, as defined by the CSA Standard;

**"Town"** means The Corporation of the Town of Newmarket;

**"Water Meter"** means an apparatus at a property/building/structure used to record the amount of water supplied to such property/building/structure by the Town through the municipal water system;

**"Water Service Line"** means a water line that is supplies potable water to the property from the municipal water system.

### **3. APPLICATION OF BY-LAW AND CROSS CONNECTION PROHIBITION**

- 3.(1) This By-Law applies to all existing and proposed industrial, commercial, institutional, multi-residential and mixed use buildings within the Town, except for buildings of residential occupancy within the scope of Part 9 of the Building Code.
- 3.(2) Notwithstanding subsection (1), this By-Law applies to any building where a condition exists, or a condition is created or proposed to be put in place, in a building or structure that is determined by the Director to be hazardous or detrimental to the municipal drinking water system based on the risk of contamination of the municipal drinking water system by such condition.
- 3.(3) Notwithstanding subsection (1), this By-Law applies to any building that has a connection, or where such a connection is proposed or put in place, to the municipal drinking water system and also to any auxiliary water supply, lawn sprinkler or irrigation system (except for residential lawn sprinkler or irrigation systems as defined within the scope OBC Part 9), or fire protection system (except for a residential full flow through fire sprinkler system).
- 3.(4) No person or owner shall connect, cause to be connected, or allow to remain connected to the Town's municipal drinking-water system or any other potable water system any plumbing, piping, fixture, fitting, container, appliance, vehicle, machine or the like in a manner which may under any circumstance allow water, waste water or any other liquid, chemical or substance to enter such municipal drinking-water system or potable water system, except where suitable backflow prevention is provided in compliance with the provisions of this By-Law.
- 3.(5) No person or owner shall connect, cause to be connected, or allow to remain connected any auxiliary water supply or private well to a plumbing system which is supplied by the Town's municipal water system, unless appropriate premise isolation provided.
- 3.(6) In a situation where any requirements of the Ontario Building Code or other By-Law or regulation conflict with the requirements of this By-Law, the requirement that provides the highest amount of premise isolation shall apply.

### **4. CROSS CONNECTION CONTROL SURVEY REQUIREMENT**

- 4.(1) A Cross Connection Control Survey shall be completed by the owner at the owner's expense and submitted along with the Cross Connection Control Survey Report Fee to the Town within the timeframes noted in Schedule "B" of this By-Law for each of the following situations:
  - (a) The Town notifying the owner of an existing building that a survey is required,
  - (b) The survey anniversary date
  - (c) Change of ownership or change of use or as otherwise required by the Town
  - (d) A new connection being made to a building to which this By-Law applies;

- (e) The circumstances or equipment to which a survey applies changes or is modified that alters, or has the potential to alter, the information contained in a most recent Cross Connection Control Survey that has been provided to the Town; or
  - (f) The use or circumstance of a building changing or being modified in a manner that increases, or has the potential to increase, the hazard level for a plumbing system to which the most recent Cross Connection Control Survey applies.
- 4.(2) A Cross Connection Control Survey shall be carried out for each water service line starting from the water meter to all plumbing in each building linked to such meter and shall include any plumbing that by-passes the water meter
  - 4.(3) A Cross Connection Control Survey shall include any fire service main that is connected to the municipal drinking water system.
  - 4.(4) A Cross Connection Control Survey shall indicate if the risk to the municipal drinking water system is a severe, moderate or minor hazard in accordance with the CSA Standard.

## **5. TEMPORARY WATERMAIN CONNECTIONS**

- 5.(1) Where a temporary watermain is connected to the municipal drinking water system, such as during installation of new or replacement watermains, backflow prevention shall be accomplished in accordance with the Provincial Watermain Disinfection Procedure by the person responsible for the temporary watermain
- 5.(2) If a backflow preventer is required pursuant to 5(1), then it shall be installed, tested and certified in accordance with the requirements of this By-Law.
- 5.(3) A building permit shall not be required for temporary watermain connections

## **6. INSTALLATION OF BACKFLOW PREVENTION DEVICES**

- 6.(1) Selection and installation of the backflow prevention device shall be in accordance with acceptable engineering practices, the requirements of Building Code, manufacturer's specification and CSA Standard for premise isolation.
- 6.(2) Every person installing a backflow preventer or causing a backflow preventer to be installed or replaced shall ensure that:
  - (a) such device is installed in a building structure, unless otherwise directed by the Director;
  - (b) all piping between the water meter and such device does not exceed 3 metres is clearly labelled "no connection permitted";
  - (c) A building permit is obtained from the Town prior installation of the backflow preventer except in cases where an exact replacement of an existing backflow preventer is required; and
  - (d) Inspection of the installation of the backflow preventer is carried out in accordance with the requirements of the building permit and the CSA Standard as the case may be.
- 6.(3) The initial compliance implementation date for all required buildings and structures existing at the date of the passing of this By-Law to meet the backflow prevention device installation requirements of this By-Law shall be no later than the dates stipulated in Schedule "B".
- 6.(4) Premise isolation backflow preventers shall be installed at all buildings with plumbing systems that pose a severe or moderate risk regardless of any area or source backflow prevention devices that may be installed within the plumbing system.
- 6.(5) Plumbing systems that pose a minor risk to the municipal drinking water system may be exempt from the requirement to install a backflow preventer, at the sole discretion of the Director, except as specified in Section 6.(6) and Section 6.(7).

- 6.(6) Plumbing systems with existing area or source backflow prevention devices that pose a minor risk to the municipal drinking water system shall have premise backflow preventers installed.
- 6.(7) Plumbing systems that already have premise isolation backflow preventers installed at the time of passage of this by-law shall be subject to this by-law regardless of risk level
- 6.(8) All costs related to installation of backflow preventers shall be at the Owner's expense.
- 6.(9) The backflow preventer shall be owned and maintained by the Owner
- 6.(10) The Director reserves the right to shorten the date(s) identified in 6(2) for a specific property if deemed to be necessary due to risk of contamination of the Town's water system.
- 6.(11) Every Owner who does not comply with notice to install is guilty of offence.

## **7. PERSONS PERMITTED TO CARRY OUT WORK**

- 7.(1) Only those persons with the required qualifications listed in the Authorized Functions List, attached as Schedule "A", shall carry out the corresponding functions set out therein.
- 7.(2) In addition to the required qualifications listed in the Authorized Functions List, the persons who are permitted to perform the Cross Connection Control Surveys or testing of backflow preventers shall also have and submit proof of the following qualifications in a form satisfactory to the Town:
  - (a) a Tester's Certificate issued by the Ontario Water Works Association or an approved equivalent which has been issued or renewed within five (5) years prior to date of the submission of a Cross Connection Control Survey Report or a Preventer Test Report; and
  - (b) a current calibration certificate for the test equipment issued within the (12) twelve months prior to the date of submission of a Preventer Test Report.
- 7.(3) No person shall submit to the Town any information that is false or inaccurate.
- 7.(4) The proof of qualifications and test equipment calibration required under Section 8(2) shall be submitted at the same time the Cross Connection Control Surveys and Preventer Test Reports are submitted to the Town
- 7.(5) The Owner shall be responsible for ensuring that the persons selected to perform the work are qualified in accordance with 7(2).

## **8. TESTING OF BACKFLOW PREVENTERS**

- 8.(1) Every owner who has a backflow preventer installed on his or her property shall ensure, at the owner's expense, that:
  - (a) the backflow preventer is maintained in proper working condition;
  - (b) such a device is tested when it is first installed and annually thereafter, , or when requested by the Director, and also when it is cleaned, repaired, overhauled or relocated;
  - (c) notwithstanding (b) any building with premise isolation that has a plumbing system identified as a minor hazard shall have its premise isolation backflow preventer tested every 5 years.
  - (d) when such device is tested, that a Preventer Test Report of such a test is completed;
  - (e) the Preventer Test Report is submitted to the Town within the timeframe specified in Schedule "B" along with the Preventer Test Report Fee;

- (f) in the event that such a device is malfunctioning or otherwise not in proper working order, cause the device to be repaired or replaced; and
- (g) whenever a device is tested, a test tag is affixed to the device.

8.(2) Every qualified person who tests a backflow preventer shall:

- (a) provide a legible Preventer Test Report to the owner of the premises subject to such a test;
- (b) upon completing such test, supply, complete and affix a Preventer Test Tag to the device or immediately adjacent to the device on the piping connected thereto; and
- (c) upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the owner of the building subject to such a test and the Town of such condition.

## **9. BACKFLOW TEST EQUIPMENT MAINTENANCE**

9.(1) Where required by the CSA Standard, all equipment used to test backflow prevention devices shall be verified and/or calibrated for accuracy. Proof of such verification and/or calibration shall be presented to the Town upon request and in conjunction with the submission of Preventer Test Reports.

## **10. GENERAL PROVISIONS**

- 10.(1) Notwithstanding anything this By-Law, the Town may at any time order an owner to conduct tests, provide reports, including a Cross Connection Control Survey Report or a Preventer Test Report, and undertake any other measures required for the prevention of backflow or protection of a cross connection.
- 10.(2) Reports identified in this By-Law shall be submitted to the Public Works Services within timeframe specified in Schedule "B" for the related work, or as otherwise specified by the Director.
- 10.(3) The selection, maintenance, and field testing of backflow prevention devices shall be in accordance with the CSA Standard and the Building Code, or by a professional engineer using the CSA Standard.
- 10.(4) An owner shall obtain, or ensure that it is obtained, a building permit pursuant to the Town's Building By-Law in order to install, modify or perform any corrective action, or to remove a backflow preventer and any related plumbing.
- 10.(5) Where a timeframe is set out in this By-Law for carrying out any action, the Town may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Town.

## **11. CORRECTIVE ACTIONS ON CROSS CONNECTION CONTROL DEFICIENCIES**

- 11.(1) Every owner shall take corrective actions on any deficiencies or to address any recommendations made by a qualified person or identified either on a Cross Connection Control Survey Report or on a Preventer Test Report for his or her property.
- 11.(2) Should a condition be found on a property which is in contravention of this By-Law, the Town may:
  - i) Issue an order to the owner to correct the issue at the owner's expense within a specified time period and if the order is not complied with, the Town may discontinue the supply of water from the municipal drinking water system to the plumbing system, and/or;
  - ii) Without notice to the owner, discontinue the supply of water from the municipal drinking water system to the plumbing system, where the Town, at its sole discretion, has determined that an immediate severe hazard exists that could result in contamination of the municipal drinking water system, and/or;



- iii) Issue any order or require any work to be undertaken as otherwise permitted pursuant to this By-Law.

## **12.REMOVAL OF BACKFLOW PREVENTION DEVICES PROHIBITED**

- 12.(1) No owner of a building in which a backflow preventer is installed shall cause or permit the removal of such device, or part thereof, unless such removal is to immediately replace the device with another device that meets or exceeds the provisions of this By-Law or such removal is due to change of the function of a building or structure into a category to which this By-Law does not apply or that would not require a backflow preventer and such removal is approved by the Director.

## **13.ADMINISTRATION AND ENFORCEMENT**

- 13.(1) The Director shall be responsible and is delegated the power to administer and enforce this By-Law, including prescribing the content of any forms or other documents required under this By-Law from time to time.
- 13.(2) The Director is authorized to delegate responsibilities for the administration and enforcement of this By-Law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

## **14.POWER OF ENTRY**

- 14.(1) The Town may, at any reasonable time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - (a) The provisions of this By-Law;
  - (b) An order issued under this By-Law;
  - (c) Condition of any permit or licence issued under this By-Law; or
  - (d) An order made under section 431 of the Municipal Act.
- 14.(2) For the purposes of an inspection under subsection (1), the person conducting the inspection may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 14.(3) The Town may undertake an inspection pursuant to an order issued under section 438 of the Municipal Act.
- 14.(4) Pursuant to Section 435 of the Municipal Act, the Town's power of entry may be exercised by an employee, officer or agent of the Town, or by a member of the York Regional Police Service, as well as by any person under their direction
- 14.(5) When entering a property under this By-Law, the person exercising the power of entry:

- (a) Shall provide identification to any person requesting identification during the course of the entry;
  - (b) May be accompanied by a person or persons under their direction; and
  - (c) Shall not enter or remain in any room or place actually used as a dwelling unless at least one of the conditions set out in section 437 of the Municipal Act is met.
- 14.(6) Under the authority of this By-Law, no person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by the Town carrying out an inspection.
- 14.(7) Where the Director or any Town municipal law enforcement officer is satisfied that a contravention of this By-Law has occurred, such person may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention at the person's expense.
- 14.(8) Whenever this By-Law or an order issued under this By-Law directs or requires any work or thing to be done by any person, in default of it being done by the person directed or required to do it, such work may be done by the Town or its agents at that owner's expense and the Town may recover all costs and expenses incurred through a legal action or by recovering such costs in the same manner as taxes.
- 14.(9) The Town may, in addition to taking any other steps, shut off the water supply to a property or any portion of a property if the Director deems that a threat of contamination exists from such a property that can endanger public health or safety until such time as the threat of contamination is eliminated.
- 14.(10) Service of an order shall be posted at the site of the address of the Owner shown on the most current tax assessment roll or delivered through regular mail to the address of the Owner shown on the most current "Tax Assessment Roll". Where service is made by regular mail, it shall be deemed to have been received by the Owner on the fifth Business Day after the date of mailing.
- 14.(11) No Person shall hinder or obstruct, or attempt to hinder or obstruct an employee, officer, agent or contractor of the Town or other Person so authorized by the Town who is performing a duty or exercising a power under this By-Law pursuant to section 426 of the Municipal Act.
- 14.(12) When the Town has provided advance notice to exercise a power of entry in accordance with the requirements of this By-Law and the Owner or occupier, within the time set out in the Town notice, has not provided access, the Owner will be charged a "missed appointment or service refusal" fee as set out in the Fees and Charges By-Law to compensate the Town for costs incurred in attempting access and for each subsequent attempt.

## **15. PENALTY PROVISIONS**

- 15.(1) Every Person who contravenes a provision of this By-Law, including an order issued under this By-Law is guilty of an offence.
- 15.(2) Any person who is in contravention of any provision of this By-Law, or who fails to comply with an order issued under this By-Law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 15.(3) If any order has been issued under this By-Law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.



15.(4) Any person who is guilty of an offence under this By-Law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act:

- a) Upon first conviction, the minimum fine shall be Three Hundred Dollars (\$300.00) and the maximum fine shall be Fifty Thousand Dollars (\$50,000.00);
- b) Upon a second or subsequent conviction for the same offence a fine shall be a minimum of Four Hundred Dollars (\$400.00) and the maximum fine shall be One Hundred Thousand Dollars (\$100,000.00); and
- c) upon conviction for a continuing offence, the minimum fine shall be One Hundred Dollars (\$100.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).

15.(5) For the purposes of this By-Law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-Law.

15.(6) For purposes of this By-Law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

15.(7) Where a person is convicted of an offence under this By-Law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **16.PROCEEDS OF FINES**

16.(1) Pursuant to subsection 433 (1) of the Municipal Act, where a Person has been convicted of any offence under this By-Law, every fine imposed for a contravention of this By-Law belongs to the Town.

## **17.SPECIAL FINES**

17.(1) In addition to any other fine, every Person who gains an economic advantage or economic gain from contravening this By-Law, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from such contravention. A special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

## **18.UNPAID FINES**

18.(1) Pursuant to Subsection 441.1 of the Municipal Act, 2001, S.O. 2001, c. 25, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as taxes.

## **19.GENERAL BY-LAW ENFORCEMENT POWERS/ORDERS TO DISCONTINUE ACTIVITY**

19.(1) Pursuant to section 444 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-Law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

## **20.WORK ORDER**

- 20.(1) Pursuant to section 445 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-Law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

## **21.OBSTRUCTION**

- 21.(1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law.

## **22.NOTICE**

- 22.(1) Where an order is issued by the Town, the Person is in receipt of the order on the date it is posted in a conspicuous place at the subject Property. The Person is deemed to be in receipt of the order, if the order is delivered personally or posted by mail five (5) Business Days at the last known address provided to the Town. If no address for the Person has been provided, then the Town will send the notice by mail to the Property address identified on the tax rolls.

## **23.FEES**

- 23.(1) Any fees and administrative costs associated with this By-Law are non-refundable.
- 23.(2) All fees and charges pursuant to this By-Law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-Law.

## **24.SEVERABILITY**

- 24.(1) Notwithstanding that any section, or any part or parts thereof, of this By-Law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that such section, or part or parts thereof shall be deemed to be severable, and all other sections of this By-Law, or parts thereof, are separate and independent there from and enacted as such

## **25.REPEAL**

- 25.(1) All By-Laws of the Town previously providing for regulating cross connections and backflow prevention in private plumbing systems and related appurtenances are hereby repealed.

## **26.INTERPRETATION**

- 26.(1) The provisions of Part VI of the Legislation Act, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-Law.

## **27.EFFECTIVE DATE**

- 27.(1) This By-Law comes into force on the day it is passed.

- 27.(2) Enacted this xx day of xxxx, 2019.

John Taylor, Mayor

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Kiran Saini, Acting Town Clerk

Backflow Prevention Program - Administration Fees	Fee	H.S.T	Total
Preventer Test Report Fee (Annually for Severe and Moderate Hazard - Every five years for minor hazard)	\$21.03	\$2.73	<b>\$24</b>
Cross Connection Control Survey Report Fee (Every 5 yrs with report submission)	\$42.07	\$5.47	<b>\$48</b>
Initial Administration Fee (One-time fee due Fall 2019 with submission of first First Cross Connection Control Survey Report - Includes First Cross Connection Control Survey Report Fee)	\$58.69	\$7.63	<b>\$66</b>
Late Fee - Surveys	\$15.10	\$1.96	<b>\$17</b>
Late Fee - Test Reports	\$15.10	\$1.96	<b>\$17</b>





# Corporation of the Town of Newmarket

## By-law 2019-XX: Schedule A

### SCHEDULE "A" TO BY-LAW NUMBER 2019 - xx - AUTHORIZED FUNCTIONS LIST

Item	Authorized Function	Professional Engineer with Tester's Certificate	*Certified Engineering Technologist with Tester's Certificate	Licensed Master Plumber with Contractor's License and Tester's Certificate	** Journeyman Plumber with Tester's Certificate	***Apprentice Plumber with Tester's Certificate	Licensed Master Sprinkler and Fire Protection Installer with Tester's Certificate	** Journeyman Sprinkler and Fire Protection Installer with Tester's Certificate
1	Carry out Cross Connection Survey	YES	YES	YES	YES	YES	NO	NO
2	Install, Relocate or Replace Backflow Prevention Device	NO	NO	YES	YES	YES	NO	NO
3	Repair of Backflow Prevention Device	YES	YES	YES	YES	YES	NO	NO
4	Test Backflow Prevention Device	YES	YES	YES	YES	YES	NO	NO

\* Required to be under the direction of a Professional Engineer.

\*\* Required to be under the direction of a Licensed Master, except if working in-house.

\*\*\* Required to be under the direct supervision of a Journeyman Plumber, if working in-house, or a Licensed Master Plumber.

For the purposes of this Schedule "A", a Tester's Certificate means an Ontario Water Works Association Cross Connection Control Specialist Certificate or an American Society of Sanitary







Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent Staff Report to Council**

Report Number: 2019-49

Department(s): Planning and Building Services

Author(s): D. Ruggle

Meeting Date: May 21, 2019

### **Recommendations**

1. That the report entitled Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent dated May 21, 2019 be received; and,
2. That application for Zoning By-Law amendment, as submitted by Kariminejad Nobari, for lands on the north side of Kathryn Crescent, be referred to a statutory public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Reza Hayati, Sunrise Constrade Corp., 7368 Yonge Street, Unit 210, Thornhill, L4J 8H9 be notified of this action.

### **Executive Summary**

Staff have reviewed the development proposal for the subject lands against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is sufficiently advanced to warrant referral to the required statutory public meeting.

## Purpose

The purpose of this report is to provide Council with the details of the application, the comments to date, and to recommend referral of the zoning application to the required statutory public meeting.

