



Town of Newmarket

Agenda

Committee of the Whole

Date: Monday, February 3, 2020
Time: 12:30 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Additions & Corrections to the Agenda

Note: Additional items are marked by an asterisk*.

2. Declarations of Pecuniary Interest

3. Presentations & Recognitions

3.1 Short Term Rentals

Note: Ted Horton, Senior Planner - Community Planning and Flynn Scott, Manager of Regulatory Services will be in attendance to provide a presentation on this matter. This presentation is related to Item 6.1.

3.2 Mobile Business Licence By-law

Note: Flynn Scott, Manager of Regulatory Services will be in attendance to provide a presentation on this matter. This presentation is related to Item 5.1.

4. Deputations

*4.1 Mobile Business Licence By-law

Note: Kim Wright, Principal, Wright Strategies on behalf of Uber Canada will be in attendance to provide a deputation on this matter. This deputation is related to item 5.1.

5. Consent Items

*5.1 Mobile Business Licence By-law

1. That the report entitled Mobile Business Licence By-law dated February 3, 2020 be received; and,
2. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive); and,
3. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position; and,
4. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position; and,
5. That Council approve the draft Mobile Business Licence By-law 2020-07; and,
6. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,
7. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.2 Large Water Meter Rates

1. That the report entitled Large Water Meter Rates Staff Report dated February 3, 2020 be received; and,
2. That the 2020 monthly fees for Large Water Meters as referenced in the report come into effect immediately;
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

*5.3 Main Street Clock Inc. Properties - Update

1. That the report entitled Main Street Clock Inc. Properties - Update dated February 3, 2020 be received.

5.4 Accessibility Advisory Committee Meeting Minutes of November 21, 2019

1. That the Accessibility Advisory Committee Meeting Minutes of November 21, 2019 be received.

5.5 Appointment Committee Minutes of October 9, 2019

1. That the Appointment Committee Meeting Minutes of October 9, 2019 be received.

5.6 Appointment Committee Meeting (Closed Session) Minutes of October 9, 2019

1. That the Appointment Committee Meeting (Closed Session) Minutes of October 9, 2019 be received.

5.7 Central York Fire Services – Joint Council Committee Meeting Minutes of November 5, 2019 and the Special Meeting Minutes of November 26, 2019

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of November 5, 2019 and the Special Meeting Minutes of November 26, 2019 be received.

5.8 Central York Fire Services – Joint Council Committee Meeting (Closed Session) Minutes of November 5, 2019

1. That the Central York Fire Services – Joint Council Committee Meeting (Closed Session) Minutes of November 5, 2019 be received.

5.9 Elman W. Campbell Museum Board of Management Meeting Minutes of November 21, 2019

1. That the Elman W. Campbell Museum Board of Management Meeting Minutes of November 21, 2019 be received.

5.10 Heritage Newmarket Advisory Committee Meeting Minutes of November 5, 2019

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of November 5, 2019 be received.

5.11 Main Street District Business Improvement Area Board of Management Meeting Minutes of October 16, 2019 and November 20, 2019

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of October 16, 2019 and November 20, 2019 be received.

5.12 Newmarket Public Library Board Meeting Minutes of November 20, 2019

1. That the Newmarket Public Library Board Meeting Minutes of November 20, 2019 be received.

5.13 Outstanding Matters List

1. That the Outstanding Matters List be received.

6. Action Items

6.1 Short Term Rentals

1. That the report entitled Short-Term Rentals dated February 3, 2020 be received; and,
2. That Council provide direction to staff regarding the four options described in this report and identify a preferred option; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7. Reports by Regional Representatives

8. Notices of Motions

9. Motions

10. New Business

11. Closed Session (if required)

11.1 Appointments to the Accessibility Advisory Committee (2 Vacancies)

Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.

***11.2 Appointment of Director: Envi Networks Ltd.**

Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.

12. Public Hearing Matter (7:00 PM)

***12.1 Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision**

Note: Richard Zelinka of Zelinka Priamo Ltd. and Joanne Barnett of Marianneville Developments Limited will be in attendance to provide a presentation on this matter. The Notice of Statutory Public Meeting has been attached for information purposes only.

12.1.1 Deputations

- Allen Matrosov
- Gabriel D'aoust

13. Adjournment

Short-Term Rentals

Flynn Scott, Manager, Regulatory Services
Ted Horton, Senior Planner



Overview



- Background
- Survey results
- What is a short-term rental?
- STR benefits and concerns
- Municipal tools
- Other legislative regimes
- Options
- Questions

Background

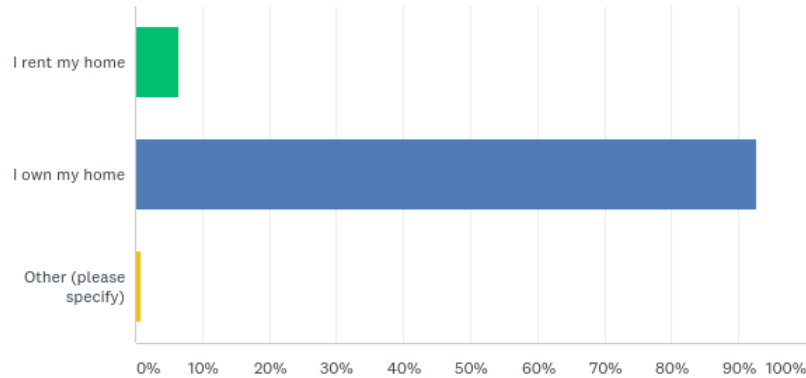


- Regulatory Review
- December STR PIC
- Short-Term Rentals survey
 - 123 online respondents

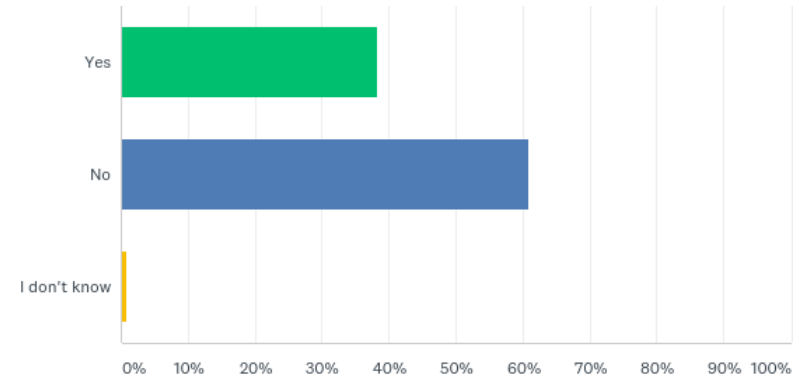
Survey Results



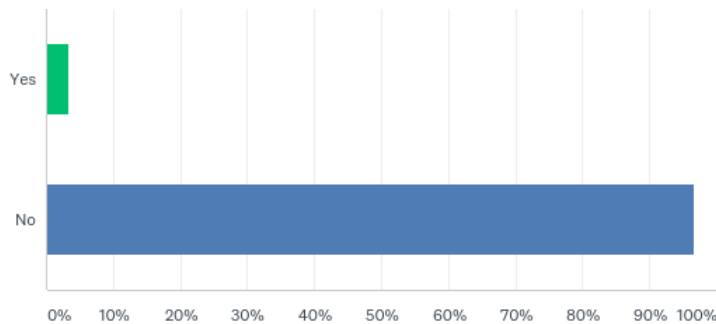
Do you rent or own your home?



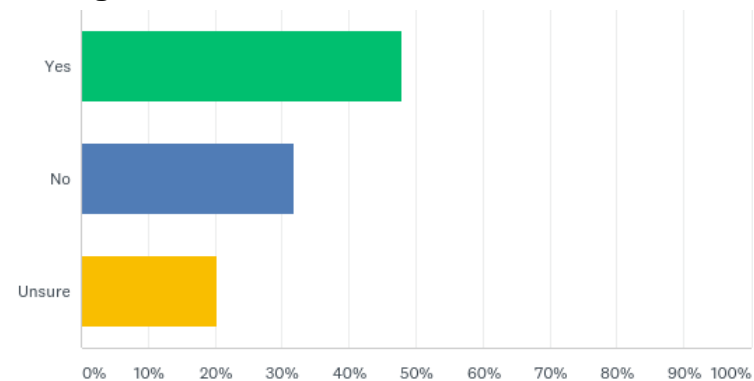
Have you ever stayed in an STR?



Do you own or operate an STR?



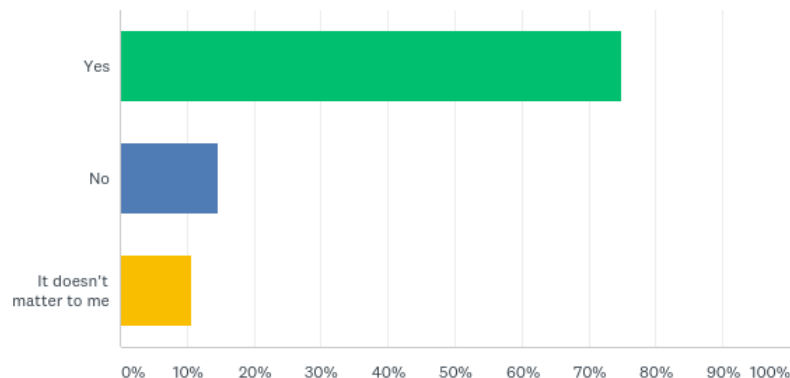
Are you aware of STRs operating in your neighbourhood?



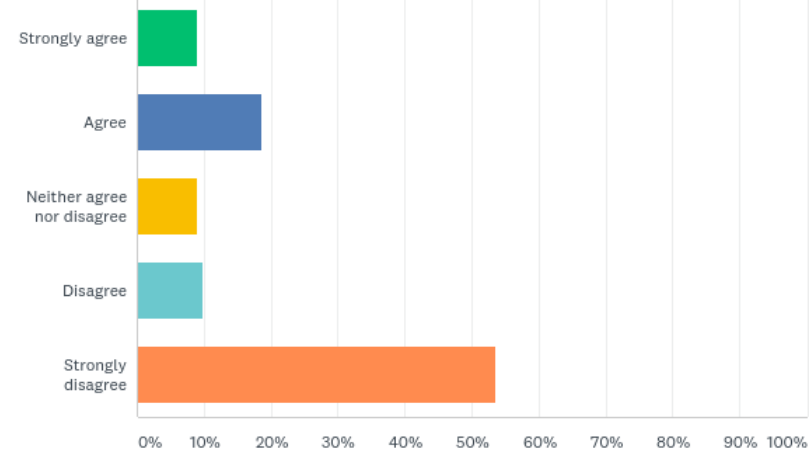
Survey Results



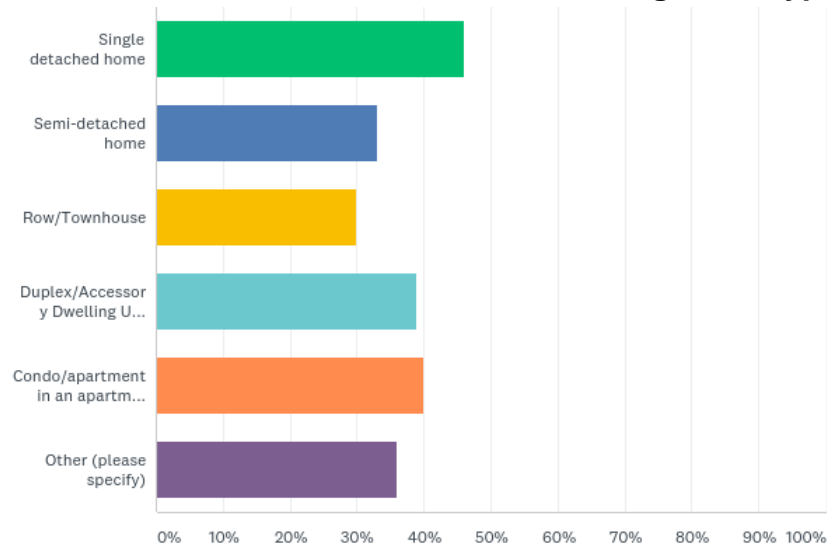
Should STR operators be present in the home while the short-term rental is being used?



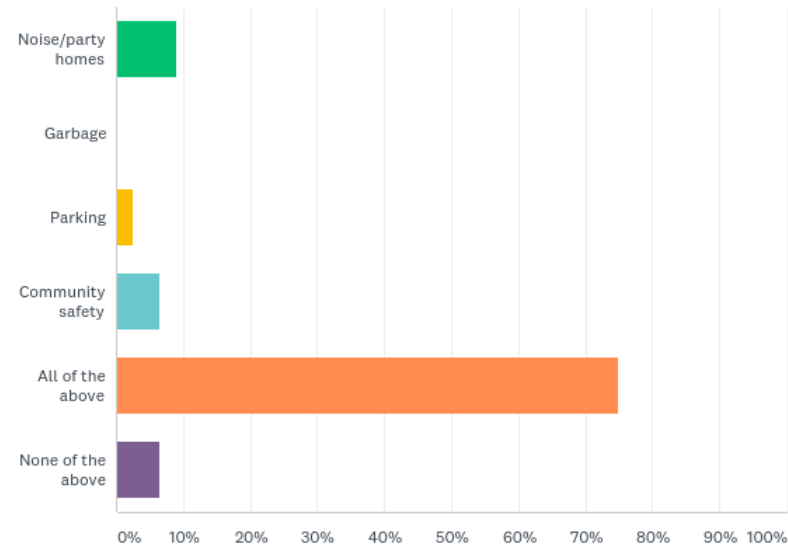
The Town of Newmarket should allow short-term rentals.



Should Newmarket allow STRS in the following home types?



What concerns you about short-term rentals?



What is STR?



- All or part of a dwelling unit used to provide sleeping accommodations
- Rental period is typically less than 30 days
- It is the exchange of accommodation for payment
- Typically includes bed and breakfasts
- Typically does not include hotels or motels



What is STR?



- Permitted in properties that meet the following regulations:
 - Single Detached (R1) Zone under Zoning By-law 2010-40
 - Maximum of three bedrooms rented for guests
 - Dwelling is occupied by the owner
 - Must provide one parking space per room rented in addition to those required by the main dwelling unit

STR benefits

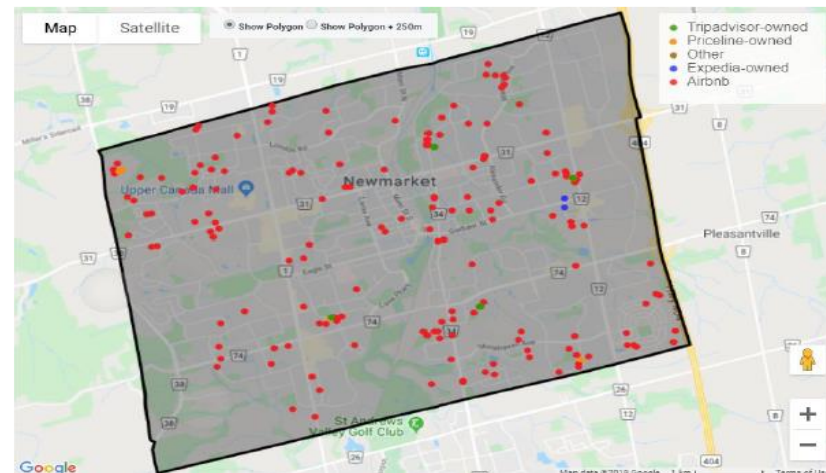


- Local impacts:
 - Supplemental income for property owner
 - Additional tourist accommodation options
 - Potential Municipal Accommodation Tax revenues to municipality

STR concerns



- Local impacts:
 - Noise
 - Parking
 - Garbage
 - Property standards



STR concerns

- Community impacts:
 - Housing affordability
 - Rental availability
 - Housing fairness



CANADA

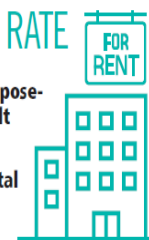
Airbnb likely removed 31,000 homes from Canada's rental market, study finds

Short-term rental sites are 'having rather large impacts on our housing markets,' McGill researchers say in groundbreaking paper

RENTAL SUPPLY

VACANCY RATE

1.7% Purpose-built
0.8% Rental condo



CMHC 2018 Fall Rental Market Survey

MARKET HOUSING AFFORDABILITY

Average price
new single-detached home **\$1.24 million**

Average resale price
for all housing types **\$916,449**

Average rent
for purpose-built rental **\$1,267**

Average rent
for condo rental **\$2,001**

Estimated monthly housing costs
for owners (townhouse) **\$5,075**

Housing Matters 2019 (data sources: CMHC Housing Now, TREB Market Watch, Bank of Canada)

CMHC 2018 Fall Rental Market Survey



TREB data

11% Percent of new ownership housing that is affordable to households in the top 40% of earners.
In 2018, this was \$122,290 and above.

Affordable Housing Measuring and Monitoring Report (June 2019)

Municipal tools



- Zoning By-law
 - Limit the areas where are permitted STRs;
 - Control what types of buildings can be used for STRs ;
 - Require whether the dwelling must be principally used as a residence;
 - Limit the number of nights that a dwelling can be a STR;
 - Require an amount of parking required for a STR; and
 - Limit the number of bedrooms that can be used as a STR.
- Cannot:
 - Limit legal nonconforming uses.



Municipal tools



- Licensing By-law imposes conditions on a business, such as:
 - require the permanent resident have a licence for an STR;
 - require the operator to be available to respond to complaints within 1hr of being notified of a complaint;
 - limit the number of guests;
 - limit the number of bedrooms;
 - require the operator to provide a 'good neighbours' guidebook;
 - require a sign permit to identify the premises as a STR;
 - ensure building code and fire code compliance;
 - ensure compliance with the zoning by-law; and
 - implement a demerit point system, with a threshold at which a licence is revoked.

Other legislative tools

- Ontario Building Code
 - Sets standards of construction depending on type of use
- Residential Tenancies Act
 - Regulates relationship between landlords and tenants
- Condominium Act
 - Allows condominiums to pass by-laws further regulating behaviours within their buildings
- Fire Protection and Prevention Act
 - Sets life safety requirements based on type of use

Options



- **Option #1:** Adopt a licensing by-law for STRs and do not amend the zoning by-law.
- **Option #2:** Adopt a licensing by-law for STRs and amend the zoning bylaw.
- **Option #3:** Direct staff to license STRs first and then amend the zoning by-law
- **Option #4:** Do not enact a licensing by-law, nor change zoning regulations on STRs.

Options



- **Option #1:** Adopt a licensing by-law for STRs and do not amend the zoning by-law.
- **Process:**
 - Licensing by-law can impose conditions
- **Timeline:**
 - Licensing by-law could be proposed by May 2020
- **Implications:**
 - STRs will continue to be permitted in most single detached dwellings
 - STRs will only be permitted in 'owner occupied' single detached dwellings, which are less than half of existing STRs
 - No ability for Council to control STR locations

Options



- **Option #2:** Adopt a licensing by-law for STRs and amend the zoning bylaw.
- **Process:**
 - Zoning amendments will allow decisions on where to permit STRs, and to consider the role of STRs within overall housing supply
 - Licensing by-law can impose conditions
- **Timeline:**
 - Due to Planning Act process requirements, earliest possible dates for recommendations would be August 2020
- **Implications**
 - Provides greater ability for Council to control and regulate

Options



- **Option #3:** Direct staff to license STRs first and then amend the zoning by-law
- **Process:**
 - Implement a licensing by-law
 - Begin zoning by-law amendment process
- **Timeline:**
 - Licensing by May 2020, zoning target August 2020
- **Implications:**
 - Risks of legal nonconforming properties
 - Risk of setting expectations through licensing that may then be reversed through zoning
 - Licensing by-law will not benefit from the input of the review undertaken during zoning amendment process

Options



- **Option #4:** Do not enact a licensing by-law, nor change zoning regulations on STRs.
- **Process & Timeline:**
 - **None**
- **Implications:**
 - STRs will continue to be permitted in most single detached dwellings
 - STRs will only be permitted in 'owner occupied' single detached dwellings, which are less than half of existing STRs
 - No registry of STRs or ability to control location or conditions

Options



- **Option #1:** Adopt a licensing by-law for STRs and do not amend the zoning by-law.
- **Option #2:** Adopt a licensing by-law for STRs and amend the zoning bylaw.
- **Option #3:** Direct staff to license STRs first and then amend the zoning by-law
- **Option #4:** Do not enact a licensing by-law, nor change zoning regulations on STRs.

Questions?

Flynn Scott, Manager, Regulatory Services
Ted Horton, Senior Planner





Mobile Business Licence By-law

Committee of the Whole

February 3, 2020

Presented by:

Flynn Scott, Manager of Regulatory Services

Presentation Outline

- Background
- Regulations for Mobile Businesses
 - Licensing Fee Structure
 - Resource Needs
- Stakeholder Consultation & Survey Results
- Conclusion & Next Steps

Background

- Under the Municipal Act, regulations should relate to:
 - consumer protection
 - the economic & social well-being of the municipality
 - the health, safety, & well-being of persons in the municipality
- March 25, 2019 – Regulatory Review Workshop
 - identified Transportation Network Companies (TNCs), Taxicabs, & Tow Trucks for review with regulations in place by Q2 2020

Linkages to Strategic Priorities

- Licensing program:
 - Aligns with Council's Safe Transportation (Streets) priority to incorporate data-driven tools & tactics (AMPS) into enforcement measures related to the safety of vehicles, pedestrians;
 - Identified as an Alternative Revenue Source initiative in Rev it Up Campaign

Modernizing Regulations

- Draft By-law intends to:
 - better reflect the current and evolving business environment;
 - ensure safe and responsible business practices;
 - provide tools that promote compliance;
 - develop efficiencies; and
 - reduce regulatory burden

Mobile Businesses

What is a Mobile Business?

- A business that provides goods and/or services to the public from a vehicle or apparatus that is designed to be mobile and includes:
 - Transportation Network Companies (TNCs)
 - Taxicab Companies
 - Limousine Companies
 - Tow Trucks
 - Driving School Instructors
 - Refreshment Vehicles

Mobile Businesses

A mobile business does **not** include:

- (a) a stall at a farmer's market;
- (b) a business which uses a motor vehicle only as a means to physically transport its goods and/or services to a customer or to obtain goods from a supplier; and
- (c) any other form of business that is restricted from regulation by a municipality under the Municipal Act

Mobile Businesses

- Proposed regulations shift away from prescriptive regulations to an approach based on accountability & monitored compliance through audit & enforcement

Transportation Network Companies (TNCs)

- In-depth review of other municipalities
- Consultation with 2 major TNCs (Uber & Lyft)
- Key regulations:
 - licensing & per trip fees
 - company, driver, & vehicle provisions
 - safety & consumer protection features

Taxicab Companies

- Extensive consultation with industry over the last several years
- Review of other municipalities
- Key regulation changes:
 - only licence companies, not drivers or vehicles
 - company, driver, & vehicle provisions
 - safety & consumer protection features
 - remove set meters & allow dynamic pricing

Tow Trucks

- Industry has not been licensed in Newmarket before
- Industry supports fair regulations
- Proposed regulations are consistent with neighbouring communities in York Region

Other Mobile Businesses

- **Limousine Services**
 - Proposed regulations mirror those of TNCs & taxicab companies
- **Driving School Instructors**
 - Will now require sign on vehicle at all times while operating in Newmarket
 - Addresses enforcement challenges with current regulations
- **Refreshment Vehicles**
 - Owner requires a licence, not operators
 - Regulations still pertain to owners & operators

Proposed Licensing Fees & Projected Revenues for TNCs

- TNCs Licence

\$20,000 Annual Fee + \$0.30/trip

- Projected **New Revenue \$155,200**

32,000 trips/month @ \$0.30/trip fee

= \$9,600/month or \$115,200/year

\$20,000 x 2 business licences = \$40,000

Proposed Licensing Fees & Projected Revenues for Taxicabs

- Taxicab Licensing Model uses scaled approach:
 - 1-9 taxicabs: \$1,000 annual fee
 - 10-19 taxicabs: \$2,000 annual fee
 - 20+ taxicabs: \$3,000 annual fee
- Request from taxi industry to waive fees for 3-5 years
 - Staff support request for waiving annual fees for 3 years. Council approval required.

Proposed Licensing Fees & Projected Revenues for Tow Trucks

- Tow Truck Licence
 - One-time licensing fee of \$2,000 for tow truck companies, with an annual \$750 renewal fee
 - Used municipal comparators to establish licensing fees
- Projected **New** Revenue
 - **\$20,000** for 2020
 - **\$7,500** for 2021 & going forward
 - Based on 10 companies operating in Newmarket

Proposed Licensing Fees & Projected Revenues for Limousines

- Limousine Company Licence
 - One-time licensing fee of \$1,000, with an annual \$500 renewal fee
 - Used municipal comparators to establish licensing fees
- Projected **New** Revenue
 - **\$3,000** for 2020
 - **\$1,500** for 2021 & going forward
 - Based on 3 companies operating in Newmarket

Proposed Licensing Fees & Projected Revenues for Other Businesses

- Driving School Instructors
 - \$40,000 based on 2019 revenues collected
- Refreshment Vehicles
 - \$2,000 based on 2019 revenues collected
- Additional revenue is anticipated by enforcement through AMPS By-law

Resource Needs for Licensing Enforcement Program

- Amendment to AMPS By-law to bring enforcement & adjudication in-house
- 12 month pilot project with:
 - 1 contract Municipal Law Enforcement Officer
 - Additional hours to convert current permanent part-time role into full-time
- Staffing costs will be offset by projected revenue

Community Consultation

- Extensive consultation with TNCs and taxicabs throughout 2019
- Public Information Centre (PIC) held in November 2019
- Accessibility Advisory Committee invited to attend
- Online survey was posted after PIC

Conclusion & Next Steps

- Staff seeking Council approval of new Mobile Business Licence By-law & amendment to AMPS By-law
- Pilot additional staff resources for 1 year
- Communicate licensing requirements online & educate businesses of new/amended regulations

Questions?