## Background

An application for Zoning Amendment has been submitted by Siavash Kariminejad Nobari, Zahar Kariminejad Nobari and Faras Kariminejad Nobari (Kariminejad Nobari) to rezone the subject land from the Residential Detached Dwelling 15m (R1-D-119) zone to the Residential Detached Dwelling 12m (R1-E) zone to facilitate the division of these two lots into three separate building lots for single detached dwellings generally as shown on the attached conceptual development plan. If this rezoning application is approved, the applicant will be required to apply for consent to sever the property.

## Discussion

### Site Description

- the Subject lands currently contain two single storey, single detached dwellings, both with a ground floor area of approximately 120 metres.
- 247 Kathryn Crescent has a lot area of approximately 610m<sup>2</sup>  
251 Kathryn Crescent has a lot area of approximately 585m<sup>2</sup>
- There are 5 mature trees on the subject lands. One significant tree in the front yard proposed to be removed (discussed further in this report)
- the surrounding land uses are:
  - North: Low density residential on Kathryn Crescent and Avenue Road
  - South: Low density residential on Kathryn Crescent, some commercial and service uses on Eagle Street
  - West/East: Existing low density residential

### Preliminary Review

#### Official Plan Considerations

The Subject Property is designated Stable Residential on Schedule A - Land Use Plan to the Town's Official Plan. The main objectives of the Stable Residential designation are to sustain and enhance the character and identity of existing residential communities as well as encourage the preservation and maintenance of existing housing stock.

Section 3.9 of the Official Plan indicates that infill units through the creation of new lots consistent with the size and form of housing in the neighbourhood as a whole is a permitted form of intensification within the Stable Residential designation. The creation of new lots for the purpose of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal, availability of hard services and road access requirements.

As the proposed rezoning is intended to facilitate consent applications to create a total of 3 building lots, compliance with Section 16.1.5 Consents is required. This section indicates that applications for consents shall only be granted where:

- a. the severance is for the purpose of infilling within existing development;
- b. a plan of subdivision is not necessary;
- c. the number of lots created is three or less;
- d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- e. no extension, improvement or assumption of municipal services is required;
- f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;
- g. the lot will not restrict the ultimate development of adjacent lands;
- h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- i. the consent complies with all relevant provisions of this Plan.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the zoning bylaw:

- a. the proposed change is in conformity with this Plan;
- b. the proposed uses are compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
- c. potential nuisance effects upon adjacent uses are mitigated;
- d. adequate municipal services are available;
- e. the size of the lot is appropriate for the proposed uses;
- f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
- g. the on-site parking, loading and circulation facilities are adequate; and,

h. public notice has been given in accordance with the Planning Act.

With regard to the above requirements, the uses permitted within the stable residential designation are single family and semi detached dwellings. This infill proposal for a total of 3 single family dwelling lots proposes frontages of 12.19m. Properties on the same side of Kathryn Crescent have frontages of approximately 18m where the properties adjacent to the subject lands, on the south side of Kathryn Crescent have frontages of approximately 15m. It does not appear that the proposed rezoning will have any nuisance effects on adjacent uses and municipal services are available for the lands. The proposed lots are of sufficient size to accommodate a single family dwelling however require a rezoning to do so due to the proposed lot frontage width.

As Eagle Street is a primary collector road and this proposal would add a single unit to the street, we do not anticipate any traffic impacts if this application is approved. The site is of sufficient size to accommodate parking requirements of the Zoning By-Law. A public meeting will be held in accordance with the Planning Act.

### **Established Neighbourhoods Compatibility Study and Interim Control By-Law**

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being the Provincial Urban Centre, the Regional Urban Centre and the Historic Downtown Centre. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification.

As residential trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment, concerns have been raised regarding the compatibility of new homes or additions to existing homes that comply with the current zoning by-law regulations, but are considered to be out of character with the built form of the established neighbourhoods in which they are located.

One of the fundamental objectives of planning and zoning is to ensure compatibility between properties and land uses. Compatibility is achieved in part by regulating land use and built form.

Council recently directed staff to initiate a study of existing established neighbourhoods to examine the regulatory framework of the Town's Zoning By-law and Official Plan and propose recommendations for amendments that will assist in maintaining the existing character of the mature neighbourhoods.

Interim Control By-law (ICB) 2019-04, which regulates new residential buildings and additions, was passed by Town Council on January 21, 2019 and is a temporary by-law put in place while Council studies the issues of compatibility in established neighbourhoods. Council directed staff to bring forward the by-law to prevent significant new residential dwellings and additions until such time as they implement new policies

to address the issue. The study includes public consultation and outreach and is intended to conclude by the end of 2019 or shortly thereafter. The intent is that the neighbourhoods will be defined and studied to determine the important aspects and characteristics of the neighbourhoods and draft policies and standards for new buildings and additions in an attempt to ensure compatibility with the existing homes.

As this application for Zoning By-Law Amendment was submitted and declared complete prior to the enactment of the Interim Control By-law, it is not subject to the ICB policies. However, compatibility remains an important theme in the Town's current Official Plan. The established exemption process for the ICB looks at application against the following two criteria: Physical Character Compatibility and Streetscape Character Compatibility.

### *Compatibility*

The existing neighbourhood is predominantly low density residential with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the pioneer cemetery to the south. A new Townhouse development is currently under construction on Eagle Street to the south of this proposal.

**Lot Sizes** - There are a range of lots sizes in the area however, they generally fall between 500 and 800 square meters with the predominant zoning in the area (R1-D) having a minimum lot area requirement of 511 square metres. The applicant is proposing three lots, each with a lot area of approximately 400 square metres.

**Building Standards** – All the existing dwellings on Kathryn Crescent are bungalow or side split style. Two storey dwellings are common in the broader neighbourhood. Existing side yard setbacks range from around 1 metre to 4 metres. The proposal would see side yard setbacks of 1.2 on one side and 0.65 metres to 1.11 metres on the other, providing a minimum of 1.8 metres building separation. The existing homes on Kathryn Crescent generally have floor areas between 125 and 200 square meters over one storey. The proposed westerly dwelling is intended to have a Gross Floor Area of 211.7 square metres. The other two dwellings are proposed to have a Gross Floor Area of 222.2 square metres. The actual proposed building footprint will be similar or less than those existing on the street, however, over two storeys the Gross Floor Area will be slightly greater than that of the largest home on the street. Many of the homes are built well below the permissions in the zone category.

**Garages** – A variety of types of garages appear in this neighbourhood including, detached and attached one and two car garages. The proposal details each dwelling with an attached two car garage and associated driveway that would also accommodate two vehicles.

**Streetscape** – The single storey nature of the dwellings along with building setbacks gives this street a very open and airy feel.

## Zoning Bylaw Considerations

The subject lands are currently zoned Residential Detached Dwelling 15m (R1-D-119) by By-law 2010-40. The applicant is proposing to rezone the property to the Residential Detached Dwelling 12m (R1-E) Zone to facilitate future consent applications to redevelop these lands with three single family detached dwelling lots of 12.19m frontages each. The following table details the proposed zoning standards for each lot which will continue to be reviewed as we proceed through the process.

*Table 1- Proposed Specifications*

Lot #	Lot Area (M <sup>2</sup> )	Frontage (M)	West Side Set Back (M)	East Side Set Back (M)	Rear Set Back (M)	Front Set Back (M)	Building Coverage (%)	Building Height (M)	Total Building Area (M <sup>2</sup> )
1	395.58	12.19	1.2	0.76	9.37	7.10	34.60	9.41	222.2
2	400.40	12.19	1.2	1.11	10.16	6.32	33.00	9.38	211.7
3	397.80	12.19	0.65	1.2	10.09	6.90	34.4	9.49	222.2

## Provincial Policy Statement

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

This proposal appears to be consistent with all relevant provisions the Provincial Policy Statement (2005).

## Tree Preservation, Protection, Replacement and Enhancement Policy

The submitted tree review prepared by Central Tree Care Ltd. identifies all trees on the property and on adjacent lands. The report identifies 5 trees and proposes to retain 4 of them. The 5<sup>th</sup> tree, proposed for removal, is located in the front yard of 247 Kathryn Crescent. This tree is proposed to be removed as it would interfere with a driveway for the most westerly proposed dwelling. The Arborist report indicates that an alteration of the proposed driveway may allow for this tree to be preserved. The driveway would have to be located along the westerly property line and only as wide as needed to enter the proposed garage space. The tree work is currently under peer review.

## **Departmental and Agency Comments**

The Town has received comments from utilities issuing no objections.

Engineering Services have provided the following comments on the application

### **Stormwater Management (SWM)**

The proposed change in zoning would decrease the overall perviousness of the properties resulting in higher peak discharge and runoff volume. It is recommended the applicant be required to provide stormwater management measures to address same. Should the stormwater comments not be satisfactorily addressed prior to Planning's report to council it is recommended a "Holding Provision" be applied.

### **Grading & Drainage**

Under the existing condition the lots drain from the front yard to the rear yard with reverse grade driveways. The documentation submitted with the application shows a drainage scheme with positive drainage from the front of the dwellings to the street. It appears a satisfactory grading design can be accommodated. However, a detailed grading plan for the property will be required at the detailed design stage.

### **Servicing**

It is anticipated new service connections will be required for the proposal as submitted. The applicant will be required to submit a Functional Servicing Report/ Letter with a subsequent development application.

### **Environmental Reports**

A Phase One ESA prepared by Sunrise Constrade Corp. dated October 18, 2018 concludes there are "no Areas of Potential Environmental Concern, and as such, no further investigation is warranted."

Engineering Services has no objection to the proposed Zoning By-Law amendment subject to the above comments.

## **Conclusion**

The subject application Zoning By-Law amendment is sufficiently advanced to warrant its referral to a statutory public meeting.

## **Business Plan and Strategic Plan Linkages**

This application has linkages to the Community Strategic Plan as follows:

Well-equipped and Managed: by providing opportunities for varied housing types, affordability and densities



## Consultation

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the Zoning By-Law.

## Human Resource Considerations

n/a

## Budget Impact

### Operating Budget (Current and Future)

The appropriate planning application fees have been received for Zoning By-law amendment. The Town will also receive revenue from development charges as required by the Town's development charges by-law. Increased property tax assessment revenue would be collected from the development of these lands in the event the applications are approved.

### Capital Budget

There is no direct capital budget impact as a result of this report.

## Attachments

Location Map

Proposed Site Plan

Proposed streetscape elevation

## Approval

Commissioner Development and Infrastructure  
Services

Director of Planning and Building  
Services

Senior Planner – Community Planning

## Contact


For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; [druggle@newmarket.ca](mailto:druggle@newmarket.ca)

# LOCATION MAP

## 247 and 251 Kathryn Crescent

### Town of Newmarket



 Subject Lands

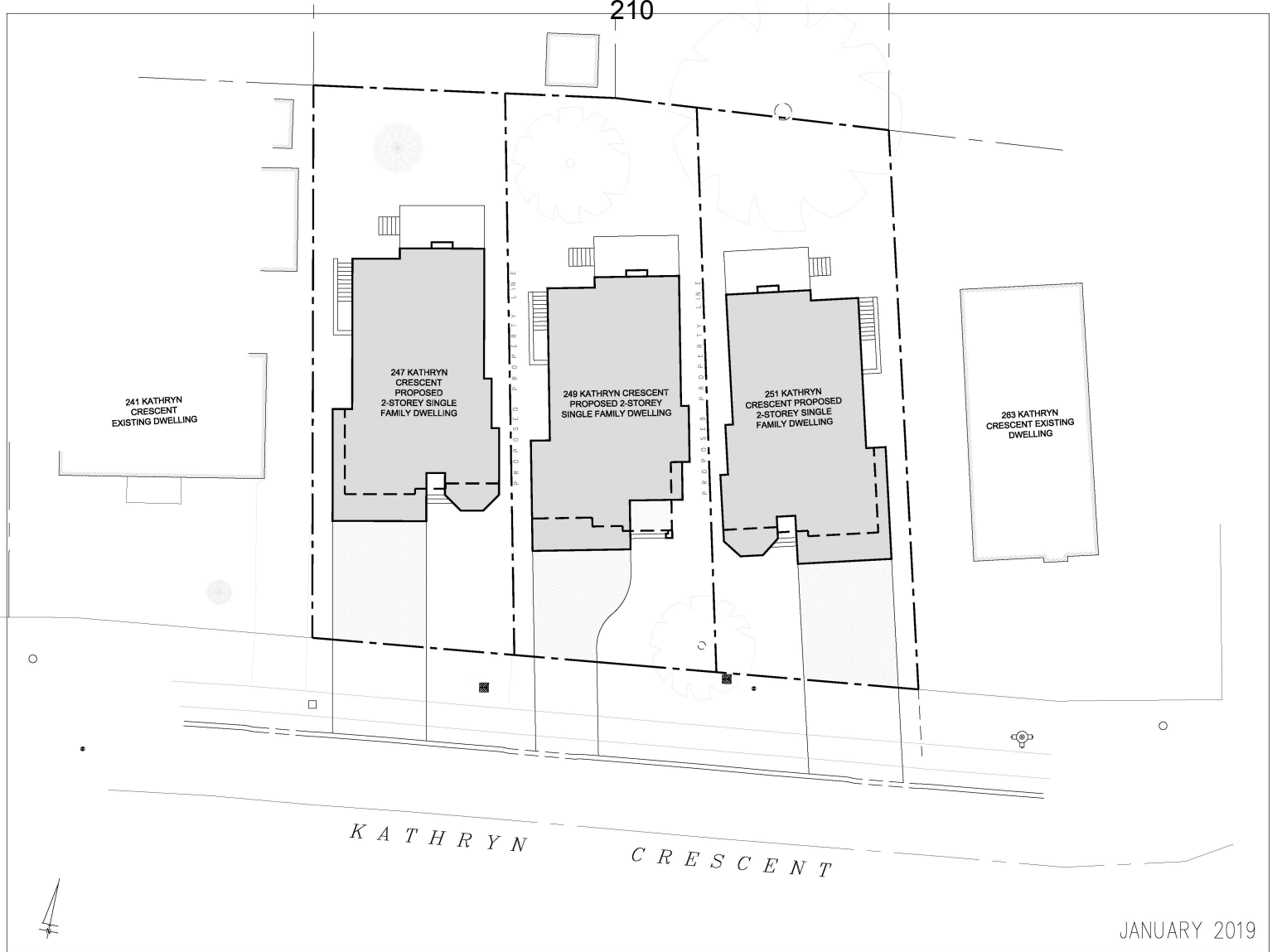
TOWN OF NEWMARKET PLANNING DEPARTMENT



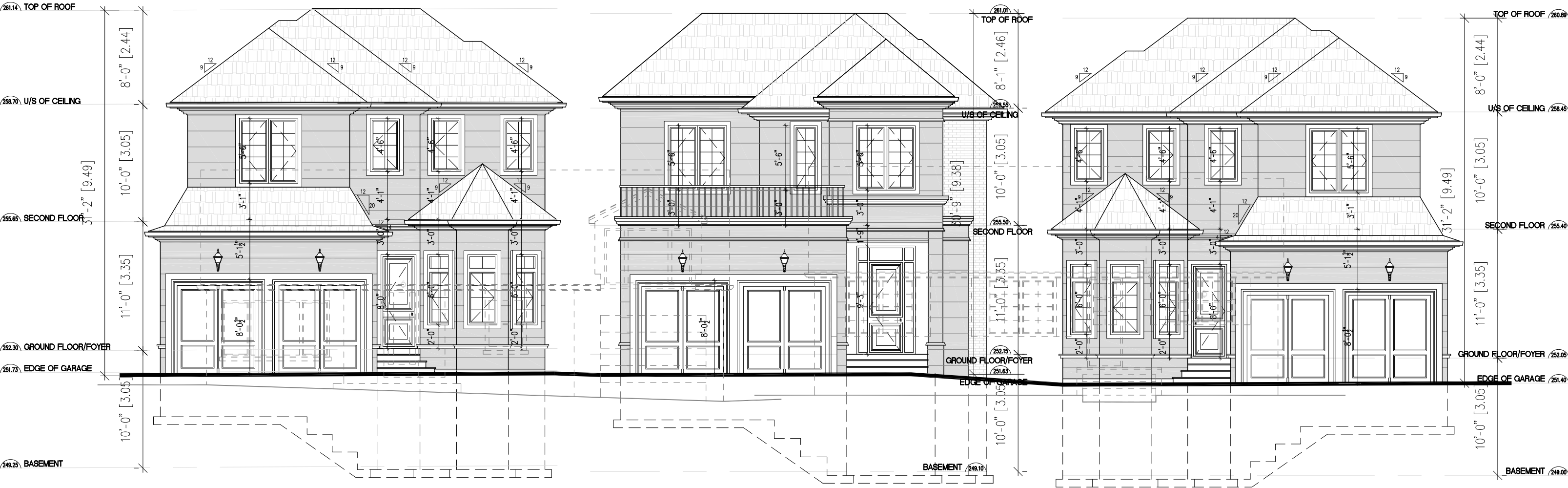
Designed & Produced by Information Technology – GIS Printed: January, 2019. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2015. Zoning - Town of Newmarket, 2015. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

T:\DI Services\Planning\Dave\file related documentation\247 251 Kathryn\location map for complete application.mxd









NO.	DATE	DESCRIPTION	BY
1	2018-12-18	ISSUED FOR ZBA	

General Notes  
CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING.

ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK.  
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY CONSULTANT.

STAMP	NORTH

SHEET TITLE:  
**STREETSCAPE- SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"

PROJECT TITLE:  
**251 KATHRYN CRESCENT  
NEWMARKET, ON L3Y 1L9**

DRWAING NO.:
<b>A0-0</b>
DRAWING BY.:
<b>A.S</b>
CHECKED BY.:
<b>R.H</b>



**SUNRISE CONSTRADE CORP.**  
Tel: 905 597 7392  
Cell: 647 527 7392







Town of Newmarket  
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Newmarket, Ontario, L3Y 4X7

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## **2019 Annual Servicing Allocation Review Staff Report to Council**

Report Number: 2019-50

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: May 21, 2019

### **Recommendations**

1. That the report entitled 2019 Annual Servicing Allocation Review dated May 21, 2019 be received;
2. That Council rescind servicing allocation from the following developments:
  - a. 345-351 Davis Drive;
3. That Council reinstate servicing allocation to the following developments:
  - a. The Davis (175 Deerfield Rd)
  - b. Redwood Properties Phase 1 (17645 Yonge St)
  - c. Sundial Phase 2 (Davis Drive W)
  - d. Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd)
  - e. Maple Lane Homes (680 Gorham St);
4. That Council grant servicing allocation to the following developments:
  - a. Goldstein (16333 Leslie St)
  - b. Marianneville / Kerbel Phase 2 (I & I Program)
  - c. 281 Main St N;
5. That the Town's resulting remaining servicing capacity (the Town Reserve) of 3317 persons of allocation (of which 20 persons of allocation is to be held in a Severance Reserve) be maintained; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is twofold: i) to provide Council with recommendations for 2019 regarding the distribution of servicing capacity to development applications on file

that have a residential component; and ii) to provide Council with a general update on the Town's current servicing capacity status.

## **Background**

A review of all development applications involving residential uses is completed annually by staff. This review is completed to assess where development applications are in the process (e.g. in the zoning by-law amendment stage, the site plan approval stage, approved, or under construction). Staff then assesses each application under the Town's Servicing Allocation Policy which seeks to direct servicing capacity to applications within the following Servicing Priority Areas:

1. Allocation Priority Area 1 – Urban Centres Secondary Plan Area
2. Allocation Priority Area 2 – Areas designated Historic Downtown Centre
3. Allocation Priority Area 3 – Areas designated Emerging Residential
4. Allocation Priority Area 4 – Areas designated Stable Residential

Based on the status of each application as well as the conclusions of the Servicing Allocation Policy assessment, staff make annual recommendations to Council regarding servicing allocation for each application.

## **Discussion**

All development applications involving residential uses have been categorized into the following three categories:

1. Recommendations where Servicing has been Previously-Allocated;
2. Recommendations for New Requests for Servicing; and
3. Applications Not Recommended for Servicing Allocation at this Time.

### **Recommendations where Servicing has been Previously-Allocated**

Figure 1 below identifies current development applications that have been granted servicing allocation in the past. Staff monitors the progress of each development and as part of the annual allocation review makes recommendations to either rescind or reinstate allocation depending on the work that has been completed during the past year. These recommendations are provided in the right-hand column.

**Table 1 – Recommendations for Applications with Previously-allocated Servicing**

<b>Development</b>	<b>Allocation Priority Area</b>	<b>Allocation<sup>1</sup></b>	<b>Status</b>	<b>Recommendation</b>
The Davis Phases 1 & 2 (175 Deerfield Rd)	1	366 apartments (714 people).	Awaiting 2 <sup>nd</sup> technical site plan submission.	Reinstate
Redwood Properties Phase 1 (17645 Yonge St)	1	184 apartments (359 people).	Awaiting 2 <sup>nd</sup> technical site plan submission.	Reinstate
Sundial Phase 2 (Davis Drive W)	3	18 semi-detached; 156 townhouses (463 people).	Draft plan approved and zoned (H). Servicing infrastructure in progress.	Reinstate
Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd)	4	34 semi-detached (98 people).	Draft approved, zoned, servicing infrastructure in progress.	Reinstate
Maple Lane Homes (680 Gorham St)	4	4 apartments (8 people).	3 <sup>rd</sup> technical site plan submission.	Reinstate
<b>TOTAL</b>		<b>858 units (1829 people)</b>		
345-351 Davis Dr*	1	40 townhouses (106 people)	Incomplete second site plan submission; property listed for sale; concept possibly being revised.	Rescind

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<sup>1</sup> Based on persons per unit calculations by dwelling type and including credits for any existing on site units

### \*345-351 Davis Drive

Council granted approval for this development and granted servicing allocation from the previously-existing Urban Centres reserve in 2016. In 2018, given the lack of activity on the site, Council reinstated the allocation on the condition that a formal response addressing the first submission comments was received by July 30, 2018. The applicant filed a response prior to July 30, 2018, however it was incomplete. The property is currently for sale and staff has met with a few potential purchasers to discuss alternate development plans. Based on the lack of activity on the site as per the approved site-specific zoning, and given the new information regarding potential alternative development plans, staff recommends that the previously granted servicing allocation in the amount of 40 townhouses/106 people be rescinded from this property.

### **Recommendations for New Requests for Servicing**

In addition to development applications that have been granted servicing allocation in the past, there are applications on file that had previously not been granted servicing allocation, but are now adequately advanced in the planning approval process to warrant the allocation of servicing. Table 2 lists these applications.

**Table 2 – Recommendations for Applications without Previously-allocated Servicing**

<b>Development</b>	<b>Allocation Priority Area</b>	<b>Allocation<sup>2</sup></b>	<b>Status</b>	<b>Recommendation</b>
Goldstein* (16333 Leslie St)	n/a (designated Commercial)	5 apartments (10 people as part of mixed-use residential/commercial development).	2 <sup>nd</sup> technical site plan submission submitted.	Grant
Marianneville / Kerbel Phase 2*	3	4 single-detached (13 people).	Draft plan approved and zoned (H).	Grant
281 Main St N	3	2 semi-detached; 9 townhouses. (30 people subtract credit for demolished single- detached = 27 people)	Awaiting 3 <sup>rd</sup> site plan submission (H).	Grant
<b>Total</b>		<b>20 units (50 people)</b>		

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<sup>2</sup> Based on persons per unit calculations by dwelling type and including credits for any existing on site units

\*Goldstein (16333 Leslie St)

The property is currently designated Commercial in the Town's Official Plan, so it is not specifically contemplated by the Town's Servicing Allocation Policy's priority areas. However, this development does facilitate the completion of a community which is a goal of the Policy and as such, servicing is recommended to be allocated.

\*Marianneville / Kerbel Phase 2

Allocation for 4 single-detached units (13 people) has been requested by Marianneville Developments to allow the completion of the first 2 phases of the Glenway application. This allocation is an administrative correction that will reconcile the initially-proposed unit counts of these developments with the total number of units that were ultimately registered.

### **Applications Not Recommended for Servicing Allocation at this Time**

In other cases, development applications are not yet adequately advanced in the planning approval process to warrant the allocation of servicing, and/or they are located in lower priority areas in the Town's Servicing Allocation Policy. As such, they are not being recommended for allocation at this time. However, these applications will be re-considered for allocation reviewed annually as they progress through the approvals process. Table 3 lists these applications.

**Table 3 – Applications Not Recommended for Servicing Allocation at this Time**

<b>Development</b>	<b>Allocation Priority Area</b>	<b>Allocation<sup>3</sup></b>	<b>Status</b>
Kerbel (17365 & 17395 Yonge St) (I&I Program)	1	360 apartments (702 people).	ZBA application submitted; awaiting resubmission for revised concept.
Clock Tower (Main St / Park Ave)	2	Undetermined.	OMB - Minutes of settlement issued.
Forest Green Homes (16920 Leslie St)	3	350 townhouses (921 people).	OPA/ZBA applications submitted; awaiting revised Draft Plan submission.
Shining Hill (Yonge South) (I&I Program) 16250 Yonge St	3	12 single-detached; 10 semi-detached; 162 townhouses (494 people).	Draft plan approved and zoned (H). 3 <sup>rd</sup> engineering submission.

<sup>3</sup> Based on persons per unit calculations by dwelling type and including credits for any existing on site units

Development	Allocation Priority Area	Allocation <sup>3</sup>	Status
Sundial (Balance of plan)	3	22 semi-detached; 222 townhouses (648 people).	Draft plan approved and zoned (H).
Cougs (Silken Laumann Dr)	3	28 townhouses (74 people).	OMB approved (H).
Millford (55 Eagle St)	3 & 4	154 apartments; 38 townhouses (401 people).	Before the OMB.
2529473 Ontario Ltd. (1038-1040 Jacarandah Dr)	4	26 semi-detached (75 people).	OPA/ZBA applications submitted; awaiting resubmission for revised concept.
Gorham Street Apts. (751 & 757 Gorham St)	4	82 apartments (160 people)	OPA/ZBA applications submitted; stat public meeting held.
Azure Homes (172 & 178 Old Main St)	4	12 semi-detached (35 people)	Awaiting 2 <sup>nd</sup> subdivision engineering submission (H).
Lulu Holdings (1015, 1025 & 1029 Davis Dr)	4	23 townhouses (61 people)	OPA/ZBA applications submitted; stat public meeting held.

## Current Town Reserve

The Town Reserve is currently 3261 persons of allocation. This accounts for:

576 people - Town Reserve at beginning of 2018

+ 1531 people - York Durham Sewage System Reserve, August 15, 2018

+ 144 people - Marianneville Developments' I&I repayment, August 17, 2018

+ 1010 people - Marianneville Developments' I&I repayment, December 6, 2018

### **3261 people (Current Town Reserve)**

If the recommendations of this report are adopted, servicing allocation would be reinstated for 858 units (1829 people); as this would be a reinstatement of allocation, it would not affect the Town Reserve. However, this report also recommends granting new allocation to 20 units (50 people) and rescinding allocation from 106 people (345-351 Davis Drive), thereby creating a **2019 Town Reserve of 3317 persons** of allocation, of which 20 are to be held in the Town's Severance Reserve.

For reference, 3317 persons of allocation is equivalent to:

- 1701 apartment units; or
- 1261 townhouse units; or

- 1151 semi-detached units; or
- 1020 detached units.

Without taking into consideration the future anticipated allocation assignments noted below related to the twinning of the forcemain and other interim solutions, and assuming an annual building program of 300 - 400 units per year, the Town Reserve should accommodate anticipated growth for three to five years, depending on the unit mix.

## **Future Capacity**

### **Recent & Future Infrastructure Improvements**

As noted in the Town Reserve calculation above, on August 15, 2018 Newmarket was granted an additional 1531 persons of capacity by the Region from the York Durham Sewage System Reserve which was made immediately available and therefore it was included in the current Town Reserve calculation above.

In terms of future assignments, the Region has committed an additional 1500 persons of servicing to Newmarket as part of the Region's forcemain twinning project. Timing of the allocation being made available is dependent on the completion of the forcemain twinning project, however it is estimated to be sometime in 2021. This amount will be added to future reserves.

An additional 1309 people will be granted to Newmarket by the Region as a result of additional interim solution projects. This servicing will be made available by the Region as these projects are completed, however the general timeline is 2021-2022. This amount will be added to future reserves.

The Upper York Sewage Solutions (UYSS) project is a major Regional infrastructure project that will provide the ultimate sewage servicing solution for Aurora, Newmarket and East Gwillimbury. The central component to this project is a new 40 megalitre-per-day (MLD) water reclamation centre that will provide wastewater services to support growth in the aforementioned municipalities. However, as noted in the 2018 Annual Servicing Allocation Review Report, this project is not expected to be completed until 2026 or later.

### **Recent & Future Inflow and Infiltration Reduction (I&I) Program Repayments**

Over the past two years, Marianneville Developments has completed three repayments through its I&I program, which have been added back into the Town's reserve. These repayments have totaled 412.5 units (1340.8 persons):

1. December 22, 2017 - 57.6 units (187.3 persons).
2. August 17, 2018 - 44.1 units (143.5 persons).
3. December 6, 2018 - 310.8 units (1010 persons).



## **Additional Allocation for Centres and Corridors**

Lastly, a 1000 person capacity generated through the interim servicing projects will be reserved for Centres and Corridors in Aurora, East Gwillimbury and Newmarket once the actual capacity provided by the interim solutions is confirmed by the Region. Regional staff will establish allocation criteria after confirmation of actual capacity through interim solutions and will advise as this servicing becomes available. This additional servicing will be added to future reserves as soon as it becomes available.

## **Conclusion**

Staff have completed their annual review of current development applications requiring servicing and have provided servicing allocation recommendations as per the Town's Servicing Allocation Policy. This report recommends granting new allocation to 20 units (50 people) and rescinding allocation from 106 people (345-351 Davis Drive), thereby creating a **2019 Town Reserve of 3317 persons** of allocation of which 20 are to be held in the Town's Severance Reserve.

In terms of a future outlook, the Town will have adequate capacity to sustain a moderate level of growth over the mid- to long-term, due to recent and planned infrastructure improvements, recent and future inflow and infiltration reduction program repayments, and additional allocation being granted by the Region to Centres and Corridors.

## **Business Plan and Strategic Plan Linkages**

Well-Planned & Connected:

- Planning and managing growth through long-term plans and strategies, supported by short-term action plans.

## **Consultation**

The annual servicing allocation letter was sent to developers having active planning applications in the Town that include a residential use. This letter requested updated information regarding development status, phasing plans, anticipated construction timing, etc., and advised that this report would be considered at an upcoming Committee of the Whole meeting.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

None.

## **Approval**

Adrian Cammaert, MCIP, RPP, CNU-A  
Senior Planner, Policy

Jason Unger, MCIP, RPP  
Assistant Director of Planning

Rick Nethery, MCIP, RPP  
Director of Planning & Building Services

Peter Noehammer, P. Eng.  
Commissioner of Development & Infrastructure Services

## **Contact**

Adrian Cammaert, Senior Policy Planner, [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)





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## **Regulatory Review for 2018-2022 Term of Council Staff Report to Council**

Report Number: 2019-51

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: May 21, 2019

### **Recommendations**

1. That the report entitled Regulatory Review for 2018-2022 Term of Council dated May 21, 2019 be received; and,
2. That Council repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151; and,
3. That Staff be directed to implement the timelines for the review or development of by-laws and frameworks as set out within this report; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to seek Council approval for a timeline for regulatory and licensing by-laws to be reviewed or updated, and for frameworks to be developed for new by-laws during the 2018-2022 Term of Council.

### **Background**

In September 2018 staff issued [Information Report 2018-17](#) which presented a number of by-laws that were updated between 2016 and 2018 and also identified by-laws that required substantial review. At that time, staff also indicated that a workshop with the new Term of Council was required to seek approval for prioritization of by-law review

and development of frameworks for areas that are not currently regulated by the Town. Accordingly, on March 25, 2019 a Regulatory Review Council Workshop was held and staff sought Council feedback on a proposed schedule. This report seeks Council approval for the timeline established during that Workshop.

Additionally, this report seeks Council approval to amend Licensing By-law 2002-151 by repealing schedules 3, 5, 6, 8, 13 and 14. Additional details regarding the schedules are provided within the Discussion section of this report.

## Discussion

### Guiding Principles for Regulatory Review

Given that the Municipal Act provides broad authority to municipalities to develop by-laws unique to each municipality, there are a number of principles which guide staff in the regulatory area and serve the purpose of providing an overall framework for the same. Staff are expected to act in good faith and in the public's interest when drafting and presenting by-laws to council for their consideration. By-laws that meet the legislative requirements is only part of the process. Individual needs of communities and consultation with those communities is also an important part of by-law development. Community consultation assists staff with developing municipal standards that are easy to understand.

Well-crafted by-laws should have the following inherent principles:

- The by-law is developed for certainty, predictability, democratic transparency and accountability.
- The by-law is understandable, enforceable and accomplishes council's desired goal.

In addition to the consumer protection and standards licensing regimes create, these regulations can have a positive impact on the tax base through cost recovery. Administrative and licence fees help to offset the administrative and enforcement costs associated with licensing regimes.

### Proposed Timeline

The below table represents a timeline for when by-laws will be presented to Council for consideration.

By-law to be presented to Council for consideration in:	Regulatory Area:
Q2 2019	<ul style="list-style-type: none"> <li>• Smoking (tobacco and cannabis)</li> <li>• Animal Control (including options related to enforcement for pet stores)</li> </ul>
Q3 2019	<ul style="list-style-type: none"> <li>• Parking Control</li> </ul>

By-law to be presented to Council for consideration in:	Regulatory Area:
Q4 2019	<ul style="list-style-type: none"> <li>Vehicles for Hire (e.g., review to include taxis, Uber, Lyft, etc.)</li> </ul>
Q1 2020	<ul style="list-style-type: none"> <li>Pet Store Licensing (subject to Council discussion on Animal Control provisions in Q2 2019)</li> </ul>
Q2 2020	<ul style="list-style-type: none"> <li>Personal Service Establishments</li> <li>Body Rub Parlours</li> <li>Elections Signs</li> </ul>
Q3 2020	<ul style="list-style-type: none"> <li>Short Term Accommodations and Rentals (e.g., AirBnB, HomeAway, etc.)</li> </ul>
Q4 2020	<ul style="list-style-type: none"> <li>Hawker &amp; Peddlers (including a review of the name)</li> <li>Tow Trucks</li> </ul>
Q1 2021	<ul style="list-style-type: none"> <li>Retail stores selling tobacco</li> </ul>
Q2 2021	<ul style="list-style-type: none"> <li>Clothing Donation Bins</li> </ul>

## Short Term Accommodations and Rentals

Town staff are currently participating in a York Region wide working group on short term accommodations and rentals. This group started meeting in April 2019, and will be meeting on a monthly basis. The intent of this group is to share best practices, and to learn about what regimes are being developed by other municipalities in York Region. Town staff will share information with Council as it becomes available. Based on initial conversations with City of Vaughan, which has been working on regulations for this industry, there was a fairly lengthy period of consultation and regulation development (i.e., a year) before a draft framework being presented to Council.

## Licensing Reform

As indicated during the Council Workshop, there are a number of licences that now need to be repealed because of changes to the industry. The following schedules are recommended for repeal as these businesses either no longer exist in Newmarket, or because they have changed. In 2018, the Town issued one licence for a place of amusement, an auctioneer's licence, a billiards licence, and a bowling licence. No licences were issued for horse riding establishments or loud speakers. This decline in licensing for these businesses have been on the decline and therefore staff believe it is appropriate repeal the licensing framework for the same.

## **Schedules to Licensing By-law recommended for repeal (Attachment 1)**

- Schedule 3 - Place of Amusement
- Schedule 5 - Auctioneers
- Schedule 6 - Billiards
- Schedule 8 - Bowling
- Schedule 13 - Horse Riding Establishments
- Schedule 14 - Loud Speakers

## **Community Consultation**

As indicated in the guiding principles section of this report, community consultation and stakeholder input is an important part of regulatory development. As such, there will be both internal and external consultations that will occur prior to frameworks being presented to Council. It is the Town's practice to avoid consultation over the summer months due to the public's limited availability. Municipal partners, for example, York Regional Police, York Regional Public Health, and Committees of Council may be consulted as part of this process.

## **Conclusion**

Upon receiving Council approval of the proposed timeline, staff will work towards conducting the research, analysis and consultation required to inform a regulatory framework for Council.

## **Business Plan and Strategic Plan Linkages**

The initiative relates to the Well-equipped and managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

## **Consultation**

Staff will undertake internal and external consultation using the avenues available to the Town, such as HeyNewmarket, Public Information Centres, focus groups, etc.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

**Attachment 1** - Repeal Schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151



## **Approval**

Lisa Lyons  
Director of Legislative Services/Town Clerk

## **Contact**

For more information please contact Kiran Saini at [ksaini@newmarket.ca](mailto:ksaini@newmarket.ca).



**Attachment 1**

# **Corporation of the Town of Newmarket**

## **By-law 2019-XX**

A By-law to repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151.

Whereas Council deems it necessary to repeal the following schedules of the Licensing By-law 2002-151 due to changes to their respective industries:

Schedule 3 - Place of Amusement;  
Schedule 5 - Auctioneers;  
Schedule 6 - Billiards;  
Schedule 8 - Bowling;  
Schedule 13 - Horse Riding Establishments;  
Schedule 14 - Loud Speakers; and now,

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151 be repealed.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk





Town of Newmarket  
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## **Council Appointments to the Newmarket Historical Society Board Staff Report to Council**

Report Number: 2019-53

Department(s): Legislative Services

Author(s): Andrew Walkom, Legislative Coordinator

Meeting Date: May 21, 2019

### **Recommendations**

1. That the report entitled Council Appointments to the Newmarket Historical Society Board dated May 21, 2019 be received; and,
2. That Council make no further appointment to the Newmarket Historical Society Board until the review of the Board structure is complete; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to provide Council with an update regarding appointments to the Board of the Newmarket Historical Society.

### **Background**

For a number of years, the Heritage Newmarket Advisory Committee has appointed a member to represent the Committee on the Newmarket Historical Society Board. This member served as a full member of the Board.

The Newmarket Historical Society Board's by-laws set out the structure of its Board as follows:

“The Board shall consist of 12 directors, ten of whom shall be elected from among the membership, and two members being appointed by the Council of the Town of Newmarket from among its members.”

From past Council records, it appears that typically only one Councillor was appointed to the Board. The Board by-law does not require a representative from the Heritage Advisory Committee to be appointed to the Board.

Staff have reviewed Local Architectural Conservancy Advisory Committee (LACAC) and Heritage Committee minutes to determine the origin of the appointment of a Heritage Committee member to the Historical Society Board. During the early 2000s, a Heritage member also served on the Historical Society Board and provided updates to the Heritage Committee on meetings of the Board. During the Committee Structure Review in 2004, staff noted that there had been a request for closer collaboration between Heritage Newmarket, the Historical Society and the Elman W. Campbell Museum Board, due to the similar mandates of these groups. The following recommendation was included in the staff report and passed by Council at the May 10, 2004 meeting:

“That the Newmarket Historical Society, Heritage Newmarket and the Museum Board be advised that should they wish to undertake discussions regarding any opportunities for collaboration and coordination between the groups, the Town of Newmarket would offer to facilitate the process.”

At the June 30, 2004 meeting of Heritage Newmarket, a member was appointed as a representative to the Historical Society. This appears to be the first appointment by the Heritage Committee to the Historical Society Board.

Staff have not been able to locate a formal delegation of the Historical Society Board appointment to the Heritage Committee by Council. It appears that this appointment was an informal process between the Heritage Committee and Historical Society, and has been continued at the beginning of each new term of Council in the years following this initial appointment.

## **Discussion**

At the December 17, 2018 Council meeting, Councillor Woodhouse was appointed as Council’s representative to the Newmarket Historical Society Board.

Staff have received a request from the Historical Society that Council leave the second position vacant to allow the Historical Society to complete the review of its Board structure.

## **Conclusion**

Staff will continue to consult with the Newmarket Historical Society to determine if further action from Council is required.

## **Business Plan and Strategic Plan Linkages**

This report relates to the Well-equipped and Managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

## **Consultation**

Staff consulted with the President of the Newmarket Historical Society and the staff support person for the Heritage Advisory Committee.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

None.