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, 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: Morva Rohani	
Organization / Group/ Business represented: Uber Canada	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: Feb 3, 2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.1
<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): Discussion re: Transportation Network Companies regulations specifically fee structure.	
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.	

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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Mobile Business Licence By-law Staff Report to Council

Report Number: 2020-06

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Mobile Business Licence By-law dated February 3, 2020 be received; and,
2. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive); and,
3. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position; and,
4. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position; and,
5. That Council approve the draft Mobile Business Licence By-law 2020-07; and,
6. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,
7. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

A regulatory review was initiated in 2016 to ensure that the Town's by-laws continue to reflect the desired standards of both the community and Council. An information report was provided to Council on September 12, 2018 to identify the progress made in amending and introducing new by-laws to align with community and Council objectives. On March 25, 2019, a Regulatory Review Workshop was completed to receive Council direction on the project plan for the introduction of, and amendments to, regulations pertaining to a business licensing regime.

The purpose of this report is to introduce, for Council's consideration, Mobile Business Licence By-law. This by-law seeks to introduce new classifications of businesses requiring a licence within the Town, including Transportation Network Companies, Tow Trucks, and Limousine Companies. Amendments to current Taxicab regulations are also being proposed, as well as a recommendation to amalgamate the Driving School Instructors and Refreshment Vehicles by-laws into the Mobile Business Licence By-law due to meeting the definition of a mobile business.

Purpose

The purpose of this report is to present Council with next steps regarding the licensing of mobile businesses through the adoption of a Mobile Business Licence By-law.

Background

Legislative Authority

Under the Municipal Act, the Town may provide for a system of licences with respect to certain classifications of business by adopting a licensing by-law. As specified in the Municipal Act, a licensing by-law should relate to consumer protection, the economic and social well-being of the municipality, and the health, safety, and well-being of persons in the municipality. Conditions may be imposed on a licence to ensure a business is compliant with the regulations established to reflect community objectives.

Section 151.7 of the Municipal Act specifies that a municipality does not have the power to provide for a system of licences with respect to a courier business in which parcels, documents, or property are conveyed. For this rationale, mobile businesses that meet this definition have not been included for consideration.

Historical Reference

On March 25, 2019, a Regulatory Review Workshop with Council identified Transportation Network Companies (vehicles-for-hire) and Tow Trucks to move forward with new regulations by Q2 2020.

On November 28, 2019, a Public Information Centre (PIC) was held to present new classifications of businesses that were under consideration for proposed regulations within the Town of Newmarket. The event focused on regulations for businesses defined as a mobile business, which includes Transportation Network Companies (TNCs), Taxicabs, Limousine Services, Tow Trucks, Refreshment Vehicles, and Driving School Instructors.

In December 2019, a third party consultant (StrategyCorp) conducted an administrative and service delivery review for the Town of Newmarket. Their report to Council highlighted the Mobile Business Licence By-law as an alternative revenue initiative. Part

of this review also identified the Administrative Monetary Penalty System (AMPS) as a relevant tool for enforcement of newly proposed by-laws moving forward.

Discussion

The Town of Newmarket Legislative Services Department has undertaken a review of current and proposed business classifications to modernize business licensing with intent to:

- better reflect the current and evolving business environment;
- ensure safe and responsible business practices;
- provide tools that promote compliance;
- develop efficiencies; and
- reduce regulatory burden.

Due to the considerable number of known business classifications, this review of business licensing is being conducted in two stages: separating stationary businesses (e.g. storefronts) from mobile business classifications.

The regulatory review project plan pertaining to licensing intends to streamline, simplify, and modernize operational processes to reduce red tape and regulatory burden, while ensuring consumer protection and public health and safety objectives are met.

The by-law proposed defines a “mobile business” and presents general regulations and administrative processes to be adhered to by all businesses that meet this definition. Specific business classifications have also been identified where the industry and consumer base present unique regulatory needs. Such examples include Transportation Network Companies, Taxicab Brokers, Limousine Services, Tow Trucks, Driving School Instructors, and Refreshment Vehicles.

The Mobile Business Licence By-law proposes to shift away from prescriptive regulations to an approach based on accountability and monitored compliance through audit and enforcement. It also seeks to enable operational flexibility, including new licensing and enforcement processes, all with a focus on public safety and consumer protection.

Community Feedback

On November 28, 2019, a Public Information Centre (PIC) was held to engage Town of Newmarket residents and stakeholders. The PIC included a formal, interactive presentation that allowed attendees an opportunity to provide input throughout the presentation. A total of 28 residents and stakeholders participated in the interactive presentation and the results are summarized as follows:

- 44% of participants were from the tow truck industry, 21% were members of the public, and the remaining were part of the various mobile classifications presented;
- 83% support the Town regulating TNCs for driver safety certifications, vehicle and insurance requirements;
- 53% believe the Town should only regulate taxicab companies and not individual drivers;
- 67% believe the Town should remove set rates and tariffs for taxicabs to allow for competitive pricing models;
- 81% feel the Town should place a capped price on tow truck rates; and
- 93% support regulations on tow trucks to provide estimates within 10% to customers, require vehicle safety certifications, and obtain consent to tow an owner's vehicle.

A survey was also promoted online to receive public input. A total of 18 participants completed the survey and the results are summarized as follows:

- 100% of participants were members of the public and not a stakeholder for any classification of a mobile business;
- 89% stated to use TNCs (Uber/Lyft) a minimum of several times per year;
- 72% expressed very high satisfaction with TNC (Uber/Lyft) services;
- 40% expressed dissatisfaction with taxicab services, with another 40% expressing satisfaction (20% did not select either way);
- 55% find TNCs enjoyable due to easy booking, convenience, method of payment, and low cost;
- 67% do not have an opinion on whether or not the Town licences individual drivers vs companies;
- 72% believe the Town should remove set rates and tariffs for taxicabs to allow for competitive pricing models;
- 89% would like to see driver security checks and vehicle safety inspections maintained on TNCs and taxicabs;
- 56% believe the Town should regulate tow trucks;
- 83% would like to see a price cap on tow truck rates; and
- 94% feel the Town should regulate tow truck pricing, insurance/vehicle requirements, and drivers being required to obtain consent prior to towing any vehicle.

Transportation Network Companies (TNCs)

Town staff has reviewed TNC regulations implemented by communities such as Vaughan, Hamilton, Toronto, Mississauga, London, Brampton, Oshawa, Oakville, Niagara Region, and Waterloo Region to understand best practices throughout Ontario. Town staff also had an opportunity to consult directly with Hamilton, London, and Mississauga's City staff to discuss program improvements and amendments made (or

being proposed in the near future) after piloting the regulations imposed. For example, the City of Mississauga piloted TNC regulations in 2017 and City staff performed an 80-page line-by-line review of the regulations imposed for suggested amendments to improve their processes – a document that Town staff has extensively reviewed and referenced when proposing regulations for the Town of Newmarket.

Town staff also consulted with known TNC operators within Newmarket for the purpose of gathering information and statistics, as well as receiving feedback on best practices that reflect and capture their business models.

Taxicab Companies

An extensive review of current regulations pertaining to licensing taxi drivers, brokers, and vehicle plates within Newmarket has been completed to improve current processes and streamline regulatory consistencies between the taxi industry and TNC operators. While both taxicabs and TNCs share similarities pertaining to the type of services offered and the consumers that are utilizing their services, it is important to understand distinct differences between each respective business model. For this rationale, it is equally important to recognize the need for both consistencies and discrepancies between specific regulations imposed.

Town staff met with Newmarket taxi drivers and brokers to review current regulations and to discuss what impact proposed regulations may have on their respective industry. Two meetings were held in Q3 2019 and feedback received is as follows:

- stronger regulations are being requested for TNCs to “level the playing field”;
- support for lowering or removing taxi driver licensing standards;
- support for transferring inspection requirements to a third party practice;
- general openness to consider removing set meters;
- a recommendation from taxi brokers to wave licensing fees for a duration of 3-5 years; and
- a recommendation from taxi brokers and drivers for the Town to reimburse plate values.

Similar to the TNC review process, Town staff conducted a thorough review of Taxicab regulations throughout various municipalities in Ontario to better understand best practices and improvement processes that have been undertaken since initial implementation. Various communities have shifted regulatory requirements onto businesses directly, while monitoring and enforcing through an auditing system. This is primarily the result of staff resource limitations and the heavy administrative burden in regulating specific classifications of business. A growing support to regulate through an auditing process is noted throughout Ontario.

Town staff has identified variations in regulatory requirements pertaining to whom is required to be licensed. For example, some municipalities have removed individual licensing of taxi drivers, while others have maintained this requirement. It is relevant to

note that all municipalities researched (with the exception of Toronto) do not require TNC drivers to be individually licensed. In an effort to “level the playing field” for the taxi industry, Town staff is recommending the removal individual taxi driver licensing requirements.

It is also critically important that regulations maintain consumer protection and ensure safe business practices. For this rationale, it is relevant to note that while Town staff propose to deregulate the licensing fees and application process of taxicab drivers and vehicle plates, regulations surrounding the standards of safety and consumer protection are not being removed nor compromised. The regulations being proposed impose the robust conditions of individual taxicab drivers onto taxicab companies as a condition of the company’s licence.

Under the new licensing provisions for taxicab companies, any business operating within Newmarket’s borders will be required to obtain a Town business licence. This will include any taxicab companies located in a different municipality but offering pick-up services within Newmarket.

Tow Trucks

New regulations are being proposed pertaining to Tow Trucks in an effort to ensure consumer protection and establish a fair pricing model for services performed across the industry within Newmarket. Town staff had an opportunity to receive input from tow truck operators during the PIC held on November 28, 2019. Town staff also consulted with neighbouring municipalities such as Richmond Hill, Markham, Oshawa, Toronto, and Brampton to review current regulations for each respective community. The by-law provisions proposed for tow trucks are consistent with practices currently implemented or under consideration with municipalities throughout York Region.

Limousine Services

Identified as a classification of a mobile business, Limousine Companies will also require a business licence to operate within the Town of Newmarket. The regulations proposed mirror those of TNC or taxicab companies to align with the requirements proposed in this by-law.

Driving School Instructors and Refreshment Vehicles

The Town of Newmarket currently regulates both Driving School Instructors and Refreshment Vehicles. After a review of current regulations, Town staff are proposing only one significant change to Driving School Instructors by imposing a requirement to affix the vehicle roof sign at all times while the vehicle is within the Town of Newmarket. Current regulations only require the roof sign to be affixed while providing instruction to a student. The rationale for this change is due to significant challenges in regulations and enforcement. For example, Town staff has documented that instructors will remove their sign while conducting lessons within Newmarket. This is a challenge when also enforcing the restricted area. Despite laying charges for these types of violations, staff

have not been successful in obtaining a conviction due to the requirement to prove they were instructing students at that time. By requiring the roof sign remain affixed at all times while within Newmarket, a licensing officer will be able to ensure compliance with the by-law as it was intended to be regulated. This change will also require any instructors from other municipalities to be marked and appropriately licensed if using the Town's infrastructure for the purpose of conducting business.

With the exception of the above, Town staff have only minor housekeeping and clerical changes throughout both by-laws. Staff recommends the repeal of both by-laws for the purpose of introducing these classifications under the Mobile Business Licence By-law.

AMPS By-law 2019-62

With the introduction of Mobile Business Licence By-law 20-07, staff are also recommending an amendment to AMPS By-law 2019-62 to include regulations for the purpose of enforcement. This change will allow staff to enforce through AMPS under the administrative penalties set by Council.

Conclusion

Town staff are recommending the adoption of Mobile Business Licence By-law 2020-07 with an amendment to AMPS By-law 2019-62 for enforcement purposes.

Business Plan and Strategic Plan Linkages

This report aligns with the Strategic Priority of Safe Transportation (Streets). This report also aligns with the Rev-it-up recommendations for improving administration and service levels within the Town of Newmarket.

Consultation

Consultation with the public, applicable stakeholders and neighbouring municipalities has been undertaken in the development of the proposed regulations put forth for Council's consideration. Town staff also conducted a Public Information Centre on November 28, 2019 and offered further opportunities for input via an online survey.

Town staff notified and invited the Accessibility Advisory Committee to attend the PIC and further provide input through the online survey. As a second phase for transportation services, Town staff will engage with stakeholders to determine best practices for ensuring accessible transportation is provided within the Town of Newmarket.

The Town of Newmarket Legal Department has also reviewed the proposed by-law prior to this report coming forward.

Human Resource Considerations

With the introduction of three new mobile business classifications and licensing regulations being enforced under AMPS By-law 2019-62, staff are requesting Council approval of additional staff resources for the purpose of ensuring compliance with new regulations. Upon review of the current licensing classifications and upcoming changes proposed, staff are requesting one full-time licensing officer be piloted as a twelve month contract. The cost of the proposed position would be offset through revenues received from the licensing regime imposed on the new classifications of businesses being regulated.

Staff are also requesting Council approval to change the current part-time Legislative Services Associate position into a full-time position for the duration of twelve months via contract. The rationale for this change would include the anticipated influx of administration for issuing business licences to new classifications, as well as processing enforcement tickets, which, under the new AMPS model, will be an in-house process rather than through the court system. The Legislative Services Associate would also be responsible for the scheduling and administration of the AMPS Hearing Review process for ticket disputes within the Town of Newmarket. The cost to change this position from part-time to full-time for a twelve month duration would also be offset by the projected surplus of revenue in licensing fees, as well as anticipated revenue for parking and licensing infractions issued under the new AMPS model.

Budget Impact

Projected Revenues: Transportation Network Companies

During the consultation period throughout July 2019, Town staff were able to confirm a total average of 32,000 trips originate from, and are conducted within, Newmarket by Transportation Network Companies not currently licensed. Should Council adopt this by-law as presented, this classification of business will provide a surplus of \$155,200.00 in revenue over a twelve (12) month period. This projection has been calculated as follows:

- 32,000 trips per month at a 0.30 cents per trip fee = \$9,600.00 revenue per month;
- \$9,600.00 per month x 12 months = \$115,200.00 revenue per year; and
- \$20,000.00 annual business licence fee for TNCs x2 confirmed to obtain a licence = \$40,000.00.

Projected Revenues: Taxicab Companies

By shifting regulatory requirements onto taxicab companies directly, staff anticipate an increased revenue stream through licensing taxicab companies that may be operating within Newmarket but located outside of Town borders. In 2018, the Town received \$1,225 in revenue from taxicab broker licensing fees. Additional revenue through

licensing fees will be acquired from any company outside of Newmarket that will now require a licence to operate with our borders.

Staff propose to impose a scaled licensing fee for taxicab companies as follows:

1-9 taxicabs: \$1,000 annual fee;

10-19 taxicabs: \$2,000 annual fee; and

20+ taxicabs: \$3,000 annual fee.

Staff also require Council direction to support or deny the industry's request to exempt taxicab companies from paying an annual licence fee for a duration of 3-5 years to serve as compensation for losses the industry feels they have incurred due to a lack of regulation on transportation network companies.

Projected Losses: Taxicab Plates

By removing the requirement to licence taxi drivers and vehicle plates, a revenue loss of approximately \$33,000 is anticipated. However, it is relevant to note that the Town currently holds a supply of available vehicle plates that have not been required and a priority list no longer exists, demonstrating a decline in demand. Regardless of removing these licensing requirements, staff anticipate a gradual loss of revenue in subsequent years to follow.

Projected Revenues: Tow Trucks

Town staff propose to license Tow Truck Companies with a requirement to identify all associated drivers and vehicles in use for services. A review surrounding municipalities identified variations in tow truck licensing fees, ranging from \$250 to \$2,200 as an initial fee, and an annual renewal fee ranging from \$200 to \$1,500. These numbers are dependent on the number of drivers a tow truck company identifies. Staff are proposing to introduce a one-time licensing fee of \$2,000 for tow truck companies, with an annual renewal fee of \$750.00 thereafter. The fees proposed are higher than the average researched to incorporate and recognize there is only one fee in Newmarket, in contrast to several fees within other municipalities.

Based on the above information, an extremely conservative projection for licensing 10 tow truck companies is anticipated within Newmarket, resulting in an initial increase in revenue of \$20,000 for 2020, with \$7,500 expected in subsequent years for renewal applications.

Projected Revenues: Limousine Services

A review of limousine companies in Newmarket has determined three or four known companies in operation. Establishing licensing fees varies from municipality to municipality throughout York Region and Ontario, alike. Staff has reviewed the average fees charged within our surrounding area and propose to impose a \$1,000 initial application fee, with an annual renewal fee of \$500 thereafter. Again, this amount takes

into consideration the total fee amounts charged by other municipalities, with Newmarket proposing one set fee for the companies, themselves.

Based on the above information, a conservative projection for licensing three limousine companies is \$3,000 for 2020, with \$1,500 expected in subsequent years for renewal applications. Staff also anticipate an increase in this revenue to incorporate limousine services that are not located within Newmarket but that provide services within our borders that will require a licence.

Projected Revenues: Driving School Instructors

In 2019, the Town of Newmarket introduced a by-law to regulate Driving School Instructors. Total revenue collected for licensing fees and administrative costs equaled \$39,971.00. This revenue was not accounted for in previous budget years due to being a recent licensing requirement. A formal review was necessary to determine revenue accuracy.

Total New Revenue Projections for 2020 (including calculated losses):

Total projected revenues through a formal licensing regime of the above classifications total approximately **\$187,000 for 2020**. This amount will be generated from licensing fees recovered by the Town for administration and enforcement purposes.

It is relevant to note that this projection does not include revenue expected for violation tickets issued under the new AMPS model. Town staff anticipate that, with the application of AMPS for business licensing related offences, ticket revenue targets will reach (or exceed) the Town's 2020 budget projections of **\$160,375**.

Human Resource Considerations

Town staff are requesting Council approval of additional staff resources for the purpose of ensuring compliance with new regulations and to assist with the administration of the licensing process. Should Council approve a twelve month contract for a licensing officer, costs associated to this position would be \$101,925. Costs for changing the current Legislative Services Associate from permanent part-time into a twelve month contract full-time position would be an additional \$31,000.

It is relevant to note that the approval of these two positions would also expand across all licensing program requirements and any licensing by-laws presented to Council at a later date.

Attachments

Attachment 1 – Draft Mobile Business Licence By-law

Attachment 2 – Amended AMPS By-law

Attachment 3 – Amended Fees and Charges By-law

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Contact

For more information contact Flynn Scott, Manager of Regulatory Services at
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Corporation of the Town of Newmarket

By-law 2020-07

A By-law to Regulate and License Mobile Businesses to Operate in the Town of Newmarket.

Whereas Section 151 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may provide for a system of licences with respect to a business;

And whereas the Council of the Town of Newmarket deems it advisable to pass such by-law;

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

1. Title

This By-law may be known and cited for all purposes as the "Mobile Business Licence By-law 2020-07".

2. Definitions

In this By-law:

"Accessible Vehicle" means a motor vehicle that is used or designed to be used to transport Persons who have a disability;

"Affiliation Date" means the date an Applicant applies for a new or the renewal of a Business Licence;

"Appeal Committee" means the Appeal Committee established by the Town.

"Applicant" means a person applying for a Business Licence to carry on a Business, activity, or undertaking pursuant to this By-law;

"Business" means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

"Business Licence" means a licence to operate a Business under this By-law;

"Clean" means free of dirt, garbage, debris, and in good repair;

"Collision" means the unintended contact resulting from the motion of a Motor Vehicle and/or its load;

"Collision Scene" means the general location or place where a Collision has occurred;

"Council" means Council for the Corporation of the Town of Newmarket;

"CVOR Certificate" means a Commercial Vehicle Operator's Registration Certificate issued under the Highway Traffic Act;

"Criminal Record Check" means a criminal record check issued by an Ontario police service as approved by the Manager;

“Director” means the Director of Legislative Services of the Town of Newmarket or designate;

“Director of Recreation and Culture” means the Director of Recreation of the Town of Newmarket or designate;

“Drivers Abstract” means a Driver Record Search issued by the Ontario Ministry of Transportation;

“Driving School Instructor” means a Person who provides instruction in the operation of motor vehicles but does not include a Person who provides in-class instruction only;

“Driving School Instructor Vehicle” means a motor vehicle that is being used by a Driving School Instructor for the purpose of teaching a Person to operate a motor vehicle or conduct a driving test;

“Drop Fee” means any fee or commission paid to a Tow Truck Company or Tow Truck Driver in return for the towing or otherwise conveying of a vehicle to a particular place, other than or in addition to the amount to which the Tow Truck Company or Tow Truck Driver is authorized to charge the customer in accordance with this By-law;

“Fare” means the amount communicated and agreed upon by any potential customer or passenger prior to the start of a Trip;

“Farmers Market” means a central location at which a group of Persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods, and preserved foods, and at which the majority of the Persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;

“Fees and Charges By-law” means the Town of Newmarket Fees and Charges By-law, as amended;

“Licence Fee” means a fee payable for a Business Licence pursuant to the Fees and Charges By-law;

“Licensed” means to have in one’s possession a valid and current Business Licence issued pursuant to this By-law;

“Licensing Officer” means an individual appointed by the Town as a Municipal Law Enforcement Officer or any other individual designated by the Town to enforce this By-law;

“Limousine” means a motor vehicle for hire, not equipped with a meter, to transport Persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousine;

“Limousine Company” means a Business engaged in providing an array of specialty or luxury passenger transportation services via Limousines or luxury sedans generally on a reserved basis, and who offers such vehicle for hire;

“Manager” means the Town of Newmarket Manager of Regulatory Services or their designate;

“Mobile Business” means a Business that provides goods and/or services to the public from a vehicle or apparatus that is designed to be mobile and includes:

- (a) Driving School Instructor Instructors;
- (b) Limousine Companies;
- (c) Refreshment Vehicles;
- (d) Taxicabs;
- (e) Tow Trucks; and
- (f) Transportation Network Companies;

“Non-Profit Organization” means any incorporated or unincorporated organization formed for charitable purposes and not organized for profit or personal gain;

“Operator” means the driver or Person that operates a Business pursuant to this By-law;

“Owner” means a Person who, alone or with others, fits into any one or more of the following categories:

- (a) Is the owner of a vehicle or business;
- (b) Has control over the vehicle or business; or
- (c) Directs the operation of the vehicle or business;

“Person” includes a natural person, corporation, partnership or party, and the personal or other legal representatives or a person to whom the context can apply according to law;

“Police Officer” means a Police Officer defined under the Police Services Act, R.S.O. 1990, c. P15, as amended;

“Refreshment Vehicle Owner” means the owner of a Refreshment Vehicle;

“Refreshment Vehicle Operator” means any Person that is the driver or Operator of a Refreshment Vehicle;

“Refreshment Vehicle” means any vehicle from which refreshments are sold for public consumption, including carts, wagons, trailers and trucks, irrespective of the type of motor power employed to move the Refreshment Vehicle;

“Refreshment Vehicle – Type 1” means a motor vehicle that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to vehicles such as catering trucks and ice cream trucks;

“Refreshment Vehicle – Type 2” means a trailer/cart that is stationary and licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to hot dog carts;

“Refreshment Vehicle Type 3” – means a muscle powered cart that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to bicycle ice cream carts;

“Refreshment Vehicle Type 4” – means a large motorized vehicle, equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments;

“Registered Owner” means a Person who is registered with the Registrar of Motor Vehicles for the Province of Ontario as the plate owner of the vehicle;

“Restricted Area” means the area on a highway used by Drive Test employees for conducting driving tests as contained in Schedule “A” of this By-law;

“Smoke or Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer, or any other lighted, heated tobacco, cannabis, or other substance or product;

“Special Event” means any event which is being held as a community, social, sporting, cultural group celebration, or other similar event on a commercial property or public property;

“Special Event Organizer” means the organizer and/or coordinator of a Special Event;

“Special Event Organizer Licence” means a licence applied for and obtained pursuant to this By-law;

“Special Event Vendor” means a Person that is licensed as a Refreshment Vehicle Owner by the Town;

“Sticker Plate” means a sticker numbered plate issued by the Town to a person licensed pursuant to this by-law;

“Taxicab” means a motor vehicle that is designed or customarily used for the transportation of passengers, where such motor vehicle is offered or made available for hire together with a driver for the conveyance of passengers or goods;

“Taxicab Company” means any Person who carries on the business of accepting, advertising, brokering, or dispatching orders for Taxicabs by way of a listed telephone line, and through other means not limited to an App or other electronic method;

“Taxicab Driver” means the driver of a Taxicab that provides transportation to passengers by way of Persons requesting services through a Taxicab Company, or in response to a Street Hail or pick-up;

“Taxicab Meter” means a device or instrument affixed to a Taxicab which measures, mechanically or electronically, the distance driven and the time waiting upon which a Fare is based, and which computes the amount of the fare chargeable for a Taxicab Trip for which a Fare is chargeable;

“Tow/Towing” means the removal, or a conveyance of a motor vehicle by a Tow Truck and are in accordance with the tow rates set out in this By-law;

“Tow Truck” means a motor vehicle that is designed, modified, configured, or equipped so that it is capable of towing other motor vehicles;

“Tow Truck Company” means a Person who in pursuance of a trade, calling business, or occupation arranges for the provision for hire to a customer of the services of a Tow Truck;

“Tow Truck Driver” means any Person that is the driver or operator of a Tow Truck;

“Town” means the Corporation of the Town of Newmarket in the Regional Municipality of York;

“Trail” means that part of a park that has been improved with a hard surface or not paved and intended for a variety of uses;

“Transportation Network Company (TNC)” means any Person that offers, facilitates, or operates prearranged transportation services exclusively through a TNC App that matches passengers requesting service to TNC Drivers who provide service using a TNC Vehicle;

Transportation Network Company (TNC) App” means a mobile application that can be downloaded onto or accessed on a mobile phone, tablet, or other digital electronic device used to connect passengers with TNC Drivers;

“Transportation Network Company (TNC) Driver” means the driver of a TNC Vehicle who is affiliated with a TNC and who has access to a TNC App to transport passengers for compensation;

“Transportation Network Company (TNC) Vehicle” means a private motor vehicle that provides transportation services for compensation but does not include a Taxicab as defined in this By-law;

“Trip” means each journey commencing when a passenger enters a vehicle-for-hire having made a request for transportation in exchange for a monetary amount and ending when that same passenger exits the vehicle-for-hire;

“Zoning By-law” means the Town of Newmarket Zoning By-law, as amended.