## **Approval**

Kiran Saini

Deputy Town Clerk

Lisa Lyons

Director of Legislative Services/Town Clerk

## **Contact**

For more information please contact Andrew Walkom at [awalkom@newmarket.ca](mailto:awalkom@newmarket.ca).







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## **Property Tax Rates and By-law for 2019 Staff Report to Council**

Report Number: 2019-55

Department(s): Financial Services

Author(s): Grace L. Marsh

Meeting Date: May 21, 2019

### **Recommendations**

1. That the report entitled Property Tax Rates and By-law for 2019 dated May 22, 2019 be received; and,

2. That the property tax rates for 2019, as applied to the assessment roll returned in 2018 for 2019 taxation, be set for Town purposes as follows,

Residential	0.322917%
Multi-Residential	0.322917%
Commercial	0.413140%
Industrial	0.507109%
Pipeline	0.296761%
Farm	0.080729%

3. That the applicable Tax Rate By-law, attached as Appendix 'A' be forwarded to Council for approval and,

4. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to provide for the levy and collection of property tax for 2019.

## Background

The Municipal Act, 2001, as amended under s.312 requires that each year Council enact a by-law levying a separate tax rate, as specified in the bylaw, on the assessment in each property class in the local municipality for all property rateable for municipal purposes.

## Discussion

### Town of Newmarket Tax Ratios and Tax Rates

The property tax rates for Town purposes are determined using the approved tax ratios applied to the 2018 Assessment Roll as returned for 2019 taxation, and the approved 2019 Town tax-supported operating budget.

Tax ratios establish the weighted level of taxation born by each broad property class in relation to the residential class. The tax ratios for 2019 are set and approved by Regional Council. They are consistent Region wide. In 2016, both regional and local municipal staff undertook a review of the impact of market value reassessment and the resulting tax shifts that naturally occur when one property class has values that increase at a higher rate than others.

Regional Council adopted a 'revenue neutral' approach which increases the ratios on commercial and industrial properties, and reduces the impact of tax shifting to the residential class. This same approach was carried forward for 2017, 2018 and now 2019.

The chart below demonstrates the change in ratios for each class, comparing 2016 through 2019:

Property Class	2016 Tax Ratio	2017 Tax Ratio	2018 Tax Ratio	2019 Tax Ratio
Residential (Homes and Condos)	1.000000	1.000000	1.000000	1.000000
Multi-Residential (Apartments)	1.000000	1.000000	1.000000	1.000000
Commercial	1.117200	1.181313	1.232300	1.279400
Industrial	1.312400	1.416888	1.497300	1.570400
Pipelines	0.919000	0.919000	0.919000	0.919000
Farms	0.250000	0.250000	0.250000	0.250000

One way to understand the effect of a change in the ratio is that commercial properties will bear a 27.9% premium on each dollar of assessment and industrial properties will bear a 57% premium on each dollar of assessment. This increases every year that we carry forward the 'revenue neutral' approach. Staff has expressed concern this may reduce our competitive benefit over other municipalities and regions if continued. Regional and municipal tax staff have committed to a full review of this approach with the next reassessment cycle scheduled for taxation in 2021.

Schedule 'A' attached to the by-law lists the proposed tax rates required to raise the approved 2019 Town tax supported budget requirement of \$62,414,491. This results in an average municipal (Town only) increase to a homeowner assessed at \$618,750 of 2.24% or \$43.85.

The average value of a single family home in Newmarket for 2019 has risen to \$618,750 from \$572,500 in 2018. For further information please see below for averages by ward.

Location	Single Family Home Value
Overall Town Average	618,750
Ward 1	865,750
Ward 2	573,000
Ward 3	546,250
Ward 4	556,250
Ward 5	493,250
Ward 6	640,000
Ward 7	662,250

## Region of York and Education Tax Rates

The Region of York has set the property tax rates they require to fund their budgets. The Region will be raising \$65.0 million in Newmarket. This represents 5.74% of the total Regional levy as compared to 5.76% in 2018. This results in an average increase to a homeowner in Newmarket of \$75.18 or 3.75%. The impact in Newmarket is slightly lower than the Regional average of 3.96% because our rates of assessment growth are lower than some other municipalities in York Region.

The Ministry of Finance has provided the Education property tax rates for 2019. The Residential tax rate has been reset and uniform rate for the entire Province for 2019 is 0.161% reduced from 0.170% in 2018. The average home assessed at \$618,750 will see an increase of \$22.93 or 2.36% which results from the average assessment increase in Newmarket being higher than the overall Provincial average.

New for 2019: The Province has regulated a reduction in the discounts currently provided to Vacant Land (VL) and Excess Land (EL) in the business property classes. Previously Commercial VL and EL was taxed 30% lower than occupied commercial land; this discount will now be 15% for 2019 and no discount for 2020. Industrial VL and EL was taxed 35% lower than occupied industrial land; this discount will now be 17.5% for 2019 and no discount for 2020. For this year, this applies to the education tax portion only, however the Region has been given the option to phase out the discount on the local and regional portions as well. The Region and the local property tax representatives are exploring possible changes to the municipal portion of the taxes for 2020 and beyond and we will report to Council as it progresses.

### Summary – 2019 Combined Tax Rates

The final residential tax rate for 2019 will be 0.820466%. An average residential property with a 2019 phased-in assessment of \$618,750 will pay \$5,076.61 for 2019. For comparison below is the tax levy for this property for 2018:

	2018	2019	\$ Change	% Change
Town Municipal	\$1,954.19	\$1,998.04	\$43.85	2.24%
Region Municipal	\$2,007.21	\$2,082.39	\$75.18	3.75%
Education	\$973.25	\$996.18	\$22.93	2.36%
Total	\$4,934.65	\$5,076.61	\$141.96	2.88%

The sharing of each \$1.00 of property tax collected for the three main broad classes is as follows:

	Residential	Commercial	Industrial
Town of Newmarket	<b>\$0.39</b>	<b>\$0.23</b>	<b>\$0.25</b>
Region of York	<b>\$0.41</b>	<b>\$0.24</b>	<b>\$0.25</b>
Education	<b>\$0.20</b>	<b>\$0.53</b>	<b>\$0.50</b>
Total	<b>\$1.00</b>	<b>\$1.00</b>	<b>\$1.00</b>

The total taxation for all three levels of government in Newmarket will be in excess of \$178 million and is managed by Town staff in terms of billing, collection, adjustments and remittance to the Region and school boards.

In addition to the above levies, there are also payments-in-lieu (PIL's) calculated and levied using the same tax rates for the applicable classes, or using rates set by Provincial Regulation for the railway rights-of-way, electrical corridors and the heads and beds levy for the hospital.

Properties identified within the Business Improvement Area (BIA) will be levied a total of \$30,000 apportioned according to their commercial assessment and the funds will be provided to the Treasurer of the BIA.

## **Capping and Clawback**

Commercial and industrial (C/I) properties continue to be subject to the capping and clawback program introduced in 1998 to help mitigate the excessive property tax increases that occurred during the first province-wide reassessment at current value assessment (CVA) in 1998.

The policy decisions for this program rest with the upper tier and consultation is undertaken with all the local municipalities. Historically, Newmarket has always recommended that all available options to reduce the impact of capping and clawback be adopted and Regional Council have agreed to continue that strategy. As a result, preliminary numbers indicate that all of Newmarket's multi-residential, commercial and industrial properties have reached full current value assessment and are no longer capped or clawed back.

## **Property Tax Due Dates**

As noted in the attached By-law, the due dates for the final three installments for the residential levy will be:

Thursday July 25/19

Tuesday August 27/19

Tuesday September 24/19

The dues dates for the non-residential levy, as well as any supplementary or omitted billing from Amended Property Assessment Notices (APAN's) will be established as they are processed with the legislated minimum of 21 days from the date of the billing.

Property taxes can be paid by any of the following methods:

- Telephone or On-Line Banking
- Pre-authorized Payment Plans (with pre-registration)
- In person at 395 Mulock Dr., Ray Twinney Recreation Complex, the Magna Centre or the Newmarket Senior's Meeting Place
- Mailing or dropping off cheques at 395 Mulock Dr.
- Credit Card (on-line only) at [www.plastiq.com](http://www.plastiq.com) (service charge applies)

Residents are strongly encouraged to use their on-line or telephone banking as the safest, most secure and efficient manner of payment.

## **Property Tax Assistance Programs**

Council approved the continuation of the Town's Tax Assistance to the Elderly program for 2019 and increased the grant amount to \$311 from \$302 per eligible property. Applications are available on the Town's website and will be accepted up to December 1, 2019.

Council has approved the delegation of the Town's authority under the Municipal Act to the Assessment Review Board to hear applications for full or partial property tax relief in cases of sickness or extreme poverty. Applications are available on the Town's website and will be accepted up to February 28, 2020 for the 2019 tax year.

All eligible York Region residents also have the opportunity to defer the property tax increases under a Regional Tax Deferral program. Tax increases on the principal residence are deferred for payment indefinitely, with no late payment fees or interest applied, and are only required to be repaid when the property is sold or transferred to a non-spouse.

There are also tax rebate programs available for heritage properties, demolished or razed by fire properties and for registered charities in eligible properties. Full information on all the assistance programs is available on our website or from Customer Service.

## **Conclusion**

### **2019 Combined Tax Rates**

The final residential tax rate for 2019 will be 0.820466%. An average residential property with a 2019 phased-in assessment of \$618,750 will pay \$5,076.61 for 2019. This is an overall increase of 2.88%.

## **Business Plan and Strategic Plan Linkages**

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

## Consultation

- Financial Services Report 2019 Operating & Capital Budget Recommendations March 4, 2019
- Ministry of Education and Ministry of Finance Letters Regarding Education Tax Rates and Proportions of Enrolment 2019 and Property Tax Policy
- Regional Municipality of York Reports 2019 Property Tax Ratios, Property Tax Rates and Property Tax Capping
- Online Property Tax Analysis (OPTA) for statistics and analysis
- Municipal Property Assessment Corporation, 2018 Assessment Roll for 2019 Taxation

## Human Resource Considerations

None

## Budget Impact

The proposed property tax rates for the Town will increase the tax levy on an average home by 2.24% and raise the necessary funds to cover the 2019 tax-supported operating budgets as approved by Council.

## Attachments

Appendix 'A'; (Draft By-law with Schedule 'A')

## Approval

Grace L. Marsh, CMMIII, CMRP, Paralegal  
Supervisor, Property Tax & Assessment

Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer

Esther Armchuk, LL.B.  
Commissioner, Corporate Services



## Contact

For more information on this report, contact: Grace Marsh at 905-953-5300, ext. 2143 or via e-mail at [gmarsh@newmarket.ca](mailto:gmarsh@newmarket.ca)

**SCHEDULE "A"**  
**Corporation of the Town of Newmarket**  
**2019 Schedule of Tax Rates for Taxable Property**

<b>PropertyAssessment Class</b>	<b>RTC/Q</b>	<b>Town Rate</b>	<b>Region Rate</b>	<b>School Rate</b>	<b>Total Rate</b>
Residential Taxable: Full	RT	0.322917%	0.336549%	0.161000%	<b>0.820466%</b>
Residential Taxable: Full Shared PIL	RH	0.322917%	0.336549%	0.161000%	<b>0.820466%</b>
Multi-Residential Taxable: Full	MT	0.322917%	0.336549%	0.161000%	<b>0.820466%</b>
Commercial Taxable: Full	CT	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Commercial Taxable: Excess Land	CU	0.289198%	0.301407%	0.792059%	<b>1.382664%</b>
Commercial Taxable: Full Shared PIL	CH	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Commercial Taxable: Excess Land, Shared PIL	CK	0.289198%	0.301407%	0.792059%	<b>1.382664%</b>
Parking Lot Taxable: Full	GT	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Commercial Taxable: Vacant Land	CX	0.289198%	0.301407%	0.792059%	<b>1.382664%</b>
Office Building Taxable: Full	DT	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Shopping Centre Taxable: Full	ST	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Shopping Centre Taxable: Excess Land	SU	0.289198%	0.301407%	0.792059%	<b>1.382664%</b>
Commercial (New Construction) Taxable: Full	XT	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Commercial (New Construction) Taxable: Excess Land	XU	0.289198%	0.301407%	0.792059%	<b>1.382664%</b>
Office Building (New Construction) Taxable: Full	YT	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Office Building (New Construction) Taxable: Excess Land	YU	0.289198%	0.301407%	0.792059%	<b>1.382664%</b>
Shopping Centre(New Construction) Taxable: Full	ZT	0.413140%	0.430581%	0.931834%	<b>1.775555%</b>
Industrial Taxable: Full	IT	0.507109%	0.528517%	1.030000%	<b>2.065626%</b>
Industrial Taxable: Full Shared PIL	IH	0.507109%	0.528517%	1.030000%	<b>2.065626%</b>
Industrial Taxable: Excess Land, Shared PIL	IK	0.329621%	0.343536%	0.849750%	<b>1.522907%</b>
Industrial Taxable: Excess Land	IU	0.329621%	0.343536%	0.849750%	<b>1.522907%</b>
Industrial Taxable: Vacant Land	IX	0.329621%	0.343536%	0.849750%	<b>1.522907%</b>
Large Industrial Taxable: Full	LT	0.507109%	0.528517%	1.030000%	<b>2.065626%</b>
Large Industrial Taxable: Excess Land	LU	0.329621%	0.343536%	0.849750%	<b>1.522907%</b>
Industrial(New Construction)Taxable: Full	JT	0.507109%	0.528517%	1.030000%	<b>2.065626%</b>
Pipeline Taxable: Full	PT	0.296761%	0.309289%	1.290000%	<b>1.896050%</b>
Farm Taxable: Full	FT	0.080729%	0.084137%	0.040250%	<b>0.205116%</b>





## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2019-

A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF THE SUMS REQUIRED BY THE CORPORATION OF THE TOWN OF NEWMARKET FOR 2019 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUISITIONING THE PAYMENT OF TAXES FOR 2019.

WHEREAS Section 312 (2) of the *Municipal Act, 2001, as amended*, provides that the Council of a local municipality shall, after the adoption of estimates for the year, enact a By-law to levy a separate tax rate on the assessment in each property class;

AND WHEREAS Sections 307 and 308 of the said *Act* require tax rates to be established in the same proportion to tax ratios;

AND WHEREAS estimates have been prepared showing the sum of \$177,366,451 is required to be raised for the lawful purposes of the Corporation of the Town of Newmarket for the year 2019 which estimates are made up as follows:

1.	Town of Newmarket General Purposes	\$ 62,414,491
2.	Regional Municipality of York Purposes	\$ 65,049,336
3.	Ontario Education Purposes	<u>\$ 49,902,624</u>
		<u>\$177,366,451</u>

AND WHEREAS any special levy in the Town of Newmarket is based upon the Current Value Assessment as returned on the last revised Assessment Roll as determined by the Municipal Property Assessment Corporation in accordance with the *Assessment Act, R.S.O. 1990, as amended*, and summarized on Schedule "A" attached to this By-law;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT the following property tax class ratios are to be applied in determining tax rates for taxation in 2019:

Residential/Farm Property Class	1.000000
Multi-Residential Property Class	1.000000
Commercial Property Class	1.279400
Industrial Property Class	1.570400
Pipelines Property Class	0.919000
Farmlands Property Class	0.250000

2. AND THAT for the year 2019, the Corporation of the Town of Newmarket shall levy upon the Residential Assessment, Multi-Residential Assessment, Commercial Assessment, Industrial Assessment, Pipeline Assessment and Farm Assessment the rates of taxation set out in this By-law. The optional property classes allowable, which were not adopted by the Region of York, have been included within Schedule "A" for clarity, shown with the tax rates established for the default Commercial and Industrial Assessment classes for the respective optional classes. This presentation was selected to coincide with the property tax class codes and qualifiers used by the Municipal Property Assessment Corporation in its communication with property owners concerning their property assessments;
3. AND THAT the sum of \$62,414,491 be levied and collected for the Town of Newmarket's General Purposes, as provided by the Corporation's 2019 Operating Budget; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
4. AND THAT the sum of \$65,049,336 be levied and collected for the Town of Newmarket's share of the 2019 Budget for The Regional Municipality of York; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
5. AND THAT the sum of \$49,902,624 be levied and collected for the Town of Newmarket's share of the 2018 Ontario Education levy; such sum to be provided by applying to the taxable assessments the tax rates summarized in Schedule "A" which are the rates prescribed for use by Ontario Regulation 400/98 as amended by O.Reg. 64/19;
6. AND THAT for properties so assessed, payments in lieu of taxes shall be calculated using the tax rates in Schedule "A" which would be applicable to the property if it were subject to tax;
7. AND THAT for the railway rights-of-way assessments and for the utility transmission and distribution corridor, assessments shall have their taxes due to the Corporation of the Town of Newmarket calculated in accordance with the Regulations as established by the Minister of Finance and the returned assessment roll;
8. AND THAT for the purpose of the Business Improvement Area projects, the sum of \$30,000 shall be levied and collected from the property owners within the business improvement area;
9. AND THAT the Treasurer shall add to the Collector's Roll, all or any arrears for fees or charges which should be collected pursuant to any statute or by-law to the respective properties chargeable thereto and that the same shall be collected by the Treasurer, or designate, in the same manner and at the same time as all other rates or levies;
10. AND THAT the Interim Tax Levy as issued by staff, under the delegation of authority by-law be shown as a reduction on the final tax levy;

11. AND THAT all taxes levied under the authority of this By-law shall become due and payable in three installments; the first installment due July 25, 2019, the second installment due August 27, 2019 and the third installment due September 24, 2019, and all installments shall be payable to the Corporation of the Town of Newmarket;

These due dates are subject to amendment by the Treasurer or designate, if required, to meet the statutory timing required following the tax demand date;

12. AND THAT the Treasurer or designate for the Corporation of the Town of Newmarket send or mail or cause to be sent or mailed, the notice specifying the amount of taxes payable by any person liable for taxes, addressed to that person's place of residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs otherwise in which case it shall be sent to that address; email address or mortgage or finance company;
13. AND THAT taxes are payable to the Corporation of the Town of Newmarket in all manners of payment as may be designated by the Town from time to time;
14. AND THAT residents who qualify for the Low Income Seniors and Low Income Disabled Tax Deferral Program need to apply to the Tax Office in accordance with the program policies as established by the Regional Municipality of York. The amount of deferral for 2019 will be determined once the application has been approved;
15. AND THAT if any section or portion of this by-law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the Corporation of the Town of Newmarket that all remaining sections and portions of this By-law continue in force and effect;
16. AND THAT Schedule "A" attached hereto shall be and form a part of this By-law.

ENACTED THIS                      DAY OF                      .

\_\_\_\_\_  
John Taylor, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk





April 16, 2019

Below is a copy of a Resolution adopted by Brantford City Council at its meeting held March 26, 2019. In keeping with City Council's direction, a copy is being distributed to other municipalities in the Province of Ontario.

C. Touzel  
City Clerk

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## RESOLUTION

### 6.1 Single-Use Plastic Straws

WHEREAS section 8(1) of the *Municipal Act, 2001* requires that the powers of a municipality are to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS section 8(3) of the *Municipal Act, 2001* permits the municipality to pass by-laws under section 10 and 11 which: regulates or prohibits the matter; and to require persons to do things respecting the matter; and

WHEREAS section 10(2) of the *Municipal Act, 2001* permits single-tier municipalities to pass by-laws respecting the following matters: economic, social and environmental well-being of the municipality, including respecting climate change; and

WHEREAS the Council of The Corporation of the City of Brantford wishes to consider regulating or prohibiting the sale and distribution of single-use plastic straws in the municipality in order to reduce: (a) littering; (b) the impact on landfills; (c) the impact on sewers; and (d) the contribution to climate change;

NOW THEREFORE BE IT RESOLVED THAT City Staff BE DIRECTED to:

1. Analyze the impacts of single-use plastic straws in the municipality; and how to reduce those impacts through the regulation and prohibition of single-use plastic straws;



2. Consult with the public and impacted industries, including but not limited to:
  - i. Retail Stores;
  - ii. Restaurants;
  - iii. Manufacturers and Distributors, as applicable;
  - iv. Chamber of Commerce;
  - v. Brantford Accessibility Advisory Committee; and
  - vi. Brantford Environmental Policy Advisory Committee;
3. THAT City Staff REPORT BACK to Council on the results of their analysis and consultation; along with a process, including timelines, to:
  - a. In the first phase, regulate the sale and distribution of single-use plastic straws, taking into account existing inventories and the sourcing of alternate suppliers; and
  - b. In the final phase, prohibit the sale and distribution of single-use plastics straws.
4. THAT a copy of this resolution BE FORWARDED to the MP and MPP Brantford-Brant, the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and other municipalities in the Province of Ontario.



# Town of Newmarket

## Minutes

### Accessibility Advisory Committee

Date: Thursday, June 21, 2018  
 Time: 10:30 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Steve Foglia, Chair  
 Councillor Bisanz  
 Richard Wilson  
 David Hingsburger  
 Jeremy Slessor

Members Absent: Kelsy McIntosh  
 Linda Jones  
 Aaron Firth

Staff Present: H. Leznoff, Council/Committee Coordinator  
 P. McIntosh, Recreation Programmer, Family and Special Needs  
 S. Chant, Inclusion BASE Director  
 S. Niezen, Records and Projects Coordinator

The meeting was called to order at 10:30 AM.

Steve Foglia in the Chair.

#### 1. Additions & Corrections to the Agenda

Introductions were made around the table.

The Chair advised of two additional items, being a presentation regarding the Millard Avenue Culvert Project and a Presentation regarding the 2018 Municipal Election.

Moved by: Jeremy Slessor

Seconded by: Richard Wilson

1. That the additions and corrections to the agenda be approved.

**Carried**

## **2. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

## **3. Presentations & Deputations**

### **3.1 Millard Avenue Culvert Project**

The Project Manager, Roads Capital Planning was not available to attend. It was discussed that the item could either be deferred to the next meeting, or additional information will be provided to Committee Members over email, when available.

### **3.2 Municipal Election Update**

The Records and Projects Coordinator provided the Committee with an update regarding internet and telephone voting for the 2018 municipal election. She requested that a member of the Committee assist the Elections Team with the audits of the Town facilities that will be used for Voter Assistance Centres during the election period. She further advised that the Election Team want the Committee's input on the voting system and election accessibility plan and would bring this information to the Committee when available. There was discussion regarding holding a special meeting of the Committee in July related to election matters.

## **4. Approval of Minutes**

### **4.1 Accessibility Advisory Committee Meeting Minutes of May 17, 2018**

Moved by: Jeremy Slessor

Seconded by: Richard Wilson

1. That the Accessibility Advisory Committee Meeting Minutes of May 15, 2018 be approved.

**Carried**

## **5. Items**

### **5.1 Site Plan Application - 1250 Davis Drive & 1240 Twinney Drive**

Richard Wilson provided an overview of the Site Plan Application and highlighted some areas of concern regarding accessibility. The Committee reviewed the plans as a group and Richard advised that he would submit a memorandum to the Planning Department outlining the comments from the Committee.

### **5.2 Council Workshop - Committee Accomplishments Presentation**

The Committee reviewed the draft presentation.

### **5.3 Update from the Sub- Committee re: National Access Awareness Week Event**

The Recreation Programmer, Family and Special Needs and the Inclusion Base Director provided an overview of the National Access Awareness Week Event held on June 2, 2018. They advised that the event was well attended and included a variety of performances and activities.

## **6. New Business**

None.

## **7. Adjournment**

Being no further business, the meeting adjourned at 12:00 PM.

Date

Steve Foglia, Chair





# Town of Newmarket

## Minutes

### Heritage Newmarket Advisory Committee

Date: Tuesday, July 3, 2018  
 Time: 7:00 PM  
 Location: Mulock Room  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Athol Hart, Chair  
 Billie Locke, Vice-Chair  
 Joan Seddon  
 Malcolm Watts  
 Rohit Singh

Members Absent: Councillor Hempen  
 Soni Felix Raj

Staff Present: M. White, Planner  
 A. Walkom, Council Committee Coordinator

Guest: Deborah Alexander, Alexander Planning Inc.

#### 1. Additions & Corrections to the Agenda

None.

#### 2. Declarations of Pecuniary Interest

None.

#### 3. Presentations/Deputations

##### 3.1 292-294 Court Street

Deborah Alexander presented to the Committee on behalf of the owners of 292-294 Court Street. She advised the Committee of the owner's intention to demolish the existing structure and construct two single

detached homes. She advised that the new homes are intended to match the heritage character of the neighbourhood.

Moved by: Joan Seddon

Seconded by: Rohit Singh

1. That the Heritage Newmarket Advisory Committee request that the owner of 292-294 Court Street provide drawings of the proposed single detached homes and details on how they will interface with the neighbourhood.

**Carried**

#### **4. Approval of Minutes**

Moved by: Malcolm Watts

Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 5, 2018 be approved

**Carried**

#### **5. Correspondence**

##### **5.1 Correspondence from the Town of Newmarket Planning Department - Notice of Complete Application (18095 & 18099 Leslie Street)**

Moved by: Joan Seddon

Seconded by: Rohit Singh

1. That the correspondence from the Town of Newmarket Planning Department - Notice of Complete Application (18095 & 18099 Leslie Street) be received.

**Carried**

##### **5.2 Correspondence from the Town of Newmarket Planning Department - Notice of Public Meeting (Urban Centres Zoning By-law)**

Moved by: Joan Seddon

Seconded by: Rohit Singh

1. That the Heritage Newmarket Advisory Committee request that Malcolm Watts attend the Urban Centres Zoning By-law public meeting and report back to the Committee.

**Carried**

## **6. Items**

### **6.1 Operating Results for the Five Months Ending May 31, 2018**

The Committee discussed the budget for the 2018 year to date.

### **6.2 292-294 Court Street**

This item was addressed under Item 3.1.

## **7. Reports of Committee Members**

### **7.1 Designated Property Maintenance and Concerns**

#### **7.1.1 Stickwood Walker site visit**

Athol Hart provided an update on the recent visit to the Stickwood Walker site and provided the Committee the details on the condition of the property. He provided the Committee with a list of concerns that should be remedied to protect the building from further damage.

Moved by: Malcolm Watts

Seconded by: Billie Locke

1. That the Heritage Newmarket Advisory Committee approve the recommendations by Athol Hart on the Stickwood Walker site; and,
2. That the recommendations be provided to the Town of Newmarket.

**Carried**

#### **7.1.2 Site Plaques**



There was no update on this item.

#### 7.1.3 Residence Plaques

There was no update on this item.

#### 7.1.4 Heritage Location Plaques

There was no update on this item.

### 8. Sub Committee Reports

#### 8.1 Architecture, Recreation, Culture, Heritage (ARCH) Committee

There was no update on this item.

#### 8.2 Elman W. Campbell Museum Board

Billie Locke provided an update on the recent Canada Day event, and advised that fewer people had attended the Museum than the previous year.

#### 8.3 Lower Main Street South Heritage Conservation District Advisory Group

Athol Hart advised that the Noodle Shop had submitted an application to replace the awnings on the building.

#### 8.4 Newmarket Historical Society Board of Directors

Joan Seddon advised that the Board has no meetings scheduled for the summer months.

### 9. New Business

#### 9.1 Union Hotel

The Committee discussed the Union Hotel building. The Planner advised that the Site Plan Agreement has not yet been signed by York Region and that any future owner would be held to the terms of this agreement.

### 10. Adjournment

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Chair

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Date





# Town of Newmarket

## Minutes

### Heritage Newmarket Advisory Committee

Date: Tuesday, April 16, 2019  
 Time: 7:00 PM  
 Location: Cane Room  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Christina Bisanz  
 Norman Friend  
 Billie Locke  
 Gord McCallum  
 David McLennan  
 Mitch Sauder  
 Joan Seddon

Staff Present: D. Ruggie, Senior Planner - Community Planning  
 A. Walkom, Legislative Coordinator

#### 1. Additions & Corrections to the Agenda

None.

#### 2. Declarations of Pecuniary Interest

David McLennan declared a conflict related to items 5.1 and 6.3. He advised that the owners of 951 Srigley Street and 578 Lydia Street are clients of his law firm.

#### 3. Presentations/Deputations

##### 3.1 Orientation Session

The Legislative Coordinator provided an orientation presentation concerning Town By-laws, meeting procedures and the Code of Conduct.

The Senior Planner provided an orientation presentation concerning the mandate of the Heritage Committee and relevant legislation such as the Heritage Act.

#### **4. Approval of Minutes**

##### **4.1 Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018**

Moved by: Joan Seddon

Seconded by: David McLennan

1. That the approval of the Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018 be deferred until the May 7, 2019 meeting.

**Carried**

#### **5. Correspondence**

##### **5.1 Correspondence from the Committee of Adjustment re: Notice of Deferred Application - 951 Srigley Street**

Moved by: Norman Friend

Seconded by: Mitch Sauder

1. That the Correspondence from the Committee of Adjustment re: Notice of Deferred Application - 951 Srigley Street be received.

**Carried**

David McLennan took no part in the discussion or vote on the foregoing matter due to a declared conflict.

#### **6. Items**

##### **6.1 Appointment of Chair and Vice-Chair**

Moved by: David McLennan

Seconded by: Joan Seddon

1. That Billie Locke be appointed as Chair of the Heritage Newmarket Advisory Committee.

**Carried**

Moved by: Christina Bisanz

Seconded by: Joan Seddon

1. That Gord McCallum be appointed as Vice-Chair of the Heritage Newmarket Advisory Committee.

**Carried**

Billie Locke assumed the role of the Chair.

## **6.2 Appointments to Other Boards and Committees**

### **6.2.1 Elman W. Campbell Museum Board**

Moved by: Joan Seddon

Seconded by: David McLennan

1. That Norman Friend be appointed to the Elman W. Campbell Museum Board of Management as the representative of the Heritage Newmarket Advisory Committee.

**Carried**

### **6.2.2 Lower Main Street South Heritage Conservation District Advisory Group**

Moved by: Christina Bisanz

Seconded by: Gord McCallum

1. That Mitch Sauder be appointed to the Lower Main Street South Heritage Conservation District Advisory Group as the representative of the Heritage Newmarket Advisory Committee.

**Carried**

### **6.3 Requests for Removal from the Heritage Registry of Non-Designated Properties - 578 Lydia Street and 270 Prospect Street**

#### **6.3.1 270 Prospect Street**

The Senior Planner provided a background on the 270 Prospect Street property and the application. He advised that the request was to remove the property from the Municipal Register of Non-Designated Properties.

Moved by: Gord McCallum

Seconded by: Joan Seddon

1. That the matter be deferred to the next meeting so that the Heritage Newmarket Advisory Committee can gather more information on the property; and,
2. That the Committee seek permission from the owner to visit the property.

**Carried**

#### **6.3.2 578 Lydia Street**

The Senior Planner advised that a demolition permit was requested related to the property and that Council has 60 days to respond to the request. He advised that the Heritage Committee would need to provide a recommendation concerning the property, to be received by Council at the Committee of the Whole on April 29, 2019.

The Committee discussed the condition of the house as well as its history and Heritage merits.

Moved by: Mitch Sauder

Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee recommend that the property located at 578 Lydia Street be removed from

the Heritage Registry of Non Designated Properties with the condition that it be documented and a photographic record be made of the property prior to demolition.

**Carried**

David McLennan took no part in the discussion or vote on the foregoing matter due to a declared conflict.

## **7. Reports of Committee Members**

Moved by: David McLennan

Seconded by: Joan Seddon

1. That consideration of sub-committee appointments be deferred to the next meeting.

**Carried**

### **7.1 Designated Property Maintenance and Concerns**

7.1.1 Site Plaques

7.1.2 Residence Plaques

7.1.3 Heritage Location Plaques

## **8. Committee Reports**

### **8.1 Elman W. Campbell Museum Board**

None.

### **8.2 Lower Main Street South Heritage Conservation District Advisory Group**

The Senior Planner advised that an application related to the facade restoration for 184-194 Main St. South has been received. He provided a brief overview of the drawings of the proposal.

## **9. New Business**

- (1) The Senior Planner advised that SvN has been hired as a consultant related to the established neighbourhood character study.



(2) The Legislative Coordinator advised that the next meeting would be held May 7, 2019.

**10. Adjournment**

The meeting adjourned at 8:43 PM.

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Chair

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Date



438 Park Avenue  
Newmarket, Ontario L3Y 1W1

Email: [npl@newmarketpl.ca](mailto:npl@newmarketpl.ca)

Website: [newmarketpl.ca](http://newmarketpl.ca)

Phone: 905-953-5110

## **Newmarket Public Library Board**

### **Regular Board Meeting Minutes**

Wednesday, January 16, 2019  
Newmarket Public Library Board Room

**Present:** Joan Stonehocker, Chair  
Tara Brown, Vice Chair  
Kelly Broome  
Darcy McNeill  
Venkatesh Rajaraman  
Jane Twinney

**Regrets:** Tara Brown  
Tom Vegh

**Staff Present:** Todd Kyle, CEO  
Linda Peppiatt, Deputy CEO  
Lianne Bond, Administrative Coordinator

The Chair called the meeting to order at 5:40 pm

#### **Adoption of Agenda Items**

1. Adoption of the Regular Agenda
2. Adoption of the Closed Session Agenda
3. Adoption of the Consent Agenda Items

The Chair asked if there were any additions to the agenda. One Item was added under New Business.

#### **Motion 19.01.327**

**Moved by Kelly Broome**

**Seconded by Venkatesh Rajaraman**

**That** Agenda items 1) to 3) be adopted as amended.

**Carried**

## **Declarations**

None were declared.

## **Consent Agenda Items:**

4. Adoption of the Regular Board Meeting Minutes for Wednesday, December 19, 2018
5. Strategic Operations Report for November, 2018
6. Fourth Quarter Statistical Report
7. Monthly Bank Transfer

### **Motion 19.01.328**

**Moved by Darcy McNeill**

**Seconded by Jane Twinney**

**That** Consent Agenda items 4) to 7) be received and approved as presented.

**Carried**

**Note:** The Fourth Quarter Statistical Report was deferred to the next Library Board meeting.

## **Reports**

There were no reports

## **Business Arising**

8. Library Board Action List

The Library Board reviewed the Action list.

### **Motion 19.01.329**

**Moved by Jane Twinney**

**Seconded by Venkatesh Rajaraman**

**That** the Library Board receive the Action List as presented.

**Carried**

## **New Business**

9. Security Concerns

The Library Board discussed the news article on the Newmarket Today website and the safety and security concerns of the Library.

**Dates of Future Meetings**

The next Regular Library Board meeting is scheduled for Wednesday, February 20, 2019 at 5:30 pm in the Library Board room.

**Adjournment****Motion 19.01.330**

**Moved by Kelly Broome**

**Seconded by Venkatesh Rajaram**

**That** there being no further business the meeting adjourn at 6:04 pm.

**Carried**

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Joan Stonehocker, Chair

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Todd Kyle, Secretary/Treasurer





# Newmarket Public Library Board

## Minutes

Date: Wednesday, March 20, 2019  
 Time: 5:30 PM  
 Location: Newmarket Public Library Boardroom  
 Newmarket Public Library  
 438 Park Avenue  
 Newmarket ON L3Y 1W1

Members Present: Darryl Gray  
 Leslee Mason  
 Art Weis  
 Jane Twinney  
 Victor Woodhouse (left at 7:15 pm)

Members Absent: Darcy McNeill  
 Kelly Broome

Staff Present: Lianne Bond, Administrative Coordinator  
 Linda Peppiatt, Deputy CEO  
 Todd Kyle, CEO

Guests: Guests: Ian McDougall, Commissioner, Community Services,  
 Town of Newmarket (left at 6:40 pm)  
 Lynn Geogoff, Director, Human Resources Director, Town of  
 Newmarket (left at 7:00 pm)

### 1. **Welcome**

The CEO welcomed the new Library Board members and gave an overview of the documents included in the Library Board orientation package.

### 2. **Appointment of Library Board Officers**

The CEO called for the nomination of Library Board Chair.

#### **Motion 19-03-01**

**Moved by** Jane Twinney

**Seconded by** Darryl Gray

That Darcy McNeill is appointed to the position of Chair for Newmarket Public Library Board.

**Carried**

**Motion 19-03-02**

**Moved by** Jane Twinney

**Seconded by** Art Weis

That Jane Twinney is appointed to the position of Vice Chair for the Newmarket Public Library Board

**Carried**

**3. Adoption of Agenda Items**

3.1 Adoption of the Regular Agenda

3.2 Adoption of the Closed Session Agenda

3.3 Adoption of the Consent Agenda Items

The Chair asked if there were any additions to the agenda.

**Motion 19-03-03**

**Moved by** Victor Woodhouse

**Seconded by** Art Weis

That Agenda items 3.1 to 3.3 be adopted as presented.

**Carried**

**4. Declarations**

None were declared.

**5. Consent Agenda Items**

5.1 Adoption of the Regular Board Meeting Minutes for Wednesday, January 16, 2019

5.2 Strategic Operations Report for January and February, 2019

5.3 Monthly Bank Transfer

5.4 Southern Ontario Library Service Correspondence

Adoption of the Regular Board meeting minutes for Wednesday, January 16, 2019 were deferred to the next regularly scheduled Board meeting.

**Motion 19-03-004**

**Moved by** Darryl Gray

**Seconded by** Leslee Mason

That Consent Agenda items 5.2 to 5.4 be received and approved as presented

**Carried**

**6. Reports**

**6.1 Operational Efficiencies Implementation Update**

Background and overview of the joint Newmarket Public Library / Town of Newmarket efficiency review conducted in 2017 was provided to the Board. The Board viewed a presentation on the progress towards the implementation of the recommendations from the efficiency review.

**Motion 19-03-005**

**Moved by** Leslee Mason

**Seconded by** Art Weis

**That the Library Board receive the report and accompanying presentation on the Library operational efficiencies review.**

**Carried**

**6.2 Library - IT Shared Services**

The Board reviewed the report on the Library/Town of Newmarket Technology Shared Services review.

**Motion 19-03-006**

**Moved by** Darryl Gray

**Seconded by** Victor Woodhouse

**THAT the Library Board receive the report on Library-IT Shared Services Review;**

**AND THAT the Library Board direct the creation of a Service Level Agreement between the Library and Information Technology based on this report and any other input the Board may have;**



**AND THAT the Library Board request a joint Information Report be sent to Council to report on the review and any subsequent Board decisions.**

**Carried**

## **7. Closed Session**

- 7.1 For the purposes of discussing personal matters about an identifiable individual

**Motion 19-03-07**

**Moved by** Darryl Gray

**Seconded by** Victor Woodhouse

That the Library Board move in to a Closed Session at 6:05 pm to consider matters about an identifiable individual.

**Carried**

**Motion 19-03-08**

**Moved by** Victor Woodhouse

**Seconded by** Darryl Gray

That the Library Board move out of closed session at 6:30 pm.

**Carried**

Motion arising from Closed Session:

**Motion 19-03-09**

**Moved by** Darryl Gray

**Seconded by** Victor Woodhouse

That the Library Board receive the closed session reported pertaining to personal matters of identifiable individuals.

**Carried**

- 7.2 For the purposes of discussing matters pertaining to Labour relations

**Motion 19-03-10**

**Moved by** Art Weis

**Seconded by** Victor Woodhouse

That the Library Board move in to a second closed session at 6:40 pm to discuss Labour relation matters.

**Carried**

**Motion 19-03-11**

**Moved by** Victor Woodhouse

**Seconded by** Darryl Gray

That the Library Board move out of closed session at 7:00 pm.

**Carried**

**Motion 19-03-12**

**Moved by** Leslee Mason

**Seconded by** Art Weis

Motion Arising from Closed Session:

That the Library Board receive the report on Labour relations.

**Carried**

**8. Business Arising**

**8.1 Leadership by Design Board Orientation Exercise Part 1**

The Board participated in Part 1 of the Leadership by Design Board Orientation exercise.

**8.2 Library Board Action List**

The list of outstanding Board action items will be reviewed by the CEO and Chair.

**9. New Business**

**9.1 2019 Newmarket Chamber of Commerce Home and Lifestyle Show**

The Library is participating in the Newmarket Chamber of Commerce Home and Lifestyle show being held at Ray Twinney Centre from March 29th to March 31st. Board members were invited to stop by the Library's booth.