3. General Regulations

(1) No Person shall:

- (a) carry on or operate any Mobile Business within the Town unless that Person holds a valid and subsisting business licence issued to that Person for that Business;
- (b) represent to the public that the Person is licensed under this By-law if the Person is not so licensed; or
- (c) contravene or fail to comply with a term or condition of the Licence imposed under this By-law.

(2) Every Person shall comply with all federal, provincial, and municipal laws and regulations applicable to the Mobile Business.

(3) Every holder of a valid business licence shall display the business licence in a location visible to customers utilizing the business.

(4) Every licence issued shall be deemed to be a personal licence to the licensee therein named and is not transferable.

(5) No Person operating a Mobile Business within the Town shall market that Business or its products and services through any means of promotion unless:

- (a) the Person operating that Business is the holder of a valid business licence issued pursuant to this By-law;
- (b) the Business name being promoted or marketed matches the named endorsed on the Business Licence; and
- (c) the marketing offers products and services that comply with Town by-laws and related enactments.

(6) No Person shall carry on a Mobile Business of any kind, in any way or manner on Town-owned property, parks, boulevards, highways, or other public property unless specifically authorized to do so under the conditions of that Person's business licence.

- (7) Every Mobile Business must apply for, obtain, and be in possession of a valid business licence authorizing them to carry on their Business in the Town.
- (8) No Person shall Smoke or permit Smoking within any vehicle affiliated to any Business licensed under this By-law.

4. Administration and Enforcement

- (1) Through delegated authority, the **Manager** may:
 - (a) grant, issue, or amend a business licence if the Licensing Officer is satisfied that the applicant has complied with all of the by-laws of the Town and related enactments that apply to the applicant's Business;
 - (b) suspend, cancel, or refuse to issue a business licence in accordance with Section 7 of this By-law;
 - (c) impose conditions on a licence at the time of issuance, renewal, or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the Business;
 - (d) conduct inspections and investigations to ensure that all regulations and provisions prescribed in this By-law are carried out; and
 - (e) prepare, from time to time, forms to be used for the purpose of making applications under this By-law.
- (2) No person shall Obstruct or attempt to Obstruct a Licensing Officer or other Person who is exercising a power or performing a duty under this By-law.
- (3) Any vehicle found to be in contravention of any provision of this By-law shall be the liability of the Registered Owner and responsible for any and all fees and fines imposed.

5. Licence Fees

- (1) Business licence fees shall be in accordance with those specified in the Town of Newmarket Fees and Charges By-law.
- (2) An administrative penalty of 25% of the renewal fee shall be added to each unpaid business licence after 31 days from the renewal date. If unpaid by this time, the licence shall be revoked and a new business licence application shall be required.
- (3) If an application for a licence is withdrawn, in writing, prior to the issuance of the licence, the Licence Fee shall be refunded to the applicant if a licence was pre-paid.
- (4) No Licence Fee shall be refunded after the issuance of a licence.

6. Application and Renewal

- (1) The terms of a business licence issued under this By-law are for a period commencing January 1st and ending December 31st of the year for while the licence is issued.
- (2) All new business licence applications shall be accompanied by a non-refundable \$50.00 application processing fee. If a business licence application is approved, the application processing fee shall be applied to the Business Licence fee identified under the Fees and Charges By-law.

- (3) Every applicant for a new Business Licence or for the renewal of a Business Licence issued under this By-law shall:
- (a) submit a completed application on the forms provided;
 - (b) file proof satisfactory to the Licensing Officer that they are eighteen (18) years of age or older, a citizen of Canada, or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of the Licence type that they are applying for;
 - (c) provide a copy of the:
 - (i) incorporating document and a copy of the last annual information return which has been filed with the appropriate government department, if the applicant is a corporation; or
 - (ii) registered declaration of partnership, if the applicant is a registered partnership;
 - (d) provide any other document relating to the operation of the Business requested by the Licensing Officer, including but not limited to:
 - (i) a provincial driver's licence;
 - (ii) Vulnerable Sector Screening Search or Criminal Conviction Background Search issued by the Police Service in which the applicant resides;
 - (iii) Harmonized Sales Tax (HST) number;
 - (iv) Ontario Ministry of Transportation Vehicle Ownership Permit;
 - (v) York Regional Health Department Inspection Certificate;
 - (vi) Insurance Certificates;
 - (vii) Letters of employment;
 - (viii) Ministry of Transportation Driver's Abstract; or
 - (ix) Vehicle lease agreements;
 - (e) pay any required fees pursuant to the Town's Fees and Charges By-law; and
 - (f) pay any outstanding fine(s) owed to the Town prior to the issuance of a business licence.
- (4) If a Person submits a Business Licence application for which additional information or documentation is required by the Licensing Officer, the Person shall supply all required information and documentation within 30 days of the request made by the Licensing Officer, after which time the application may be refused and a new application for a Business Licence is required.

7. Suspension, Cancellation, and Refusal

- (1) The Manager may revoke, suspend, cancel or refuse to renew or issue a licence:

- (a) where the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
 - (b) where the applicant or licensee has been found by the Manager or Licensing Officer to fail to comply with any provision of this By-law; or
 - (c) where the applicant has been found by the Manager to provide false information in order to obtain a business licence.
- (2) Upon such revocation, suspension, cancellation, or refusal to issue or renew a Business Licence, the Manager shall provide a formal letter outlining the reason(s) for the refusal and shall be delivered to the applicant or licensee within seven (7) business days. Such notice shall set out and give reasonable particulars of the ground(s) for the decision and options for an Appeal Hearing.
 - (3) An applicant or licensee of a Business Licence may request a hearing before the Appeals Committee for reconsideration of the Manager's decisions to revoke, suspend, cancel, or refuse to issue or renew a Business Licence by delivering a written request to the Manager within fourteen (14) days of the Manager's decision being sent.
 - (4) The applicant or licensee of a Business Licence must pay a non refundable Appeal Fee in accordance with the Fees and Charges By-law;
 - (5) Before the **Appeals Committee** makes any decision, a written notice to advise the applicant or licensee of the recommendations being made by the Manager with respect to the licence shall be provided to the applicant or licensee.
 - (6) The applicant or licensee shall have the right to make a submission in support of an application or renewal or retention of a licence before the Appeals Committee.
 - (7) Failure for the applicant or licensee to attend the scheduled hearing before the Appeals Committee shall result in the proceeding of the hearing.
 - (8) The decision of the Appeals Committee is final and is not subject to an appeal.
 - (9) No Person shall conduct any Business pursuant to their Business Licence during a period of suspension of that Business Licence.
 - (10) No Person shall market a Business during a period of suspension of that Business' Licence.
 - (11) If the Manager suspends, cancels or refuses to issue, amend or renew the business licence for a business, the Town may post a notice of suspension, cancellation, or refusal on the vehicle used for and affiliated to the Business.
 - (12) A posted notice of suspension, cancellation, or refusal of a business licence shall not be removed until the Manager has approved the issuance of a valid business licence.
 - (13) If a business is operating without a licence required under this By-law, the Town may post a notice describing the failure to hold a valid

business licence on the premises of the business or on the vehicle used and affiliated with the business.

- (14) A posted notice of operating without a business licence shall not be removed until the Manager has approved the issuance of a valid business licence.

8. Specific Regulations

8.1 Taxicab Companies

- (1) A Person wishing to carry on the Business of a Taxicab Company in the Town shall apply for a new Licence or a renewal Licence by providing the Licensing Officer with the following:
- (a) a list of all Taxicab Drivers affiliated with the Taxicab Company
 - (b) a list of all Taxicabs affiliated with the Taxicab Company, where the list shall include the year, make, model and Ontario Licence plate number of the Taxicab Vehicle
 - (c) a sworn declaration from the Taxicab Company that all Taxicab Drivers affiliated with the Taxicab Company have provided the following to the Taxicab Company, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within one year of the Affiliation date
 - ii. a Driver's Abstract issued within one year of the Affiliation date
 - iii. proof of a valid driver's license
 - (d) a sworn declaration from the Taxicab Company that every Taxicab affiliated with the Taxicab Company has the following:
 - i. vehicle ownership;
 - ii. a Safety Standard Certificate issued within one year of the Affiliation Date; and
 - iii. proof of valid Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Taxicab owned by them covering public liability and property damage in the minimum amount of \$2,000,000.00.
 - (e) An insurance certificate demonstrating commercial general liability business insurance for the operations of the Taxicab Company against claims filed against the Taxicab Company with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the Taxi;

Taxicab Driver Requirements

- (2) A Taxicab Company shall not permit a Taxicab Driver to operate in the Town if the Taxicab Driver:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a Driver's Abstract which contains:

- i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Taxicab that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Taxicab Company shall ensure that every Taxicab Driver shall, at all times while operating a Taxicab, have on display his or her name and photograph to be plainly visible and readable by customers.

Taxicab Company Requirements

- (4) A Taxicab Company shall:
- (a) ensure that prior to the collection of any personal information, a Taxicab Company shall obtain consent from any affiliated Taxicab Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
 - (b) set Fares to be charged to passengers transported by affiliated Taxicab Drivers subject to the following conditions:
 - i. the fare for a Trip shall be communicated and agreed upon by any potential passenger clearly and transparently prior to the start of the Trip;
 - ii. the Taxicab Driver shall not commence the Trip until the passenger has been provided a flat rate of the fare communicated in accordance with subsection (i) above; or
 - iii. the customer has been provided the price per kilometre prior to commencement of the Trip.
 - iv. the Taxicab Driver shall charge the passenger the communicated and accepted Fare in accordance with subsection (i) and (ii) and (iii) above;
 - (c) when employing a Taxicab Driver, notify the Town, in writing, that they have employed that Taxicab Driver before he/she operates in the Town and provide the Town with the full name of the Taxicab Driver;
 - (d) when adding a Taxicab to their affiliation, notify the Town in writing that they have added that Taxicab before it is put into operation in the Town and provide the Town with the year, make, model and Ontario Licence plate number of the Taxicab.

Taxicab Company Record Keeping

- (5) A Taxicab Company shall maintain a list of every affiliated Taxicab Driver and Taxicab in a readily accessible format approved by the Manager which shall include:
- (a) the full name, date of birth, address and phone number of the Taxicab Driver; and
 - (b) the year, make, model and Ontario licence plate number of the Taxicab affiliated with the Taxicab Company.

- (6) A Taxicab Company shall maintain information for all Trips completed by affiliated Taxicab Drivers which shall include:
 - (a) the name of the Taxicab Driver;
 - (b) the Taxicab used for the Trip
 - (c) the pick up location and the destination;
 - (d) date and time the Trip started and terminated; and
 - (e) the fare paid for the Trip.
- (7) A Taxicab Company shall maintain information for all Trips that cannot be completed by an affiliated Taxicab Driver including Trips where an Accessible Vehicle is required.
- (8) The records of a Taxicab Company are required to be maintain for a minimum of one (1) year.
- (9) The Taxicab Company shall provide the Manager with any information maintained by the Taxicab Company according to this By-law and shall provide said following information:
 - (a) within thirty (30) days upon request; and
 - (b) notwithstanding section 8.1(9)(a) of this By-law, within seven (7) days where the information is required by the Manager for enforcement purposes.

Removal of Taxicab Driver from Taxicab Company

- (10) A Taxicab Company shall ensure that a Taxicab Driver is removed and/or denied access as a Taxicab Driver in the event that:
 - (a) the Taxicab Company has reasonable belief that an affiliated Taxicab Driver does not meet the Taxicab Driver requirements as set out in this By-law; or
 - (b) the Manager has requested that a Taxicab Driver be removed from the Taxicab company based on an investigation completed whereby the Manager has determined that the Taxicab Driver is not compliant with this By- law.
- (11) No Taxicab Driver that has been removed and/or denied access to a Taxi Company according to section 8.1(10) of this By-law shall be re-granted access until the Manager is satisfied that the Taxicab Driver is in compliance with this By-law.

Taxicab Vehicle Requirements

- (12) A Taxicab Company shall not permit a Taxicab Driver to operate a Taxicab unless the Taxicab:
 - (a) is ten (10) years old or less;
 - (b) has four doors and a maximum seating capacity of seven (7) passengers excluding the Taxicab Driver;
 - (c) has the name of the Taxicab Company with whom the vehicle is associated with, in letters of 15cm in height, on both sides of the vehicle;

- (d) has an assigned number associated with the Taxicab affixed on both sides of the vehicle in a colour that is in contrast with the colour of the vehicle;
 - (e) has a Taxicab Meter;
 - (f) has an electrically illuminated roof sign which is securely attached to the top of the taxicab; and such roof sign shall not be illuminated when a Trip is commenced and shall be illuminated when the Taxicab is in vacant status;
 - (g) has received a Safety Standard Certificate in accordance with this By-law, is inspected at a facility satisfactory to the Manager, and receives an inspection on an annual basis;
 - (h) is clean and in good repair as to its exterior and interior; and
 - (i) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30;
 - ii. fully functioning air-conditioning and heating system; and
 - iii. seat belts in good working order and plainly visible and accessible to passengers.
- (13) No Taxicab Company or Taxicab Driver shall permit passengers while in the course of their duties unless that passenger is a paying customer that has requested transportation services.

8.2 Transportation Network Companies

TNC Application Requirements

- (1) A Person wishing to carry on the Business of a TNC in the Town shall apply for a new Licence or a renewal Licence by providing the Licensing Officer with the following:
 - (a) a list of all TNC Drivers affiliated with the TNC, where the list shall include the following:
 - i. the full name of the TNC Driver; and
 - ii. the year, make, model, and Ontario licence plate number of the TNC vehicle operated by the TNC Driver.
 - (b) a sworn declaration from the TNC confirming that all TNC Drivers affiliated with the TNC have provided the following to the TNC, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within one year of the Affiliation Date;
 - ii. a Safety Standard Certificate issued within one year of the Affiliation Date for the TNC Vehicles operated by the TNC Driver;
 - iii. a Driver's Abstract issued within one year of the Affiliation Date;
 - iv. proof of valid ride sharing automobile liability insurance which shall include at least 2,000,000 for third party liability coverage per incident, at least 2,000,000 of uninsured

automobile coverages, and statutory Ontario accident benefits; and

- v. proof of a valid driver's licence.
 - (c) An insurance certificate demonstrating commercial general liability business insurance for the operations of the TNC against claims filed against the TNC with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the TNC;
 - (d) An indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the TNC's business and services, which shall be in a form satisfactory to the Licensing Officer;
 - (e) A sworn declaration from the TNC confirming to the satisfaction of the Licensing Officer that:
 - i. the TNC will have the ability to maintain and deliver data in the form, manner, and frequency required by this By-law;
 - ii. the TNC has data security measures in place to protect the personal data collected by the TNC relating to passengers and drivers; and
 - iii. the TNC will ensure that every affiliated TNC Driver maintains the requirements set forth in this By-law;
- and
- (f) a report from an independent third party auditor confirming that the TNC is accurately collecting the information as required by this By-law.

TNC Driver Requirements

- (2) A TNC shall not permit a TNC Driver to have access to the TNC App to pick up passengers in the Town if the TNC Driver:
 - (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a Driver's Abstract which contains:
 - i. more than eight (8) demerit points according to the Highway Traffic Act, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario.
 - (c) is operating a TNC Vehicle that has not obtained a Safety Standard Certificate in compliance with this By-law; or
 - (d) operates a TNC Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) TNC Drivers shall:

- (a) only accept a request for transportation services using the TNC App;
- (b) not be permitted to accept any hail requests for transportation services; and
- (c) maintain in the TNC Vehicle at all times, a Safety Standard Certificate that meets the requirements of this By-law.

TNC General Requirements

(4) A TNC shall:

- (a) ensure that driver training is available for all affiliated TNC Drivers on the use of the TNC App;
- (b) ensure that prior to the collection of any personal information, a TNC shall obtain consent from any affiliated TNC Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
- (c) confirm by way of an independent third party auditor on a quarterly basis that the information provided in accordance with this By-law is accurate and true;
- (d) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service or any other issues arising from the TNC operations; and
- (e) where service requested is a type which would require an Accessible Vehicle and the TNC is not able to provide such service, direct the person requesting such service to a Person who can provide such service.

(5) A TNC shall not:

- (a) obstruct the Manager or Licensing Officer in the use of either passenger or driver accounts associated with the TNC App for use by the Manager or Licensing Officer to ensure compliance with this By-law; and/or
- (b) permit, encourage or condone the acceptance of hails or the solicitation of passengers by TNC Drivers.

TNC App Requirements

(6) A TNC shall set Fares to be charged to passengers transported by affiliated TNC Drivers via the TNC App subject to the following conditions:

- (a) the fare for a Trip shall be communicated to a potential passenger clearly and transparently prior to the start of the Trip;
- (b) the TNC Driver shall not commence the Trip until the passenger has provided electronic acceptance of the fare communicated in accordance with section 8.2(6)(a) above;
- (c) the TNC Driver shall charge the passenger the communicated and accepted fare in accordance with section 8.2(6)(a) and (b) above; and
- (d) a TNC shall ensure that a record is maintained of the passenger's acceptance of the fare provided.

- (7) A TNC shall ensure that its TNC App is based on functioning GPS technology as used by its affiliated TNC Drivers.
- (8) A TNC shall provide passengers with the following information via the TNC App prior to the start of a Trip:
 - (a) the TNC Vehicle make and model;
 - (b) TNC Driver's first name;
 - (c) Ontario licence plate number of the TNC Vehicle; and
 - (d) photograph of the TNC Driver.
- (9) A TNC shall at the conclusion of every Trip via the TNC App provide the passenger with an electronic receipt containing the following information:
 - (a) the fare charged;
 - (b) the date and end time of the Trip;
 - (c) the start and end locations of the Trip; and
 - (d) the TNC Driver's first name and provincial licence plate number of the TNC Vehicle.

TNC Record Keeping

- (10) A TNC shall maintain a list of every affiliated TNC Driver in a readily accessible electronic format approved by the Manager which shall include:
 - (a) the full name, date of birth, address and phone number of the TNC Driver; and
 - (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the TNC to be operated by the Driver as a TNC Vehicle.
- (11) A TNC shall maintain information for all Trips completed by affiliated TNC Drivers which shall include:
 - (a) the name of the TNC Driver;
 - (b) pick up location and the destination;
 - (c) date and time the Trip started and terminated;
 - (d) length of time elapsed between the passenger's service request and the start of the Trip; and
 - (e) the fare paid for the Trip.
- (12) A TNC shall maintain information for all Trips that cannot be completed by an affiliated TNC Driver including for Trips where an accessible vehicle is required.
- (13) The records a TNC is required to maintain under the provisions of this By-law shall be maintained for a minimum of one year.
- (14) The TNC shall provide the Manager with any information maintained by the TNC according to this By-law and shall provide said information:

- (a) within thirty (30) days upon request; and
- (b) notwithstanding section 8.2(14)(a) of this By-law, within seven (7) days where the information is required by the Manager for enforcement purposes.

Removal of TNC Driver from TNC App

- (15) A TNC shall ensure that a TNC Driver is removed from and/or denied access to a TNC App in the event that:
 - (a) the TNC has reasonable belief that an affiliated TNC Driver does not meet the TNC Driver requirements as set out in this By-law; or
 - (b) the Manager has requested that a TNC Driver be removed from the TNC App based on an investigation completed whereby the Manager has determined that the TNC Driver is not compliant with this By-law.
- (16) No TNC Driver that has been removed and/or denied access to a TNC App according to section 8.2(15) of this By-law shall be re-granted access until the Manager is satisfied that the TNC Driver is in compliance with this By-law.

TNC Vehicle Requirements

- (17) A TNC shall not permit a TNC Driver to operate using a TNC Vehicle unless the TNC Vehicle:
 - (a) is ten (10) years old or less;
 - (b) has four doors and a maximum seating capacity of seven (7) passengers excluding the TNC Driver;
 - (c) has received a Safety Standard Certificate in accordance with this By-law, is inspected at a facility satisfactory to the Manager, and receives an inspection on an annual basis;
 - (d) is clean and in good repair as to its exterior and interior; and
 - (e) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30;
 - ii. fully functioning air-conditioning and heating system; and
 - iii. seat belts plainly visible and accessible to passengers.

8.3 Refreshment Vehicles

- (1) Every applicant for a **Refreshment Vehicle Owner's** Licence or for the renewal of such licence, shall submit to the Town:
 - (a) a list of all **Refreshment Vehicle Operators** affiliated with the **Refreshment Vehicles Owner's** Licence, where the list shall include the following:
 - i. the full name of the **Refreshment Vehicle Operator**;
 - ii. a Criminal Record Check issued within 30 days of the application; and
 - (b) a list of all **Refreshment Vehicles** affiliated with the Refreshment Vehicle Owner's Licence where the list shall include the following:

- i. vehicle ownership;
 - ii. a Safety Standards Certificate issued within 30 days of the application;
 - iii. a certificate of automobile insurance in the amount of two million dollars (\$2,000,000); and if requested a certificate of general liability insurance in the amount of two million dollars (\$2,000,000);
 - iv. a certificate from the Medical Officer of Health indicating that the Refreshment Vehicle complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed by the Town of Newmarket; and
 - v. sections 8.4(1)(b)(i), (ii), (iii) do not apply to Refreshment Vehicle – Type 3.
- (2) A Refreshment Vehicle Owner shall not permit a Refreshment Vehicle Operator to operate in the Town if the Refreshment Vehicle Operator:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:
 - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Refreshment Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Refreshment Vehicle Owner shall ensure that every Refreshment Vehicle Operator shall, at all times while operating a Refreshment Vehicle, have on display his or her name and photograph to be plainly visible and readable by customers.

Refreshment Vehicle Owner Prohibitions

- (4) A Refreshment Vehicle Owner shall not operate or permit the operation of a Refreshment Vehicle:
- (a) from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;
 - (b) on private property without written consent from the property owner or management company. Notwithstanding anything in this section, the owner of a refreshment vehicle – Type 1 which has the sole purpose of travelling from place to place shall not be required to provide letters of permission from the property owner;
 - (c) on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
 - (d) unless it meets the requirements of the Region of York Health Department;

- (e) which depends upon outside sources of power, electricity or water unless approved by property owner;
 - (f) within thirty (30) metres of any intersection;
 - (g) within one hundred (100) metres of an entrance to any public park;
 - (h) within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any day;
 - (i) within eight (8) metres of the vehicular entrance to the property or in any location which would obstruct the flow of vehicle traffic;
 - (j) at an approved site for more than twelve hours in any twenty-four hour period;
 - (k) with the exception of Refreshment Vehicle - Type 1 Catering Trucks, between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.
- (5) Every Refreshment Vehicle Owner or Operator shall not:
- (a) use or permit the use of any amplification of sounds that are contrary to the Town's Noise By-law as may be amended from time to time; or
 - (b) provide any seating or move any park benches or tables to his location for the purpose of his customers.
- (6) Every Refreshment Vehicle Owner shall:
- (a) ensure the interior and exterior of the Refreshment Vehicle is kept clean and in good repair;
 - (b) clean up any debris, refuse and garbage resulting from the operation of the **Refreshment Vehicle** in the immediate vicinity of the serving location of the **Refreshment Vehicle**;
 - (c) when employing a Refreshment Vehicle Operator, notify the Town in writing that they have employed that person before he or she operates in the Town and provide the Town with:
 - i. the full name of the Refreshment Vehicle Operator; and
 - ii. a Criminal Record Check within 30 days of the start date of employment.

Refreshment Vehicle – Type 1; Duties of Owner

- (7) Every Refreshment Vehicle – Type 1 shall have:
- (a) conspicuously displayed on the rear, in black letters on a yellow background, the words "WATCH FOR CHILDREN" in letters at least 15 centimetres high and the vertical width of such yellow background shall be at least 22.8 centimetres; and
 - (b) a "Mirror System" which makes it possible for the driver to complete a 360° visual inspection of the area around the Refreshment Vehicle; and
 - (c) a back-up warning device that is engaged when the Refreshment Vehicle transmission is placed in reverse gear.

Special Events

- (8) No Person shall hold or carry on, or permit to be held or carried on, a Special Event without a Special Event Organizer Licence.
- (9) Every **Refreshment Vehicle Owner** shall not operate or permit the operation of a **Refreshment Vehicle**:
- (a) from any park or recreation facility without permission and a signed lease agreement from the Director of Recreation and Culture or his designate; and having provided a certificate of general liability insurance in the amount of \$2,000,000 naming the Town of Newmarket as an additional insured;
 - (b) at a Special Event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or his designate;
 - (c) at a Special Event without first completing the York Region Public Health Department's street food vending cart application and after receiving their subsequent approval, file the approval with the **Director of Recreation and Culture** or his designate;
 - (d) at any Community Event which has been sponsored by a charitable or non for profit organization without first obtaining written permission of the said charitable or not for profit organization; and
 - (e) on any Trail in the Town.
- (10) An Owner's Licence for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.
- (11) A **Special Event Organizer Licence** is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.
- (12) Every **Special Event Organizer** shall provide:
- (a) A completed "Application for **Special Event Organizer Licence**" and the licensing fee as set out in the Fees and Charges by law; and
 - (b) A **Special Event Organizer** must provide for each **Special Event Vendor**:
 - i. For "Refreshment Vehicle Type1 and Type 4", Certificate of automobile insurance in the amount of two million dollars (\$2,000,000.00), if the vendor is a motorized vehicle; and
 - ii. For Refreshment Vehicle Types 1, 2, 3 and 4, Certificate of General liability Insurance in the amount of two million dollars (\$2,000,000.00).
 - (c) A list of all **Refreshment Vehicles** that will be operating at the **Special Event**; and
 - (d) Proof that the **Special Event Organizer** has informed the **Health Department** of the dates and times of the event.
- (13) A **Special Event Organizer Licence** for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

- (14) A **Farmers Market** is exempt from obtaining an Owner's Refreshment Vehicle licence where products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products, at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

8.4 Limousine Companies

- (1) Every applicant for a Limousine Company Licence or for the renewal of such licence, shall submit to the Town:
- (a) a list of all Limousine Drivers affiliated with the Limousine Company, where the list shall include the following:
 - i. the full name of the Limousine Driver;
 - ii. proof of a valid driver's licence;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the application; and
 - v. a Driver's Abstract issued within 30 days of the application.
 - (b) a list of all **Limousines** affiliated with the Limousine Company to be licensed with the Town, where the list shall include the following:
 - i. vehicle ownership;
 - ii. a Safety Standard Certificate issued within 30 days of the application; and
 - iii. proof of valid Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Limousine owned by them covering public liability and property damage in the minimum amount of \$2,000,000.00.
- (2) Every **Limousine Company** shall obtain and maintain an Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Limousine(s) owned by them covering public liability and property damage in the minimum amount of \$5,000,000.00 and shall produce annually to the Town a Certificate of Insurance issued by the insurer, or its agent, certifying that an insurance policy providing coverage in accordance herewith is in effect.