**10. Dates of Future Meetings**

The next Library Board Regular meeting is Wednesday, April 17, 2019 at 5:30 pm in the Library Board room.

**11. Adjournment**

**Motion 19-03-13**

**Moved by** Art Weis

**Seconded by** Leslee Mason

That there being no further business the meeting adjourn at 7:20 pm.

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Jane Twinney, Vice Chair

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Todd Kyle, Secretary/Treasurer



## Town of Newmarket

### Outstanding Matters List (2018 – 2022 term of Council)

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
2019				
1.	<b>Meeting Date:</b> Council – June 7, 2016 – Item 35  <b>Subject:</b> Federal Infrastructure Funding	<b>Recommendation:</b> 1. That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary'  <b>Responsible Departments:</b> ➤ Strategic Initiatives	2019	Awaiting next phase of funding announcements
2.	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Subject:</b> Council Remuneration	<b>Recommendations:</b> 1. That CAO/Human Resources Report 2018-05 be received; and,  2. That Council direct staff not to “gross up” or increase Council pay in 2019, at the time of the removal of the 1/3 tax free provision, which will result in a take home pay cut for all Members of Council; and,  3. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and,  4. That staff be authorized and directed to do all things necessary to give effect to this resolution.  <b>Responsible Department:</b> ➤ Office of the CAO/Human Resources	2019 TBD	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
3.	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Subject:</b> Old Bathurst Street	<b>Recommendations:</b>  1. That the deputation provided by Gaetano Rossi regarding Old Bathurst Street be received and referred to Staff.  <b>Responsible Department:</b> ➤ Public Works Services	Completed – to be removed from Outstanding Matters List after May 27, 2019 Council meeting	Deputant has been contacted and has been advised the matter is part of a future Capital Budget process.
<b>Q2, 2019</b>				
4.	<b>Meeting Date:</b> Committee of the Whole – February 27, 2017  <b>Subject:</b> Report 2017-05 – Tree Removal, Protection Policies and Regulations	<b>Recommendation:</b>  <del>1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy. (completed)</del>  2. That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and,  <del>3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. (completed)</del>  <b>Responsible Department:</b> ➤ Planning and Building Services	Q2, 2019	June 17, 2019 Committee of the Whole

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
5.	<p><b>Meeting Date:</b> Committee of the Whole – May 8, 2017</p> <p><b>Subject:</b> Information Document for Residents Related to Construction Sites</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Council approve the following motion in principle:</li> <li>2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and,</li> <li>3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and,</li> <li>4. That the aforementioned motions be referred to staff for a report back including options and resource requirements.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Planning &amp; Building Services</li> </ul>	Q2, 2019	Information Report to be distributed.
6.	<p><b>Meeting date:</b> Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p><b>Subject</b> Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled “Town-wide Traffic Mitigation Strategy 2017 - Timing” be received and the following recommendations be adopted: <ol style="list-style-type: none"> <li>a. That the final report be brought back to Council by early Quarter 3 2018; and,</li> <li>b. That staff continue to expedite the process to provide the report sooner, if possible; and,</li> <li>c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy.</li> </ol> </li> </ol> <p><b>Responsible Department</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	Q2, 2019	Information report to be distributed prior to end of June 2019.

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
7.	<b>Meeting Date:</b> Committee of the Whole – March 19, 2018  <b>Subject:</b> Cats at large (deputation)	<b>Recommendation:</b> 1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff  <b>Responsible Department:</b> ➤ Legislative Services	Q2, 2019	June 17, 2019 - Committee of the Whole
8.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Clothing Donation Bins	<b>Recommendation:</b> 3. That the licensing of Clothing Donation Bins be referred to the Regulatory Review Workshop  <b>Responsible Department:</b> ➤ Legislative Services	Q2, 2019	May 21, 2019 - Committee of the Whole
9.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Deputation: Traffic Signage on Wayne Drive	<b>Recommendation:</b> 1. That staff be directed to contact the Principal of the Glen Cedar Public School regarding a drop-off area at the school; and,  2. That staff report back to Council with information on a drop-off area.  <b>Responsible Departments:</b> ➤ Engineering Services	Q2, 2019	June 17, 2019 Committee of the Whole meeting
10.	<b>Meeting Date:</b> Committee of the Whole - September, 25, 2017  <b>Subject:</b> Report 2017-16 Vacant Building Report – Window Wrap Program	<b>Recommendation:</b> 1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,  2. That staff be directed to report back on Option 2, a Window Wrap program.  <b>Responsible Departments:</b> ➤ Legislative Services/Economic Development	Q2, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
11.	<b>Meeting Date:</b> Committee of the Whole - June 11, 2018  <b>Subject:</b> Intensification in Stable Residential Neighbourhoods	<b>Recommendation:</b> <del>1. That the report entitled Development And Infrastructure Services/Planning &amp; Building Services Report 2018-37 dated June 11, 2018 be received; and,</del> <del>2. That staff be authorized to issue a Request for Proposals for the Official Plan and Zoning By-law amendments as described in this report; and,</del> <del>3. That early budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report.</del> <del>4. That staff bring back an interim control by-law to the August 27, 2018 Committee of the Whole meeting for consideration. (completed)</del>  <b>Responsible Department:</b> ➤ Planning and Building Services  <b>Established Neighbourhoods Compatibility Study</b>  <b>Responsible Department:</b> ➤ Planning and Building Services	Complete	
	<b>Meeting Date:</b> Committee of the Whole – March 18, 2019  <b>Subject:</b> Interim Control By-law 2019-04	<b>Recommendation:</b> 1. That the request for an exemption to Interim Control By-law 2019-04 be referred to staff; and, 2. That staff explore options for an Interim Control By-law exemption process and provide recommendations to Council.  <b>Responsible Departments:</b> ➤ Planning and Building Services	Q4 2019	Study includes public consultation and outreach and is intended to conclude by the end of 2019
			Q2 2019	Deferred to May 21, 2019 Committee of the Whole



	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
12.	<b>Meeting Date:</b> Special Committee of the Whole - January 30, 2017  <b>Subject:</b> Internet Voting and Ranked Ballots	<b>Recommendation:</b> 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election.  <b>Responsible Departments:</b> ➤ Legislative Services	Q2, 2019	Special Committee of the Whole – May 14, 2019

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
13.	<p><b>Meeting Date:</b> (1) Committee of the Whole – February 27, 2017</p> <p>(2 ) Committee of the Whole - November 6, 2017</p> <p>(3) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p><b>Subject:</b> Residential Parking</p>	<p><b>Recommendation:</b> (1) <del>1. That staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</del></p> <p>(2) 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:</p> <ul style="list-style-type: none"> <li>a. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of parking matters discussed in this report; and,</li> <li>b. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report.</li> <li>c. That staff be directed to organize a Council Workshop to present options based on Council's comments and feedback received at the November 6, 2017 Committee of the Whole meeting and that staff receive Council direction regarding the scope, scale and expected deliverables of a parking review prior to moving forward with issuing a Request for Proposal.</li> </ul> <p>(3) Recommendation 5: That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p><b>Responsible Department:</b> ➤ Planning and Building Services / Legislative Services</p>	Q2, 2019	CW scheduled for June 10, 2019

Q3, 2019				
14.	<b>Meeting Date:</b> Committee of the Whole - April 30, 2018  <b>Subject:</b> Asset Replacement Fund Strategy	<b>Recommendation:</b> 1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date.  <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>➤ Financial Services</li> </ul>	Q3, 2019	
15.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Residents of Knapton Drive – Woodland Hills (stop signs - deputation)	<b>Recommendations:</b> 1. That the deputation be received and referred to staff.  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>➤ Transportation Services</li> </ul>	Q3, 2019	
16.	<b>Meeting Date:</b> (1) Council – December 14, 2015  (2) Council – January 18, 2016 – Item 35  <b>Subject:</b> 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue	<b>Recommendation:</b> <ol style="list-style-type: none"> <li>1. That staff provide alternate trail options for this area at a lower cost.</li> <li>2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and,</li> <li>3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and,</li> <li>4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail.</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> <li>➤ Engineering Services</li> </ul>	Q3, 2019	Deferred subsequent to VivaNext construction

17.	<p><b>Meeting Date:</b> Committee of the Whole – August 28 – Motion</p> <p><b>Subject:</b> Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area</p>	<p><b>Recommendation:</b> That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report:</p> <ul style="list-style-type: none"> <li>➤ That The Accessibility Advisory committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.</li> </ul> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services (lead), Planning and Building Services, Engineering Services &amp; Legal Services</li> </ul>	Q3, 2019	Joint Meeting to be scheduled with Business Improvement Area and Newmarket Accessibility Advisory Committee
18.	<p><b>Meeting Date:</b> Committee of the Whole - April 30, 2018</p> <p><b>Subject:</b> Heritage Designations – York Region Administrative Building and Newmarket Canal System</p>	<p><b>Recommendation:</b> 1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:</p> <ul style="list-style-type: none"> <li>a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and,</li> <li>b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system.</li> </ul> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Q3, 2019	
19.	<p><b>Meeting Date:</b> Council – December 5, 2016</p> <p><b>Subject:</b> Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street S.</p>	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>1. That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</li> </ul> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Q3, 2019	

20.	<p><b>Meeting Date:</b> Committee of the Whole – April 8, 2019</p> <p><b>Subject:</b> Hollingsworth Arena and Future Ice Allocation Considerations</p>	<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. That the report entitled Hollingsworth Arena and Future Ice Allocation Considerations, dated April 8, 2019, be received; and,</li> <li>2. That the Town of Newmarket decommission the Hollingsworth Arena after the 2019-2020 season, ending in April 2020; and,</li> <li>3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and,</li> <li>4. That staff conduct programmatic changes as outlined in the report in order to accommodate user groups post closure of Hollingsworth Arena; and,</li> <li>5. That construction of a new outdoor ice pad coincide with the final season of Hollingsworth Arena if at all possible; and,</li> <li>6. That within six months staff bring back a report on any plans for public amenity use at this location; and,</li> <li>7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Recreation</li> </ul>	Q3, 2019	
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21.	<p><b>Meeting Date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> Vibration Control and construction activity (deputation)</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the deputation by Stuart Hoffman regarding vibration control in regards to construction activity be received and referred to staff for review and report; and,</li> <li>2. That staff be directed to provide recommendations and approaches to address the issues identified to protect neighbouring sites from the effects of vibrations from adjacent construction projects; and,</li> <li>3. That the report should include, but not be limited to, potential by-law changes including the requirement of pre-condition surveys, effective monitoring and data reporting, resident notification and a process for complaint handling in all site plan approvals.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services &amp; Engineering Services</li> </ul>	Completed	On-March-18, 2019 CoW Agenda
	<p><b>Meeting Date:</b> Committee of the Whole – March 18, 2019</p> <p><b>Subject:</b> Construction Vibration Issues</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the report entitled Construction Vibration issues dated March 18, 2019 be received; and,</li> <li>2. That staff require vibration impact assessments as part of a complete application for development proposals ; and,</li> <li>3. That Council endorse the proposed notice and complaint process identified in this report; and,</li> <li>4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.–(Completed)</li> <li>5. That staff investigate options for existing sites where construction activity will cause significant vibrations.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services &amp; Engineering Services</li> </ul>	Q3, 2019	
22.	<p><b>Meeting Date:</b> Committee of the Whole – April 8, 2019</p> <p><b>Subject:</b> Cycling Infrastructure – Mulock Drive</p>	<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. That the Information Report entitled Active Transportation Implementation Plan, dated March 15, 2019, be received for information purposes; and,</li> <li>2. That staff be directed to prepare a report on prioritizing cycling infrastructure on Mulock Drive to enhance the work of the Secondary Plan that is underway and to better connect the community to the Mulock Farm Park.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	Q3, 2019	

Q4 2019				
23.	<b>Meeting date:</b> Committee of the Whole – March 19, 2018  <b>Subject:</b> 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)	<b>Recommendation:</b> 1. That Engineering Services report 2018-11 dated March 8, 2018 entitled “500 Water Street Parking (Cachet Parking Lot Expansion) be referred to the Community Centre Lands Task Force; and,  2. That the Community Centre Lands Task Force be directed to immediately reengage in the exploration of all options, including cost and timelines, for enhanced parking in the downtown area, including but not limited to new spaces and temporary structured parking; and,  3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019.  <b>Responsible Department:</b> ➤ Engineering Services/ Community Centre Lands Task Force	Q4, 2019	
24.	<b>Meeting Date:</b> Committee of the Whole – February 25, 2019  <b>Subject:</b> Recognition of the Widdifield Family	<b>Recommendations:</b> 1. That staff be directed to investigate options that will recognize the area east of the river and west of Doug Duncan Drive, that lies between Timothy and Water St to be recognized in some format by a commemorative plaque or other option that acknowledges and demonstrates the background and history of an area known to be Widdifield Park; and, 2. That Mike Widdifield of Newmarket be notified of any proposals.  <b>Responsible Department:</b> ➤ Recreation / Parks	Q4, 2019	Information Report to be provided
25.	<b>Meeting Date:</b> Committee of the Whole - February 26, 2018  <b>Subject:</b> Newmarket Public Library Study Implementation	<b>Recommendations:</b> 1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and,  2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.  <b>Responsible Department:</b> Community Services/Newmarket Public Library	Q4, 2019	

26.	<p><b>Meeting Date:</b> Committee of the Whole – April 29, 2019</p> <p><b>Subject:</b> 2018-2022 Council Strategic Priorities</p>	<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. That the attached Vision, Strategic Pillars and Strategic Priorities contained within the Final Report from MDB Insight be adopted with the following amendments:               <ol style="list-style-type: none"> <li>a. That point ii of Economic Leadership and Job Creation be amended to read "Increase downtown parking availability through additional spaces and by leveraging Smart City solutions and other innovative options"; and,</li> <li>b. That point v of Vibrancy on Yonge, Davis and Mulock be amended to read "Consider development incentives to provide a range of housing and employment options that meet the needs of current and future residents, including the pursuit of CIP to incent corridor development"; and,</li> </ol> </li> <li>2. That Staff report back to Council with respect to a fulsome, ongoing communications plan and an overall performance measurement approach intended to track and present progress.</li> </ol> <p><b>Responsible Department:</b> To be determined</p>	Q4 2019	
2020				
27.	<p><b>Meeting Date:</b> Council – June 26, 2017- Item 10</p> <p><b>Subject:</b> Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That traffic impacts be monitored post construction.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	Development is estimated to not be completed before 2020	





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**NOTICE OF ADOPTION OF OFFICIAL PLAN AMENDMENT**

Official Plan Amendment: OPA 23 (By-law #2019-30) Regional Community Improvement Plans

The Council of the Corporation of the Town of Newmarket passed By-law #2019-30 as Official Plan Amendment 23 on May 27<sup>th</sup> under Section 17 of the Planning Act. No map detailing the subject lands is included as the policy is one of general application to the entire Town of Newmarket.

Official Plan Amendment 23 adds a policy to Section 13.4 – Implementation. This policy enables the Town to participate in any Community Improvement Plans implemented by the Regional Municipality of York under Section 28 of the *Planning Act*.

Official Plan Amendment does not require approval by the Regional Municipality of York, under Section 17 of the *Planning Act*. The decision of Newmarket Council is final if a Notice of Appeal is not received on or before the last day for filing a Notice of Appeal.

Any person or public body may appeal to the Local Planning Appeals Tribunal (LPAT) in respect to the By-law by filing with the Clerk of the Corporation of the Town of Newmarket no later than **4:30 p.m. on the 25<sup>th</sup> day of June, 2019** a Notice of Appeal setting out the objection to the amendment and the reasons for the appeal, accompanied by the prescribed appeal fee(s), made payable to the Minister of Finance in the amount of \$300.00. If you wish to appeal to the LPAT, a copy of an appeal form is available from the LPAT website at <http://elto.gov.on.ca/tribunals/lpat/about-lpat>. In addition to the fees listed above, pursuant to By-law No. 2018-37, a processing fee of \$150.00 per LPAT appeal, payable to the Town of Newmarket is required to be paid at the time of filing a Notice of Appeal.

Additional information relating to the proposed Official Plan Amendment is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket and online at [www.newmarket.ca/officialplan](http://www.newmarket.ca/officialplan)

Only individuals, corporations and public bodies may appeal a decision of the municipality to the Local Planning Appeal Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

DATED at the Town of Newmarket this **5<sup>th</sup> day of June, 2019**.

Lisa Lyons, Clerk  
Town of Newmarket  
P.O. Box 328, 395 Mulock Drive  
NEWMARKET, ON L3Y 4X7



# **Corporation of the Town of Newmarket**

## **By-law 2019-30**

A By-law to adopt Amendment Number 23 to the Town of Newmarket Official Plan.

The Council of the Corporation of the Town of Newmarket, in accordance with the provisions of Sections 17(22) and 21 of the Planning Act, RSO 1990, c.P. 13, hereby enacts as follows:

1. Amendment Number 23 to the Town of Newmarket Official Plan, consisting of the following explanatory text, is hereby adopted.
2. This By-Law shall come into force and take effect on the day of the final passing thereof.

Enacted this 27<sup>th</sup> day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk

**AMENDMENT NO. 23**  
**TO THE**  
**TOWN OF NEWMARKET**  
**OFFICIAL PLAN**

**AMENDMENT NO. 23  
TO THE  
NEWMARKET  
OFFICIAL PLAN  
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## **PART A – THE PREAMBLE**

### **1. PURPOSE OF THE AMENDMENT**

The purpose of this amendment is to enable the Town to participate in Community Improvement Plans in partnership with the Regional Municipality of York.

### **2. LOCATION**

As a general policy of the Official Plan, this amendment applies to the entire Town of Newmarket.

### **3. BASIS OF THE AMENDMENT**

The *Planning Act* has long provided for the ability for municipalities to adopt Community Improvement Plans. Community Improvement Plans allow municipal councils to determine that improvement within a designated community improvement project area is desirable because of “age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”, as set out in subsection 28(1) of the *Planning Act*. Community Improvement Plans provide additional tools for municipalities to develop policies and programs such as acquiring and selling land, rehabilitating or constructing buildings, providing grants or loans, and other activities based on their own local needs and opportunities to bring about change and growth.

In 2006 the *Planning and Conservation Land Statute Law Amendment Act* came into force which made amendments to the *Planning Act*. This included the addition of the power for upper-tier municipalities to employ Community Improvement Plans for certain prescribed matters. The amendment also added the ability and for lower- and upper-tier municipalities to participate in the programs of one another’s Community Improvement Plans through making grants and loans to one another. In order to participate in the programs of the other tier’s Community Improvement Plans, the *Planning Act* requires that the Official Plan of the municipality contain policies related to such participation. This amendment adds such a policy to the Town’s Official Plan, which then permits Newmarket Council with the option to participate in any Regional Community Improvement Plan.

## **PART B – THE AMENDMENT**

All of this part of the document entitled “Part B – The Amendment”, consisting of the following text, constitutes Amendment No. 23 to the Newmarket Official Plan.

### **1. POLICIES**

The Newmarket Official Plan is hereby amended as follows:

Section 13.4 Implementation is amended to add subsection g) to read “participation in Community Improvement Plans of the Regional Municipality of York”.

## **2. IMPLEMENTATION**

This Amendment to the Official Plan will be implemented by adding subsection g) to Section 13.4 as follows:

### **g) Participation in Regional Community Improvement Plans**

The Council of the Town of Newmarket will determine whether to participate in Community Improvement Plans adopted by the Regional Municipality of York. Grants and loans made through such programs will be on such terms as to security and otherwise as the Council considers appropriate.



# Corporation of the Town of Newmarket

## By-law 2019-31

A By-law to prohibit the smoking of tobacco, cannabis, and non-tobacco substances in prescribed locations in the Town of Newmarket.