Limousine Driver Requirements

- (3) Every Limousine Company shall ensure the **Limousine Driver** maintains and keeps the following documents in the **Limousine** at all times:
- (a) a current provincial motor vehicle permit for the Limousine; and
 - (b) a current Certificate of Liability Insurance for the Limousine.
- (4) A Limousine Company shall not permit a Limousine Driver to operate in the Town if the Limousine Driver:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:

- i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
- (c) is operating a Limousine that does not meet the automobile insurance standards as set out in this By-law.
- (5) A Limousine Company shall ensure that every Limousine Driver shall, at all times while operating a Limousine, have on display his or her name and photograph to be plainly visible and readable by customers.
- (6) Every **Limousine Company** shall:
 - (a) when employing a Limousine Driver, notify the Town, in writing, that they have employed that Limousine Driver before he or she operates in the Town and provide the Town with:
 - i. the full name of the limousine driver;
 - ii. proof of a valid driver's license;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the **Affiliation Date**; and
 - v. a Driver's Abstract issued within 30 days of the **Affiliation Date**.
- (7) A **Limousine Company** shall not permit:
 - (a) a greater number of passengers in a Limousine than the manufacturers rating of seating capacity of such Limousine, exclusive of the driver; and
 - (b) the operation of a limousine with luggage or other material piled or placed in or on the limousine in a manner that obstructs their view.

Limousine Vehicle Requirements

- (8) A Limousine Company shall not permit a Limousine to be used unless that Limousine:
 - (a) is 10 years old or less;
 - (b) is operating without any mechanical defects and interior or exterior damage;
 - (c) is clean and in good repair; and
 - (d) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30; and
 - ii. a fully functioning air-conditioning and heating system.

8.5 Driving School Instructors

- (1) No **Person** except an individual may hold a **Driving School Instructor Licence**.
- (2) No **Person's Driving School Instructor Licence** is valid unless the individual holds a valid **Ministry of Transportation Instructor's Licence**.

(3) Every Person applying for a **Driving School Instructor Licence** or renewal shall:

- (a) submit a copy of the insurance policy or a certificate of automobile insurance to the **Director** that is issued by an insurer of duly authorized to issue insurance within the Province of Ontario and for each **Driving School Instructor Vehicle**, coverage shall be in the amount of \$2 million (\$2,000,000.00) dollars for personal injury and property damage arising out of any one accident or occurrence, and such policy shall be endorsed to the effect that the **Director** will be given fifteen (15) business days' notice in writing of any cancellation;
- (b) provide a valid and current Class "G" Ontario Driver's Licence; and
- (c) provide proof of a valid Ministry of Transportation Driving Instructor's Licence.

(4) Every Driving Instructor shall:

- (a) carry at all times and produce, upon request, a valid and unexpired **Ministry of Transportation Driving Instructor's Licence**;
- (b) carry a valid and unexpired driver's licence;
- (c) produce upon request documentation showing dates and times that driving instructions and/or testing are being provided;
- (d) affix a **Sticker Plate** that is visible to the rear of the Driving Instructor Vehicle; and
- (e) affix a roof sign on the Driving Instructor Vehicle showing the business name of the Driving School Instructor as shown on the Driving Instructor Licence at all times while the **Driving Instructor Vehicle** is within the Town of Newmarket.

Restricted Area for Driving School Instructors

- (5) No **Driving School Instructor** shall **Operate** or permit to **Operate a Driving Instructor Vehicle** on any **Highway** within the area marked "**Restricted Area**" in Schedule "A" to this By-law.
- (6) Notwithstanding section 8.5(5), a **Driving Instructor Vehicle** may be **Operated** within the area marked "**Restricted Area**" in Schedule "A" provided that:
 - (a) the **Driving School Instructor** is picking up or dropping off a student residing in the "**Restricted Area**" for the purpose of giving driving instruction;
 - (b) when a **Driving School Instructor** is picking up or dropping off a student from a Secondary School located in the "**Restricted Area**"; or
 - (c) when a **Driving School Instructor Vehicle** is used for the purpose of a driving test required by the **Ontario Ministry of Transportation**.

8.6 Tow Truck Companies

Tow Truck Company General Requirements

- (1) A **Person** wishing to carry on the Business of a **Tow Truck Company** in the Town shall apply for a new Licence or a renewal Licence by providing the **Licensing Officer** with the following:

- (a) insurance coverage for the following kinds of liability in the following amount in respect of any one claim:
 - i. coverage against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property, in the amount of at least \$2,000,000 exclusive of interest and costs;
 - ii. coverage against liability for damage to a vehicle of the consumer while in the provider's care, custody or control, in the amount of at least \$100,000; and
 - iii. cargo liability insurance in the amount of at least \$50,000.
- (b) a list of all Tow Truck Drivers affiliated with the Tow Truck Company, where the list shall include the following:
 - i. the full name of the **Tow Truck Driver**;
 - ii. the year, make, model, and Ontario licence plate number of the Tow Truck operated by the Tow Truck Driver.
- (c) a sworn declaration from the **Tow Truck Company** confirming that all Tow Truck Drivers affiliated with the Tow Truck Company have provided the following to the Tow Truck Company, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within 30 days of the Affiliation Date;
 - ii. a Safety Standard Certificate issued within 30 days of the Affiliation Date for the Tow Truck operated by the Tow Truck Driver;
 - iii. proof of a valid Ontario driver's licence of a class authorizing him or her to drive a Tow Truck; and
 - iv. a Driver's Abstract issued within 30 days of the Affiliation Date.

Tow Truck Driver Requirements

- (2) Every Tow Truck Company shall ensure the Tow Truck Driver:
 - (a) maintains and keeps the following documents in the Tow Truck at all times:
 - i. a current provincial motor vehicle permit for the Tow Truck; and
 - ii. a current Certificate of Liability Insurance for the Tow Truck.
 - (b) cleans up and removes any and all debris, fragments of glass, vehicle parts, or other materials from any highway or roadway during a collision, prior to the towing or conveying of any vehicle from the scene;
 - (c) notwithstanding section 8.6(1)(b), where the accident scene is an ongoing police investigation, a Tow Truck Company shall ensure the clean up and removal of all debris is carried out within 8 hours immediately following the completion of the investigation.
- (3) A Tow Truck Company shall not permit a Tow Truck Driver to operate in the Town if the Tow Truck Driver:

- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:
 - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Tow Truck that does not meet the automobile insurance and safety standards as set out in this By-law.
- (4) A Tow Truck Company shall ensure that every Tow Truck Driver shall, at all times while operating a Tow Truck, have on display his or her name and photograph to be plainly visible and readable by customers.
- (5) Every Tow Truck Company shall:
- (a) when employing a Tow Truck Driver, notify the Town, in writing, that they have employed that Tow Truck Driver before he or she operates in the Town and provide the Town with:
 - i. the full name of the Tow Truck Driver;
 - ii. proof of a valid driver's licence;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the affiliation; and
 - v. a Driver's Abstract issued within 30 days of the affiliation.

Tow Truck Company Prohibitions

- (6) No Tow Truck Company shall permit an affiliated Tow Truck Driver to:
- (a) operate any affiliated Tow Truck unless it is clean, free from mechanical defects, and in good repair;
 - (b) interfere with any contract of another Tow Truck Company where a Person has hired or has indicated an intention to hire that Tow Truck Company, except under the direction of a Police Officer who is directing the removal of a vehicle in order to assist in an investigation;
 - (c) suggest or recommend any location to tow a customer's vehicle to unless the Tow Truck Company or Tow Truck Driver has been requested to do so by the customer;
 - (d) accept any gift or payment from any facility in exchange for business from the Tow Truck Company, either directly or indirectly; and
 - (e) demand, request or permit the acceptance or receive a **Drop Fee**.
 - (f) connect any vehicle to a Tow Truck, or perform any other services, unless first requested to do so by a customer, a Police Officer, any member of a municipal fire department, or any person authorized by law to direct the removal of a vehicle from public or private property;

- (g) stop, stand, or park within (200) two hundred meters of a collision scene unless the Tow Truck Driver has been summoned to the collision by a customer, Police Officer, or member of a municipal fire department;
- (h) remove any vehicle from a Collision Scene or immediate vicinity of an accident in respect of which a report is required by law to be made by a Police Officer, until a report has been made and the investigating Police Officer has stated that the vehicle is no longer required to remain at the scene; and
- (i) permit to be driven or operated a Tow Truck with any passenger, other than the customer, while the Tow Truck is actively engaged in providing towing services.

Tow Truck Equipment

- (7) Every Tow Truck Company shall require all Tow Trucks to provide and maintain the following equipment:
 - (a) a hoisting device of sufficient capacity to safely lift the vehicle to be towed;
 - (b) a tow cradle, tow bar, or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of a towed vehicle, except where a flatbed-type Tow Truck is being used;
 - (c) one device for securing the steering wheel of a vehicle;
 - (d) one 1.25kg dry chemical fire extinguisher of a type capable of functioning at -40 degrees Celsius;
 - (e) a minimum of two safety chains having a minimum length of 2.74 meters, each comprised of links of at least 7.94 millimetres steel;
 - (f) one broom;
 - (g) one shovel;
 - (h) one general purpose first aid kit;
 - (i) at least two wheel blocks;
 - (j) dollies, with the exception of a flatbed-type Tow Truck;
 - (k) an intermittent warning light system consisting of at least one light which, when activated, is clearly visible from three hundred sixty (360) degrees for a distance of at least one hundred (100) meters;
 - (l) absorbent material capable of absorbing or removing any vehicle fluid product from a roadway surface;
 - (m) a garbage container of a minimum capacity of 10 litres;
 - (n) a pry bar at least 1.5 meters in length;
 - (o) wheel straps;
 - (p) a safety vest; and
 - (q) any other equipment or provisions that may be required under the Highway Traffic Act, as amended.

Tow Truck Company Rates

(8) Every Tow Truck Company shall:

- (a) provide a quote, in writing, within 10% of the cost for towing services to a customer prior to services accepted and rendered;
- (b) provide an itemized invoice of the cost for towing services to the customer;
- (c) charge a maximum flat rate towing fee of \$250.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a Collision Scene;
- (d) charge a maximum flat rate towing fee of \$125.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a non-collision scene; and
- (e) Notwithstanding sections 8.6(8)(c) and (d), a Tow Truck Company shall be permitted to charge the following:
 - i. an additional rate of \$1.55 per kilometer after the first 30 kilometers of towing services;
 - ii. if required, a flat rate winch fee of \$103.00; and/or
 - iii. a wait-time (collision reporting centre) fee of \$17 per 15 minutes.

(9) If a customer's requested drop-off location is closed, the Tow Truck Company shall require the Tow Truck Driver to take the customer's vehicle to a second location of the customer's choice and may only charge an additional mileage rate for a re-tow as follows:

- (a) \$3.10 per kilometer for the first 30 kilometers; and
- (b) \$1.55 per kilometer after the first 30 kilometers.

Tow Truck Company Record Keeping

(10) A Tow Truck Company shall maintain a list of every affiliated Tow Truck Driver in a readily accessible electronic format approved by the Manager which shall include:

- (a) the full name, date of birth, address and phone number of the Tow Truck Driver; and
- (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the Tow Truck Company.

(11) A Tow Truck Company shall maintain information for all Trips completed by affiliated Tow Truck Drivers which shall include:

- (a) the name of the Tow Truck Driver;
- (b) the name of the customer;
- (c) the pick up location and the destination for towing services;
- (d) the date and time the towing services started and terminated; and
- (e) the towing fees paid for the Trip.

(12) Every Tow Truck Company shall keep the original copies of all run sheets and documentation required to be maintained under this By-law for a minimum of one year from the date of services provided.

Tow Truck Companies Affiliated with Public Garages

- (13) Any Tow Truck Company affiliated or operated out of a Public Garage that is located within or outside of the Town of Newmarket shall provide:
- (a) the name, address, and telephone number of the Public Garage; and
 - (b) a copy of any agreements between the Tow Truck Company and Public Garage.

9. Offences

- (1) Every Person who contravenes any provision of this By-law are liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62.
- (2) Every Person who is in contravention of the provisions of this By-law is responsible for any fines and administrative fees imposed in relation to their Licence under the Administrative Monetary Penalty System By-law 2019-62.
- (3) Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law-2019- 62.

10. Any Person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

11. Severability

(1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

12. Repeal

- (1) By-law Number 2018-39, 2016-52 and 2016-34, is hereby repealed and this by-law shall come into force an effect upon adoption.

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Restricted Area

Schedule A to
By-law 2020-07

MTO
DRIVE TEST
CENTRE

Legend

Restricted Area

Road

Railway

Municipal
Boundary



Newmarket

Designed & produced by
Information Technology - GIS
Printed: May, 2017.

0 100 200 300 400 500
Metres

SOURCES: Railway, Roads, Municipal Boundary - The Regional Municipality of York, © 2017. All other Data Layers - The Town of Newmarket, 2017. **DISCLAIMER:** This mapping is a representation of the earth's surface and provides estimates of area and distance. The information depicted on this map has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist. IT IS NOT A SUBSTITUTE FOR A LEGAL SURVEY.



Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

Whereas the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes a municipality to require a Person to pay an Administrative Penalty for a contravention of any By-law respecting the parking, standing or stopping of vehicles; and,

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 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule A of By-law 2019-62 as it relates to the Designated By-law Provisions.

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

1. That Schedule A to the By-law 2019-62 be repealed and replaced by the attached Schedule A.

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Schedule “A”

Administrative Monetary Penalty System By-law
Designated By-law Provisions

- 1. For the purposes of Section 3 of this By-law, Column A3 in the following table lists the provisions in the **Designated By-law** identified in the Schedule, as amended.
- 2. Column A4 in the following table sets out the short form wording to be used in a **Penalty Notice** for the contravention of the designated provisions listed in Column A3.
- 3. Column A6 in the following table set out the **Administrative Penalty** for the **Set Penalty Amount** in accordance with Section 5(5)(b) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.
- 4. The penalties shown in Column A5 below include a twenty five percent (25%) discount for **Early Payment** in accordance with Section 5(5)(a) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.
- 5. The penalties shown in column A7 below include a twenty five percent (25%) surcharge for **Late Payment** in accordance with Section 5(5)(c) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.

A1 By-law	A2 Item #	A3 Section	A4 Description	A5 Early Payment	A6 Set Penalty	A7 Late Payment
Parking By-law 2019-XX	1	5(2)	Interfere with Authorized Sign	30.00	40.00	50.00
	2	5(3)	Obstruct Authorized Sign	30.00	40.00	50.00
	3	6(1)(a)	Park facing wrong direction	30.00	40.00	50.00
	4	6(1)(b)	Park more than 30cm from curb	30.00	40.00	50.00
	5	6(1)(c)	Fail to park parallel to curb	30.00	40.00	50.00
	6	7(1)(a)	Park within 9m of non-signalized intersection	37.50	50.00	62.50
	7	7(1)(b)	Park within 15m of signalized intersection	37.50	50.00	62.50
	8	7(1)(c)	Exceed posted time	30.00	40.00	50.00
	9	7(1)(d)	Park contrary to traffic control device	30.00	40.00	50.00
	10	7(1)(e)	Park causing obstruction	30.00	40.00	50.00
	11	7(1)(f)	Park between 0200 and 0600 hrs	75.00	100.00	125.00
	12	7(1)(g)	Park on boulevard	37.50	50.00	62.50
	13	7(1)(h)	Park within 3m of hydrant	75.00	100.00	125.00
	14	7(1)(i)	Park within 152m of firefighting apparatus	56.25	75.00	93.75
	15	7(1)(j)	Park within 7m of fire hall entrance – same side	37.50	50.00	62.50
	16	7(1)(k)	Park within 30m of fire hall entrance – opposite side	37.50	50.00	62.50
	17	7(1)(l)	Park on a bridge	37.50	50.00	62.50
	18	7(1)(m)	Park within 6m of bus stop	30.00	40.00	50.00
	19	7(1)(n)	Park in a public laneway	30.00	40.00	50.00
	20	7(1)(o)	Park on a median	37.50	40.00	50.00
	21	7(1)(p)	Double park	37.50	50.00	62.50
	22	7(1)(q)	Park within turning circle	30.00	40.00	50.00
	23	7(1)(r)	Park displaying vehicle for sale	30.00	40.00	50.00
	24	7(1)(s)	Park without valid insurance	30.00	40.00	50.00
	25	7(1)(t)	Parked while washing or repairing vehicle	30.00	40.00	50.00
	26	7(1)(u)	Exceed 3 consecutive hours	30.00	40.00	50.00
	27	7(1)(v)	Park within 0.6m of driveway	37.50	50.00	62.50
	28	7(1)(w)	Park obstructing previously parked vehicle	30.00	40.00	50.00
	29	7(1)(x)	Park on narrow roadway	30.00	40.00	50.00
	30	7(1)(y)	Park alongside railway tracks	30.00	40.00	50.00
	31	7(1)(z)	Park causing obstruction to building	30.00	40.00	50.00
	32	7(1)(aa)	Park within 15m of Authorized Sign intersection	30.00	40.00	50.00
	33	7(1)(bb)	Park within 30m of traffic signal intersection	37.50	50.00	62.50
	34	7(1)(cc)	Park within a turning basin	30.00	40.00	50.00
	35	7(1)(dd)	Interfere with funeral procession	30.00	40.00	50.00
	36	7(1)(ee)	Park within 15m of dead-end roadway	30.00	40.00	50.00
	37	7(1)(ff)	Park within 3m of walkway	30.00	40.00	50.00
	38	7(1)(gg)	Park within Unauthorized Area	75.00	100.00	125.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Parking By-law 2019-62	39	7(2)	Park commercial vehicle on street	41.25	55.00	68.75
	40	7(3)	Park trailer on street	41.25	55.00	68.75
	41	7(4)(a)	Park within 15m of crosswalk – same side	37.50	50.00	62.50
	42	7(4)(b)	Park within 30m of crosswalk – opposite side	37.50	50.00	62.50
	43	7(5)(a)	Unauthorized parking on private property	30.00	40.00	50.00
	44	7(5)(b)	Unauthorized parking on Town property	30.00	40.00	50.00
	45	7(5)(c)	Park during restricted time	30.00	40.00	50.00
	46	8(1)(a)	Stop within intersection	37.50	50.00	62.50
	47	8(1)(b)	Stop within 9m of pedestrian crossover	37.50	50.00	62.50
	48	8(1)(c)	Stop within 9m of School Crossing Guard	37.50	50.00	62.50
	49	8(1)(d)	Stop causing obstruction	37.50	50.00	62.50
	50	8(1)(e)	Stop contrary to traffic control device	30.00	40.00	50.00
	51	8(1)(f)	Stop parallel to vehicle	30.00	40.00	50.00
	52	8(1)(g)	Stop on a bridge	37.50	50.00	62.50
	53	8(1)(h)	Stop within tunnel	37.50	50.00	62.50
	54	8(1)(i)	Stop obstructing traffic	56.25	75.00	93.75
	55	8(1)(j)	Stop within turning circle	37.50	50.00	62.50
	56	8(1)(k)	Stop within Unauthorized Area	75.00	100.00	125.00
	57	9(3)	Park within fire route	112.50	150.00	187.50
	58	10(1)	Park contrary to No Parking sign	37.50	50.00	62.50
	59	11(1)	Stop contrary to No Stopping sign	37.50	50.00	62.50
	60	13(1)(a)	Park contrary to municipal parking area	30.00	40.00	50.00
	61	13(1)(b)	Park in more than one space	30.00	40.00	50.00
	62	13(1)(c)	Unauthorized parking in municipal parking area	30.00	40.00	50.00
	63	14(1)(a)	Failure to display accessible permit	300.00	300.00	300.00
	64	14(1)(b)	Unauthorized use of accessible permit	300.00	300.00	300.00
	65	17(2)	Obstruct a Municipal Enforcement Officer	75.00	100.00	125.00
Mobile Business Licence By-law 2020-07	66	3(1)(a)	Operate a Mobile Business without a licence	450.00	600.00	750.00
	67	3(1)(c)	Failure to comply with conditions of licence	225.00	300.00	375.00
	68	3(2)	Failure to comply with legislation	225.00	300.00	375.00
	69	3(3)	Failure to display business licence	225.00	300.00	375.00
	70	3(5)(a)	Advertising without a business licence	225.00	300.00	375.00
	71	3(5)(b)	Improper business name advertised	225.00	300.00	375.00
	72	3(6)	Carry on business on Town property without authorization	225.00	300.00	375.00
	73	3(7)	Failure to possess business licence	225.00	300.00	375.00
	74	3(8)	Smoke or permit smoking in business vehicle	225.00	300.00	375.00
	75	4(2)	Obstruct a Licensing Officer	450.00	600.00	750.00
	76	7(8)	Operate business while licence is suspended	450.00	600.00	750.00
	77	7(9)	Advertise business while licence is suspended	225.00	300.00	375.00
	78	7(11)	Remove posted notice of suspension	225.00	300.00	375.00
	79	7(13)	Remove posted notice of no business licence	225.00	300.00	375.00
	80	8.1(2)	Failure to comply with terms of Taxicab Driver requirements	225.00	300.00	375.00
	81	8.1(3)	Failure to post Taxicab Driver information	225.00	300.00	375.00
	82	8.1(4)(b)	Failure to disclose Fare for Taxicab Trip	225.00	300.00	375.00
	83	8.1(4)(c)	Failure to notify Town of new Taxicab Driver	225.00	300.00	375.00
	84	8.1(4)(d)	Failure to notify Town of new Taxicab	225.00	300.00	375.00
	85	8.1(5)(a)	Failure to provide required Taxicab Driver information	225.00	300.00	375.00
	86	8.1(5)(b)	Failure to provide required Taxicab information	225.00	300.00	375.00
	87	8.1(6)	Failure to maintain Taxicab Trip information	225.00	300.00	375.00
	88	8.1(10)	Failure to remove Taxicab Driver	225.00	300.00	375.00
	89	8.1(12)	Failure to comply with Taxicab requirements	450.00	600.00	750.00
	90	8.1(13)	Permit unauthorized passenger(s) in Taxicab	225.00	300.00	375.00
	91	8.2(2)	Failure to comply with terms of TNC Driver requirements	225.00	300.00	375.00
	92	8.2(3)(b)	Permit hail ride for TNC	225.00	300.00	375.00
	93	8.2(3)(c)	Failure to maintain Safety Standard Certificate in TNC Vehicle	225.00	300.00	375.00
	94	8.2(4)(c)	Failure to provide third party audit records	225.00	300.00	375.00
	95	8.2(6)(a)	Failure to disclose Fare for TNC Trip	225.00	300.00	375.00
	96	8.2(6)(c)	Failure to charge proper Fare for TNC Trip	225.00	300.00	375.00
	97	8.2(6)(d)	Failure to maintain TNC Trip information	225.00	300.00	375.00
	98	8.2(7)	Failure to use GPS on TNC App	225.00	300.00	375.00
	99	8.2(8)	Failure to provide TNC Driver information via TNC App	225.00	300.00	375.00
Mobile Business Licence By-law 2020-07	100	8.2(9)	Failure to provide electronic receipt via TNC App	225.00	300.00	375.00
	101	8.2(10)(a)	Failure to provide required TNC Driver information	225.00	300.00	375.00
	102	8.2(10)(b)	Failure to provide required TNC Vehicle information	225.00	300.00	375.00
	103	8.2(11)	Failure to maintain TNC Trip records	225.00	300.00	375.00
	104	8.2(15)	Failure to remove TNC Driver from TNC App	225.00	300.00	375.00
	105	8.2(17)	Failure to comply with TNC Vehicle requirements	450.00	600.00	750.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Mobile Business Licence By-law 2020-07	106	8.3(2)	Failure to comply with terms of Refreshment Vehicle Operator requirements	225.00	300.00	375.00
	107	8.3(3)	Failure to post Refreshment Vehicle Operator information	225.00	300.00	375.00
	108	8.3(4)	Failure to comply with Refreshment Vehicle conditions	225.00	300.00	375.00
	109	8.3(5)(a)	Permit amplified sounds	225.00	300.00	375.00
	110	8.3(5)(b)	Unlawful seating for Refreshment Vehicle customers	225.00	300.00	375.00
	111	8.3(6)	Failure to comply with Refreshment Vehicle requirements	225.00	300.00	375.00
	112	8.3(7)	Failure to comply with Refreshment Vehicle – Type 1 conditions	225.00	300.00	375.00
	113	8.3(8)	Failure to obtain Special Event Organizer Licence	225.00	300.00	375.00
	114	8.3(9)	Failure to comply with conditions of Special Event	450.00	600.00	750.00
	115	8.4(3)	Failure to maintain Limousine documents	225.00	300.00	375.00
	116	8.4(4)	Failure to comply with Limousine Driver requirements	225.00	300.00	375.00
	117	8.4(5)	Failure to post Limousine Driver information	225.00	300.00	375.00
	118	8.4(6)(a)	Failure to notify Town of new Limousine Driver	225.00	300.00	375.00
	119	8.4(7)(a)	Permit too many passengers in Limousine	225.00	300.00	375.00
	120	8.4(7)(b)	Permit a Limousine to operate with obstructed view	450.00	600.00	750.00
	121	8.4(8)	Failure to comply with Limousine requirements	450.00	600.00	750.00
	122	8.5(4)(a)	Failure to produce MTO Driving Instructor's Licence	225.00	300.00	375.00
	123	8.5(4)(b)	Failure to carry a valid driver's licence	225.00	300.00	375.00
	124	8.5(4)(c)	Failure to produce driving instruction/test documentation	225.00	300.00	375.00
	125	8.5(4)(d)	Failure to affix Sticker Plate on Driving School Instructor Vehicle	225.00	300.00	375.00
	126	8.5(4)(e)	Failure to affix roof sign on Driving School Instructor Vehicle	225.00	300.00	375.00
	127	8.5(5)	Operate in Restricted Area	450.00	600.00	750.00
	128	8.6(2)(a)	Failure to maintain Tow Truck documents	225.00	300.00	375.00
	129	8.6(2)(b)	Failure to remove debris prior to towing a vehicle	225.00	300.00	375.00
	130	8.6(2)(c)	Failure to remove debris within 8hrs following investigation	450.00	600.00	750.00
Mobile Business Licence By-law 2020-07	131	8.6(3)	Failure to comply with Tow Truck Driver requirements	450.00	600.00	750.00
	132	8.6(4)	Failure to post Tow Truck Driver information	225.00	300.00	375.00
	133	8.6(5)	Failure to notify Town of new Tow Truck Driver	225.00	300.00	375.00
	134	8.6(6)(a)	Operate or permit unclean Tow Truck;	225.00	300.00	375.00
	135	8.6(6)(b)	Interfere with Tow Truck Company's contract	225.00	300.00	375.00
	136	8.6(6)(c)	Recommend tow location to customer	225.00	300.00	375.00
	137	8.6(6)(d)	Accept gift or payment from facility in exchange for business	225.00	300.00	375.00
	138	8.6(6)(e)	Accept Drop Fee	225.00	300.00	375.00
	139	8.6(6)(f)	Failure to obtain consent to connect or tow	225.00	300.00	375.00
	140	8.6(6)(g)	Stop, stand, or park within 200m of Collision Scene	225.00	300.00	375.00
	141	8.6(6)(h)	Remove vehicle from Collision Scene without permission	225.00	300.00	375.00
	142	8.6(6)(i)	Permit unauthorized passenger(s) in Tow Truck	225.00	300.00	375.00
	143	8.6(7)	Failure to provide or maintain Tow Truck Equipment	225.00	300.00	375.00
	144	8.6(8)	Failure to comply with towing rates	450.00	600.00	750.00
	145	8.6(9)	Failure to comply with Re-Tow towing rates	450.00	600.00	750.00
	146	8.6(10)(a)	Failure to maintain Tow Truck Driver information	225.00	300.00	375.00
	147	8.6(10)(b)	Failure to maintain Tow Truck information	450.00	600.00	750.00
	148	8.6(11)	Failure to maintain Tow Truck Trip information	225.00	300.00	375.00
	149	8.6(12)	Failure to maintain run sheets	225.00	300.00	375.00
	150	8.6(13)	Failure to provide affiliated Public Garage information	225.00	300.00	375.00



Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend fees and charges by-law 2019-52 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket. (Legislative Services - Licensing 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 2019-52 to establish Legislative Services - Licensing Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule of By-law 2019-52.