Whereas Section 8 the Municipal Act, 2001, c. 25, as amended (the “Municipal Act”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and,

Whereas Section 115 of the Municipal Act provides that a municipality may prohibit and regulate the Smoking of tobacco and cannabis in Public Places and workplaces; and,

Whereas clause 6 of subsection 11(2) of the Municipal Act provides that a municipality may pass By-laws in the interest of the health, safety and well-being of its residents; and,

Whereas Section 128 of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council of the Town of Newmarket (the “Council”) are or could become or cause public nuisances; and,

Whereas Section 129 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to odours; and,

Whereas Section 425 of the Municipal Act provides that a municipality may pass By-laws providing that a person who contravenes any By-law of the municipality is guilty of an offence; and,

Whereas subsection 429(1) of the Municipal Act provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under the Municipal Act; and,

Whereas Section 434.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a By-law of the municipality passed under the Municipal Act; and,

Whereas Section 434.2(1) of the Municipal Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality; and,

Whereas Section 435 of the Municipal Act provides for conditions governing the powers of entry of a municipality; and,

Whereas Section 436 of the Municipal Act provides that a municipality has the power to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law; and

Whereas the Council wishes to prohibit the Smoking of tobacco, cannabis, and any other non-tobacco products in prescribed places within the Town of Newmarket; and,



Whereas Section 18 of the Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Schedule 3, as amended (the “Smoke Free Ontario Act”) contemplates that a municipal By-law may deal with a matter to which that Act applies but in a more restrictive manner, and directs that the By-law prevails to the extent it is more restrictive than that Act; and,

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

## **1.0 By-law Title**

1.1 This By-law may be cited as the “Smoking By-law”.

## **2.0 Definitions**

2.1 For the purpose of this By-law:

- (a) “Council” means the Council of The Corporation of the Town of Newmarket.
- (b) “Designated Smoking Area” means an open-air unenclosed outdoor area in a Public Place or Town Property leased by a Tenant marked by signage approved by the Municipality and where an individual may Smoke, provided that this area does not conflict with the Smoke-Free Ontario Act.
- (c) “Highway” means:
  - I. A common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided includes a portion of the highway.
- (d) “Municipality” means The Corporation of the Town of Newmarket.
- (e) “Officer” means:
  - I. a Provincial Offences Officer of the Municipality or other person appointed by or under the authority of a municipal By-law to enforce municipal By-laws; or
  - II. a Police Officer employed by York Regional Police, Ontario Provincial Police or the Royal Canadian Mounted Police.
- (f) “Private Dwelling” means private self-contained living quarters in any detached or multi-unit building or facility
- (g) “Public Place” includes Town Property to which the public has access as of right or invitation, express or implied, and also includes any motor vehicle located in a Public Place.
- (h) “Smoke or Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer or any other lighted, heated or otherwise activated smoking or vaporizing equipment, that contains any tobacco, cannabis or other substance or product.
- (i) “Tenant” means any person(s) or corporation(s) leasing or licensing Town Property and includes any director(s) and

officer(s) of a corporation that is leasing or licensing a Town Property.

- (j) “Town Property” means all lands and premises, whether or not a building is constructed thereon, which is owned, leased, licensed, managed or maintained by the Municipality but excludes Highways.

### **3.0 General Prohibitions:**

- 3.1 In addition to the prohibitions set out in the Smoke-Free Ontario Act as amended from time to time, no person shall Smoke in a Public Place.
- 3.2 A Tenant shall not permit Smoking on Town Property leased or licensed by the Tenant.

### **4.0 Applicability and Exceptions**

- 4.1 This By-law does not apply to a Private Dwelling.
- 4.2 Despite subsections 3.1 and 3.2 of this By-law, a person may Smoke in a Designated Smoking Area. Despite the definition of “Smoke or Smoking” no person shall smoke a substance other than tobacco in a Designated Smoking Area.
- 4.3 Despite subsections 3.1 and 3.2 of this By-law, if permitted under the Smoke Free Ontario Act, as amended from time to time, a person may Smoke cannabis in a Public Place other than a Designate Smoking Area where the person is authorized to possess cannabis for the individual’s own medical purposes in accordance with Part 14 of the Cannabis Regulations (Canada) or in accordance with a court order.
- 4.4 A person claiming exemption in accordance with subsection 4.3 shall have their medical document on their possession at all times of Smoking cannabis, and shall surrender the medical document for inspection upon demand of an Officer.

### **5.0 Powers of Entry and Inspection**

- 5.1 Officers and persons acting under their direction may, at any reasonable time, or at any time when there are reasonable grounds to believe that a contravention of this By-law is occurring or alleged to be occurring, enter onto any Town Property to determine if the provisions of this By-law are being complied with.
- 5.2 Officers are authorized, for the purposes of inspection to determine and enforce compliance with the By-law, to:
  - (a) require any person to produce for inspection all documents or things relevant to the inspection. Officers may inspect and remove documents and things for the purposes of making copies or extracts;
  - (b) alone or in conjunction with a person possessing special or expert knowledge, make examinations, take tests, samples, audio recordings, video recordings, or photographs necessary for the purposes of inspection; and,

- (c) require information from any person concerning a matter related to the inspection including their name, date of birth and address.

## **6.0 Enforcement**

- 6.1 The provisions of this By-law may be enforced by an Officer.
- 6.2 An Officer who has reasonable grounds to believe that a person or Tenant has contravened any provision of this By-law may require that person or Tenant to provide their identification to the Officer.
- 6.3 Every person or Tenant who is required by an Officer to provide identification under Section 6.2 shall identify themselves to the Officer. Giving their name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute an offence as set out in Section 7.2 of this By-law.

## **7.0 Offences**

- 7.1 Any person or Tenant who contravenes or fails to comply with any provision of this By-law is guilty of an offence.
- 7.2 No person or Tenant shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.
- 7.3 A court or hearing officer may, in the absence of evidence to the contrary, infer that any substance in question is cannabis from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis. For greater certainty, a witness need not possess special or expert knowledge for the court to make any such inference.

## **8.0 Continuation, Repetition Prohibited by Order**

- 8.1 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or Tenant convicted, and such order shall be in addition to any other penalty imposed on the person or Tenant convicted.

## **9.0 Administrative Penalties**

- 9.1 Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended (the "Provincial Offences Act"), for a breach of any provision of this By-law, an Officer may issue an administrative penalty to the person or Tenant who has contravened this By-law.
- 9.2 The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a person or Tenant for the breach, no charge shall be laid against that same person or Tenant for the same breach.
- 9.3 The amount of the administrative penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in an administrative penalty By-law as amended, or any successor By-law.

- 9.4 A person or Tenant who is issued an administrative penalty shall be subject to the procedures as provided for in an administrative penalty By-law, as amended, or any successor By-law.
- 9.5 An administrative penalty imposed on a person or Tenant pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person or Tenant to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

## **10.0 Penalties**

- 10.1 Every person or Tenant who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction, to a fine of not less than \$100.00 and not more than \$5,000.00.
  - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$250.00 and not more than \$10,000.00.
  - (c) Upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00.

## **11.0 Collection of Unpaid Fines**

- 11.1 Where a fine is in default, the Municipality may proceed with civil enforcement against the person or Tenant upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 11.2 The Municipality may make a request to the treasurer of a local municipality to add any part of a fine for which a person or Tenant is responsible that is in default to the tax roll for any lands owned by the person or Tenant in the local municipality, and collect it in the same manner as municipal taxes.

## **12.0 Severability**

- 12.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## **13.0 Interpretation**

- 13.1 The provisions of Part VI of the Legislation Act, 2006, S.O. 2006, c. 21, Schedule F shall apply to this By-law.
- 13.2 Where a term used in this By-law is not defined in this By-law, but is defined in the Smoke-Free Ontario Act that definition shall apply to the term used in this By-law.
- 13.3 The onus of proving an exception under Part 4 of this By-law is on the person claiming the exception, in accordance with s. 47(3) of the Provincial Offences Act as amended.

## **14.0 Force and Effect**

14.1 This By-law comes into force and effect on the day it is passed.

14.2 That By-laws 1987-85, 1994-22, 1994-79, 2009-24, and 2011-73 be repealed.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



**Corporation of the Town of Newmarket**  
**By-law 2019-32**

A By-law to amend Delegation By-law 2016-17.

Whereas Council deems it necessary to delegate the establishment of Designated Smoking Areas to staff in accordance with the Town’s Smoking By-law, as may be amended from time to time.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Schedule D of the Delegation By-law 2016-17 be amended as follows:

TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
Designated Smoking Areas	Approval and establishment of permanent Designated Smoking Areas on Public Property	<i>Municipal Act</i> 2001, S.O. 2001 C.25 s. 115	Designated Smoking Areas must comply with the Smoke Free Ontario Act, as amended from time to time.	Legal Services; Legislative Services; Planning & Building Services; Public Works Services; Recreation & Culture	Chief Administrative Officer	

2. That Schedule C of the Delegation By-law 2016-17 be amended as follows:

TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
Designated Smoking Areas	Approval and establishment of temporary Designated Smoking Areas on Public Property	<i>Municipal Act</i> 2001, S.O. 2001 C.25 s. 115	Designated Smoking Areas must comply with the Smoke Free Ontario Act, as amended from time to time.	Legal Services; Legislative Services; Planning & Building Services; Public Works Services; Recreation & Culture	Director of Public Works Services or designate	

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



# **Corporation of the Town of Newmarket**

## **By-law 2019-33**

A By-law to amend Parks By-law 2013-14.

Whereas Council deems it necessary to ensure public clarity for smoking and vaping provisions within the Town of Newmarket.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subsection 2.8.1 of the Parks By-law be repealed and replaced with the following:
  - 2.8.1 While in a park, a person shall comply with the provisions of the Town's Smoking By-law, as amended from time to time.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk







# Corporation of the Town of Newmarket

## By-law 2019-34

A By-law to amend fees and charges by-law 2018-64 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket. (All Departments, Corporate Services - Finance & Procurement & IT, Legal Services, Public Works Services, Engineering Services and Legislative Services - General Fees and Charges)

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2018-64 Schedule D to establish a Public Works Services - General Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend Schedule D of By-law 2018-64 as it relates to Temporary Designated Smoking Areas.

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That Schedule D to the By-law 2018-64 be amended to add the following fees for Temporary Designated Smoking Areas:

\$50.00 per event, per day which shall include fees, signage and the first receptacle and

\$25.00 per event, per day for each additional receptacle.

Enacted this 27<sup>th</sup> day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk





# **Corporation of the Town of Newmarket**

## **By-law 2019-35**

A By-law to repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151.

Whereas Council deems it necessary to repeal the following schedules of the Licensing By-law 2022-151 due to changes to their respective industries:

Schedule 3 - Place of Amusement;  
Schedule 5 - Auctioneers;  
Schedule 6 - Billiards;  
Schedule 8 - Bowling;  
Schedule 13 - Horse Riding Establishments;  
Schedule 14 - Loud Speakers; and now,

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151 be repealed.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk





# Corporation of the Town of Newmarket

## By-law 2019-36

A By-law to regulate cross connections and backflow prevention in private plumbing systems as required to protect the Town of Newmarket's drinking water system from contamination.

**Whereas** section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that The Corporation of the Town of Newmarket (the "Town") may pass By-Laws relating to public utilities, including matters affecting water distribution, and for the purposes related to health, safety and well-being of persons;

**And whereas** subsection 11(1) of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every owner of a municipal drinking water system to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the *Safe Drinking Water Act, 2002*;

**And whereas** section 19 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every person who oversees or has decision-making authority over a municipal drinking water system to exercise the level of care diligence and skill that a reasonable prudent person would be expected to exercise in a similar situation and act honestly competently and with integrity with a view to ensuring the protection and safety of the users of the municipal drinking water system;

**And whereas** Part 7 (Plumbing) of the Building Code (as defined in this By-Law) requires potable water systems to be protected from contamination;

**And whereas** contamination of the Town's drinking-water system can arise as a result of a backflow incident from a private plumbing system that is attached to the Town's municipal drinking-water system and such contamination of the municipal drinking-water system can have an adverse impact on the health, safety and well-being of the users of the Town's drinking water;

**And whereas**, the Town desires to put mechanisms in place so as to minimize the potential or discharging of a contaminating substance into the municipal drinking-water system

Now therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

### 1. SHORT TITLE

1.(1) This By-Law shall be known as the "Backflow Prevention By-Law."

### 2. DEFINITIONS

2.(1) The following words as set out in this By-Law shall have the following meanings:

**"Authorized Functions List"** means the list of functions and the persons with the required qualifications authorized to carry out such functions as set out in Schedule "A" of this By-Law;

**"Auxiliary Water Supply"** means any water source or system, other than the Town's potable water distribution system, that may be available in a building or structure on any property;

**“Backflow”** means the flowing back of or reversal of the normal direction of the flow of water;

**“Backflow Preventer”** means a device or a method that prevents backflow in a water distribution system and includes, but is not limited to, a reduced pressure principle assembly, a dual check valve and a double check valve;

**“Building”** shall have the same meaning as set out in Building Code Act and includes anything constructed or built permanently or temporarily which is provided with a source of potable water;

**“Building Code (OBC)”** means the regulations, as amended from time to time, made under section 34 of the Building Code Act;

**“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or successor thereto;

**“Cross Connection”** means any actual or potential connection between a potable water system and any source of pollution or contamination and includes any by-pass, jumper connection, removable section of pipe, swivel or changeover device and any other temporary or permanent connecting arrangement through which backflow may occur;

**“Cross Connection Control Survey Report”** means a report which shall include all cross connections identified, the existing method of protecting those cross connections and corrective measures, recommendations and a date for which each device will be installed on the Town’s prescribed form, as amended from time to time;

**“Cross Connection Control Survey Report Fee”** means the prescribed fee, if any, as set out in the Town’s Fees and Charges By-law, as amended from time to time;

**“CSA Standard”** means the document entitled B64.10-17/B64.10.1-17 – ‘Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers’, as well as any other standards documents that are applicable to backflow prevention works, installation, testing and maintenance, published by the Canadian Standards Association, as amended or any successor thereof;

**“Director”** means the Director of Public Works Services or any person authorized by the aforesaid to act in his/her place;

**“Fire Service Main”** as defined by the Ontario Building Code means a pipe and its appurtenances that are connected to a source of water and that are located on a property as follows:

- I. Between the source of water and the base of the riser of a water-based fire protection system;
- II. Between the source of water and inlets to foam making systems;
- III. Between the source of water and the base elbow of private hydrants or monitor nozzles;
- IV. As a fire pump suction and discharge piping not within a building; or
- V. Beginning at the inlet side of the check valve on a gravity or pressure tank

**“Initial Administration Fee”** means a one-time administration fee, as set out in the Town’s Fees and Charges By-law, as amended from time to time, due upon submission of the first Cross Connection Control Survey Report;

**“Minor Hazard”**; means any type of cross-connection or potential cross-connection that involves a substance that does not affect health but only reduces the aesthetic quality of the water, as defined by the CSA Standard;

**“Mixed Use Building”** means residential properties including single family homes where there is a business activity in addition to the property being a home

**“Moderate Hazard”** means any minor hazard (MH) connection that has a low chance of becoming a severe hazard. The water’s aesthetic qualities have been further reduced and, under certain conditions, can create a danger to health, as defined by the CSA Standard;

**“Multi-residential building”** means a residential building that consists of more than five (5) self-contained residential dwelling units, but does not include buildings that only consist of residential single-dwelling units that are solely attached to other residential units on the sidewall (such as semi-detached homes, townhomes or row houses) or single-dwellings that contain basement apartments or annexes;

**“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or successor thereto;

**“Municipal Drinking Water System”** means municipal drinking water system as defined by Section 2(1) of the Safe Drinking Water Act and that is owned and operated by the Town

**“Owner”** means any person, firm or corporation having control over property to which this By-Law applies and includes the owner registered on the title of the property and any occupant of any building or structure on such property;

**“OWWA”** means the Ontario Water Works Association

**“Person”** includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person to whom the context can apply at law and shall also include any group of persons comprising a society, association or other organization and shall include the plural where the context so requires;

**“Plumbing System”** means a system for water and wastewater not on the Town’s right of ways and waterworks easements, separate from the municipal potable water system as defined in the Building Code;

**“Potable Water”** means water that is safe for human consumption and that complies with section 10 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended or successor thereto;

**“Premise Isolation”** means the isolation of a property’s private plumbing system from the Town’s drinking water distribution system by installing a backflow preventer

**“Preventer Test Report”** means an inspection and testing report of a backflow preventer containing the make, model, serial number, size, type, installation date, location and installation address and the test results on the Town’s prescribed form, as amended from time to time;

**“Preventer Test Report Fee”** means the prescribed fee, if any, as set out in the Town’s Fees and Charges By-Law, as amended from time to time;

**“Preventer Test Tag”** means a tag, containing the make, model, serial number, size, type, location, installation date and address as well as test history of a backflow preventer;

**“Qualified Person”** means a person with the qualifications noted in the Authorized Functions List.



**“Provincial Watermain Disinfection Procedure”** means the most up-to-date version of the Watermain Disinfection Procedure published by the Ministry of the Environment Conservation and Parks, Environmental Assessment and Permissions Division, or its future successor document;

**“Residential full flow through fire sprinkler system”** means an assembly of pipes and fittings installed in the residential portions of a building containing one or two dwelling units that conveys water from a water service pipe to outlets in the sprinkler system and is fully integrated into the potable water system to ensure a regular flow of water through all parts of the sprinkler system as defined by Part I of the Building Code);

**“Severe Hazard”** means any type of cross-connection or potential cross-connection that involves water that has additives or substances that, under any concentration, can create a danger to health, as defined by the CSA Standard;

**“Town”** means The Corporation of the Town of Newmarket;

**“Water Meter”** means an apparatus at a property/building/structure used to record the amount of water supplied to such property/building/structure by the Town through the municipal water system;

**“Water Service Line”** means a water line that is supplies potable water to the property from the municipal water system.

### **3. APPLICATION OF BY-LAW AND CROSS CONNECTION PROHIBITION**

- 3.(1) This By-Law applies to all existing and proposed industrial, commercial, institutional, multi-residential and mixed use buildings within the Town, except for buildings of residential occupancy within the scope of Part 9 of the Building Code.
- 3.(2) Notwithstanding subsection (1), this By-Law applies to any building where a condition exists, or a condition is created or proposed to be put in place, in a building or structure that is determined by the Director to be hazardous or detrimental to the municipal drinking water system based on the risk of contamination of the municipal drinking water system by such condition.
- 3.(3) Notwithstanding subsection (1), this By-Law applies to any building that has a connection, or where such a connection is proposed or put in place, to the municipal drinking water system and also to any auxiliary water supply, lawn sprinkler or irrigation system (except for residential lawn sprinkler or irrigation systems as defined within the scope OBC Part 9), or fire protection system (except for a residential full flow through fire sprinkler system).
- 3.(4) No person or owner shall connect, cause to be connected, or allow to remain connected to the Town's municipal drinking-water system or any other potable water system any plumbing, piping, fixture, fitting, container, appliance, vehicle, machine or the like in a manner which may under any circumstance allow water, waste water or any other liquid, chemical or substance to enter such municipal drinking-water system or potable water system, except where suitable backflow prevention is provided in compliance with the provisions of this By-Law.
- 3.(5) No person or owner shall connect, cause to be connected, or allow to remain connected any auxiliary water supply or private well to a plumbing system which is supplied by the Town's municipal water system, unless appropriate premise isolation provided.
- 3.(6) In a situation where any requirements of the Ontario Building Code or other By-Law or regulation conflict with the requirements of this By-Law, the requirement that provides the highest amount of premise isolation shall apply.

### **4. CROSS CONNECTION CONTROL SURVEY REQUIREMENT**

- 4.(1) A Cross Connection Control Survey shall be completed by the owner at the owner's expense and submitted along with the Cross Connection Control Survey

Report Fee to the Town within the timeframes noted in Schedule "B" of this By-Law for each of the following situations:

- (a) The Town notifying the owner of an existing building that a survey is required,
  - (b) The survey anniversary date
  - (c) Change of ownership or change of use or as otherwise required by the Town
  - (d) A new connection being made to a building to which this By-Law applies;
  - (e) The circumstances or equipment to which a survey applies changes or is modified that alters, or has the potential to alter, the information contained in a most recent Cross Connection Control Survey that has been provided to the Town; or
  - (f) The use or circumstance of a building changing or being modified in a manner that increases, or has the potential to increase, the hazard level for a plumbing system to which the most recent Cross Connection Control Survey applies.
- 4.(2) A Cross Connection Control Survey shall be carried out for each water service line starting from the water meter to all plumbing in each building linked to such meter and shall include any plumbing that by-passes the water meter
- 4.(3) A Cross Connection Control Survey shall include any fire service main that is connected to the municipal drinking water system.
- 4.(4) A Cross Connection Control Survey shall indicate if the risk to the municipal drinking water system is a severe, moderate or minor hazard in accordance with the CSA Standard.