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

1. That the Schedule to the By-law 2019-52 be amended to remove the following fees:

Service Provided	Unit of Measure	2020 Fee
Catering/Refreshment Vehicles		
Cart/Vehicle/Bicycle operator*	each	\$137.00
Lost Refreshment Vehicle Plate	each	\$85.00
Lost Refreshment Vehicle Operator ID	each	\$25.00
Refreshment Cart Location - change to or additional location	each	\$59.00
Refreshment Vehicle Transfer	each	\$187.00
Taxicab Companies		
Taxi Owner License (Plate)*	each	\$3,850.00
Taxi Owner License Renewal (Plate)*	each	\$564.00
Taxi Broker*	each	\$627.00
Taxi Plate Owner Transfer (Sale)	each	\$481.00
Taxi Driver New or after renewal date	each	\$186.00
Taxi Driver Renewal before May 1st	each	\$110.00
Taxi Driver Priority List	each	\$86.00
Reinspection of Taxi Vehicle	each	\$60.00
Vehicle transfer	each	\$182.00
Replacement Taxi Plate	each	\$85.00
Replacement Taxi Driver ID	each	\$25.00
Replacement Tariff Sheet	each	\$15.00
Taxi test fee (per test)	each	\$28.00

2. That the Schedule to the By-law 2019-52 be amended to add the following fees:

Service Provided	Unit of Measure	2020 Fee
Taxicab Companies		
Taxicab Company Annual Licence Fee (1-9 vehicles)	each	\$1,000.00
Taxicab Company Annual Licence Fee (10-19 vehicles)	each	\$2,000.00
Taxicab Company Annual Fee (20 + vehicles)	each	\$3,000.00
Transportation Network Companies (TNCs)		
TNC Annual Licence Fee	each	\$20,000.00
Per Trip Fee	each	\$0.30
Tow Truck Companies		
Initial Licence Fee (one-time)	each	\$2,000.00
Annual Renewal Licence Fee	each	\$750.00
Limousine Companies		
Initial Licence Fee (one-time)	each	\$1,000.00
Annual Renewal Licence Fee	each	\$500.00

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Large Water Meter Rates Staff Report to Council

Report Number: 2020-08

Department(s): Financial Services

Author(s): Mike Mayes, Director of Financial Services/Treasurer

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Large Water Meter Rates Staff Report dated February 3, 2020 be received; and,
2. That the 2020 monthly fees for Large Water Meters as referenced in the report come into effect immediately;
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

See below.

Purpose

The purpose of this report is to provide information regarding the proposed addition of inclusion of 6", 8" and 10" water meters into the Water and Wastewater Fees and Charges schedule.

Background

Based on the Service Pricing Policy, water and wastewater rates are categorized as Consumer Goods. The categorization establishes a cost recovery target level of 100% to recover the full cost of providing the service to the municipality; also, Ontario's Water Opportunities Act, 2010 requires a municipal water sustainability plan.

Discussion

Schedule A of Report 2019-125 dated November 25, 2019 provides details of the volumetric rates associated with water and wastewater up to and including 4-inch diameter meters. Historically, larger diameter meters have been utilized for high volume commercial and industrial customers. The American Water Works Association (AWWA) has established the methodology to use for larger meters. This report extends that methodology to larger meters that are now being installed.

As the Town increases its multi-residential footprint, the use of large diameter meters is growing. As such, the costs to utilize these meters should be applied accordingly.

Conclusion

The 2020 Water and Wastewater Rates to include the following:

6" Meter Monthly Charge (Water) = \$859.00

6" Meter Monthly Charge (Wastewater) = \$912.00

8" Meter Monthly Charge (Water) = \$1,375.00

8" Meter Monthly Charge (Wastewater) = \$1,460.00

10" Meter Monthly Charge (Water) = \$1,976.00

10" Meter Monthly Charge (Wastewater) = \$2,099.00

Business Plan and Strategic Plan Linkages

This report links to Council's Strategic Priority of Long-term Financial Sustainability by ensuring ongoing continuous improvement and a service level analysis for consideration.

Consultation

Public Works Services; Water/Wastewater Management staff have been consulted; the Town of Newmarket is committed to the consistent delivery of safe drinking water through compliance with applicable legislative and regulatory requirements.

Human Resource Considerations

Not applicable to this report.

Budget Impact

The projected additional revenues are estimated to be in the range of \$130,000 annually.

Attachments

None.

Approval

Mike Mayes, CPA, CGA, DPA
Director of Financial Services/Treasurer

Esther Armchuk
Commissioner of Corporate Services

Contact

For more information on this report, contact Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Main Street Clock Inc. Properties - Update Staff Report to Council

Report Number: 2020-09

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Main Street Clock Inc. Properties - Update dated February 3, 2020 be received.

Purpose

This report will provide Council with a chronology of the Town's actions regarding the unauthorized demolition of the building that previously occupied 184/186 Main Street South. This report will also provide Council with an update on the status of the restoration and redevelopment relative to Main Street Clock Inc.'s adjacent landholdings, being:

1. 188/190 Main Street South;
2. 192 Main Street South; and
3. 194 Main Street South.

Background

Main Street Clock Inc. owns a total of five properties along the west side of Main Street South, south of Park Avenue. As per 2018 Ontario Municipal Board Minutes of Settlement, Main Street Clock Inc. was in the process of restoring and redeveloping these properties. The Minutes of Settlement required Main Street Clock Inc. to complete renovations within the existing buildings and complete façade restoration using appropriate heritage conservation techniques. As described in this report, various Building Permits and Heritage Permits have been issued since April 3, 2019 by the Town in support of these works, with the objective being to restore these properties and

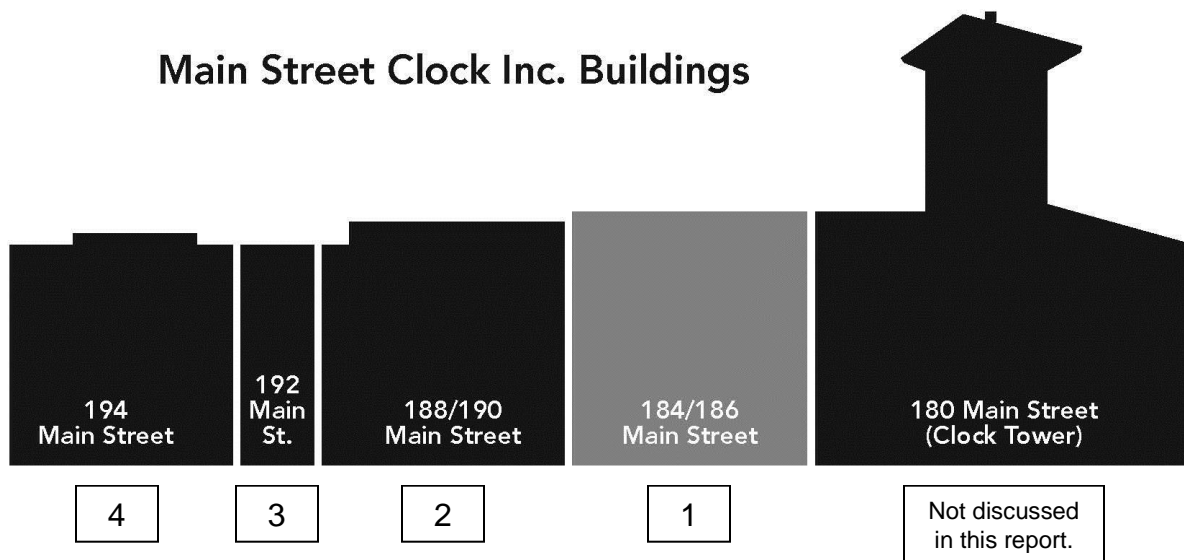
having them occupied so that they contribute to the vitality, function and character of Historic Main Street.

All of the properties owned by Main Street Clock Inc. are located within the Lower Main Street Heritage Conservation District, which is designated under Part V of the Ontario Heritage Act. The Heritage Conservation District Plan for Lower Main Street South establishes a framework through which physical changes to the district can be assessed and guided so that such changes contribute to, rather than detract from, the district's integrity and character. Development proposals by private property owners are reviewed against the heritage conservation district plan. Where they are required, Heritage Permits are issued by the Town to allow physical works to be completed on buildings located within the district, in order to ensure that such works are completed in keeping with the Heritage Conservation District Plan's goal and objectives. These Heritage Permits are required in addition to Building Permits required under the Ontario Building Code.

Discussion

Main Street Clock Inc. owns the following five properties along Main Street:

1. 184/186 Main Street South;
2. 188/190 Main Street South;
3. 192 Main Street South;
4. 194 Main Street South; and
5. 180 Main Street South (not discussed in this report).



This report will discuss each of the properties noted above, with the exception of 180 Main Street (clock tower building):

184/186 Main Street (the “Simpson Building”)

A Building Permit was issued on April 3, 2019 for interior alterations of this building. A Heritage Permit was issued on July 23, 2019 for building façade modifications.

Work then commenced on the property as per these Permits and subsequently on October 10, 2019 the Town became aware that the building had been removed. No demolition permit had been issued by the Town, and the building removal was inconsistent with previously agreed upon Minutes of Settlement between Main Street Clock Inc. and the Town. The Town then issued a Stop Work Order and Order to Comply and undertook investigative steps to determine the details and circumstances regarding the removal of the building. As part of this demolition, Main Street Clock Inc. removed a large portion of the front façade, including windows, and is currently storing it on the property. The Town concluded that an unauthorized demolition occurred, which was acknowledged by Main Street Clock Inc.

Town staff gathered evidence and information, including speaking with others included in the project, regarding the demolition and undertook a fulsome review and assessment of its recourse options. Ontario’s *Building Code Act* and the *Ontario Heritage Act* (the “Acts”) provide penalties for persons and corporations that contravene the Acts. The maximum penalty under the *Building Code Act* for the unauthorized demolition of a building is \$500,000. The maximum penalty under the *Ontario Heritage Act* for the unauthorized demolition of a building located within a designated Heritage Conservation District is \$1,000,000 or a term of imprisonment for not more than one year.

After careful consideration of past penalties imposed by the Courts under the Acts in similar situations that may provide precedent, and the Town’s objective to protect its heritage and continue to move forward with the development and revitalization of Main Street, the Town determined that it was more effective, efficient and would render the best possible achievable outcome to pursue recourse and consequences against Main Street Clock Inc. outside of legal action. Accordingly, rather than pursue prosecution under the Act, the Town sought and achieved a prosecutorial result through an agreement with Main Street Clock Inc. securing both a penalty payment and a full rebuild of the Simpson Building. The rebuild requirements will be registered on title.

Through the agreement, the Town secured a total financial penalty of \$200,000 against Main Street Clock Inc. through:

- a penalty payment of \$100,000; and
- the withdrawal by the Town of Community Improvement Plan (CIP) funding of \$100,000

In addition to the above financial penalties, the agreement includes:

- the obligation of Main Street Clock Inc. to fully reconstruct the Simpson Building in a manner acceptable to the Town of Newmarket;
- the obligation of Main Street Clock Inc. to post a letter of credit in the amount of \$300,000 to secure the complete reconstruction of the Simpson Building and completion of work on other associated properties (188/190 Main Street, 192 Main Street and 194 Main Street, see below sections) to the satisfaction of the Town's Chief Building Official and Town's heritage consultant; and
- the acknowledgment by Main Street Clock Inc. of its unauthorized demolition of the Simpson Building.

As noted, a large portion of the front façade, including windows, is currently being stored on the property. As part of the reconstruction of the building, the negotiated agreement requires Main Street Clock Inc. to incorporate this historic façade and windows into the reconstructed Simpson Building. In addition, Main Street Clock Inc. is required to recreate the building as close as reasonably possible to the configuration which existed immediately prior to the demolition; there shall be no increase in height, density or floor space or change in permitted use from what previously existed.

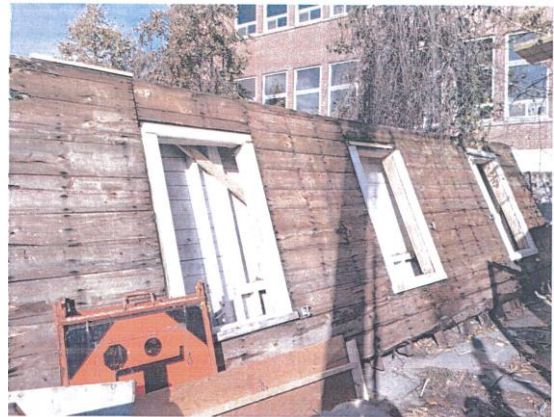


Photo 1: Historic front facade and windows.

The Town's negotiated agreement also eliminates the risks associated with pursuing legal action such as a non-conviction, a less substantial financial penalty and a lengthy legal process. Instead, it achieves a timely and controlled prosecutorial outcome by securing a significant penalty payment, provides an acknowledgement of responsibility for the unauthorized demolition, and obligates Main Street Clock Inc. to fully reconstruct the Simpson Building. Moreover, the negotiated agreement achieves the larger planning goal of bringing vitality and function back to this section of Main Street in a timely manner. Legal action may have resulted in a financial penalty to Main Street Clock Inc., but it would not have necessarily resulted in achieving these other planning goals, including the full reconstruction of the Simpson Building. Given this, staff believe that the consequences flowing from the agreement serve the interest of the Town and the Newmarket community to a greater extent than would pursuing formal proceedings through legal action.

188/190 Main Street

A Building Permit was issued on April 3, 2019 for interior alterations. A Heritage Permit was issued on April 25, 2019 for building façade modifications, which included the

restoration of the front façade as well as the brick cladding on the south elevation, which was thought to be original.

On the front façade, the restoration work included the following elements (among others):

- Cleaning of brick including removal of paint from brick face.
- Dismantling and replacement of damaged bricks or wall assemblies with bricks.
- Repair and re-pointing of areas of mortar deterioration.
- Remove miscellaneous items from masonry (electrical, wiring, metal anchors, etc.) and repair damaged bricks.
- Replacement of wood window lug sills.

Regarding the brick cladding on the south elevation, following issuance of the permits it was found that the existing brick was not original to the building; it was in fact a later cladding material that was placed over an older layer of stucco cladding. Moreover, it was found that the brick cladding was in poor condition.

In November 2019 Main Street Clock Inc. requested a revision to these previously issued Permits in order to allow the removal of the existing brick and stucco cladding south elevation and replacing it with reclaimed wood siding that had been exposed on the north elevation (shown in Photo 1). Town staff and the Town's heritage consultant completed a site visit on December 2, 2019 to review the context of the proposed changes. It was determined that the change represented a supportable approach; the Town's heritage consultant stated that:

"The proposed re-clad of the return (south) facade with a sympathetic material conforms with the HCD Plan, as it will improve the historic building in a manner that respects the historic materials, distinctive features and physical function of the building."

In addition to the proposed change to the south elevation, it was noted by staff that the west (rear) elevation is more visible from the public realm (from Market Square) than the south elevation, which is largely blocked from public view by the adjacent building to the south. Therefore it was requested that the same historic horizontal wood cladding as proposed on the south elevation be continued around to the west elevation, in order to present a more historic appearance from the more prominent location. In addition, staff suggested allowing a combination of reclaimed and new wood cladding materials on both elevations to ensure that both the south and west elevations achieve a consistent treatment. Main Street Clock Inc. agreed to this request, and to allow this cladding change a new Heritage Permit was signed on January 20, 2020 and the previously placed Order to Comply and Stop Work Order applied to this building were lifted.



Photo 2: North elevation of 188 Main Street

192 Main Street

Approval was granted on April 3, 2019 for the reconstruction of infill elements on this property as part of the 188/190 Main Street Building Permit. Historically no building occupied this space as it was a formerly a pedestrian alleyway.

The building that most recently occupied this property was a modern infill. This building was joined with, and shared an internal wall with, the abutting properties to the north and south (being 188/190 Main Street and 194 Main Street respectively). Being that these properties are joined, the heritage aspects for 192 Main Street were reviewed with those of the abutting buildings.

The proposed work on this property consists of rebuilding the single storey commercial building between the two larger abutting properties, with a new supporting wall abutting 194 Main Street to the south. Although a single storey in height, a false second storey façade (with window) is approved to be constructed in order to create the consistent 2-storey appearance from the street. The false window is to be placed at the same height as the windows in the abutting buildings, and the overall architecture of the building is to be in a heritage manner in order to create a cohesive, historic character along the storefronts.



Photo 3: 192 Main Street, between 194 Main Street (left) & 190 Main Street (right)

194 Main Street

A Building Permit was issued on April 3, 2019 for interior alterations. A Heritage Permit was issued on April 25, 2019 for building façade modifications, specifically for the restoration of the front façade. Similar to the restoration work being completed on 188/190 Main Street, this work included the following elements (among others):

- Rebuilt parapet with new bricks.
- Installation of storefront, including glazing and recessed wood panelling
- Installation of a replica heritage cornice above storefront.
- Installation of masonry window sills.
- Addition of the new heritage replica windows.
- Cleaning of brick.
- Remove miscellaneous items from masonry (electrical, wiring, metal anchors, etc.).
- Dismantling and replacement of damaged bricks or wall assemblies with bricks.
- Repair and re-pointing of areas of mortar deterioration.
- Filling of large holes with restoration repair mortar.

- Removal of inactive brick anchors.

Staff and the Town's heritage consultant inspected the restoration work on January 15, 2020. The purpose of the inspection was to determine if the work completed to date had been done as per the previously issued Heritage Permit.



Photo 4: Restored parapet at 194 Main Street



Photo 5: Restored front facade at 194 Main Street

The restoration work completed at 194 Main Street was found to be in compliance with the Heritage Permit that was issued for the works.

Scaffolding at 194 Main Street

Scaffolding was erected by Main Street Clock Inc. to facilitate the completion of the restoration and redevelopment of these properties as well as heritage and building inspections. Following the confirmation that the restoration works were completed in accordance to the Heritage Permit, staff authorized Main Street Clock Inc. to remove the section of scaffolding in front of 194 Main Street. Scaffolding is to remain in place in front of 184/186 Main Street, 188/190 Main Street and 192 Main Street to facilitate the required future works to those buildings.

Future Work and Permits

As noted in this report, the following work is required to be completed by Main Street Clock Inc.:

1. 184/186 Main Street (the "Simpson Building"): Reconstruction of the building. A new Building Permit will be required with requisite plans and technical reports for

the rebuild. A new Heritage Permit will also be required and the plans for which will be reviewed by staff, the Town's heritage consultant and the Lower Main Street South Heritage Conservation District Advisory Group, as per the established process.

2. 188/190 Main Street: Restoration of the front façade and changes to the other three elevations.
3. 192 Main Street: Construction of the new infill building.

Conclusion

Through a legal agreement with Main Street Clock Inc., the Town was able to achieve prosecutorial consequences regarding the unauthorized demolition of 184/186 Main Street. The negotiated agreement confirms responsibility for the unauthorized demolition to Main Street Clock Inc., and includes a significant financial penalty. Further, the agreement commits Main Street Clock Inc. to fully reconstruct the Simpson Building and it achieves the larger planning goal of bringing vitality and function back to this section of Main Street in a timely manner.

The balance of the properties owned by Main Street Clock (188/190 Main Street, 192 Main Street, and 194 Main Street) continue to be restored and redeveloped. Staff look forward to the full restoration of these properties so that they can once again contribute to the vitality, function and character of Historic Main Street.

Business Plan and Strategic Plan Linkages

- Long-term Financial Sustainability
- Extraordinary Places and Spaces (priority focus on the Mulock park)

Consultation

Legal Services and the Chief Building Official were consulted during the preparation of this report.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Approval

Adrian Cammaert, MCIP, RPP, CNU-A, Acting Manager of Planning Services

Jason Unger, MCIP, RPP, Acting Director of Planning & Building Services

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

Contact

For more information, please contact Adrian Cammaert, Acting Manager of Planning Services, at acammaert@newmarket.ca



Town of Newmarket

Minutes

Accessibility Advisory Committee

Date: Thursday, November 21, 2019

Time: 10:30 AM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Steve Foglia, Chair
Jeffrey Fabian
Linda Jones (11:00 AM - 11:53 AM)
Patricia Monteath
Lawrence Raifman
Councillor Simon

Staff Present: S. Marcoux, Project Consultant Facility Maintenance
N. Evans, Supervisor, Parks
T. Minichiello, Lead Hand, General Parks & Special Events
J. Grossi, Legislative Coordinator

The meeting was called to order at 10:34 PM.
Steve Foglia in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Deputations

None.

4. Approval of Minutes

4.1 Accessibility Advisory Committee Meeting Minutes of September 19, 2019

Moved by: Lawrence Raifman

Seconded by: Patricia Monteath

1. That the Accessibility Advisory Committee Meeting Minutes of September 19, 2019 be approved.

Carried

5. Items

5.1 Winter Maintenance Public Information Centre

Lead Hand, General Parks & Special Events and the Supervisor, Parks invited the Accessibility Advisory Committee to the Winter Maintenance Public Information Centre (PIC) on Tuesday November 26, 2019 from 6:00 PM to 8:00 PM. Staff from Customer Services, Parks, and Legislative Services will be in attendance to answer any questions and provide additional information.

5.2 Main Street Accessibility Walk Through

Steve Foglia advised that the Chair of the Main Street District Business Improvement Area Board of Directors met with himself, Jeff Fabian, Councillor Simon and Staff to perform a Main Street accessibility walk through. He outlined concerns with business entrances, automatic doors and accessible pathways through stores.

5.3 Promotion of Upper Canada Mall Accessible Washrooms

The Members discussed various initiatives to promote the new accessible washroom at Upper Canada Mall including sending letters to community organizations, and posting on the Town's website.

5.4 Accessible Parking Downtown (Fairy Lake & Riverwalk Commons)

The Members discussed the accessible parking downtown and the possibility of accessible van friendly signs being added to specific spots.

5.5 Proposed 2020 Meeting Schedule

Moved by: Patricia Monteath

Seconded by: Jeffrey Fabian

1. That the proposed 2020 meeting dates be approved.

Carried

6. New Business

6.1 Stickwood Walker Farmhouse

Councillor Simon advised that a public information centre (PIC) was held on Tuesday, November 19, 2019 regarding Stickwood Walker Farmhouse and accessible concerns were raised by members of the public. Steve Foglia advised that the Accessibility Advisory Committee (AAC) provided comments to Staff and additional plans will be provided to the AAC for comment throughout the process.

6.2 Mobi Mats

The Supervisor, Parks advised that the Town of Newmarket has purchased two mobi mats that will be available for use at various Town events throughout the year. These mats will allow more events to be accessible for the residents.

7. Adjournment

Moved by: Councillor Simon

Seconded by: Patricia Monteath

1. That the meeting be adjourned at 11:53 AM.

Carried

Steven Foglia, Chair

Date



Town of Newmarket

Minutes

Appointment Committee

Date: Wednesday, October 9, 2019

Time: 12:00 PM

Location: Davis Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Councillor Twinney, Chair
Deputy Mayor & Regional Councillor Vegh, Vice Chair
Mayor Taylor

Staff Present: J. Grossi, Legislative Coordinator

The meeting was called to order at 12:00 PM.
Councillor Twinney in the Chair.

1. Additions and Corrections

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations and Deputations

None.

4. Approval of Minutes

4.1 Appointment Committee Meeting Minutes of September 3, 2019

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Appointment Committee Meeting Minutes of September 3, 2019 be approved.

Carried

4.2 Appointment Committee Meeting (Closed) Minutes of September 3, 2019

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Mayor Taylor

1. That the Appointment Committee Meeting (Closed) Minutes of September 3, 2019 be approved.

Carried

5. Items for Discussion

5.1 Item from the draft minutes of the September 30, 2019 Council Meeting

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Newmarket Economic Development Advisory Committee (NEDAC) Terms of Reference be amended to increase their membership by one (1) to attract a candidate with experience in the new media and millennial marketing sector.

Carried

6. Closed Session

6.1 Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001 - Applications to the Newmarket Economic Development Advisory Committee (NEDAC)

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Appointment Committee resolve into a Closed Session for the purpose of discussing personal matters about identifiable individuals as per Section 239 (2) (b) of the Municipal Act.

Carried

The Appointment Committee resolved into Closed Session at 12:01 PM.

The Appointment Committee (Closed Session) Minutes are recorded under separate cover.

The Appointment Committee resumed into Open Session at 12:02 PM.

7. New Business

None.

8. Adjournment

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Mayor Taylor

1. That the meeting be adjourned at 12:02 PM.

Carried

Councillor Twinney, Chair

Date



Central York Fire Services

Minutes

Joint Council Committee

Date: Tuesday, November 5, 2019

Time: 9:30 AM

Location: Holland Room - Town of Aurora
Aurora Town Hall
100 John West Way
Aurora ON

Members Present: Mayor Mrakas, Town of Aurora
Councillor Gallo, Town of Aurora
Deputy Mayor & Regional Councillor Vegh, Town of Newmarket
Councillor Broome, Town of Newmarket
Councillor Gilliland, Town of Aurora
Councillor Bisanz, Town of Newmarket

Staff Present: J. Sharma, Chief Administrative Officer, Town of Newmarket
D. Nadorozny, Chief Administrative Officer, Town of Aurora
I. Laing, Fire Chief, Central York Fire Services
R. Wainwright van Kessel, Director of Finance – Treasurer, Town of Aurora
R. Comeau, Deputy Chief, Central York Fire Services
M. Mayes, Director of Financial Services/Treasurer, Town of Newmarket
D. Schellenberg, Manager of Finance & Accounting, Town of Newmarket
L. Georgeff, Director of Human Resources, Town of Newmarket
K. Saini, Deputy Town Clerk, Town of Newmarket

Guests: Chris Kubbinga, Thomas Brown Architects

The meeting was called to order at 9:30 AM.
Mayor Mrakas in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations

None.

4. Deputations

None.

5. Approval of Minutes

**5.1 Central York Fire Services – Joint Council Committee Meeting
Minutes of September 3, 2019**

Moved by: Councillor Gilliland

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of September 3, 2019, Special Meeting Minutes of September 11, 2019, Special Meeting (Closed Session) Minutes of September 11, 2019 and Special Meeting Minutes of October 22, 2019 be approved.

Carried

**5.2 Central York Fire Services – Joint Council Committee Special
Meeting Minutes of September 11, 2019**

**5.3 Central York Fire Services – Joint Council Committee Special
Meeting (Closed Session) Minutes of September 11, 2019**

**5.4 Central York Fire Services – Joint Council Committee Special
Meeting Minutes of October 22, 2019**

6. Items

6.1 CYFS Budget Report - Third Quarter 2019

D. Schellenberg provided an update on the operating budget for CYFS.

Moved by: Councillor Gallo

Seconded by: Councillor Gilliland

1. That the report entitled CYFS Budget Report - Third Quarter 2019 dated October 22, 2019 be received for information purposes.

Carried

6.2 Station 4-5 - Update

Chris Kubbinga of Thomas Brown Architects provided an update on the revised designs to reduce the building footprint and size to reduce costs. He advised that the project appeared to be on track to meet the revised timelines.

Members of the Joint Council Committee queried staff on the effect these changes will have on the use of the facility and the next steps for the project.

Moved by: Councillor Broome

Seconded by: Councillor Gilliland

1. That the Station 4-5 Update be received.

Carried

6.3 Fire Master Plan

Chief Laing advised that Central York Fire Services had received funding in 2019 for a new 10 year fire master plan, but the plan review was put on hold pending the outcome of the Ontario Government's Regional Governance Review. He advised that the Town of Newmarket's Procurement department is leading the RFP process for a consultant to lead the development of a new Fire Master Plan to begin in 2020.

Moved by: Councillor Bisanz

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Fire Master Plan update be received for information purposes.

Carried

6.4 2020 Schedule of Meetings

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

1. That the Joint Council Committee approve the following meeting schedule for 2020:
 - January 7, 2020
 - March 3, 2020
 - May 5, 2020
 - July 7, 2020
 - September 1, 2020
 - November 3, 2020

Carried

7. New Business

None.

8. Closed Session

8.1 Labour relations or employee negotiations as per Section 239 (2) (d) of the Municipal Act, 2001.

Moved by: Councillor Bisanz

Seconded by: Councillor Gallo

1. That the Joint Council Committee resolve into Closed Session to discuss labour relations or employee negotiations as per Section 239 (2) (d) of the Municipal Act, 2001.

Carried

The Joint Council Committee resolved into Closed Session at 10:10 AM.

The Joint Council Committee (Closed Session) Minutes are recorded under separate cover.

The Joint Council Committee resumed into Open Session at 10:39 AM.

9. Adjournment

Moved by: Councillor Broome

Seconded by: Councillor Gallo

1. That the meeting be adjourned at 10:40 AM.

Carried

Mayor Mrakas, Chair

Date



Central York Fire Services

Minutes

Joint Council Committee

Date: Tuesday, November 26, 2019

Time: 9:00 AM

Location: Cane Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Mrakas, Town of Aurora
Councillor Gallo, Town of Aurora
Councillor Gilliland, Town of Aurora
Deputy Mayor & Regional Councillor Vegh, Town of Newmarket
Councillor Bisanz, Town of Newmarket
Councillor Broome, Town of Newmarket

Staff Present: I. McDougall, Acting Chief Administrative Officer/Commissioner of Community Services, Town of Newmarket
D. Nadorozny, Chief Administrative Officer, Town of Aurora
I. Laing, Fire Chief, Central York Fire Services
A. Downey, Director of Operations, Town of Aurora
R. Wainwright van Kessel, Director of Finance – Treasurer, Town of Aurora
R. Volpe, Deputy Chief, Central York Fire Services
D. Schellenberg, Manager of Finance & Accounting, Town of Newmarket
L. Georgeff, Director of Human Resources, Town of Newmarket
A. Walkom, Legislative Coordinator, Town of Newmarket

Guests: Mayor Taylor, Town of Newmarket

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Deputations

None.

4. Items

4.1 Central York Fire Services Headquarters Station 4-5

Chief Laing and the Director of Operations provided an overview of the modifications of designs for Fire Station 4-5 to fit the budget. They advised that the footprint had been decreased by 15% to reduce costs, removed one bay, decreased the size of the bays and removed one classroom. Members of the Joint Council Committee asked clarifying questions regarding the effect of these changes on the use of the building. Chief Laing advised that suppression would not be affected and that the changes would not be detrimental on training activities.

Members of the Committee discussed alternative methods for funding the additional costs associated with the project, including delaying hirings to produce operational savings.

Moved by: Councillor Bisanz

Seconded by: Councillor Gilliland

1. That Report No. OPS19-025 be received; and,
2. That the revised design of Station 4-5 be approved.

Carried

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

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

3. That the revised budget of \$13,567,727 be approved with funding as follows:

- a. **\$11,000,000 from original funding sources; and,**
- b. **\$1,650,000 from reserves, as a 15% variance for a Class "C" estimate; and,**
- c. **\$917,727 from operational savings including but not limited to delayed hirings through 2020 and 2021.**

Carried

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Gallo

4. That the Joint Council Committee (JCC) recommend that the tender be awarded to REMO General Contracting Ltd. in the amount of \$10,836,817.

Carried

5. Closed Session

Mayor Mrakas advised that there was no requirement for a closed session.

6. Adjournment

Moved by: Councillor Broome

Seconded by: Councillor Gallo

- 1. That the Central York Fire Services Joint Council Committee adjourn at 9:44 AM.

Carried

Mayor Mrakas, Chair

Date



Town of Newmarket

Minutes

Elman W. Campbell Museum Board of Management

Date: Thursday, November 21, 2019
Time: 7:30 PM
Location: Elman W. Campbell Museum
134 Main Street South
Newmarket, ON

Members Present: Billie Locke, Vice-Chair
Councillor Morrison
Ron Atkins
Ross Caister
Michelle Clayton-Wood
Norman Friend
Kathleen Jackson

Members Absent: Jackie Playter, Chair

Staff Present: D. Smith, Recreation Programmer
A. Walkom, Legislative Coordinator

1. Call to order

The meeting was called to order at 7:30 PM. Billie Locke in the Chair.

2. Regrets

3. Additions & Corrections to the Agenda

The following items were added to the agenda:

- Status of Museum front lawn sign
- Project in memory of Jim Nuttall
- Nut Free Food at the Museum

- Recognition of long-serving Museum volunteers

4. Declarations of Pecuniary Interest

None.

5. Approval of Minutes

5.1 Elman W. Campbell Museum Board Meeting Minutes of October 17, 2019

Moved by: Councillor Morrison

Seconded by: Michelle Clayton-Wood

1. That the Elman W. Campbell Museum Board Meeting Minutes of October 17, 2019 be approved.

Carried

6. Business arising from the Minutes

Billie Locke requested a follow-up from a previous meeting regarding liability insurance and how it affects volunteers at the Museum.

7. Correspondence and Communications

The Recreation Programmer circulated the periodicals which had been received by the Museum.

Moved by: Ross Caister

Seconded by: Kathleen Jackson

1. That the correspondence be received.

Carried

8. Financial Report

Billie Locke provided a brief financial report.

The Recreation Programmer advised that the funds from the grant to the Museum have not yet been received.

Moved by: Norman Friend

Seconded by: Kathleen Jackson

1. That the financial report be received.

Carried

9. Museum Report

The Recreation Programmer provided a report on recent Museum events and programs including the Halloween event, retirement residence outreach program and Wee Fun Wednesdays. She also provided an overview of recent Museum maintenance issues, including a glass cabinet which was broken in one of the displays.

The Recreation Programmer provided an overview of the upcoming Holiday events at the Museum. She also advised of the closure of the Museum for painting and replacement of floor tiles which will begin December 22, 2019 and will reopen February 4, 2020.

Moved by: Norman Friend

Seconded by: Ross Caister

1. That the Museum Report be received.

Carried

10. Friends of the Museum Report

Billie Locke provided an update on the recent work of the Friends of the Museum to prepare the new exhibits. She advised that the gift shop sale had raised over \$400 to date.

Moved by: Ross Caister

Seconded by: Ron Atkins

1. That the Friends of the Museum Report be received.

Carried

11. New Business

11.1 Museum Front Lawn Sign

Board Members requested an update on the status of the front lawn sign to be installed at the Museum. The Recreation Programmer advised that the project would be included in the next year's budget.

11.2 Museum Multipurpose Room - Plaque

Board Members discussed the plan to rename the Museum's multi-purpose room in honour of Jim Nuttall and install a plaque in his memory. Members discussed the source for the production of this plaque. Billie Locke advised that the Heritage Committee is currently searching for a source for plaques and could provide this information once a new source is found.

11.3 Nut Free Food at the Museum

Board Members discussed the issue of nut allergies and the potential need to make the Museum a nut-free or nut-aware facility to reduce the risk of allergic reactions. Members discussed the actions including education and signage which would be need to be taken to make Museum patrons, staff and volunteers aware of the policy, as well as ensuring the Museum was aligned with similar Town policies.

Moved by: Michelle Clayton-Wood

Seconded by: Kathleen Jackson

1. That the Elman W. Campbell Museum Board make staff and volunteers aware of the issue of nut allergies.

Carried

11.4 Recognition of Museum Volunteers

Moved by: Michelle Clayton-Wood

Seconded by: Ross Caister

1. That the Elman W. Campbell Museum Board recognize Phyllis Brady and Lynn Robitaille for their years of volunteer service and outstanding contributions to the Museum.

Carried

12. Next Meeting

The next meeting of the Elman W. Campbell Museum Board is January 16, 2020.

13. Adjournment

The meeting adjourned at 8:44 PM.

Billie Locke, Vice-Chair

Date



Town of Newmarket

Minutes

Heritage Newmarket Advisory Committee

Date: Tuesday, November 5, 2019
Time: 7:00 PM
Location: Mulock Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Billie Locke, Chair
Gord McCallum, Vice-Chair
Councillor Bisanz
Norman Friend
David McLennan
Mitch Sauder
Joan Seddon

Staff Present: A. Cammaert, Acting Manager, Planning Services
A. Walkom, Legislative Coordinator

The meeting was called to order at 7:06 PM. Billie Locke in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations/Deputations

None.

4. Approval of Minutes

4.1 Heritage Newmarket Advisory Committee Meeting Minutes of October 1, 2019

Moved by: David McLennan

Seconded by: Gord McCallum

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of October 1, 2019 be approved.

Carried

4.2 Heritage Newmarket Advisory Committee Meeting Minutes of October 16, 2019

Moved by: Joan Seddon

Seconded by: Mitch Sauder

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of October 16, 2019 be approved.

Carried

5. Correspondence

None.

6. Items

6.1 Denison Child Care / Stickwood Walker Development (900 Mulock Dr)

The Acting Manager, Planning Services provided an overview of the site plan for the Denison Child Care adaptive reuse project at the Stickwood Walker site. Committee members discussed how the new buildings on the site will affect the original farmhouse. The Committee had no major concerns with the site plan.

6.2 Little Brew Hops Minor Variance (209 Main Street South)

The Acting Manager, Planning Services provided an overview of the project at 209 Main Street South which includes a change to the facade of the building and an additional floor at the back of the building. Committee Members discussed aspects of the project including the design of the facade and the relation to other buildings on the street.

6.3 184 to 194 Main Street South

The Acting Manager, Planning Services advised that there had been no update since the Town's media release on the buildings at 184 to 194 Main Street South. He provided a brief overview of the work to secure the foundations, as well as the status of the facade work at 194 Main Street.

6.4 Update on Protection of Private Trees By-law

The Acting Manager, Planning Services provided an update on the status of the protection of private trees by-law which will likely come before Council in 2020. The Committee discussed the Liberty Tree in relation to the proposed tree protection by-law.

6.5 Doors Open

The Committee continued the discussion from the previous meeting on a Doors Open event for the Town of Newmarket. Members discussed how an event could be organized and whether it would potentially conflict with other Town events.

6.6 2020 Schedule of Meetings

Moved by: Joan Seddon

Seconded by: Mitch Sauder

1. That the 2020 Schedule of Meetings be approved.

Carried

7. Reports of Committee Members

7.1 Designated Property Maintenance and Concerns

The Committee discussed finding a new source for the Heritage plaques, as the previous supplier was no longer available. Members will continue to research a new supplier for the plaques going forward.

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

Norman Friend provided an update on the attendance at the Elman W. Campbell Museum so far in 2019 and reported that it stood at 7000 attendees.

8.2 Lower Main Street South Heritage Conservation District Advisory Group

There was no update on this item.

9. New Business

(1) Councillor Bisanz advised that the Heritage Committee's recommendation to Council to designate the property located at 1075 Gorham Street had been approved at the Committee of the Whole meeting on November 4, 2019 and would proceed to Council on November 11, 2019.

(2) The Acting Manager, Planning Services advised that a new Planning staff member would be introduced at the January 7, 2020 Heritage Committee meeting.

10. Adjournment

Moved by: Gord McCallum

Seconded by: Norman Friend

1. That the meeting be adjourned at 8:24 PM.

Carried

Chair

Date



Town of Newmarket
Minutes
Main Street District Business Improvement Area
Board of Management

Date: Wednesday, October 16, 2019
Time: 7:00 AM
Location: Serpa Studio
Old Town Hall
460 Botsford Street
Newmarket, ON L3Y 1T1

Members Present: Tom Hempen, Chair
Allan Cockburn, Vice Chair
Councillor Kwapis
Debbie Hill
Mark Iacovetta
Omar Saer
Ken Sparks

Members Absent: Councillor Twinney
Rob Clark
Jennifer McLachlan

Staff Present: E. Bryan, Business Development Specialist
J. Grossi, Legislative Coordinator

The meeting was called to order at 7:10 AM.
Tom Hempen in the Chair.

1. Additions and Corrections to the Agenda

The Chair advised that there were no additions or corrections to the agenda.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

None.

4. Deputations

4.1 The York Region One Act Play Festival

John Dowson provided a deputation regarding the York Region One Act Play Festival from Thursday November 7, 2019 to Saturday November 9, 2019. He outlined the 2019 festival playbill and requested \$2500 in sponsorship from the Main Street District Business Improvement Area Board of Management.

Moved by: Councillor Kwapis

Seconded by: Ken Sparks

1. That the deputation provided by John Dowson regarding the York Region One Act Play Festival be received.

Carried

4.2 Newmarket 150 Historical Scavenger Hunt

David Robinson provided a deputation regarding the Newmarket 150 Historical Scavenger Hunt. He outlined the web app used, the prizes, and requested sponsorship from the Main Street District Business Improvement Area Board of Management in the amount of \$1000/month for a minimum of three months.

Moved by: Councillor Kwapis

Seconded by: Allan Cockburn

1. That the deputation provided by David Robinson regarding the Newmarket 150 Historical Scavenger Hunt be received.

Carried

4.3 Hugs 4 Hope

Nancy Bodi provided a deputation regarding the Hugs 4 Hope event on October 27, 2019 at 2:00 PM. She requested sponsorship from the Main Street District Business Improvement Area Board of Management.

Moved by: Mark Iacovetta

Seconded by: Omar Saer

1. That the deputation provided by Nancy Bodi regarding Hugs 4 Hope be received.

Carried

5. Approval of Minutes

5.1 Main Street District Business Improvement Area Board of Management Minutes of September 18, 2019

Moved by: Debbie Hill

Seconded by: Ken Sparks

1. That the Main Street District Business Improvement Area Board of Management Minutes of September 18, 2019 be approved.

Carried

6. Items

6.1 Sub-Committee Reports

6.1.1 Street Events Update

6.1.1.1 Candlelight Parade & Tree Lighting

The Members discussed the Candlelight Parade & Tree Lighting on Friday November 15, 2019 and outlined the entertainment, candlelight, and promotion for the first 250 attendees.

Moved by: Mark Iacovetta

Seconded by: Ken Sparks

1. That the Main Street District Business Improvement Area Board of Management allocate up to \$2800 to the Candlelight Parade & Tree Lighting.

Carried

6.1.1.2 Holiday Party

The Members discussed the 2019 holiday party regarding ticket prices, catering, and entertainment.

6.1.2 Strategic Priority Update

The Members reviewed the draft Request for Quote (RFQ) and agreed to accept submissions until October 30, 2019.

6.1.3 Advertising Update

The Members advised that the Advertising sub-committee had not met since the last Main Street District Business Improvement Area Board of Management Meeting.

6.1.4 Holiday Party Update

6.2 Garbage Update

The Business Development Specialist provided an update on the in-ground garbage solution pilot project and the RFP for the town-wide garbage strategy. She advised that the next taskforce meeting is October 29, 2019 and an update will be provided at the November Main Street District Business Improvement Area Board of Management Meeting.

6.3 Parking Update

Councillor Kwapis provided an update on the parking signs located on Cedar Street and advised that long-term parking solutions would be discussed at the task force meeting on October 29, 2019.

Tom Hempen advised that parking enforcement are visiting Main Street at least once per day and asked Members to forward any concerns to him to address with Town Staff.

6.4 Staff Update

6.4.1 Financial Update

The Business Development Specialist provided an update regarding Main Street District Business Improvement Area 2019 remaining budget and outstanding items.

6.4.2 Financial Incentive Program Staff Working Group Update

The Business Development Specialist provided an update on the Financial Incentive Staff Working Group, and advised that updates will continue to be brought to Main Street District Business Improvement Area Board of Management.

6.5 Annual General Membership Meeting

The Members discussed potential items for the Annual General Meeting (AGM) agenda the Business Development Specialist advised that a draft 2020 budget was to be presented at the AGM.

Moved by: Mark Iacovetta

Seconded by: Allan Cockburn

1. That the draft 2020 Business Improvement Area budget, composed of the following categories, be presented at the Annual General Meeting:
 - Stationary/Office \$500
 - Miscellaneous \$500
 - Promotion \$8,000
 - Advertising \$21,000

Carried

6.6 Next Meeting - November 20, 2019

7. New Business

7.1 Deputation Sponsorship Requests

The Members discussed the sponsorship requests from various deputants and scheduled a walk through with the Newmarket 150 Historical Scavenger Hunt prior to discussing sponsorship.

Moved by: Omar Saer

Seconded by: Debbie Hill

1. That the Main Street District Business Improvement Area Board of Management sponsor the York Region One Act Play Festival in the amount of \$500.

Carried

Moved by: Councillor Kwapis

Seconded by: Omar Saer

1. That the Main Street District Business Improvement Area Board of Management sponsor the Hugs 4 Hope event in the amount of \$500.

Carried

8. Closed Session

Tom Hempen advised that there was no requirement for a closed session.

9. Adjournment

Moved by: Councillor Kwapis

Seconded by: Allan Cockburn

1. That the meeting be adjourned at 8:50 AM.

Carried

Tom Hempen, Chair

Date



Town of Newmarket

Minutes

Main Street District Business Improvement Area Board of Management

Date: Wednesday, November 20, 2019
Time: 7:00 AM
Location: Serpa Studio
Old Town Hall
460 Botsford Street
Newmarket, ON L3Y 1T1

Members Present: Tom Hempen, Chair
Allan Cockburn, Vice Chair
Councillor Twinney
Debbie Hill
Mark Iacovetta
Jennifer McLachlan
Omar Saer
Ken Sparks

Members Absent: Councillor Kwapis
Rob Clark

Staff Present: E. Bryan, Business Development Specialist
J. Grossi, Legislative Coordinator

The meeting was called to order at 7:00 AM.
Tom Hempen in the Chair.

1. Additions and Corrections to the Agenda

The Chair advised that there were no additions or corrections to the agenda.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

None.

4. Deputations

4.1 Newmarket 150 Historical Scavenger Hunt

David Robinson provided a deputation regarding the Newmarket 150 Historical Scavenger Hunt. He outlined a sponsorship offer to the Main Street District Business Improvement Area Board of Management in the amount of \$1000/month for three months and receiving a fourth month for free.

The Members queried the deputant regarding other sponsorship opportunities and the popularity of Main Street throughout the year.

Moved by: Omar Saer

Seconded by: Allan Cockburn

1. That the deputation provided by David Robinson regarding the Newmarket 150 Historical Scavenger Hunt be received.

Carried

4.2 Chabad Newmarket

Rabbi Mendy Grossbaum provided a deputation regarding the Chanukah celebration on Sunday December 22, 2019 at Riverwalk Commons. He requested \$1000 in sponsorship to cover a portion of the event costs and entertainment.

The Members queried the deputant regarding the event duration, marketing, and potential sources of revenue.

Moved by: Councillor Twinney

Seconded by: Jennifer McLachlan

1. That the deputation provided by Rabbi Mendy Grossbaum regarding Chabad Newmarket be received.

Carried

5. Approval of Minutes

5.1 Main Street District Business Improvement Area Board of Management Minutes of October 16, 2019

Moved by: Ken Sparks

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Management Minutes of October 16, 2019 be approved.

Carried

6. Items

6.1 2020 Deputation Funding Discussion

The Main Street District Business Improvement Area Board of Management discussed ways to fund community organizations and events in 2020. They discussed special meetings for these proposals, meeting frequency and budget allocation. The Members advised that following the strategic plan development, this item can be revisited for future years.

Moved by: Councillor Twinney

Seconded by: Allan Cockburn

1. That the Main Street District Business Improvement Area Board of Management schedule two special meetings in 2020 to receive proposals regarding community organizations and events requesting sponsorship from the Board; and,
2. That the special meetings be held in January/February and June/July 2020.

Carried

6.2 Sub-Committee Reports

6.2.1 Holiday Party Update

Tom Hempen provided an update on the planning of the 2019 Holiday Party, and Councillor Twinney advised that she will coordinate centerpieces.

6.2.2 Streets Event Update

Ken Sparks provided an update on the Candlelight Parade and advised that it was well attended. He noted some confusion regarding the road closure, and advised that feedback was provided regarding the event location and sound quality.

Jennifer McLachlan requested that the Streets Events sub-committee meet on the second Tuesday of every month at 8:30 AM, and provide an update the following week at the Main Street District Business Improvement Area Board of Management meetings.

6.2.3 Strategic Priority Update

Tom Hempen advised that three proposals were received and that all Members were forwarded the documents to ensure that a decision would be made at this meeting. One proposal came in at more than double the allocated budget, so it was removed from the process.

The Members participated in an evaluation matrix process based on adherence to requirements, relevant experience, and the approach to the project. Rhaposdy Strategies was the successful submission.

6.2.4 Advertising Update

Ken Sparks advised that Jewel Radio had offered the Main Street District Business Improvement Area Board of Management a special rate for 100 thirty-second radio ads for \$2600. The Members asked for additional information to be provided.

Omar Saer advised that targeted ads on social media would be beneficial to the Members for the 2019 holiday season.

Moved by: Omar Saer

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Directors allocate \$1000 towards sponsored ads on social media in 2019.

Carried

6.3 Garbage Update

Tom Hempen advised that the in ground garbage containers have been installed and additional updates will be provided throughout the pilot project process.

6.4 Parking Update

Tom Hempen advised that the next taskforce meeting was scheduled for December 11, 2019 and asked all Members to send any questions or comments to himself prior to this meeting to ensure that they are addressed.

6.5 Staff Updates

6.5.1 Financial Update

The Business Development Specialist provided an update regarding Main Street District Business Improvement Area 2019 remaining budget and outstanding items. She advised that the revenue from the Holiday Party has not been captured, and the expenses from the Candlelight Parade have not been allocated yet.

6.5.2 Financial Incentive Program Staff Working Group Update

The Business Development Specialist advised that no applications had been received and no meetings had occurred.

6.6 Draft 2020 Meeting Schedule

Moved by: Debbie Hill

Seconded by: Omar Saer

1. That the Main Street District Business Improvement Area Board of Management approve the 2020 meeting schedule; and,
2. That the meetings begin at 8:00 AM in 2020.

Carried

6.7 Next Meeting - December 18, 2019

7. New Business

7.1 Newmarket 150 Historical Scavenger Hunt

The Members discussed the sponsorship opportunity and the new 2020 sponsorship process.

Moved by: Allan Cockburn

Seconded by: Councillor Twinney

1. That the Main Street District Business Improvement Area Board of Management defer the decision to sponsor the Newmarket 150 Historical Scavenger Hunt.

Carried

7.2 Chabad Newmarket

Moved by: Councillor Twinney

Seconded by: Omar Saer

1. That the Main Street District Business Improvement Area Board of Management sponsor Chabad Newmarket in the amount of \$500.

Carried

8. Closed Session

Tom Hempen advised that there was no requirement for a closed session.

9. Adjournment

Moved by: Allan Cockburn

Seconded by: Debbie Hill

1. That the meeting be adjourned at 8:55 AM.

Carried

Tom Hempen, Chair

Date



Newmarket Public Library Board

Minutes

Date: Wednesday, November 20, 2019
Time: 5:45 PM
Location: Newmarket Public Library Boardroom
Newmarket Public Library
438 Park Avenue
Newmarket ON L3Y 1W1

Members Present: Jane Twinney, Vice Chair
Kelly Broome
Darryl Gray
Leslee Mason
Art Weis
Victor Woodhouse (left at 6:41 pm)

Members Absent: Darcy McNeill, Chair

Staff Present: Linda Peppiatt, Deputy CEO
Todd Kyle, CEO
Lianne Bond, Administrative Coordinator

The meeting was called to order at 5:45 pm. In the absence of the Chair, the Vice Chair conducted the meeting.

1. Adoption of Agenda Items

- 1.1 Adoption of the Regular Agenda
- 1.2 Adoption of the Closed Session Agenda
- 1.3 Adoption of the Consent Agenda Items

Motion 19-11-69

Moved by Art Weis

Seconded by Leslee Mason

That agenda items 1.1 to 1.3 be adopted as presented.

Carried

2. Declarations

None were declared.

3. Consent Agenda Items

3.1 Adoption of the Regular Board meeting minutes for Wednesday, October 16, 2019

3.2 Strategic Operations Report for October, 2019

3.3 Third Quarter Library Statistical Data

3.4 Monthly Bank Transfer

Motion 19-11-70

Moved by Victor Woodhouse

Seconded by Darryl Gray

That Consent Agenda items 3.1 to 3.3 be approved and adopted as presented.

Carried

4. Reports

There were no reports.

5. Business Arising

5.1 Response to Deputation of October 16, 2019

The Library Board reviewed the responses and recommendations to the October 16, 2019 deputation.

The deputant from the October 16, 2019 deputation was given the opportunity to provide a response the C.E.O.'s report. The Board directed the C.E.O. to follow-up on the deputant's responses.

Motion 19-11-71

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board receive the report on Response to Deputation of October 16, 2019;

And That the Library Board authorize the C.E.O. to work with the Town of Newmarket to take action on staff training and on policy as outlined in the report;

And That the Library Board add the matter of recommended attributes of Board appointees to its action list with a target completion date of June, 2022;

And That the Library Board approve ceasing to record library cardholders' gender;

And That the Library Board consider diverse Board member recruitment in future strategic planning.

Carried

Motion 19-11-72

Moved by Kelly Broome

Seconded by Leslee Mason

That the Library Board receive the deputant's response to the Library Board report.

Carried

5.2 Library Version of York Region Inclusion Charter

A Library version of the York Region Inclusion Charter was presented to the Board.

Motion 19-11-73

Moved by Victor Woodhouse

Seconded by Art Weis

That the Library Board receive the report on the Library Version of the York Region Inclusion Charter.

Carried

5.3 Joint Information Report - Newmarket Public Library Effectiveness and Efficiency Review - Implementation Status Update

A Joint Information report to update Council on the ongoing implementation of the Newmarket Public Library's Effectiveness and Efficiency review has been prepared. The C.E.O. will look into whether the Board would be able to participate in the Request for Proposal process for a consultant to look at future facility needs analysis.

Motion 19-11-74

Moved by Darryl Gray

Seconded by Kelly Broome

That the Library Board receive the Joint Information Report - Newmarket Public Library Effectiveness and Efficiency Review - Implementation Status Update.

Carried

5.4 Leadership by Design Board Orientation Part 3

This item was deferred.

Motion 19-11-75

Moved by Leslee Mason

Seconded by Art Weis

That the Leadership by Design Board Orientation Part three be deferred.

Carried

5.5 Library Board Action List

The Library Board reviewed the Action List.

Motion 19-11-76

Moved by Kelly Broome

Seconded by Victor Woodhouse

That the Library Board receive the Action List as presented.

Carried

5.6 Reducing barriers to borrowing update

The C.E.O. advised the Library Board that previously reported elimination of fines on Children's material would exclude fines on Children's DVDs, video games, and devices. After further review this will no longer be the case and fines on all Children's material will be removed, effective January 1, 2020.

6. New Business

6.1 Proposed Dissolution of York Info Partnership

The C.E.O. provided an overview of recent developments that factored in to the decision to propose the dissolution of the York Info partnership.

Motion 19-11-77

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board receive the report on the proposed dissolution of the York Info partnership;

And That the Library Board authorize the C.E.O. to take all necessary steps to give effect to the actions outlined in the report.

Carried

7. Closed Session

Motion 19-11-78

Moved by Leslee Mason

Seconded by Darryl Gray

That the Library Board move in to Closed Session at 6:35 pm for Labour relations and personal matters about an identifiable individual.

Carried

Motion 19-11-79

Moved by Darryl Gray

Seconded by Kelly Broome

That the Library Board move out of Closed Session at 6:43 pm.

Carried

Motion 19-11-80

Moved by Art Weis

Seconded by Leslee Mason

Motion arising from Closed Session:

That the Library Board receive the report on 2020 economic adjustment for non-union employees and update on Marketing and IT realignment agreement.

Carried

8. Dates of Future Meetings

8.1 The next Regular Board meeting is scheduled for Wednesday, December 18, 2019 at 5:45 pm in the Library Board room

9. Adjournment

Motion 19-11-81

Moved by Kelly Broome

Seconded by Art Weis

That there being no further business the meeting adjourn at 6:44 pm.

Carried

Jane Twinney, Vice-Chair

Todd Kyle, Secretary/Treasurer

Town of Newmarket

Outstanding Matters List (2018 – 2022 term of Council)

As of January 23, 2020

Q1, 2020				
1.	Meeting Date: Committee of the Whole – April 29, 2019 Subject: 2018-2022 Council Strategic Priorities	Recommendations: 2. That Staff report back to Council with respect to a fulsome, ongoing communications plan (completed) and an overall performance measurement approach intended to track and present progress. Responsible Department: ➤ Strategic Priority Staff Working Group	Q1, 2020	
2.	Meeting Date: Committee of the Whole – April 8, 2019 Subject: Hollingsworth Arena and Future Ice Allocation Considerations	Recommendations: 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 6. That within six months staff bring back a report on any plans for public amenity use at this location; and, Responsible Department: ➤ Recreation & Culture Services	Q1, 2020	
3.	Meeting Date: Committee of the Whole – February 25, 2019 Subject: Recognition of the Widdifield Family	Recommendations: 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. Responsible Department: ➤ Recreation / Parks	Q1, 2020	Information Report to be provided
4.	Meeting Date: Committee of the Whole – April 9, 2018 Subject: Council Remuneration	Recommendations: 1. 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, Responsible Department: ➤ Office of the CAO/Human Resources	Q1, 2020	

5.	Meeting Date: Special Committee of the Whole – May 14, 2019 Subject: Ranked Ballots	Recommendation: 3. That Staff report back to Council with respect to referendum questions for the 2022 Municipal Election; and, Responsible Departments: ➤ Legislative Services	Q1, 2020	
6.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: Established Neighbourhoods Compatibility Study	Recommendation: Established Neighbourhoods Compatibility Study Responsible Department: ➤ Planning and Building Services	Q1, 2020	Special Committee of the Whole held January 20, 2020
7.	Meeting Date: Committee of the Whole - August 26, 2019 Subject: Traffic & Parking Petitions	Recommendations: 1. That the petition regarding Parking Restrictions on Helmer Avenue be referred to Staff; and, 2. That the petition regarding Traffic Calming Measures/Speed Mitigation on Flagstone Way be referred to Staff; and, 3. That the petition regarding Traffic Calming Measures/Speed Mitigation on Simcoe Street be referred to Staff. Responsible Departments: ➤ Engineering	Q1, 2020	
8.	Meeting Date: Committee of the Whole - April 30, 2018 Subject: Heritage Designations - York Region Administrative Building and Newmarket Canal System	Recommendations: 1. The Strategic Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report: 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, b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system. Responsible Department: ➤ Planning and Building Services	Q1, 2020	
9.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: All Way Stop at Dover Crescent and Burford Street	Recommendations: 1. That the traffic issue related to an all-way stop at Dover Crescent and Burford Street be referred to Staff. Responsible Departments: ➤ Engineering Services	Q1, 2020	

10.	Meeting Date: Council - September 9, 2019 Subject: All Way Stop at Dover Crescent and Burford Street	Recommendations: 1. That the deputation by Joseph Coupal regarding a Request for an All-way Stop at the Intersection of London Road and Harewood Boulevard be received and referred to staff Responsible Departments: ➤ Engineering Services	Q1, 2020	
11.	Meeting Date: Committee of the Whole - June 17, 2019 Subject: Protection of Trees on Private Property	Recommendations: 4. That following the internal and public consultation, issues identified in this report, together with comments from the public, and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole with a draft by-law; and, Responsible Department: ➤ Planning Services	Q1, 2020	PIC at the iWonder Event completed.
12.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Youth Engagement, Diversity and Inclusivity, and Consultation on the Environment	Recommendation: 3. That staff be directed to plan a Climate Change Open House for Fall 2019 (completed) and a Spring 2020 e-Waste Collection event as part of a one-year pilot environmental consultation program and report back in 2020 with a review of this program; Responsible Departments: ➤ Engineering Services, Public Works Services	Q1, 2020	
Q2, 2020				
13.	Meeting Date: Committee of the Whole – March 18, 2019 Subject: Construction Vibration Issues	Recommendations: 5. That staff investigate options for existing sites where construction activity will cause significant vibrations. Responsible Departments: ➤ Planning and Building Services & Engineering Services	Q2, 2020	
14.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Ward 1 Traffic Petitions	Recommendation: 1. That the petitions regarding traffic issues in Ward 1 be received and referred to staff. <ul style="list-style-type: none"> • Atkins Drive – Speed Mitigation • Helena Court – Parking • Kingsmere Avenue – Stop sign Responsible Departments: ➤ Engineering Services	Q2, 2020	

15.	<p>Meeting Date: Committee of the Whole - September 23, 2019</p> <p>Subject: Derelict Properties</p>	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That Staff circulate an information report related to derelict properties, including information regarding demolition requirements and any impediments that may apply. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services ➤ Planning & Building 	Q2, 2020	
16.	<p>Meeting Date: Committee of the Whole - April 30, 2018</p> <p>Subject: Asset Replacement Fund Strategy</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Financial Services 	Q2, 2020	
17.	<p>Meeting Date: Council – December 5, 2016</p> <p>Subject: Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street S.</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q2, 2020	
18.	<p>Meeting date: Committee of the Whole – March 19, 2018</p> <p>Subject: 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services/ Community Centre Lands Task Force 	Q2, 2020	

Q3, 2020				
19.	Meeting Date: (1) Committee of the Whole - November 6, 2017 (2) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report) Subject: Residential Parking	Recommendations: (1) 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: c. 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. (2) 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 Responsible Department: ➤ Planning and Building Services / Legislative Services	Q3, 2020	CW held on June 10, 2019
20.	Meeting Date: Committee of the Whole – November 4, 2019 Subject: Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard	Recommendation: 1. That the petition regarding Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard be referred to Staff. Responsible Departments: ➤ Engineering Services	Q3, 2020	
21.	Meeting Date: Committee of the Whole - February 26, 2018 Subject: Newmarket Public Library Study Implementation	Recommendations: 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. Responsible Department: ➤ Community Services/Newmarket Public Library	Q3, 2020	

Q4, 2020				
22.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: Town-Wide Mitigation Strategy - Traffic Calming Policy Public Consultation Report	Recommendations: 2. That Staff report back to Council in up to 12 months regarding various initiatives raised in this report. Responsible Departments: ➤ Engineering	Q4, 2020	
23.	Meeting Date: Committee of the Whole – November 4, 2019 Subject: Multi Use Pathways	Recommendation: 1. That Council direct Staff to report back in 2020 regarding the best practices and options for improving the signage and markings on the Tom Taylor Trail system. Responsible Departments: ➤ Public Works/Parks	Q4, 2020	
2021				
24.	Meting Date: Council – January 18, 2016 – Item 35 Subject: 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue	Recommendation: 1. That staff provide alternate trail options for this area at a lower cost. 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, 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, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. Responsible Department: ➤ Planning and Building Services ➤ Engineering Services	2021	Deferred subsequent to VivaNext construction

25.	Meeting Date: Committee of the Whole - November 4, 2019 Subject: Parking Enforcement Initiative - Pay It Forward Program	Recommendation: 3. That Staff report back to Council within 18 months Responsible Department: ➤ Legislative Services	2021	
26.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Single Use Plastics	Recommendation: 1. That Council direct staff to bring back a report which outlines the roles and responsibilities of the Province, the Region and the Town in relation to recycling and diversion and provides the following: a. information on what work is currently being done to address the reduction and eventual elimination of single use plastics; and, b. clear options for Council to consider to ensure the town is taking steps within its jurisdiction to reduce and eventually eliminate single use plastics. Responsible Departments: ➤ Public Works/Operations	TBD	
2022-2026 Term of Council				
27.	Meeting Date: Committee of the Whole – January 13, 2020 Subject: Ward Boundary Review	Recommendation: 3. That a Ward Boundary Review be deferred for consideration by the 2022-2026 term of Council Responsible Departments: ➤ Legislative Services		



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Short-Term Rentals Staff Report to Council

Report Number: 2020-07

Department(s): Legislative Services, Planning and Building Services

Author(s): Flynn Scott, Manager, Regulatory Services and Ted Horton, Senior Planner

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Short-Term Rentals dated February 3, 2020 be received; and,
2. That Council provide direction to staff regarding the four options described in this report and identify a preferred option; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Short term rentals (STRs) are a growing industry that allow for the renting of a room or dwelling unit for up to one month, often through online platforms. The growth of this industry has raised general concerns of neighbourhood impact related to noise, garbage, property standards, and the conduct of visitors. More broadly, STRs have raised significant concerns over exacerbating challenges with lack of rental housing and decreasing housing affordability.

This report provides an overview of STRs, their status in Newmarket, their role and impact on housing, and options for how the Town may choose to regulate them. It provides options for Council on how to advance potential amendments to the zoning by-law and/or the adoption of a licensing by-law.

Purpose

The purpose of this report is to provide an overview of STRs in the Ontario legislative context and identify the powers that Council can exercise to regulate STRs. The report is intended to begin a process of public consultation and review that will occasion

subsequent reports to Council. This process may result, if warranted, in amendments to the zoning by-law and lead to the creation of a STR licensing by-law.

Background

There has been a significant rise in market for renting residential properties or rooms for short periods, driven in large part by online companies that host listings and facilitate bookings and payments.

Staff were requested to begin a review of STRs and how the Town may regulate them. A Public Information Centre was held on December 10, 2019 to provide information and to consult with the public. This report serves to seek Council's consideration on a proposed direction of a regulatory framework pertaining to STRs.

The Town's authority under the *Municipal Act* to enact licensing by-laws provides greater flexibility. By requiring a licence for certain activities (i.e. operating a STR) the Town can ensure that the requirements of other legislative regimes, such as the Ontario Building Code and Fire Code, are met to confirm the safety of residents and visitors.

A business licence by-law regulates the way certain businesses must operate. Through this by-law, a municipality can coordinate business activities by requiring a business licence, conducting inspections of business operations, assessing risk, and facilitating compliance with applicable by-laws and provincial statutes. Business licensing also encourages responsible business practices to ensure consumer protection and mitigate impacts to adjacent properties. A business licence is only issued after specific requirements and conditions have been met and the renewal of a licence occurs on an annual basis to confirm conditions are being adhered to. Following the issuance of a business licence, a municipality may use its business licence by-law as a useful and powerful tool for providing regulatory oversight for businesses.

Discussion

Short-term rentals (STRs) are not a new form of accommodation. STRs are rising in prominence due to the increased ease by which they can be provided and accessed via online services.

Concerns with STRs have grown due to their increased prevalence, and perceptions that they are responsible for negative community effects such as increased waste, vacancy, violence, noise, and the loss of limited rental housing stock.

What is a short-term rental?

STRs are generally considered to be rentals of residential accommodation for periods of less than one month. STRs can take a range of formats: operators may rent out an entire dwelling unit (i.e. a house for short-term rent) or individual rooms, it may be the operator's principal residence or a second home owned by the operator, and the

operator may reside on-site or they may not. These conditions and requirements are determined through the by-law regulations that a municipality chooses to enact.

Short-term rentals in Newmarket

Using data-scraping technology in October 2019, staff identified approximately 179 STR listings located in Newmarket which were spread throughout all seven wards.

The STRs identified are principally located in single detached dwellings (83%), and slightly over half of the identified listings were for an entire dwelling (e.g. an entire apartment unit, an entire ADU, or an entire house dwelling) rather than a room within a dwelling unit (e.g. a house with multiple bedrooms having an STR in one or more of the bedrooms).

Community Feedback

On November 5, 2019, a special meeting for Ward 6 was conducted between the Mayor, Ward Councillor, Town staff, and residents of Ward 6 to discuss STRs in response to growing community concerns for safety surrounding STRs. Staff had an opportunity to receive public feedback and engage with residents on whether or not to permit STRs and, if permitted, options for what a regulatory framework may look like. Throughout the meeting, residents voiced concerns for allowing STRs near school zones and within certain residential areas of Town. A licensing regime was also discussed, where staff engaged with residents to discuss potential rules and regulations pertaining to responsible business practices, including the requirement for a STR operator to remain on the premises while a booking exists in order to respond to complaints or concerns that may result from guests on the property. While the consensus of the group was to prohibit STRs in their entirety, some responded with support in establishing a licensing framework to ensure compliance with regulations imposed to mitigate noise, nuisance, and parking-related concerns.

On December 10, 2019, a Public Information Centre (PIC) for STRs was held to engage Town of Newmarket residents. The PIC included a formal, interactive presentation that allowed attendees an opportunity to provide input throughout the presentation. A total of 23 residents participated in the interactive presentation and results were documented as follows:

- 61% of participants were concerned that STRs generate noise/party homes, garbage issues, parking issues, and impact community safety;
- 62% believe that only home owners should be permitted to obtain a STR business licence;
- 62% believe that the operator should remain onsite while the home is being rented as a STR;
- 74% support only permitting 4-6 guests at one time; and
- 78% believe that a STR should be permitted in an entire dwelling where two dwellings exist.

A survey was also promoted online to receive public input on STRs. A total of 123 participants completed the survey and the results were documented as follows:

- 77% support only one booking per property at one time;
- 74% support the STR owner being onsite while a booking occurs;
- participants were undecided for allowing in all types of homes (e.g. apartments, single detached dwellings, semi-detached dwellings, etc.)
- 75% expressed concerns for noise/party homes, garbage, parking, and community safety in relation to STRs; and
- 54% of participants did not support allowing STRs.

Rental Housing in Newmarket

Newmarket has an insufficient supply of rental housing. Rental vacancy rates in the past two decades have hovered between 0.7% in 2001 to 1.6% in 2012 and 1.3% in 2017, well below the 3% that is generally regarded as an indicator of a healthy market. Research has indicated that STRs have a negative impact on rental housing availability.

As the Town considers rules for STRs, it is important to consider how this will affect the supply of rental housing and the affordability of housing for owners.

Town regulatory authority

The Town can control and regulate STRs through its tools under the *Planning Act* and *Municipal Act*.

Zoning

Section 34 of the *Planning Act* provides the authority for municipalities to enact zoning bylaws to regulate the use of land and structures.

The Town's zoning by-laws define that residential zones are permitted to be occupied by a dwelling unit. Depending on the type of zone, more than one dwelling unit may be permitted (e.g. a duplex, a four-plex, an apartment). Each by-law defines a dwelling unit as being a set of living quarters occupied by a family, being a group of persons in an independent housekeeping unit who are not necessarily related by blood or marriage. The zoning by-laws do not permit a dwelling unit to be used as an accommodation for the travelling public, which prohibits the use of a dwelling unit as a STR without being principally occupied by a family.

Zoning By-law 2010-40 does permit a Bed and Breakfast in most single detached homes. A Bed and Breakfast is a dwelling or part of a dwelling in which up to three bedrooms are used for the accommodation of the travelling public, and which is occupied by the owner. This allows for a single detached home to be a STR, provided that the dwelling is occupied by its owner and no more than three bedrooms are used for STRs.

Among other powers, the Town has the ability to amend its zoning by-laws to:

- Limit the areas where are permitted STRs;
- Control what types of buildings can be used for STRs ;
- Require whether the dwelling must be principally used as a residence;
- Limit the number of nights that a dwelling can be a STR;
- Require an amount of parking required for a STR; and
- Limit the number of bedrooms that can be used as a STR.

The authority of municipalities to regulate STRs through zoning has been upheld in successive cases at the Ontario Municipal Board and its continuance as the Local Planning Appeal Tribunal.

Collingwood implemented regulations on STRs through zoning and licensing due to their rapid growth and the municipality's high demand for tourist accommodations. In 2011 the Ontario Municipal Board upheld Collingwood's regulation of STRs. Collingwood's approach to STRs set geographic limits on where they were permitted, required separation distances between STRs, implemented maximum numbers of guests at one time, and imposed requirements on parking and waste management.

The City of Toronto implemented zoning by-law amendments in 2017 to regulate STRs, which were challenged to the LPAT and were upheld in 2019. The hearing discussed the role of dedicated STRs as a commercial use, stating that:

Although the context and facts differ, various authorities have found that temporary forms of accommodation for tourists and others do not constitute a residential use. The Tribunal's finding here that dedicated STRs exhibit commercial characteristics beyond what is intended or expected in residential areas is supported by *Mailloux v. Tofino (District)*, 2018 BCSC 2298

The Toronto hearing decision also favorably cites the objectives of ensuring that residential dwelling units are maintained as housing for residents and the role of this control in increasing housing availability and affordability, stating that:

The ZBAs are found to implement the policies, first by protecting the housing supply as permanent domiciles for residents, and second, by responding to the availability and affordability issues, if not by returning units to the rental market, at least by preventing further conversions of dwelling units into dedicated STRs.

The appellants of the decision of the LPAT in the Toronto hearing have stated that they intend to appeal the decision to the Divisional Court due to their belief that the Tribunal made errors in law in its decision. Until the decision of the Divisional Court on the appeal, the established decisions continue to uphold the authority of municipalities to regulate STRS.

Short-term rental licensing regime

By establishing regulations for STRs under a licensing regime, the Town would have the authority to impose conditions on STR operators in order to address increased community concerns, such as noise, nuisance behavior, garbage, health and safety, and other by-law-related issues. The purpose for imposing conditions on STRs would be to:

- require stronger accountability of owners/operators;
- improve health and safety by requiring fire/building safety requirements are met;
- a reduce neighbourhood complaints through proactive enforcement; and
- establish a process for public concerns to be resolved.

In order to achieve compliance from STR operators, it is imperative to design a regulatory, licensing, and enforcement system that is easy to understand, inspires high levels of voluntary compliance, and has effective means of preventing unlawful behavior. Council's direction is required on options pertaining to zoning amendment considerations. However, based on the public input received and a review of best practices across Canada, staff are proposing the following licensing requirements be imposed through a business licence process:

- require the permanent resident to be the operator and licence holder;
- require the operator to remain onsite while a booking exists;
- require the operator to be available to respond to complaints within 1hr of being notified of a complaint;
- limit the number of guests per bedroom;
- limit the number of bedrooms per STR;
- require the operator to provide a 'good neighbours' guidebook, which provides the Town's by-laws regarding noise, garbage, and emergency contact information;
- require a sign permit to be obtained and placed on the property to identify the premises as a STR;
- ensure the property building and safety permits have been obtained;
- ensure compliance with the zoning by-law and all related enactments; and
- implement a demerit point system, where complaints and violations against the STR apply demerit points, with a process for suspending or revoking the business licence for reaching the demerit point threshold established.

The licensing regime proposed to Council will include enforcement under the Administrative Monetary Penalty System (AMPS) to ensure compliance with regulations imposed.

Options for Council's Consideration

Option #1: Adopt a licensing by-law for STRs and do not amend the zoning by-law.

The Town of Newmarket Zoning By-law currently permits bed and breakfasts to operate in all R1 (single detached dwelling) zones. Based on the definition that currently exists

for a bed and breakfast, a STR would also meet this definition and be permitted to operate as a room-rental of up to 3 bedrooms where the owner-occupant resides within one of the bedrooms in the dwelling.

Implications: By not amending the zoning by-law at this time,

Council would not have an opportunity to specify whether or not STRs may operate in one or two dwelling homes. Within this option, room-rentals would be the only way to operate a STR, as opposed to entire home rentals where two dwellings exist on the property. This option would conflict with the trend indicated by data obtained by Town staff in October 2019, which indicated that 55% of STRs in Newmarket were entire home rentals.

It is also important to highlight that any properties currently operating a bed and breakfast within the Town of Newmarket would be eligible for lawful nonconforming status. This means that, regardless of Council choosing to amend the zoning by-law or not at a future date, any properties that operate a room-rental bed and breakfast business where the owner-occupant resides in the dwelling within a R1 zone would be permitted to continue operations, despite any zoning amendments being made.

Timeline: A licensing regime could be brought forward as early as **April or May 2020**. The licensing by-law would regulate the conduct, behavior, and conditions for being licensed as a STR operator. Proposed regulations would be presented to Council and would include the provisions specified above.

Option #2: Adopt a licensing by-law for STRs and amend the zoning bylaw.

The current zoning by-law restricts bed and breakfasts and STR room-rentals to one dwelling properties. If Council chooses to consider allowing entire home rentals where two dwellings exist, an amendment to the zoning by-law will be required. Council would also need to amend the zoning by-law if they wish to consider:

- allowing STRs in lawful accessory dwelling units (ADUs);
- allowing or prohibiting STRs in certain types of buildings (e.g., apartments or townhouses);
- allowing or prohibiting STRs in certain geographic areas; and
- revising off-street parking requirements for STRs.

Implications: By amending the zoning by-law, Council would have an opportunity to review and consider regulations pertaining to the information provided above. As identified in Option #1, despite Council's direction, lawful nonconformity would exist for STRs that operate in R1 zones as a room-rental with the owner-occupant residing in the dwelling.

Timeline: This option would require amendments to the zoning by-law with the associated processes of the *Planning Act*. Zoning by-law amendment recommendations could be presented to Council by **August 2020**.

Option #3: Direct staff to take a hybrid approach which incorporates Option #1 and Option #2 above.

Council may also consider establishing regulations pertaining to STRs through a multi-phase approach. By selecting Option #3, Council can direct staff to introduce a licensing regime on current zoning regulations pertaining to owner-occupied room-rentals in all R1 (single detached dwelling) zones. This would be the first phase in developing a regulatory framework. Simultaneously, Council can direct staff to initiate a regulatory review of the zoning by-law to explore further options for amending the zoning by-law to consider the options presented in Option #2. Once amended, the licensing regime established would already be in place to incorporate and support the changes reflected in the zoning by-law.

Implications: As previously identified in both Option #1 and Option #2, lawful nonconformity would exist for any room rental within the R1 zones. Should Council choose to make changes to the zoning by-law regarding geographical location or types of buildings permitted, single detached dwellings that meet the current zoning by-law provisions would be exempt through lawful nonconforming status until discontinued use is demonstrated.

Timeline: Phase 1 of Option #3 would only require the adoption of a licensing by-law, which could be presented to Council in April or May 2020.

Phase 2 of Option #3 would require amendments to the zoning by-law, which could be presented to Council by August 2020.

Option #4: Do not enact a licensing by-law, nor change zoning regulations on STRs (status quo).

By selecting Option #4, Council may choose to not regulate STRs through a licensing or zoning by-law at this time. This would maintain that entire home rentals are prohibited in the Town of Newmarket. However, bed and breakfasts are currently a permitted use in R1 (single detached dwelling) zones, which permits an owner-occupant to conduct room rentals on a nightly basis.

Implications: Data collected by staff indicates that 45% of STR operators within Newmarket fall under the definition of a bed & breakfast and could continue to operate their business without any additional regulatory requirements imposed.

Conclusion

STRs are a growing industry in the Greater Toronto and Hamilton Area. Their growth in residential areas raises questions of impact on noise, garbage, property standards, and availability of rental housing. Newmarket has tools under the *Planning Act* and *Municipal Act* to regulate STRs.

This report seeks Council direction as to which option (as provided above) staff should be directed to take in reviewing regulations for the Town of Newmarket. Following this direction, a process of public consultation and review will be conducted and staff will report back with proposed regulations for Council's consideration.

Business Plan and Strategic Plan Linkages

This report aligns with the strategic priority of:

- Vibrancy
 - Supporting access to a diverse range of housing options

This report also aligns with the Rev-it-up recommendations for improving administration and service levels within the Town of Newmarket through the Municipal Accommodation Tax (MAT) revenue opportunities.

Consultation

Considerable consultation has been conducted with municipalities across Ontario to review regulations pertaining to STRs. Town staff has also attended conferences and presentations conducted by Blue Mountain to review their regulatory framework.

Ongoing consultation includes Town staff participating in a STR Regional Working Group to review best practices throughout various communities.

A special Ward 6 meeting was held on November 5, 2019 to receive public input from residents that identified safety concerns surrounding STRs.

A Public Information Centre was held on December 10th 2019 to provide information and receive public input. Staff has also consulted with stakeholders in the community to receive feedback and recommendations for what a regulatory regime may look like.

A survey was posted online to receive further input from the community regarding STR regulations.

The Town of Newmarket Legal Department was also consulted to review the implications for lawful nonconforming status of room rentals within R1 zones.

Following the direction provided by Council, a process of public consultation and review as required by the *Planning Act* may be required before such regulations can be enacted. Further consultation with proposed regulations would be presented through a

Public Information Centre and staff will report back with a regulatory framework for Council's consideration.

Human Resource Considerations

A request is being made through the Mobile Business Licence By-law Report to support the administrative and enforcement processes associated with the implementation of a licensing regime. This request would expand the licensing program by one additional licensing officer and changing the part-time administrative associate into a full-time position for the duration of twelve months via contract. Should Council direct staff to move forward with a licensing regime for STRs, administration and enforcement strategies would be accommodated through the request made under the Mobile Business Licence Report, as well as the existing licensing program. These positions would be responsible for all licensing-related demands of the department.

Budget Impact

Should Council direct staff to impose a licensing regime through Options #1, #2, or #3, staff are requesting Council's approval to purchase Host Compliance Software technology to ensure compliance with STR regulations.

Host Compliance is a data-scraping technology that can locate and identify STRs within the Town of Newmarket. This technology was utilized to gather data and statistics during the December 10, 2019 Public Information Centre. Host Compliance offers several different modules, which include:

- Address identification of all STR properties in Newmarket. This module will automatically document active listings to identify noncompliant properties or properties operating without a valid licence for enforcement purposes;
- 24/7 Hotline with real-time operators. This module allows the public to make a formal complaint directly through the software system. Complainants will speak to an operator in real time, receive a link via text or e-mail to upload photos, videos, or audio relevant to their complaint, and trigger a complaint call being generated. If Council chooses to adopt the recommendation to require the STR owner respond to complaints received within 1hr, the real-time operator will phone the registered owner of the STR, advise a complaint has been received, and give them 1hr to respond. Should no one answer, respond, or resolve the complaint, the infraction will be documented in the software system and a Licensing Officer will issue a ticket the following day, as well as impose the appropriate number of demerit points for the contravention documented. This will significantly empower enforcement and compliance due to the implications of a STR owner's licence being revoked for noncompliance.
- Municipal Accommodation Tax (MAT) collection. If Council chooses to enact MAT collection, Host Compliance can collect the 4% room tax applied to all STRs licensed under the Town's by-laws. Host Compliance enables STR owners to use an app to submit taxation through their platform on a quarterly basis, which will be

directly transferred to the Town. This module will also conduct an audit of the tax submissions claimed by the STR owner by comparing the data collected through data-scraping technology re: number of bookings per month and the amount the STR owner has claimed. If a discrepancy exists, Host Compliance will generate a letter to advise the STR owner that they have made a false claim on taxation and provide the correct amount due.

Total cost for all modules through Host Compliance is approximately \$32,000. Council may also choose to move forward with only one module at a time, with each module varying in price, but costing no more than approximately \$11,000 per module.

Once a licensing regime has been adopted, Town staff will be able to implement the collection of MAT on STRs, with hotels also being captured under MAT. Revenues by way of 4% per room booked on a nightly basis will be collected.

Attachments

None.

Approval

Ted Horton, Senior Planner

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Flynn Scott, Manager, Regulatory Services

Lisa Lyons, Director, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

Contact

Ted Horton – thorton@newmarket.ca

Flynn Scott – fscott@newmarket.ca



PLANNING & BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Notice of Statutory Public Meeting

Zoning By-law Amendment, Official Plan Amendment, Draft Plan of Subdivision

Property Description:	Former Glenway Golf Course (west of the Hydro Corridor)
Applicant:	Marianneville Developments Limited
File Number:	D9NP1902 (OPA), D14NP1902 (ZBA), D12NP1902 (DPS)

A statutory public meeting required by the Planning Act, will be held on **Monday, February 3, 2020 at 7:00 P.M.** in the Council Chambers at 395 Mulock Drive. Immediately before the meeting, an informational open house will be held at 6:00 PM in the foyer in front of the Council Chambers.

Purpose and Effect: Applications have been submitted for Official Plan amendment, Zoning By-law amendment, and Draft Plan of Subdivision to allow for the redevelopment of the former golf course lands into a residential subdivision. More specifically the proposal is laid out below with the numbers corresponding to the image on reverse of this page.

- Residential Lots 1-10: Ten (10) single detached dwellings
- Block 12: Eighty-seven (87) single detached dwellings on vacant land condominium units on private roads
- Block 13: Ninety-six (96) Residential townhouse units
- Block 14, 15, 16: Parkland and trail lands
- Blocks 17 and 18: Existing stormwater management ponds with passive recreation uses and trail connections

Location: A map of the location of the subject lands is provided on the reverse of this page.

Any person may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed amendments. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

If you wish to be notified of the adoption of the proposed Official Plan or Zoning By-Law Amendment, you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-laws are passed, the person or public body may not be entitled to appeal the decision of the Town of Newmarket to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-laws are passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you are the owner or manager of any land that contains seven or more residential units, you are requested to post this notice in a location that is visible to all of the residents.

Additional information relating to the applications 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/applications

For more information about this matter, including information about appeal rights, contact:
Ted Horton – Senior Planner
Town of Newmarket
395 Mulock Drive PO Box 328 STN Main
Newmarket, ON L3Y 4X7
thorton@newmarket.ca

Dated at the Town of Newmarket this 10th day of January, 2020





Glenway West

Marianneville Developments Limited

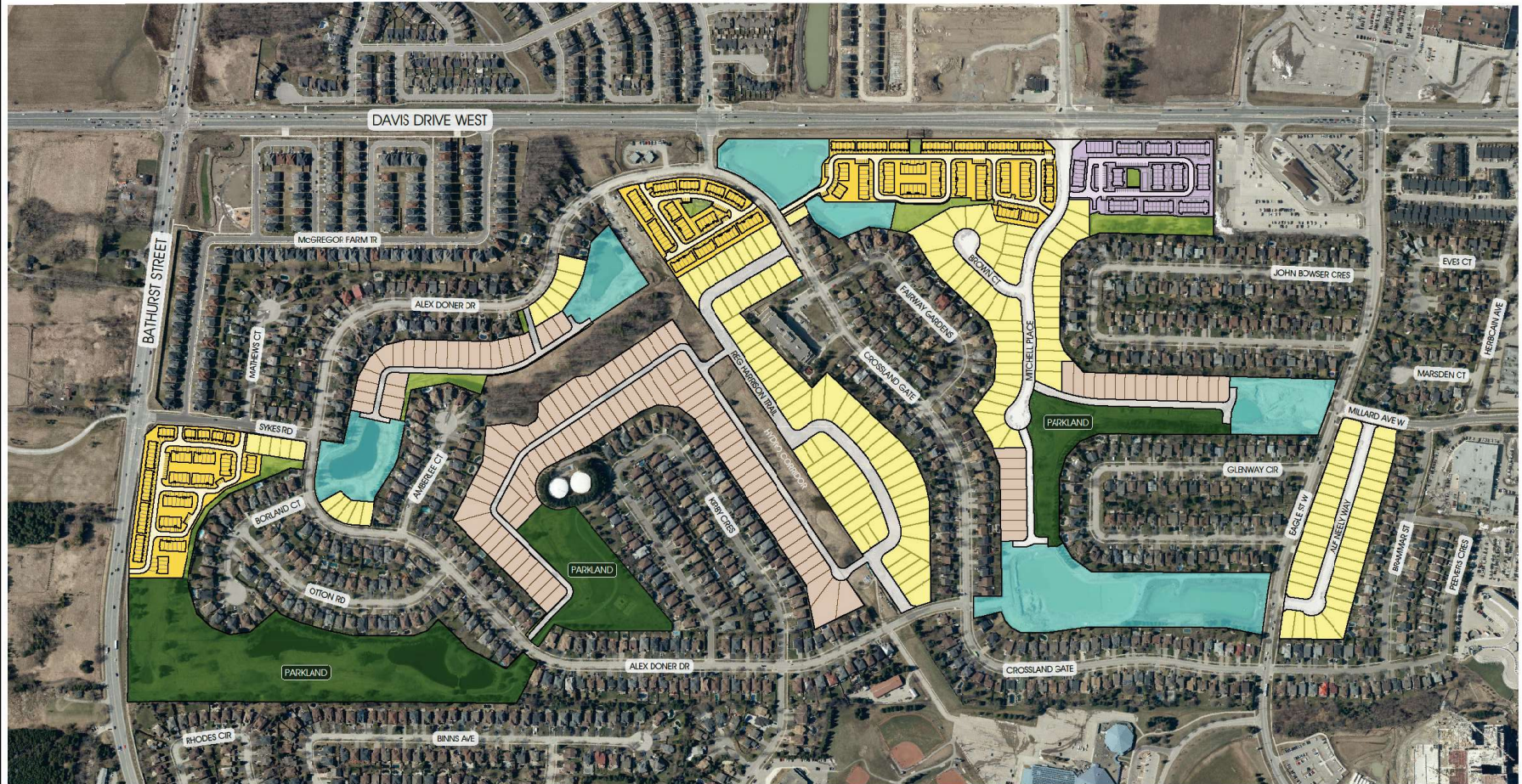


Subject Lands





GLENWAY COMMUNITY


TOWN OF NEWMARKET

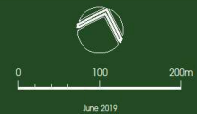


 SINGLE DETACHED RESIDENTIAL
 SINGLE DETACHED RESIDENTIAL - CONDO

 MEDIUM DENSITY RESIDENTIAL
 HIGH DENSITY RESIDENTIAL

 PARKLAND
 AMENITY AREAS / OPEN SPACE

 STORMWATER MANAGEMENT



Concept Plan



Sample Elevations

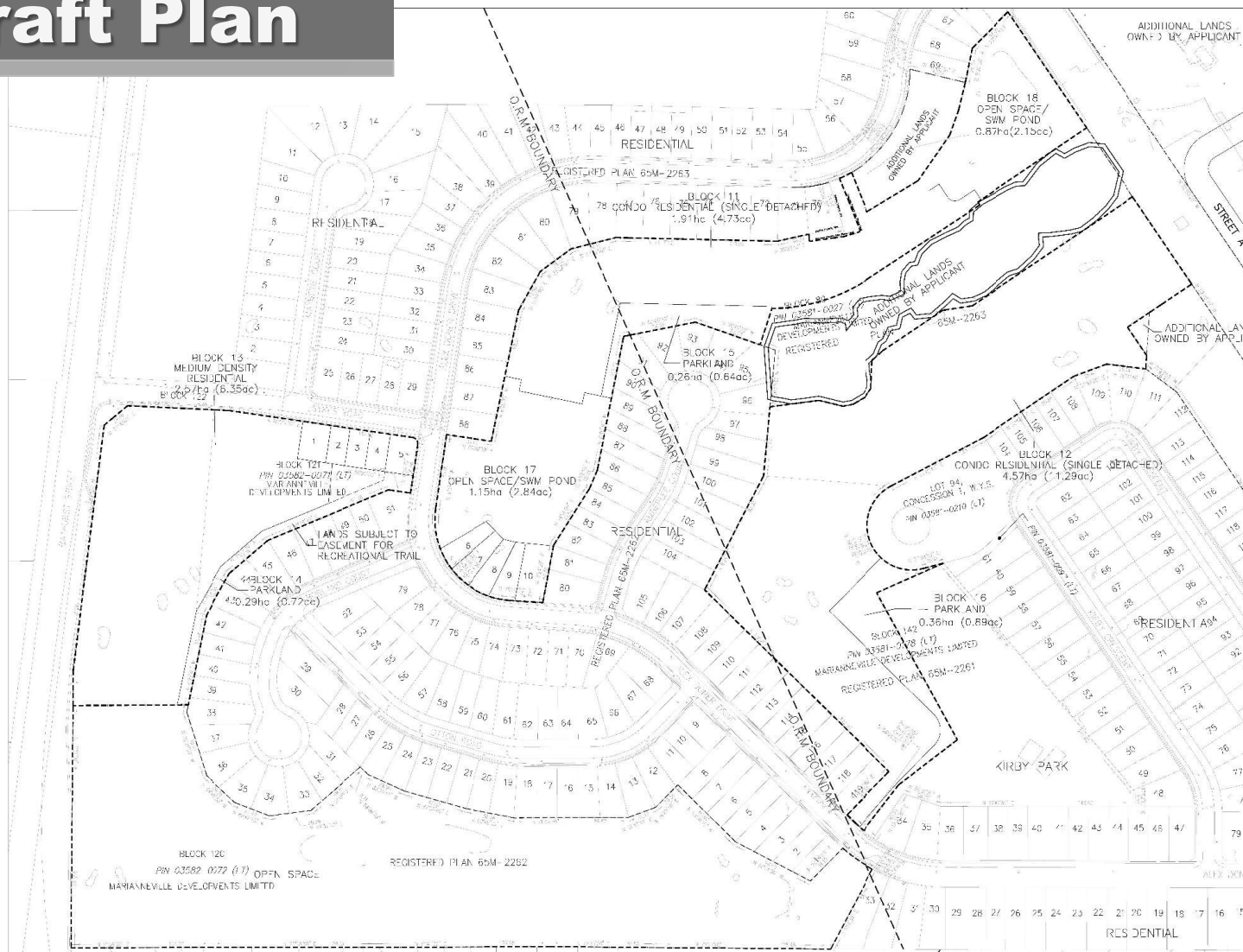


MARIANNEVILLE DEVELOPMENTS LTD.
GLENWAY WEST, NEWMARKET

Open Space and Trail System



Draft Plan



KEY PLAN



**DRAFT PLAN
OF
SUBDIVISION**

OF PART OF
LOTS 60, 61, 64, 65, 66, 67
BLOCK 92, RP 65M-2212

AND ALL OF
BLOCK 91, RP 65M-2212
BLOCK 155, RP 65M-2205
BLOCKS 144 RP 65M-2261
BLOCK 89, RP 65M-2263
BLOCK 73, RP 65M-2284

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK

INFORMATION REQUIRED UNDER
SECTION 51 (17) OF THE PLANNING
ACT

A) As shown
B) As shown
C) As shown
D) As listed above
E) As shown
F) As shown
G) As shown
H) Municipal water supply available
I) Mix of Silty Sand & Silty Clay
J) As shown
K) All municipal services to be available
L) As shown

PROPOSED LAND USES AND AREAS

RESIDENTIAL (3 OF 4 1-10)	13 units	0.585 M
RESIDENTIAL CONDOS (BLOCKS 11-12)	87 units	6.680 M
RESIDENTIAL MEDIUM DENSITY (BLOCK 13)	99 units	2.566 M
PARKLAND (BLOCKS 14-15)		0.812 M
OPEN SPACE/STORMWATER MANAGEMENT (BLOCKS 17-18)		2.222 M

OWNER'S CERTIFICATE

MARIANNEVILLE DEVELOPMENTS LIMITED
HEREBY CONSENTS TO THE FILING OF THIS PLAN IN DRAFT
FORM

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND
TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE
ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN

Drug 2. Naloxone. OVARIO LAMINOLINOL

NO.	REVISION
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	CATF	INITIA
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ZELINKA PRIMO LTD
A Professional Planning Practice

318 Wellington Road, London, Ontario N6C 4P4
Tel: (519) 474-7137 Fax: (519) 474-2254 e-mail: zpl@zspplan.com

10/1/2014	11/1/2014
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DATE: 07/01/01	PROJECT: NM5
CTG: 01	NO. 10-01

NAME	DATE
SCORE	TIME

DATE	SCALE
MARCH 2007	1:1.25

	MARCH 25 7	1:1.25
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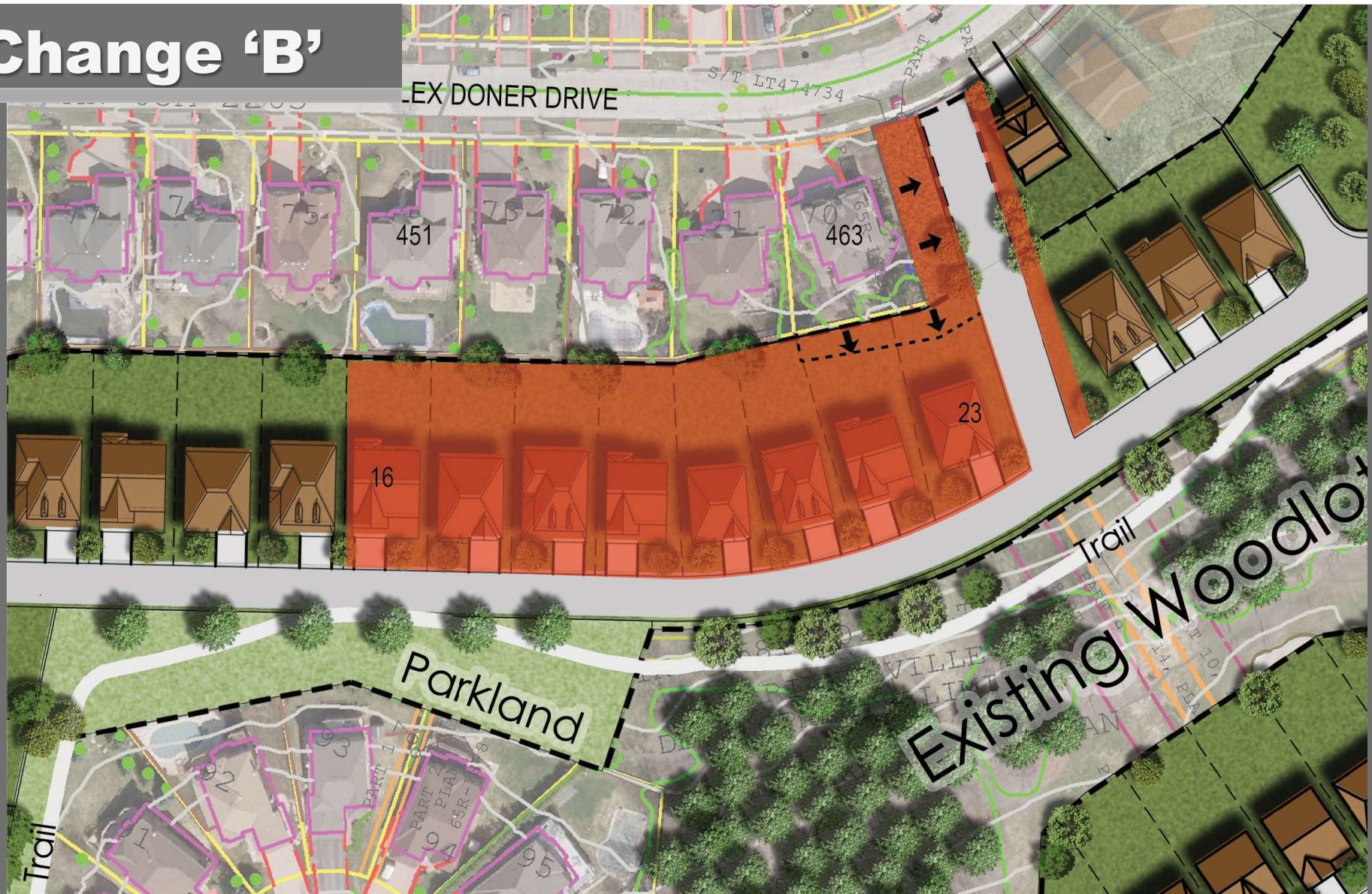
Changes Overview



Change 'A'



Change 'B'



Change 'C'



Change 'D'



SWM POND – BLOCK 18

1: 500

Thank you



Questions?

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, 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: Allen Matrosov	
Organization / Group/ Business represented: Privet Newmarket resident (a member of the community affected)	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: N/A
Email: [REDACTED]	Date of Meeting: Monday, February 3, 2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: Glen-way West development
<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): Offer my comments, concerns and suggestions regarding what is being proposed 'Glenway West' application	
Do you wish to provide a written or electronic communication or background information <input 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



WALKABILITY