## **5. TEMPORARY WATERMAIN CONNECTIONS**

- 5.(1) Where a temporary watermain is connected to the municipal drinking water system, such as during installation of new or replacement watermains, backflow prevention shall be accomplished in accordance with the Provincial Watermain Disinfection Procedure by the person responsible for the temporary watermain
- 5.(2) If a backflow preventer is required pursuant to 5(1), then it shall be installed, tested and certified in accordance with the requirements of this By-Law.
- 5.(3) A building permit shall not be required for temporary watermain connections

## **6. INSTALLATION OF BACKFLOW PREVENTION DEVICES**

- 6.(1) Selection and installation of the backflow prevention device shall be in accordance with acceptable engineering practices, the requirements of Building Code, manufacturer's specification and CSA Standard for premise isolation.
- 6.(2) Every person installing a backflow preventer or causing a backflow preventer to be installed or replaced shall ensure that:
- (a) such device is installed in a building structure, unless otherwise directed by the Director;
  - (b) all piping between the water meter and such device does not exceed 3 metres is clearly labelled "no connection permitted";
  - (c) A building permit is obtained from the Town prior installation of the backflow preventer except in cases where an exact replacement of an existing backflow preventer is required; and
  - (d) Inspection of the installation of the backflow preventer is carried out in accordance with the requirements of the building permit and the CSA Standard as the case may be.
- 6.(3) The initial compliance implementation date for all required buildings and structures existing at the date of the passing of this By-Law to meet the backflow

prevention device installation requirements of this By-Law shall be no later than the dates stipulated in Schedule "B".

- 6.(4) Premise isolation backflow preventers shall be installed at all buildings with plumbing systems that pose a severe or moderate risk regardless of any area or source backflow prevention devices that may be installed within the plumbing system.
- 6.(5) Plumbing systems that pose a minor risk to the municipal drinking water system may be exempt from the requirement to install a backflow preventer, at the sole discretion of the Director, except as specified in Section 6.(6) and Section 6.(7).
- 6.(6) Plumbing systems with existing area or source backflow prevention devices that pose a minor risk to the municipal drinking water system shall have premise backflow preventers installed.
- 6.(7) Plumbing systems that already have premise isolation backflow preventers installed at the time of passage of this by-law shall be subject to this by-law regardless of risk level
- 6.(8) All costs related to installation of backflow preventers shall be at the Owner's expense.
- 6.(9) The backflow preventer shall be owned and maintained by the Owner
- 6.(10) The Director reserves the right to shorten the date(s) identified in 6(2) for a specific property if deemed to be necessary due to risk of contamination of the Town's water system.
- 6.(11) Every Owner who does not comply with notice to install is guilty of offence.

## **7. PERSONS PERMITTED TO CARRY OUT WORK**

- 7.(1) Only those persons with the required qualifications listed in the Authorized Functions List, attached as Schedule "A", shall carry out the corresponding functions set out therein.
- 7.(2) In addition to the required qualifications listed in the Authorized Functions List, the persons who are permitted to perform the Cross Connection Control Surveys or testing of backflow preventers shall also have and submit proof of the following qualifications in a form satisfactory to the Town:
  - (a) a Tester's Certificate issued by the Ontario Water Works Association or an approved equivalent which has been issued or renewed within five (5) years prior to date of the submission of a Cross Connection Control Survey Report or a Preventer Test Report; and
  - (b) a current calibration certificate for the test equipment issued within the (12) twelve months prior to the date of submission of a Preventer Test Report.
- 7.(3) No person shall submit to the Town any information that is false or inaccurate.
- 7.(4) The proof of qualifications and test equipment calibration required under Section 8(2) shall be submitted at the same time the Cross Connection Control Surveys and Preventer Test Reports are submitted to the Town
- 7.(5) The Owner shall be responsible for ensuring that the persons selected to perform the work are qualified in accordance with 7(2).

## **8. TESTING OF BACKFLOW PREVENTERS**

- 8.(1) Every owner who has a backflow preventer installed on his or her property shall ensure, at the owner's expense, that:
  - (a) the backflow preventer is maintained in proper working condition;

- (b) such a device is tested when it is first installed and annually thereafter, , or when requested by the Director, and also when it is cleaned, repaired, overhauled or relocated;
- (c) notwithstanding (b) any building with premise isolation that has a plumbing system identified as a minor hazard shall have its premise isolation backflow preventer tested every 5 years.
- (d) when such device is tested, that a Preventer Test Report of such a test is completed;
- (e) the Preventer Test Report is submitted to the Town within the timeframe specified in Schedule "B" along with the Preventer Test Report Fee;
- (f) in the event that such a device is malfunctioning or otherwise not in proper working order, cause the device to be repaired or replaced; and
- (g) whenever a device is tested, a test tag is affixed to the device.

8.(2) Every qualified person who tests a backflow preventer shall:

- (a) provide a legible Preventer Test Report to the owner of the premises subject to such a test;
- (b) upon completing such test, supply, complete and affix a Preventer Test Tag to the device or immediately adjacent to the device on the piping connected thereto; and
- (c) upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the owner of the building subject to such a test and the Town of such condition.

## **9. BACKFLOW TEST EQUIPMENT MAINTENANCE**

9.(1) Where required by the CSA Standard, all equipment used to test backflow prevention devices shall be verified and/or calibrated for accuracy. Proof of such verification and/or calibration shall be presented to the Town upon request and in conjunction with the submission of Preventer Test Reports.

## **10. GENERAL PROVISIONS**

- 10.(1) Notwithstanding anything this By-Law, the Town may at any time order an owner to conduct tests, provide reports, including a Cross Connection Control Survey Report or a Preventer Test Report, and undertake any other measures required for the prevention of backflow or protection of a cross connection.
- 10.(2) Reports identified in this By-Law shall be submitted to the Public Works Services within timeframe specified in Schedule "B" for the related work, or as otherwise specified by the Director.
- 10.(3) The selection, maintenance, and field testing of backflow prevention devices shall be in accordance with the CSA Standard and the Building Code, or by a professional engineer using the CSA Standard.
- 10.(4) An owner shall obtain, or ensure that it is obtained, a building permit pursuant to the Town's Building By-Law in order to install, modify or perform any corrective action, or to remove a backflow preventer and any related plumbing.
- 10.(5) Where a timeframe is set out in this By-Law for carrying out any action, the Town may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Town.

## **11. CORRECTIVE ACTIONS ON CROSS CONNECTION CONTROL DEFICIENCIES**

- 11.(1) Every owner shall take corrective actions on any deficiencies or to address any recommendations made by a qualified person or identified either on a Cross Connection Control Survey Report or on a Preventer Test Report for his or her property.
- 11.(2) Should a condition be found on a property which is in contravention of this By-Law, the Town may:

- i) Issue an order to the owner to correct the issue at the owner's expense within a specified time period and if the order is not complied with, the Town may discontinue the supply of water from the municipal drinking water system to the plumbing system, and/or;
- ii) Without notice to the owner, discontinue the supply of water from the municipal drinking water system to the plumbing system, where the Town, at its sole discretion, has determined that an immediate severe hazard exists that could result in contamination of the municipal drinking water system, and/or;
- iii) Issue any order or require any work to be undertaken as otherwise permitted pursuant to this By-Law.

## **12.REMOVAL OF BACKFLOW PREVENTION DEVICES PROHIBITED**

- 12.(1) No owner of a building in which a backflow preventer is installed shall cause or permit the removal of such device, or part thereof, unless such removal is to immediately replace the device with another device that meets or exceeds the provisions of this By-Law or such removal is due to change of the function of a building or structure into a category to which this By-Law does not apply or that would not require a backflow preventer and such removal is approved by the Director.

## **13.ADMINISTRATION AND ENFORCEMENT**

- 13.(1) The Director shall be responsible and is delegated the power to administer and enforce this By-Law, including prescribing the content of any forms or other documents required under this By-Law from time to time.
- 13.(2) The Director is authorized to delegate responsibilities for the administration and enforcement of this By-Law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

## **14.POWER OF ENTRY**

- 14.(1) The Town may, at any reasonable time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) The provisions of this By-Law;
  - (b) An order issued under this By-Law;
  - (c) Condition of any permit or licence issued under this By-Law; or
  - (d) An order made under section 431 of the Municipal Act.
- 14.(2) For the purposes of an inspection under subsection (1), the person conducting the inspection may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 14.(3) The Town may undertake an inspection pursuant to an order issued under section 438 of the Municipal Act.

- 14.(4) Pursuant to Section 435 of the Municipal Act, the Town's power of entry may be exercised by an employee, officer or agent of the Town, or by a member of the York Regional Police Service, as well as by any person under their direction
- 14.(5) When entering a property under this By-Law, the person exercising the power of entry:
- (a) Shall provide identification to any person requesting identification during the course of the entry;
  - (b) May be accompanied by a person or persons under their direction; and
  - (c) Shall not enter or remain in any room or place actually used as a dwelling unless at least one of the conditions set out in section 437 of the Municipal Act is met.
- 14.(6) Under the authority of this By-Law, no person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by the Town carrying out an inspection.
- 14.(7) Where the Director or any Town municipal law enforcement officer is satisfied that a contravention of this By-Law has occurred, such person may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention at the person's expense.
- 14.(8) Whenever this By-Law or an order issued under this By-Law directs or requires any work or thing to be done by any person, in default of it being done by the person directed or required to do it, such work may be done by the Town or its agents at that owner's expense and the Town may recover all costs and expenses incurred through a legal action or by recovering such costs in the same manner as taxes.
- 14.(9) The Town may, in addition to taking any other steps, shut off the water supply to a property or any portion of a property if the Director deems that a threat of contamination exists from such a property that can endanger public health or safety until such time as the threat of contamination is eliminated.
- 14.(10) Service of an order shall be posted at the site of the address of the Owner shown on the most current tax assessment roll or delivered through regular mail to the address of the Owner shown on the most current "Tax Assessment Roll". Where service is made by regular mail, it shall be deemed to have been received by the Owner on the fifth Business Day after the date of mailing.
- 14.(11) No Person shall hinder or obstruct, or attempt to hinder or obstruct an employee, officer, agent or contractor of the Town or other Person so authorized by the Town who is performing a duty or exercising a power under this By-Law pursuant to section 426 of the Municipal Act.
- 14.(12) When the Town has provided advance notice to exercise a power of entry in accordance with the requirements of this By-Law and the Owner or occupier, within the time set out in the Town notice, has not provided access, the Owner will be charged a "missed appointment or service refusal" fee as set out in the Fees and Charges By-Law to compensate the Town for costs incurred in attempting access and for each subsequent attempt.

## **15. PENALTY PROVISIONS**

- 15.(1) Every Person who contravenes a provision of this By-Law, including an order issued under this By-Law is guilty of an offence.

- 15.(2) Any person who is in contravention of any provision of this By-Law, or who fails to comply with an order issued under this By-Law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 15.(3) If any order has been issued under this By-Law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 15.(4) Any person who is guilty of an offence under this By-Law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act:
- a) Upon first conviction, the minimum fine shall be Three Hundred Dollars (\$300.00) and the maximum fine shall be Fifty Thousand Dollars (\$50,000.00);
  - b) Upon a second or subsequent conviction for the same offence a fine shall be a minimum of Four Hundred Dollars (\$400.00) and the maximum fine shall be One Hundred Thousand Dollars (\$100,000.00); and
  - c) upon conviction for a continuing offence, the minimum fine shall be One Hundred Dollars (\$100.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).
- 15.(5) For the purposes of this By-Law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-Law.
- 15.(6) For purposes of this By-Law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 15.(7) Where a person is convicted of an offence under this By-Law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **16.PROCEEDS OF FINES**

- 16.(1) Pursuant to subsection 433 (1) of the Municipal Act, where a Person has been convicted of any offence under this By-Law, every fine imposed for a contravention of this By-Law belongs to the Town.

## **17.SPECIAL FINES**

- 17.(1) In addition to any other fine, every Person who gains an economic advantage or economic gain from contravening this By-Law, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from such contravention. A special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

## **18.UNPAID FINES**

- 18.(1) Pursuant to Subsection 441.1 of the Municipal Act, 2001, S.O. 2001, c. 25, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as taxes.

## **19.GENERAL BY-LAW ENFORCEMENT POWERS/ORDERS TO DISCONTINUE ACTIVITY**

- 19.(1) Pursuant to section 444 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-Law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

## **20. WORK ORDER**

- 20.(1) Pursuant to section 445 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-Law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

## **21. OBSTRUCTION**

- 21.(1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law.

## **22. NOTICE**

- 22.(1) Where an order is issued by the Town, the Person is in receipt of the order on the date it is posted in a conspicuous place at the subject Property. The Person is deemed to be in receipt of the order, if the order is delivered personally or posted by mail five (5) Business Days at the last known address provided to the Town. If no address for the Person has been provided, then the Town will send the notice by mail to the Property address identified on the tax rolls.

## **23. FEES**

- 23.(1) Any fees and administrative costs associated with this By-Law are non-refundable.
- 23.(2) All fees and charges pursuant to this By-Law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-Law.

## **24. SEVERABILITY**

- 24.(1) Notwithstanding that any section, or any part or parts thereof, of this By-Law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that such section, or part or parts thereof shall be deemed to be severable, and all other sections of this By-Law, or parts thereof, are separate and independent there from and enacted as such

## **25. REPEAL**

- 25.(1) All By-Laws of the Town previously providing for regulating cross connections and backflow prevention in private plumbing systems and related appurtenances are hereby repealed.

## **26. INTERPRETATION**

- 26.(1) The provisions of Part VI of the Legislation Act, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-Law.

## **27. EFFECTIVE DATE**

- 27.(1) This By-Law comes into force on the day it is passed.
- 27.(2) Enacted this xx day of xxxx, 2019.



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John Taylor, Mayor

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Kiran Saini, Acting Town Clerk



**Corporation of the Town of Newmarket**  
**By-law 2019-37**

A By-law to amend fees and charges by-law 2018-64 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket. (All Departments, Corporate Services - Finance & Procurement & IT, Legal Services, Public Works Services, Engineering Services and Legislative Services - General Fees and Charges)

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2018-64 Schedule D to establish a Public Works Services - General Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend Schedule D of By-law 2018-64 as it relates to the Backflow Prevention Program.

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1. That Schedule D to the By-law 2018-64 be amended to add the following fees for the Backflow Prevention Program:

Administration Fees	Fee	H.S.T	Total
Preventer Test Report Fee (Annually for Severe and Moderate Hazard - Every five years for minor hazard)	\$21.03	\$2.73	\$24
Cross Connection Control Survey Report Fee (Every 5 yrs with report submission)	\$42.07	\$5.47	\$48
Initial Administration Fee (One-time fee due Fall 2019 with submission of first First Cross Connection Control Survey Report - Includes First Cross Connection Control Survey Report Fee)	\$58.69	\$7.63	\$66
Late Fee - Surveys	\$15.10	\$1.96	\$17
Late Fee - Test Reports	\$15.10	\$1.96	\$17

Enacted this 27<sup>th</sup> day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk





**Corporation of the Town of Newmarket**  
**By-law 2019-38**

A By-Law To Provide For The Levy And Collection Of The Sums Required By The Corporation Of The Town Of Newmarket For 2019 And To Provide For The Mailing Of Notices Requisitioning The Payment Of Taxes For 2019.

Whereas Section 312 (2) of the Municipal Act, 2001, as amended, provides that the Council of a local municipality shall, after the adoption of estimates for the year, enact a By-law to levy a separate tax rate on the assessment in each property class;

And Whereas Sections 307 and 308 of the said Act require tax rates to be established in the same proportion to tax ratios;

And Whereas estimates have been prepared showing the sum of \$177,366,451 is required to be raised for the lawful purposes of the Corporation of the Town of Newmarket for the year 2019 which estimates are made up as follows:

1. Town of Newmarket General Purposes	\$ 62,414,491
2. Regional Municipality of York Purposes	\$ 65,049,336
3. Ontario Education Purposes	<u>\$ 49,902,624</u>
	<u>\$177,366,451</u>

And Whereas any special levy in the Town of Newmarket is based upon the Current Value Assessment as returned on the last revised Assessment Roll as determined by the Municipal Property Assessment Corporation in accordance with the Assessment Act, R.S.O. 1990, as amended, and summarized on Schedule “A” attached to this By-law;

Therefore Be It Enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the following property tax class ratios are to be applied in determining tax rates for taxation in 2019:

Residential/Farm Property Class	1.000000
Multi-Residential Property Class	1.000000
Commercial Property Class	1.279400
Industrial Property Class	1.570400
Pipelines Property Class	0.919000
Farmlands Property Class	0.250000

2. And That for the year 2019, the Corporation of the Town of Newmarket shall levy upon the Residential Assessment, Multi-Residential Assessment, Commercial Assessment, Industrial Assessment, Pipeline Assessment and Farm Assessment the rates of taxation set out in this By-law. The optional property classes allowable, which were not adopted by the Region of York, have been included within Schedule "A" for clarity, shown with the tax rates established for the default Commercial and Industrial Assessment classes for the respective optional classes. This presentation was selected to coincide with the property tax class codes and qualifiers used by the Municipal Property Assessment Corporation in its communication with property owners concerning their property assessments;
3. And That the sum of \$62,414,491 be levied and collected for the Town of Newmarket's General Purposes, as provided by the Corporation's 2019 Operating Budget; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
4. And That the sum of \$65,049,336 be levied and collected for the Town of Newmarket's share of the 2019 Budget for The Regional Municipality of York; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
5. And That the sum of \$49,902,624 be levied and collected for the Town of Newmarket's share of the 2018 Ontario Education levy; such sum to be provided by applying to the taxable assessments the tax rates summarized in Schedule "A" which are the rates prescribed for use by Ontario Regulation 400/98 as amended by O.Reg. 64/19;
6. And That for properties so assessed, payments in lieu of taxes shall be calculated using the tax rates in Schedule "A" which would be applicable to the property if it were subject to tax;
7. And That for the railway rights-of-way assessments and for the utility transmission and distribution corridor, assessments shall have their taxes due to the Corporation of the Town of Newmarket calculated in accordance with the Regulations as established by the Minister of Finance and the returned assessment roll;
8. And That for the purpose of the Business Improvement Area projects, the sum of \$30,000 shall be levied and collected from the property owners within the business improvement area;
9. And That the Treasurer shall add to the Collector's Roll, all or any arrears for fees or charges which should be collected pursuant to any statute or by-law to the respective properties chargeable thereto and that the same shall be collected by the Treasurer, or designate, in the same manner and at the same time as all other rates or levies;
10. And That the Interim Tax Levy as issued by staff, under the delegation of authority by-law be shown as a reduction on the final tax levy;
11. And That all taxes levied under the authority of this By-law shall become due and payable in three installments; the first installment due July 25, 2019, the second installment due August 27, 2019 and the third installment due September 24, 2019, and all installments shall be payable to the Corporation of the Town of Newmarket;

These due dates are subject to amendment by the Treasurer or designate, if required, to meet the statutory timing required following the tax demand date;

12. And That the Treasurer or designate for the Corporation of the Town of Newmarket send or mail or cause to be sent or mailed, the notice specifying the amount of taxes payable by any person liable for taxes, addressed to that person's place of residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs otherwise in which case it shall be sent to that address; email address or mortgage or finance company;
13. And That taxes are payable to the Corporation of the Town of Newmarket in all manners of payment as may be designated by the Town from time to time;
14. And That residents who qualify for the Low Income Seniors and Low Income Disabled Tax Deferral Program need to apply to the Tax Office in accordance with the program policies as established by the Regional Municipality of York. The amount of deferral for 2019 will be determined once the application has been approved;
15. And That if any section or portion of this by-law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the Corporation of the Town of Newmarket that all remaining sections and portions of this By-law continue in force and effect;
16. And That Schedule "A" attached hereto shall be and form a part of this By-law.

Enacted this 27<sup>th</sup> Day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk





# Corporation of the Town of Newmarket

## By-law 2019-39

A By-law to confirm the proceedings of a meeting of Council – May 27, 2019

Whereas s. 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council; and,

Whereas s. 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. And that the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. And that nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. And that any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Enacted this 27<sup>th</sup> day of May 2019.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk