

Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

Additional items to this Agenda are shown as (Added).

Declarations of Pecuniary Interest

Presentations & Recognitions

1. Ms. Debra Scott, Newmarket Chamber of Commerce to address Council with a PowerPoint presentation recognizing the 2014 Gold Smart Commute Workplace Designation. p. 1

Deputations

Approval of Minutes

2. Council Minutes of December 16, 2013. p. 5

Correspondence & Petitions

Reports by Regional Representatives

Reports of Committees and Staff

3. Special Committee of the Whole Minutes of January 13, 2014. p. 19
4. Special Committee of the Whole (Closed Session) Minutes of January 13, 2014 (circulated under separate cover).
5. Committee of the Whole Minutes of January 13, 2014. p. 21
6. Committee of the Whole (Closed Session) Minutes of January 13, 2014 (circulated under separate cover).

7. Special Committee of the Whole of January 20, 2014 (Ratification of Actions).

By-laws

2014-01	A by-law to impose an interim tax levy. (Committee of the Whole of January 13, 2014 - Item 21)	p. 35
2014-02	A by-law to regulate the erection and maintenance of signs and other advertising devices in the Town of Newmarket. (Council of December 16, 2013 - Item 14)	p. 37
2014-03	A by-law to amend By-law 2013-57 being a by-law to adopt fees and charge for services or activities provided by the Town of Newmarket. (Legislative Services - General Fees) (Council of December 16, 2013 - Item 14)	p. 63
2014-06	A by-law to appoint an Integrity Commissioner for the Town of Newmarket (Joint CAO & Corporate Services Information Report - 2013-06 - Council Code of Conduct Matters).	p. 65
2014-05	A by-law to authorize the use of vote counting equipment and optical scanning vote tabulators. (Special Committee of the Whole of January 20, 2014.)	p. 67

Notices of Motions

Announcements & Community Events

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

Confirmatory By-law

2014-06	A by-law to confirm the proceedings of Council at its meeting held on January 20, 2014.	p. 68
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Addendum

Adjournment

Town of Newmarket Achieves Gold

1



January 20, 2014

Smart Commute Central York Impacts



145,136

SINGLE OCCUPANT VEHICLE
TRIPS REDUCED



7,979,298

VEHICLE KILOMETRES
TRAVELLED REDUCED



\$2,149,689

COMMUTER COST SAVINGS



700,500 kg

GREENHOUSE GAS EMISSIONS
AVOIDED

Smart Commute Workplace Designation Program



- Programming
- Investments & Incentives
- Promotions
- Infrastructure & End-of-trip Facilities
- Measurement
- Impacts

Congratulations





Town of Newmarket **MINUTES**

5

COUNCIL

Monday, December 16, 2013 at 7:00 PM
Council Chambers

For consideration by Council
on January 20, 2014

There were no requests to address Council during the open forum session.

The meeting of the Council was held on Monday, December 16, 2013 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh

Staff Present: R. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Nethery, Acting Commissioner of Development and Infrastructure Services
L. Moor, Council/Committee Coordinator
S. Niezen, Records and Project Coordinator

Guest: S. Craig, Integrity Commissioner

The meeting was called to order at 7:00 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

Moved by: Councillor Emanuel
Seconded by: Councillor Twinney

THAT the order of the agenda be altered by including the following items for consideration:

9. A By-law to Appoint Provincial Offences Officers for the Town of Newmarket Animal Control.

10. Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report. (Listed as Item 7 on the Council agenda for December 16, 2013 for distribution prior to the meeting)
11. Addendum to Complaint Investigation Integrity Commissioner Report.
(Related to Item 4 of the Special Committee of the Whole Minutes of December 9, 2013)
12. Special Committee of the Whole Minutes of December 16, 2013 (2:30 p.m.)

Carried

Declarations of Pecuniary Interest

Councillor Di Muccio declared a pecuniary interest with respect to Items 1, 2, 3 and 4 of the Special Committee of the Whole Minutes of December 9, 2013 with respect to the Report of the Integrity Commissioner dated December 3, 2013; Item 7 of the Council agenda of December 16, 2013 with respect to Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report; and Item 11 of the Council agenda of December 16, 2013 being an Addendum to Complaint Investigation Integrity Commissioner Report.

Mayor Van Bynen declared a pecuniary interest with respect to Items 1, 2, 3 and 4 of the Special Committee of the Whole Minutes of December 9, 2013 with respect to the Report of the Integrity Commissioner dated December 3, 2013; Item 7 of the Council agenda of December 16, 2013 with respect to Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report; and Item 11 of the Council agenda of December 16, 2013 being an Addendum to Complaint Investigation Integrity Commissioner Report .

Presentations & Recognitions

None.

Deputations

None.

Approval of Minutes

1. Council Minutes of December 2, 2013.

Moved by: Councillor Sponga

Seconded by: Councillor Kerwin

THAT the Council Minutes of December 2, 2013 be approved.

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

Regional Councillor Taylor advised that the request from the City of Vaughan for an extra member on Regional Council was deferred to the next term of Council.

Reports of Committees and Staff

2. Council Workshop Record of December 2, 2013.

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

THAT the Council Workshop Record of December 2, 2013 be received.

Carried

Mayor Van Bynen advised that Items 10 and 11 of the Council agenda being Joint CAO/Corporate Services Report 2013-05 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report and Addendum to Complaint Investigation Integrity Commissioner Report related to Item 4 of the Special Committee of the Whole Minutes of December 9, 2013, respectively, would be dealt with at this time and the Integrity Commissioner, Ms. Suzanne Craig, was invited to speak with respect to her addendum report – Item 11 of the Council agenda.

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

Ms. Craig addressed Council regarding the addendum to her report dated December 3, 2013.

Council recessed at 7:26 p.m.

Council reconvened at 7:40 p.m.

Ms. Craig provided closing comments regarding the addendum to her report dated December 3, 2013.

3. Joint CAO/Corporate Services Report 2013-05 dated December 13, 2013 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report;

Addendum to Complaint Investigation Integrity Commissioner Report.

Moved by: Councillor Vegh

Seconded by: Councillor Emanuel

THAT Joint CAO/Corporate Services Report 2013-05 dated December 13, 2013 regarding Suspension of Remuneration – Code of Conduct – Follow Up Report and Addendum to Complaint Investigation Integrity Commissioner Report being Items 10 and 11 of the Council agenda of December 16, 2013 be received for information.

Carried

4. Report of the Integrity Commissioner dated December 3, 2013 and verbal addendum report of December 16, 2013 with respect to a Breach of Code of Conduct.

Moved by: Councillor Sponga

Seconded by: Councillor Hempen

- a) THAT the report of the Integrity Commissioner dated December 3, 2013 and the verbal report of December 16, 2013 be received and the following recommendations be adopted:
 - i) THAT Council support the report findings;
 - ii) AND THAT Council suspends the remuneration paid to the Respondent for a period of four (4) weeks;
 - iii) AND THAT the remuneration be suspended incrementally from January 1, 2014 until September 30, 2014.

A recorded vote was requested.

In Favour: Councillor Kerwin, Councillor Twinney, Councillor Hempen,
Councillor Sponga, Councillor Emanuel, Councillor Vegh, Regional
Councillor Taylor

Opposed: None

7 in favour, 0 opposed

Carried

Mayor Van Bynen and Councillor Di Muccio took no part in the discussion or voting of the foregoing matter.

Regional Councillor Taylor advised that Items 1, 2 and 3 of the Special Committee of the Whole Minutes of December 9, 2013 regarding deputations made at that meeting with respect to this matter would be dealt with at this time.

5. Deputations by Jack Blommestein, Alexander Blommestein and Nicholas Blommestein, and Mr. John Blommestein with respect to the Integrity Commissioner's Report.

Moved by: Councillor Vegh

Seconded by: Councillor Kerwin

THAT the Deputations by Jack Blommestein, Alexander Blommestein and Nicholas Blommestein, and Mr. John Blommestein be received.

Carried

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

6. Special Committee of the Whole Minutes of December 9, 2013.

Moved by: Councillor Hempen

Seconded by: Councillor Emanuel

THAT the Special Committee of the Whole Minutes of December 9, 2013, with the exception of 1,2, 3, 4, 5.c) and 6 (Report) be received and the following recommendations be adopted:

7. Presentation by Legislative Services staff with respect to the Comprehensive Review of the Sign By-law.

THAT the PowerPoint presentation by the Supervisor of By-law Enforcement and the By-law Enforcement/Property Standards Officer with respect to the Comprehensive Review of the Sign By-law be received.

8. Deputations by Mr. Roy Dzucko on behalf of CBS Outdoor and Mr. Sid Catalano on behalf of Pattison Signs with respect to the Comprehensive Review of the Sign By-law.

THAT the deputations by Mr. Roy Dzucko of CBS Outdoor and Mr. Sid Catalano of Pattison Signs with respect to the Comprehensive Review of the Sign By-law be received.

9. Presentation by the Director of Legislative Services regarding the Voting Method Options, 2014 Municipal Election.

THAT the PowerPoint presentation by the Director of Legislative Services regarding the Voting Method Options, 2014 Municipal Election be received.

9. Corporate Services Report – Legislative Services 2013-48 dated December 4, 2013 regarding the 2013-2017 Multi-Year Accessibility Plan.

THAT Corporate Services Report – Legislative Services 2013-48 dated December 4, 2013 regarding the 2013-2017 Multi-Year Accessibility Plan be received and the following recommendation be adopted

- a) THAT Council approve the Town of Newmarket 2013-2017 Multi-Year Accessibility Plan.

10. Correspondence dated October 24, 2013 from Mr. Denis Kelly, Clerk, Regional Municipality of York regarding Regional Council Representation.

- a) THAT the Correspondence dated October 24, 2013 from Mr. Denis Kelly, Clerk, Regional Municipality of York regarding Regional Council Representation and the Memorandum from Director of Legislative Services/Town Clerk regarding current disposition of this matter by York Region municipalities be received.

11. Accessibility Advisory Committee Minutes of December 5, 2013.

- a) THAT the Accessibility Advisory Committee Minutes of December 5, 2013 be received.

12. Excerpt of the Accessibility Advisory Committee Minutes of December 5, 2013 – Town of Newmarket 2013-2017 Multi-Year Accessibility Plan as referenced in Corporate Services Report – Legislative Services 2013-48 dated December 4, 2013.
 - a) THAT the excerpt, including the recommendation that the Accessibility Advisory Committee endorses the draft 2013-2017 Multi-Year Accessibility Plan as presented, with the minor terminology modifications suggested and request that it be forwarded to Council for approval, be received.
13. Appendix “C” to Corporate Services – Legislative Services Report 2013-47 dated November 12, 2013 with respect to Comprehensive Review of Sign By-law.
 - a) THAT Appendix “C” to Corporate Services – Legislative Services Report 2013-47 dated November 12, 2013 with respect to Comprehensive Review of Sign By-law be received.

Carried

14. Corporate Services Report – Legislative Services 2013-47 dated November 12, 2013 regarding Comprehensive Review of Sign By-law.

An amendment was made to the recommendations with the addition of a further recommendation, as follows:

“AND THAT any business on Davis Drive between Yonge Street and Leslie Street comply with the 2006 – 2013 fee schedule for a further two year period.”

Moved by: Councillor Sponga
Seconded by: Councillor Vegh

THAT Corporate Services Report – Legislative Services 2013-47 dated November 12, 2013 regarding Comprehensive Review of Sign By-law be received and the following recommendations, as amended, be adopted:

- a) THAT Council adopt the Final Draft Sign By-law attached as Appendix “A”;
- b) AND THAT the following fees be included in the Fees and Charges By-law for the 2014 Budget:

Service Provided	Fee (Excludes HST)
Ground Sign	\$400.00
Fascia Sign	\$400.00
Mural Sign	\$400.00
Projecting Sign	\$400.00
Construction Information Sign	\$400.00
Hoarding Sign	\$400.00
New Home Development Sign	\$100.00
Portable / Mobile Sign	\$100.00
Inflatable Sign	\$400.00
Banner	\$100.00
Election Sign Deposit	\$250.00
Billboard Sign	\$1,500.00
Billboard Sign Renewal	\$500.00
Variance Fee – Staff Review	\$250.00
Variance Fee – Committee	\$500.00
Sign Removal	\$150.00
Election Sign Removal (per sign)	\$25.00

- c) AND THAT any business on Davis Drive between Yonge Street and Leslie Street comply with the 2006 – 2013 fee schedule for a further two year period;
- d) AND THAT Council repeal By-law 2009-79.

A recorded vote was requested.

In Favour: Councillor Emanuel, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Regional Councillor Taylor, Councillor Hempen, Councillor Sponga, Mayor Van Bynen

Opposed: Councillor Di Muccio

8 in favour, 1 opposed

Carried

15. Corporate Services – Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding Voting Method Options, 2014 Municipal Election.

- a) THAT Corporate Services – Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding Voting Method Options, 2014 Municipal Election be received and the following recommendations be considered at the January 13, 2014 Committee of the Whole meeting:
 - i) THAT Council endorse Option 2, “Use of Internet Voting” as outlined in this report for use in the 2014 municipal election;
 - ii) AND THAT a by-law be brought forward for consideration by Council to authorize the use of alternative voting equipment and an alternative voting method in the 2014 municipal election accordance with Section 42 1 (a) and (b) of the Municipal Elections Act, 1996;
 - iii) AND THAT the public be invited to comment on Joint Legislative Services & Information Technology Services Report 2013-43 in advance of the January 13, 2014 Committee of the Whole meeting and subsequent Council meeting where the report and authorizing by-law is considered.

A recorded vote was requested.

In Favour: Councillor Emanuel, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Regional Councillor Taylor, Councillor Hempen, Councillor Sponga, Mayor Van Bynen
 Opposed: Councillor Di Muccio
 8 in favour, 1 opposed

16. Special Committee of the Whole (Closed Session) of December 9, 2013.

Moved by: Councillor Sponga
 Seconded by: Councillor Emanuel

THAT the Special Committee of the Whole (Closed Session) Minutes of December 9, 2013 be approved.

Carried

With respect to Item 1 of the Special Committee of the Whole (Closed Session) Minutes of December 9, 2013 regarding Marianneville Developments Ltd. (Glenway) (Ward 7), Mayor Van Bynen advised that legal advice was provided with respect to the matter surrounding the pre-hearing conference and the Ontario Municipal Board.

17. Item 2 of the Special Committee of the Whole (Closed Session) Minutes of December 9, 2013 – Development and Infrastructure Services Report – Commissioner 2013-60 – Acquisition of Land.

Moved by: Councillor Sponga
Seconded by: Councillor Kerwin

- a) THAT the direction provided to staff at the December 9, 2013 Special Committee of the Whole (Closed Session) meeting regarding a proposed acquisition of land be approved.

Carried

18. Special Committee of the Whole Minutes of December 16, 2013.

Moved by: Councillor Emanuel
Seconded by: Councillor Twinney

THAT the Special Committee of the Whole Minutes of December 16, 2013 be approved and the following recommendation be adopted:

19. Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding Update – Marianneville Developments Ltd. (Glenway) appeals to the Ontario Municipal Board.
- a) THAT Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding an Update following the OMB Pre-hearing on Tuesday, December 10, 2013 re: Marianneville appeals to the OMB be received for information and that the matter be referred to a January Committee of the Whole meeting for discussion and a subsequent Special Council meeting for decision.

Carried

Mayor Van Bynen advised that there was no requirement for a closed session for the Special Committee of the Whole meeting of December 16, 2013.

By-laws

20. By-Law 2013-66

Moved by: Councillor Sponga
 Seconded by: Councillor Emanuel

THAT By-law 2013-66 be enacted.

2013-66 A By-law to Appoint Provincial Offences Officers for the Town of Newmarket
 Animal Control.

Carried**Notices of Motions**

21. Councillor Di Muccio advised that she will be bringing forward a motion regarding the structure of the Newmarket Soccer Club loan bail-out.

Announcements & Community Events

- 22.
- a) Councillor Vegh invited Ward 1 residents to attend a Ward 1 drop-in on January 7, 2014 from 7-9 p.m. in Multi-Purpose Room 1 at the Magna Centre, 800 Mulock Drive. Councillor Vegh can be contacted at 905-895-7095 for further information.
 - b) Councillor Kerwin invited the public to an outdoor skate at the Tim Hortons Ice and Water Feature at the Newmarket Riverwalk Commons, 200 Doug Duncan Drive. Skaters are welcome to enjoy free outdoor skating Mondays through Sundays from 9 a.m. – 10:30 p.m. (weather permitting). Call 905-895-5193 for more information.
 - c) Councillor Twinney encouraged residents to check out the Town's new informative waste and recycling video on the internet for helpful tips for using blue bins, green bins and yard waste bags. Visit the Town of Newmarket's official YouTube channel at www.youtube.com/TownofNewmarket and click on the "Meet Binny" video to learn about collection schedules, compostable bags for green bins and the 'my waste app'.

- d) Regional Councillor Taylor advised that the Church of Jesus Christ of Latter-day Saints, in co-operation with the Town of Newmarket, presents the 26th annual Christmas Pageant, "A Journey to Bethlehem" at Fairy Lake Park (Water Street). There are two shows nightly from December 21 to 23, 2013 at 7 and 8 p.m. The final performance is December 24 at 7 p.m. only. This event features a live cast and real animals. Dress warmly and allow for a 20 minute walk. Admission is free. For further information visit www.newmarket.ca or call 905-895-5193.
- e) Councillor Hempen advised that the Town of Newmarket now offers free Wi-Fi at the Municipal "Offices, 395 Mulock Drive, and the Magna Centre, 800 Mulock Drive, as part of a phase one trial program. Currently, there are no additional costs in providing free Wi-Fi to residents at the two facilities and the Town plans to expand the availability of free Wi-Fi at other Town facilities in the near future. For more information, contact the Information Technology Department at 905-895-5193.
- f) Councillor Sponga advised that the Newmarket Ice Lounge is now open. He invited the public to visit the newly built 'cool' ice lounge at the Newmarket Riverwalk Commons, 200 Doug Duncan Drive. The Ice Lounge features modern furniture, tables and an outdoor television screen that will be used to broadcast live sports such as hockey and the Olympics during the 2014 Sochi Winter Olympic Games. Also join the conversation online using the #NewmarketIceLounge. Visit www.newmarket.ca or call 905—895-5193 for further information.
- g) Councillor Di Muccio advised that the Town of Newmarket requires Aquatics Lifeguards/Instructors for the summer of 2014. Part-time staff is needed for day, evening and weekend positions. When submitting an application, be sure to indicate your availability for hours during the weekdays or in the evenings and weekends. Applications must be submitted online at www.newmarket.ca by the end of business day on January 6, 2014.
- h) Councillor Di Muccio also advised that she was a speaker on Live Chat with The Ombudsman of Ontario regarding Closed meetings.
- i) Councillor Emanuel invited the public to celebrate New Year's Eve at our 10th Annual Tim Hortons First Night Newmarket presented by the Town of Newmarket, Tim Hortons and Newmarket Hydro. The event takes place at the Magna Centre, 800 Mulock Drive on December 31 from 5-9 p.m. Enjoy live outdoor family entertainment, rides on the Tim Hortons Express, horse-drawn wagon rides, free skating and swimming. The evening culminates with fireworks and a grand finale countdown at 9 p.m. Admission is free. For more information visit www.newmarket.ca or contact 905-895-5193.

- j) Mayor Van Bynen advised that if anyone has anything they wish to discuss with him, he will be at 'Mayor in the Square' at the Newmarket Public Library on December 20, 2013 from 11 a.m. until noon.
- k) Mayor Van Bynen also advised that the Town of Newmarket Municipal Offices are open until noon on December 24, 2013. The offices will close for the holidays and resume regular business hours on January 2, 2014. Please note that the Customer Service Centre at 395 Mulock Drive is open from 10 a.m.-3 p.m. on December 27, 30 and 31, 2013.
- l) Mayor Van Bynen also invited the public to join him and members of Council on January 5, 2014 from 1-3 p.m. at the Community Centre and Lions Hall, 200 Doug Duncan Drive to welcome in the New Year. Enjoy refreshments and entertainment. Admission is free and all are welcome. Please bring a non-perishable food item in support of the Newmarket Food Pantry. For more information, call 905-895-5193 or visit www.newmarket.ca
- m) Mayor Van Bynen also advised that the next meeting of Council is Monday, January 20, 2014 at 7 p.m.

New Business

None.

Closed Session (if required)

None.

Confirmatory By-law

23. By-law 2013-67.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT By-law 2013-67 be enacted.

2013-67 A By-law to Confirm the Proceedings of Council at its Meeting held on December 16, 2013.

Carried

Adjournment

Moved by: Councillor Emanuel
Seconded by: Councillor Hempen

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:25 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Monday, January 13, 2014 at 9:30 AM
Council Chambers

For consideration by Council
on January 20, 2014

The meeting of the Special Committee of the Whole was held on Monday, January 13, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio (9:48 to 10:55 a.m.)
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney

Absent: Councillor Vegh

Staff Present: R.N. Shelton, Chief Administrative Officer
R. Prentice, Commissioner of Dev. & Infrastructure Services
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Nethery, Director of Planning and Building Services
A. Brouwer, Director of Legislative Services/Town Clerk
S. Niezen, Records and Projects Coordinator
J. Patel, Project Support & Business Analyst

Mayor Van Bynen in the Chair.

The meeting was called to order at 9:30 a.m.

Declarations of Interests

None.

Items

1. THAT the Special Committee of the Whole resolve into a closed session for the purpose of discussing:

Proposed acquisition of land by the municipality.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the Special Committee of the Whole resolve into a closed session for the purpose of discussing proposed acquisition of land by the municipality or local board.

Carried

Closed Session

The Closed Session Minutes are recorded under separate cover.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

THAT the meeting adjourn.

Carried

Adjournment

The meeting adjourned at 10:55 a.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Monday, January 13, 2014 at 1:30 PM
Council Chambers

For consideration by Council
on January 20, 2014

The meeting of the Committee of the Whole was held on Monday, January 13, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor (1:30 to 6:48 p.m.)
Councillor Di Muccio
Councillor Emanuel (1:30 to 6:57 p.m.)
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh

Staff Present: R. N. Shelton, Chief Administrative Officer
R. Prentice, Commissioner of Development & Infrastructure Services
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
E. Armchuk, Director of Legal Services/Municipal Solicitor
C. Kalimootoo, Director of Public Works Services
R. Nethery, Director of Planning and Building Services
A. Brouwer, Director of Legislative Services/Town Clerk
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator
J. Patel, Project Support & Business Analyst

Mayor Van Bynen in the Chair.

The meeting was called to order at 1:30 p.m.

Additions & Corrections to the Agenda

Moved by: Councillor Di Muccio
 Seconded by: Councillor Kerwin

THAT the items listed on the agenda as addendum items and the request by Mr. Craig Nelson, District Manager – Green For Life for deputation status be approved.

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

1. Mr. Dave Gordon and Ms. Laura McDowell, Regional Municipality of York Environmental Services addressed the Committee regarding the SM4RT Living Master Plan.

Moved by: Councillor Kerwin
 Seconded by: Councillor Twinney

a) THAT Mr. Gordon and Ms. McDowell be allotted an additional five minutes timeframe for their presentation.

Carried

Moved by: Councillor Sponga
 Seconded by: Councillor Vegh

a) THAT the PowerPoint presentation by Mr. Dave Gordon and Ms. Laura McDowell, Regional Municipality of York Environmental Services regarding the SM4RT Living Master Plan be received.

Carried

2. Ms. Caroline Grech, Government Relations Specialist, CAA addressed the Committee regarding a Distracted Driving Campaign.

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

- a) THAT the deputation by Ms. Caroline Grech, Government Relations Specialist, CAA regarding a Distracted Driving Campaign be received and supported.

Carried

Consent Items

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT the following items be adopted on consent:

3. Site Plan Review Committee Minutes of November 12, 2013.

- a) THAT the Site Plan Review Committee Minutes of November 12, 2013 be received.

4. Item 1 of Site Plan Review Committee Minutes of November 12, 2013 - Application for Amendment to Site Plan Approval - 87 Mulock Drive with attached Site Plan Map.

- a) THAT the application for Site Plan Approval to permit two additions on the north and west sides of the existing building having a total gross floor area of 576 square metres be approved in principle and referred to staff for processing subject to the following:

- i) THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town staff;

- ii) AND THAT Richard Wengle of Richard Wengle Architect Inc., 102 Avenue Road, Toronto, ON M5R 2H3 be notified of this decision;

- iii) AND THAT Frank Serpa of Serpa Investments Corporation, 10414 Yonge Street, Richmond Hill, ON L3C 3C3 be notified of this decision.

5. Item 1 of the Site Plan Review Committee Minutes of December 2, 2013 - Application for Site Plan Approval - 487 Queen Street - Brixton Commercial Realty Advisors Ltd with attached Site Plan Map.
 - a) THAT the application for Site Plan Approval to permit 16 stacked townhouse units together with a 21 space parking lot on the subject lands, be approved in principle and referred to staff for processing, subject to the following:
 - i) THAT the preliminary review comments provided to the applicant be addressed to the satisfaction of Town staff;
 - ii) AND THAT Brent Fleming of Brixton Commercial Realty Advisors Ltd., 10 Kingsborough Crescent, Toronto, ON M9R 2T9 be notified of this decision.
6. Item 2 of Site Plan Review Committee Minutes of December 2, 2013 - 497 Timothy Street - 1805619 Ontario Inc. with attached Site Plan Map.
 - a) THAT the application for Site Plan Approval to permit a new restaurant having a gross floor area of 693.58 square metres on the subject lands, be approved in principle and referred to staff for processing, subject to the following:
 - i) THAT the preliminary review comments to the applicant be addressed to the satisfaction of Town staff;
 - ii) AND THAT the applicant work with the Building Division to add fenestration to the north (rear) and west (Cedar Street) elevations of the building;
 - iii) AND THAT Angela Sciberras of Macaulay Shiomi Howson Ltd., 471 Timothy Street, Newmarket, ON L3Y 1P9 be notified of this decision.
7. Special Central York Fire Services - Joint Council Committee Minutes of November 5, 2013.
 - a) THAT the Special Central York Fire Services - Joint Council Committee Minutes of November 5, 2013 be received.
8. Central York Fire Services - Joint Council Committee Minutes of November 5, 2013.
 - a) THAT the Central York Fire Services - Joint Council Committee Minutes of November 5, 2013 be received.

9. Central York Fire Services - Joint Council Committee (Closed Session) Minutes of November 5, 2013. (Circulated in separate envelope)
 - a) THAT the Central York Fire Services - Joint Council Committee (Closed Session) Minutes of November 5, 2013 be received.
10. Newmarket Public Library Board Minutes of October 23, 2013.
 - a) THAT the Newmarket Public Library Board Minutes of October 23, 2013 be received.
11. Newmarket Environmental Advisory Committee Minutes of September 4, October 2 and November 6, 2013.
 - a) THAT the Newmarket Environmental Advisory Committee Minutes of September 4, October 2 and November 6, 2013 be received.
12. Newmarket Downtown Development Subcommittee Minutes of November 29, 2013.
 - a) The Newmarket Downtown Development Subcommittee Minutes of November 29, 2013 be received.
13. Inclusivity Advisory Committee Minutes of November 27, 2013.
 - a) THAT the Inclusivity Advisory Committee Minutes of November 27, 2013 be received.
14. Item 3 of the Inclusivity Advisory Committee Minutes of November 27, 2013 regarding Amended Terms of Reference.
 - a) THAT the revised Inclusivity Advisory Committee Terms of Reference as attached be considered as the Terms of Reference for the 2014-2018 Inclusivity Advisory Committee.
15. (Withdrawn) Corporate Services Report - Financial Services 2014-03 dated December 16, 2013 regarding Investment Activities and Returns - 4th Quarter Report.

16. Development and Infrastructure Services Report - Engineering Services 2013-58 dated October 20, 2013 regarding Main Street - Prohibiting the Use of skateboards, roller blades and bicycles on the sidewalk.

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-58 dated October 20, 2013 regarding Main Street - Prohibiting the Use of skateboards, roller blades and bicycles on the sidewalk be received and the following recommendation be adopted:

i) THAT this report be forwarded to the Main Street District Business Improvement Area Board of Management for their consideration and recommendations.

17. List of Outstanding Matters.

THAT the list of Outstanding Matters be received.

Carried

Closed Session

Moved by: Councillor Sponga

Seconded by: Councillor Vegh

a) THAT the Committee of the Whole resolve into a Closed Session for the purpose of advice subject to solicitor/client privilege. (Waste Collection Contract).

Carried

Discussion ensued regarding the Waste Collection Contract being a matter of public record; however any legal aspects of the contract performance would be discussed in Closed Session.

The Committee resolved into Closed Session at 2:35 p.m. in the Cane Room.

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

The Committee resumed into Public Session at 3:45 p.m.

The Committee recessed at 3:46 p.m.

The Committee reconvened at 3:55 p.m.

Moved by: Councillor Di Muccio
 Seconded by: Councillor Hempen

THAT the deputation request by Mr. Craig Nelson, District Manager – Green for Life be heard and that a 10 minute time frame be allotted.

Carried

Deputations

Mr. Craig Nelson, District Manager – Green for Life and Mr. Brian Kent - Green for Life addressed the Committee regarding various aspects of the waste collection and recycling service levels.

Mr. Nelson and Mr. Kent were queried by Members of Council regarding statements made in the deputation.

Moved by: Councillor Emanuel
 Seconded by: Councillor Twinney

THAT the deputation by Mr. Craig Nelson, District Manager - Green For Life and Mr. Brian Kent regarding waste collection issues be received.

Carried

18. Development and Infrastructure Services Report – Public Works Services – ES 2014-05 dated January 13, 2014 regarding Garbage and Recycling Service Level Update.

An additional recommendation was added as follows:

“AND THAT GFL be required to provide a remediation plan and a signed commitment for Council and the residents of Newmarket within 14 days addressing levels of service, quality and quantity of trucks, staffing issues and preventative maintenance.”

Moved by: Councillor Emanuel
 Seconded by: Councillor Hempen

- a) THAT Development and Infrastructure Services Report - Public Works Services - ES 2014-05 dated January 13, 2014 regarding Garbage and Recycling Service Level Update be received and the following recommendations be adopted:

i) THAT staff continue to work with the Contractor (GFL) and the other municipal partners in good faith to resolve all issues and improve the Level of Service for collectible waste and;

ii) THAT staff review any costs, losses and remedies of the municipality as a result of the issues encountered with the Contractor, and that staff be authorized to pursue any appropriate legal remedies provided for in the GFL Contract to recover these losses;

iii) AND THAT GFL be required to provide a remediation plan and a signed commitment for Council and the residents of Newmarket within 14 days addressing levels of service, quality and quantity of trucks, staffing issues and preventative maintenance.

Carried

Closed Session

Moved by: Councillor Sponga
Seconded by: Councillor Di Muccio

a) THAT the Committee of the Whole resolve into a Closed Session for the litigation including matters before administrative tribunals affecting the municipality or local board.(Glenway – Ontario Municipal Board)

Carried

The Committee resolved into Closed Session at 5:21 p.m. in the Cane Room.

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

The Committee resumed into Public Session at 6:15 p.m. in Council Chambers.

Action Items

19. Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding Update following the OMB Pre-Hearing with respect to Marianneville Developments Ltd. (Glenway)

The recommendations were replaced with the following:

“THAT the Town of Newmarket direct its legal and planning representation to focus its efforts on the OMB approved two-phase hearing it sought on the unanimous direction of Council;

AND THAT Council consider mediation/settlement on technical matters related to the proposed development of the Glenway lands once the principle of development has been dealt with by the OMB if necessary;

AND THAT Council direct staff to continue with internal preparations related to technical issues should mediation/settlement discussions occur.”

Moved by: Councillor Emanuel

Seconded by: Councillor Twinney

a) THAT Corporate Services (Legal) Report 2013-14 dated December 12, 2013 regarding Update following the OMB Pre-Hearing with respect to Marianneville Developments Ltd. (Glenway) be received for information and the following recommendations be adopted:

- i) THAT the Town of Newmarket direct its legal and planning representation to focus its efforts on the OMB approved two-phase hearing it sought on the unanimous direction of Council;
- ii) AND THAT Council consider mediation/settlement on technical matters related to the proposed development of the Glenway lands once the principle of development has been dealt with by the OMB if necessary;
- iii) AND THAT Council direct staff to continue with internal preparations related to technical issues should mediation/settlement discussions occur.

Carried

Consideration of Items Requiring Separate Discussion

20. Item 2 of Site Plan Review Committee Minutes of November 12, 2013 - Request for Exemption from Site Plan Approval - 380 Bayview Parkway.

Discussion ensued regarding the Hydrogen Sulfide component quoted in the application for Site Plan Approval.

Moved by: Councillor Di Muccio

Seconded by: Regional Councillor Taylor

a) THAT Item 2 of Site Plan Review Committee Minutes of November 12, 2013 - Request for Exemption from Site Plan Approval - 380 Bayview Parkway be received and the following recommendations be adopted:

i) THAT the request for an exemption from Site Plan Approval for the proposed Hydrogen Sulfide (H₂S) Reduction System at the Newmarket Pumping Station located on the subject lands be granted;

ii) AND THAT Davy Chan, Project Coordinator of the Regional Municipality of York, 17250 Yonge Street, Newmarket, ON L3Y 6Z1 be notified of this decision.

Carried

21. Corporate Services Report - Financial Services 2014-02 dated December 5, 2013 regarding the 2014 Interim Tax Billing and By-law.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Sponga

a) THAT Corporate Services Report - Financial Services 2014-02 dated December 5, 2013 regarding the 2014 Interim Tax Billing and By-law be received and the following recommendation be adopted:

- i) THAT Council enact a by-law for the levy and collection of the 2014 Interim Tax Levy.

Carried

22. Development and Infrastructure Services Report - Planning and Building Services - Planning Report 2014-02 dated January 13, 2014.

Moved by: Councillor Di Muccio
Seconded by: Councillor Twinney

a) THAT Development and Infrastructure Services Report - Planning and Building Services - Planning Report 2014-02 dated January 13, 2014 be received and the following recommendations be adopted:

i) THAT the planning recommendations and comments with respect to the Review of Land Use Planning and Appeal System as set out in Attachment 1 be endorsed;

ii) AND THAT staff be directed to provide the planning recommendations and comments contained in Attachment 1 to the Ministry of Municipal Affairs and Housing, with a copy to the Regional Municipality of York.

Carried

23.

Moved by: Councillor Sponga
 Seconded by: Councillor Di Muccio

i) THAT the Presentation by the Director of Legislative Services – Voting Method Options & Summary of Public Input and Corporate Services - Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding "Voting Method Options, 2014 Municipal Election" and the Memorandum dated January 10, 2014 regarding Voting Method Options, 2014 Municipal Election be referred to a Special Committee of the Whole meeting scheduled for January 20, 2014 beginning at 1:30 p.m.;

ii) AND THAT Development and Infrastructure Services Report – Engineering Services 2013-49 dated January 13, 2014 regarding the Checking Consultant Professional Consulting Services Contract Extension be referred to a Special Committee of the Whole meeting scheduled for January 20, 2014 beginning at 1:30 p.m.;

iii) AND THAT Item 1 of the Committee of the Whole (Closed Session) agenda being a proposed or pending acquisition of land by the municipality be referred to a Special Committee of the Whole (Closed Session) meeting scheduled for January 20, 2014 immediately following the Special Committee of the Whole meeting at 1:30 p.m.

Carried

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

Moved by: Councillor Kerwin
 Seconded by: Councillor Twinney

24. Whereas in September 2012 the provincial government cancelled the 70 year old Ontario Ranger Program (ORP), formerly known as the Ontario Junior Ranger Program;

AND WHEREAS when the government cancelled the Ontario Ranger Program it claimed the Stewardship Youth Ranger Program (SYP), an existing day program would deliver the same experience and would offer more jobs;

AND WHEREAS this day program does not offer the same quality of experience youth gained under the previous ORP in respect to knowledge of resource management and without the distractions of daily life;

AND WHEREAS since 2012, 278 Ontario Ranger jobs have been eliminated;

AND WHEREAS in previous years more than half of the Ontario Rangers were students from large urban centres. By contrast this year, the current day program is just not accessible to those students in those urban centres;

AND WHEREAS when the government cancelled the ORP, many youths lost an opportunity for a once-in-a-lifetime experience because the ORP only required enrolment in an Ontario high school and acceptance into the program was based on a postal code lottery system;

AND WHEREAS cancellation of the 70 year old ORP does a disservice to public services in Ontario to those who have come to admire and respect the natural beauty of our province;

AND WHEREAS Conservation Authorities encourage students to learn about the importance of conserving our shared natural environment and what they can do to make a positive impact;

AND WHEREAS the provincial government committed \$295 million dollars in the 2013 provincial budget for youth employment;

THEREFORE be it resolved that the Town of Newmarket supports the Friends of the Ontario Ranger Program campaign to restore the Ontario Ranger Program in the 2014 provincial budget;

AND be it further resolved that the Town of Newmarket shall send a letter to Premier Kathleen Wynne and the Minister of Natural Resources, David Orazietti, urging their government to restore the Ontario Ranger Program for future generations of young people;

AND be it finally resolved that the Town of Newmarket forward this resolution for support to the other 35 Conservation Authorities.

Carried

Mayor Van Bynen confirmed that the last three paragraphs contained within the resolution related to the Ontario Ranger Program should reference the Town of Newmarket.

New Business

25. a) Councillor Twinney requested an update from the Commissioner of Development and Infrastructure Services regarding the icy conditions on sidewalks. The Commissioner of Development and Infrastructure Services provided a verbal update that staff have been diligently working at removing the ice however due to the weather conditions the feasibility exists that sidewalk access could be closed if public safety is at risk.

Councillor Emanuel left the meeting at 6:57 p.m.

Regional Councillor Taylor left the meeting at 6:58 p.m.

- b) Councillor Kerwin queried the Commissioner of Development and Infrastructure Services regarding sidewalks along streets that are not maintained by the Town. The Commissioner of Development and Infrastructure Services advised that the Town does have a sidewalk policy and if an expansion of services is required to maintain extra sidewalks, other resources may have to be retained. He advised he would investigate and report back.
- c) Councilor Kerwin advised of regularly scheduled Ward meetings as well as informal meetings with residents in his home.
- d) Councillor Vegh queried the Commissioner of Development and Infrastructure Services regarding the extreme buildup of ice on the steep grades on Nellie Little Crescent and Kingdale Drive. The Commissioner of Development and Infrastructure Services advised he will investigate potential options to address the concerns.
- e) Councillor Sponga expressed his gratitude to the Public Works employee who maintains the sidewalk on Millard Avenue who was forthcoming and honest about rectifying damages to a fence.
- f) Councillor Sponga queried the Commissioner of Development and Infrastructure Services regarding the feasibility of reconfiguring plowing designations and routes for optimum efficiency. The Commissioner of Development and Infrastructure Services advised he would investigate the feasibility and report back.
- g) Councillor Vegh advised of damages to a fence on Silken Laumann Drive and queried the Commissioner of Development and Infrastructure Services about informing the resident those repairs would be conducted once the weather is more favourable.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Di Muccio

THAT the meeting adjourn.

Carried

The meeting adjourned at 7:07 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-01

A BY-LAW TO IMPOSE AN INTERIM TAX LEVY.

WHEREAS the Council of the Corporation of the Town of Newmarket has adopted estimates for the year 2014 as authorized by Section 312 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*:

AND WHEREAS the Council of the Corporation of the Town of Newmarket wishes to impose an interim levy as authorized by the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*:

AND WHEREAS section 342 of the *Municipal Act, 2001*, authorizes a council to pass by-laws for the payment of taxes by instalments and the date or dates in the year for which the taxes are imposed on which the taxes or instalments are due;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT the Council of the Corporation of the Town of Newmarket is hereby authorized to levy in 2014 an amount equal to fifty percent (50%) of the prior year annualized taxes on property that is rateable for local municipality purposes;
2. AND THAT taxes may be levied under this by-law on a property that is rateable for local municipality purposes for the current tax year, but which was not rateable for local municipality purposes for the prior tax year, including assessment of property that is added to the assessment roll after the by-law is passed;
3. AND THAT the Treasurer of the Corporation of the Town of Newmarket shall send to each person so taxed a printed bill specifying the amounts and due dates of taxes payable by the taxpayer;
4. AND THAT the Treasurer of the Corporation of the Town of Newmarket shall send the tax bill to the taxpayer's residence or place of business unless the taxpayer directs the Treasurer, in writing, to send the bill to another address, in which case it shall be sent to that address. This direction will continue until revoked by the taxpayer in writing;
5. AND THAT the realty taxes levied by this by-law shall be due and payable in instalments on February 20, 2014, March 20, 2014 and April 17, 2014 and be paid to the Treasurer, Town of Newmarket at the Municipal Offices, 395 Mulock Drive, Newmarket or to a financial institution to the credit of the Treasurer, Town of Newmarket;
6. AND THAT Council directs that all payments, including partial payments, shall be applied to accounts on a consistent basis;

7. AND THAT this by-law shall come into effect January 1, 2014.

ENACTED THIS 20TH DAY OF JANUARY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-02

A BY-LAW TO REGULATE THE ERECTION AND MAINTENANCE OF SIGNS AND OTHER ADVERTISING DEVICES IN THE TOWN OF NEWMARKET.

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "Act") provides that a lower-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

AND WHEREAS Subsection 11 (3) 7 of the *Act* provides that municipalities may pass by-laws respecting structures, including fences and signs;

AND WHEREAS the Municipal Council of the Town of Newmarket (the "Town") deems it necessary and in the public interest to regulate signs displayed within the *Town*;

AND WHEREAS the Municipal Council of the *Town* enacted By-law 2009-79 on September 21, 2009;

AND WHEREAS it is deemed necessary to repeal by-law 2009-79.

THEREFORE BE IT ENACTED by the Municipal Council of the *Town* as follows:

1.0 **DEFINITIONS:**

The following words shall have the following meanings in this By-law:

"ADVERTISING DEVICE" means any designed device or object creating a design and intended to be erected or located or affixed on any property; this shall include flags, *banners*, pennants, lights, *inflatable* devices, or any object intended for advertising purposes;

"ALTER" means any change to the *sign structure* or the *sign face* with the exception of the re-arrangement of numerals, letters or copy applied directly to the face of a *sign* and specifically designed and intended to be periodically rearranged, the repair and maintenance of a *sign*, and a change in *sign copy*;

"ANIMATED SIGN" means a *sign* or part thereof, which using electronic technology displays moving images and/or text and/or includes the rotation, oscillation or movement of the sign in part or in whole but does not include an *Electronic Changeable Copy* or *Mechanical Copy*;

"APPLICANT" means the person who applies for a sign permit or a variance from the provisions of this by-law.

"AWNING SIGN" means a *sign copy* painted on or affixed flat to the surface of an awning;

"BANNER" means a *sign* made from cloth, plastic or a similar lightweight non-rigid material;

"BILLBOARD SIGN" means an outdoor *sign* that advertises goods, products, or services that are not sold or offered on the property where the *sign* is located, and is either single sided or double sided and shall allow for one *mechanical copy* side;

“BUILDER” means a *person* or corporation proposing to undertake or undertaking the construction of new homes, apartment developments or condominium developments within the *Town*;

“BUILDING CODE” means regulations made under Section 34 of the *Ontario Building Code Act*, S.O. 1992, c.23;

“BUSINESS” means a *commercial* or *employment* activity carried on or permitted under the *Zoning By-law*;

“CANDIDATE” means an *individual* who is seeking election to a public office, whether for a federal, provincial or municipal election;

“CHIEF BUILDING OFFICIAL” means the *person* and his/her designate so appointed by *Council* pursuant to the *Building Code Act, 1992*;

“COMMERCIAL” means a *Commercial zone* as defined in the *Zoning By-law*;

“CONSTRUCTION INFORMATION SIGN” means a *sign* that is erected for a temporary period that identifies, or provides information relating to or advertising the development or the construction of a building on the lands which the *sign* is erected and not the sale of lots elsewhere or the realtor’s, developer’s or *Owner’s business* in general;

“CONTINUOUS SCROLLING COPY” means electronic or computer controlled *sign copy* where text continuously scrolls across the sign face in a pre-arranged sequence to display a temporary message.

“DIRECTIONAL SIGN” means any on *premises sign*, which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include both entry and exit signage;

“DEVELOPMENT SIGN” means a sign that advertises only the development in which the sign is located and not the sale of lots elsewhere or the realtor’s, developer’s or *Owner’s business* in general.

“DIRECTOR” means the Director, Legislative Services of the *Town* and his/her designate;

“ELECTION SIGN” means a *sign* advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election;

“ELECTION SIGN DEPOSIT” means a fee as set out in the *Fees and Charges By-law* that must be paid by a *candidate* prior to the display of election signage pursuant to the provisions of this By-law;

“ELECTRONIC CHANGEABLE COPY” means electronic and/or computer controlled *sign copy* where static images or static information are displayed in a pre-arranged sequence and the intensity of illumination is maintained at a constant level, and includes *continuous scrolling copy*;

“EMPLOYMENT” means an *Employment zone* as defined in the *Zoning By-law*;

“FEES AND CHARGES BY-LAW” means the General Fees and Charges By-law, as amended for the Legislative Services Department;

“FASCIA SIGN” means a *sign* applied to or erected on and entirely supported by the wall of a building or structure.

“FRONTAGE” means the length of the property line of any one lot parallel to and along each legally accessible public *street*, except for corner lots shall mean the total length of the property lines on all legally accessible public *streets*;

“GROUND SIGN” means a *sign* directly supported by the ground without the aid of any other building or structure, which *sign* includes the names of *Owner(s)* and address and/or advertising goods, products, services or events that are sold, offered, or provided on the *premises* on which the *sign* is located;

“HOARDING SIGN” means a temporary, non-*illuminated sign*, erected on construction hoarding which is subject to a development agreement of the Town, associated with the development of property, which advertises or identifies the development of the property on which the *sign* is located;

“HOME OCCUPATION SIGN” means a *sign* that identifies any home-based *business*, where such use of the property complies with the *Zoning By-law*;

“ILLUMINATED SIGN” means a *sign* that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such *sign*, or a *sign illuminated* by a light focused upon or chiefly directed at the surface of the *sign*;

“INCIDENTAL SIGN” means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “drive-thru,” “telephone,” “private parking,” “entrance,” “washroom,” “loading dock,” “staff only,” and other similar directives.

“INFLATABLE SIGN” means a *sign* or *advertising device* designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other *inflatable* devices. Classification of *Inflatable Sign* shall not relieve it from any other *sign* classification of this By-law;

“INSPECTOR” means the By-law Enforcement Officer appointed by the *Town* or such *person* designated by the municipality;

“INSTITUTIONAL” means an *Institutional Zone* as defined in the *Zoning By-law*;

“MATERIALS” means the products and assemblies that individually or as an assembly constitute the *sign* or portion thereof;

“MECHANICAL COPY” means a *sign copy* where the display surface physically changes to reveal alternate messages, including but not limited to tri-vision or flip disc *signs*;

“MENU BOARD SIGN” means a *sign* erected as part of a drive-thru facility and used to display and order products and services available at the drive-thru business.

“MOBILE SIGN” means a non-*illuminated sign* designed to be capable of being readily moved from one location to another is usually built on a trailer or other solid platform and may include wheels.

“MURAL” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure.

“MURAL SIGN” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure that includes text or a logo that is intended for advertising purposes;

“NEW HOME DEVELOPMENT” means a new *residential* project, which is the subject of a development agreement and which may be comprised of one or more registered plans of subdivision, condominium development or condominium plan exemption;

“NEW HOME DEVELOPMENT SIGN” means a *non-illuminated sign*, which is not permanently installed or affixed to the ground and where the purpose of the *sign* is to direct attention to the sale of new homes or condominiums;

“NON-PROFIT SIGN” means a *sign* located, erected, or displayed on private property or approved *Town* property to advertise a non-profit or charitable event by a non-profit organization, charity or place of worship;

“OWNER” means the *Owner*, authorized agent, lessee, or occupier of the *premises* upon which a *sign* or *advertising device* is located;

“PARKING AREA” means an off-*street*, open, unobstructed area of land consisting of a minimum of two (2) but not more than five (5) parking spaces which is accessed by a driveway;

“PARKING LOT” means an open area other than a street used for the temporary parking of five (5) or more motor vehicles and available for public use whether for free or for compensation as accommodation for clients, customers or residents;

“PERSON” means an individual, business, firm, body corporate, corporation, association, or municipality;

“PORTABLE SIGN” means a free standing sign erected on but not permanently anchored to the ground and includes, but is not limited to, signs commonly referred to as A-Frame Sign, T-Frame Sign, Advertising Flag Sign or Sandwich Board but shall not include a Banner Sign, Inflatable Sign or Mobile Sign.

“PREMISES” means land or a part of land under registered ownership and includes all buildings and structures thereon;

“PROJECTING SIGN” means a *sign* attached to a building or structure, which projects horizontally from the building/structure;

“PROPERTY” means a lot and includes all buildings, and structures thereon;

“REAL ESTATE SIGN” means a temporary *non-illuminated sign* installed, erected or displayed for the notification that a *premises* or portion thereof is available for or offered for sale, rent or lease;

“RESIDENTIAL” means a *Residential zone* as defined in the *Zoning By-law*;

“SHOPPING CENTRE” means a group of *commercial* establishments, whether or not under one ownership, having a common *parking area* or *parking lot*;

“SIGHT TRIANGLE” means in the case of a corner lot, the triangular space formed by the *street lines* and a line drawn from a point in one

street line to a point in the other *street line*, measured along the *street* from the point of intersection of the *street lines*;

“SIGN” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device*;

“SIGN AREA” means the entire area of all *sign faces* on one *sign structure*.

“SIGN COPY” means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed on a single *sign face* and includes *Electronic Changeable Copy* and *Mechanical Copy*;

“SIGN FACE” means that portion of a *sign*, excluding the *sign structure*, upon which, as part of, against or through which the message of the *sign* is displayed. The *sign face* is an area composed of individually installed letters, numerals, or shapes, the *sign face* shall mean the area enclosing the letters, numerals, or shapes;

“SIGN OWNER” means the owner or lessee of a *sign*, or his/her agent. Where there is no owner, lessee or agent for a *sign* or such *person* cannot be determined with certainty, the *sign owner* shall be deemed to be the *person* or *business* having the use or major benefit of the *sign*, or if such *person* or *business* is unknown, the *sign owner* shall be deemed to be the registered *owner* of the *premises* upon which the *sign* is situated;

“SIGN PERMIT” means a written permission to locate, erect or display a *sign* or *signs* issued by the *Director* pursuant to the provisions of this By-law;

“SIGN STRUCTURE” means anything used to support or brace a *sign face* and which is attached to the ground or a building or structure;

“STREET” means any highway;

“STREET LINE” means the limit of the *street* allowance and the dividing line between a lot and a *street*;

“TEMPORARY SIGN” means a *sign* comprised of a plastic (poly bag) *sign sleeve* or a coroplast *sign face* and which is temporarily anchored into the ground;

“TOWN” means the Corporation of the *Town* of Newmarket;

“URBAN CENTRE ZONE” means an *Urban Centre Zone* as defined in the *Zoning By-law*;

“VARIANCE REVIEW COMMITTEE” means the Sign and Variance By-law Committee;

“WINDOW SIGN” means a *sign* located on the interior of a *premises* and which is located, erected or displayed in the interior of a window, window section or window pane and is intended to be seen from outside a *premises*;

“ZONE” means the area of a defined land use in the *Town Zoning By-law* passed under the *Planning Act*, as amended, from time to time;

“ZONING BY-LAW” means the *Zoning By-law* of the *Town* passed under the *Planning Act*, as amended, from time to time.

2.0 ADMINISTRATION:

2.1 Interpretation:

- a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- b) The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or Standard International measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.

2.2 This By-law shall be administered by the *Director* of the *Town*.

2.3 The *Building Code* shall be administered by the *Chief Building Official* as appointed by Council.

2.4 Where any *sign* proposed to be erected may be considered as more than one form of *sign* permitted by this By-law or as a combination of forms of *signs* permitted by this By-law, such *sign* shall conform to the most restrictive provisions of this By-law.

2.5 This By-law does not apply to a *sign* that was lawfully erected and displayed on the day this By-law comes into force if the *sign* is not substantially altered and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.

2.6 The maximum height of a *sign* shall be ascertained by measuring the distance from the level of the ground immediately below such *sign* to the highest point thereof, provided that in the event the level of the *street* or sidewalk adjacent to such *sign* as erected is higher than the level of the ground upon which the *sign* is erected, the height shall be measured from the level of such *street* or sidewalk.

Responsibility for compliance with this By-law:

2.7 Neither the granting of a *sign permit* nor the approval of the plans, drawings, and specifications nor inspections made by the *Town* shall in any way relieve the *Sign Owner* or any other *person* from full responsibility for carrying out work or having the work carried out in complete accordance with the requirements of this By-law or any other By-law applicable to the *sign*.

2.8 The *Sign Owner* is solely responsible for and pays for any damage to persons or *property*, caused by a *sign*.

3.0 GENERAL PROVISIONS:

3.1 No *person* shall erect, install, post, display or maintain any *signs* on a *premises* within the *Town* except such *signs* as are permitted by this By-law.

3.2 Unless otherwise expressly provided in this By-law, no *person* engaged in a *business* shall erect, install, post, display or maintain or cause to be erected, installed, posted, displayed or maintained any *sign* on any

premises except on the *premises* upon which such *business* is located and provided the written consent of the registered *Owner* of the property is obtained.

- 3.3 No *sign* shall be erected in a parking space required under the *Town's Zoning By-law*.
- 3.4 No *sign* shall obstruct the view of any pedestrian or motor vehicle driver, visibility of warning devices, railway, traffic and municipal *street signs* or cause an unreasonable distraction, so as to cause an *unsafe* condition in the opinion of an *Inspector* under this By-law.
- 3.5 A *sign* shall display only non-electronic static copy unless otherwise permitted in accordance with **Section 25.0** of this By-law.
- 3.6 No *sign* shall be supported entirely or partly by the roof of a building or structure, other than a *sign structure*, or shall project above the roof of a building or structure.
- 3.7 Flashing, *animated* or noise emitting *signs* of any size are strictly prohibited.
- 3.8 A sign attached or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement shall be strictly prohibited.

4.0 REQUIREMENT FOR SIGN PERMIT:

- 4.1 No *person* shall erect, install, post, display or alter any *sign* on a *premises* within the *Town* for which a *sign permit* is required and has not been obtained.
- 4.2 No person shall deviate from an approved plan, drawing, or specification for which a *sign permit* or building permit has been obtained, without the prior written permission of the *Director* or the *Chief Building Official* respectively and such permission may be conditional on a new *sign permit* or building permit being applied for and obtained.

5.0 SIGNS NOT REQUIRING A SIGN PERMIT:

- 5.1 Notwithstanding **Section 4.1**, a *sign permit* is not required for the following *signs*, but such *signs* shall comply with all other requirements of this By-law:

Sign type / Description	Applicable Zones	Provisions
Official <i>Signs</i> / Public Safety <i>Signs</i>	All Zones	Pursuant to Section 28.0
Incidental Sign	All Zones except <i>Residential</i>	Maximum height of 0.9 metres (2.95 ft) and shall be permitted to display the name or logo of a use on the lot. Shall be located on Private Property
Trespassing, safety or other warning <i>sign</i>	All Zones except <i>Residential</i>	Not exceeding 0.5m ² (5.38 sq. ft.) in <i>sign</i> area. Illumination not permitted
	<i>Residential Zone</i>	Not exceeding 0.2m ² (2.15 sq. ft.) Illumination not permitted

Address Sign	All Zones	Not exceeding 0.2 m ² (2.15 sq. ft.) in sign area Shall be located on private property
Flag of corporations, educational, religious, or charitable organizations	All Zones	Not more than three (3) flags per premises. Each flag shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 sq. ft.)
Emblems or insignia of patriotic, civic, educational, religious or charitable organizations.		Emblems or insignia shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 ft ²)
Home Occupation Sign	Residential Zone	Maximum sign area of 0.2 m ² (2.15 sq. ft.) One sign may be erected where the use of the property for any Home based business complies with the Zoning By-law. Such sign shall be erected or displayed in the form of a Fascia Sign, Projecting Sign, Window Sign or Ground Sign. Illumination not permitted.
Real Estate Sign located, erected or displayed for the notification that a premises or part thereof is available for or offered for sale, rent or lease.	All Zones	Maximum sign area of 1.0m ² (10.7 sq. ft.) in a Residential zone. For all other zones a maximum area of 4.0m ² (43 sq. ft.) One (1) sign per street line of the property on which the sign is erected.
Garage Sale Sign	All Zones	Must be removed 72 hours after posting Shall not be located on the center median of a roadway.
Open House Sign	All Zones	Must be removed 72 hours after posting Shall not be located on the center median of a roadway.
Residential Contractor Advertising Sign	All Zones	Must be erected no more than seven (7) days prior to the commencement of the project and removed from the property immediately after the project is completed. Shall be located on private property.
Entrance Gate Sign- located at the entrance to a subdivision/apartment or condominium complex	Residential Zone and Urban Centre Zone	One (1) sign per frontage Maximum sign area 2.32m ² (25.0 sq. ft.) Minimum ground clearance 0.91m (3.0 ft.) Maximum height 7.5m (24.6 ft.)
Menu Board Sign	Urban Centre Zone and Commercial Zone	Maximum Sign Area 4m ² (43.06 sq. ft.)
Public transit or any street furniture/fixture advertising	All Zones	As approved by the Town or Region
Window Sign	All Zones	Shall be non-flashing

- 5.2 Where a *sign* not requiring a *sign permit* has been erected, installed, posted, displayed, maintained or otherwise displayed in contravention of any provision of this By-law, **Subsection 31.2** shall apply.

6.0 **SIGN PERMIT APPLICATIONS:**

- 6.1 No *person* shall erect, display or *alter*, or cause or permit to be erected, displayed or altered, a *sign* within the *Town*, unless otherwise exempted, without first obtaining a *sign permit* from the *Director* pursuant to this By-law. All *signs* shall comply with all other applicable *Town* by-laws and all other applicable law.
- 6.2 Every *applicant* for a *sign permit* shall complete a *sign permit* application form as prescribed by the *Town*, submit all necessary plans, drawings, and specifications and pay all applicable fees as set out in the *Fees and Charges By-law*.
- 6.3 *Sign Permit* Information
- All plans, drawings, and specifications accompanying a *sign permit* application form shall be provided in duplicate and shall meet the requirements as set out in the prescribed form.
- 6.4 No *sign permit* shall be issued until approvals have been obtained, where applicable, from the following:
- a) The Lake Simcoe Region Conservation Authority, pursuant to the Conservation Authorities Act, R.S.O. 1990, c. C.27;
 - b) The Chief Building Official pursuant to the *Building Code Act, 1992*;
 - c) The Regional Municipality of York, pursuant to any other applicable regional by-laws;
 - d) Newmarket Hydro; and
 - e) Any other applicable governmental authority.
- 6.5 No *sign permit* shall be issued by the *Director* unless the application meets all the requirements of this By-law and any other applicable laws or unless a variance has been granted pursuant to **Section 33.0**.
- 6.6 No more than four (4) *sign permits* per *sign* type shall be issued to a single *business* on the *premises* on which the *sign* is to be displayed, in a calendar year.
- 6.7 No *applicant* shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a *sign permit*, detail of construction or revision thereto.
- 6.8 The *applicant* shall be responsible to comply with this By-law and the approved plans, drawings and specifications and to ensure that each set of plans, drawings, and specifications approved by the *Town* is identical in every respect. Failure to do so shall not relieve the *applicant* of the responsibility for complying with every requirement of the By-law, should any discrepancies between the plans, drawings, or specifications and the erected sign become apparent to the *Town*.
- 6.9 Revisions may be made to the application or approved documents provided they do not require significant additional work by the *Town*. An administration fee as set out in the *Fees and Charges By-law* will be charged for all revisions.

- 6.10 An application for a *sign permit* shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a *sign permit* has been issued.

7.0 EXPIRATION OF PERMIT:

- 7.1 Every *sign permit* issued by the *Town* for the erection, display or alteration of a *sign* expires and is null and void where the *business*, product, activity or service to which the *sign* relates ceases to operate or is no longer available at the *premises* where the *sign* is located.

- 7.2 Notwithstanding **Subsection 7.1**, the following expiration periods apply:

- a) *Sign permits* for *Inflatable Signs*, and *Mobile Signs* shall expire twenty-one (21) days from the date of issuance;
- b) *Sign permits* for *Portable Signs* shall expire one (1) calendar year from the date of issuance;
- c) *Sign permits* for *Billboard Signs* shall expire five (5) years from the date of issuance.

- 7.3 Where a *sign permit* has expired, the *sign owner* shall immediately remove the sign from the *premises*.

8.0 TRANSFER OF PERMIT:

- 8.1 A *sign permit* is non-transferrable from one business location to another.

9.0 REVOCATION OF PERMIT:

- 9.1 A *sign permit* may be revoked by the *Town* where:

- a) the *sign* does not conform to this By-law and amendments thereto;
- b) the *sign* does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
- c) the *sign permit* has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings in the application;
- d) the erection, display or alteration of the sign authorized by the *sign permit* has not, in the opinion of the *Director*, been seriously commenced within six months of the date of issuance of the sign permit;
- e) an order has been issued and the *sign* has not been brought into compliance with the by-law within forty-eight (48) hours, or;
- f) any fees applicable to the *sign* under the *Fees and Charges By-law* have not been paid;
- g) the *sign permit* was issued on the basis of a variance issued under **Section 33.0** with conditions and there has not been compliance with a condition imposed, or a condition has been breached; or
- h) where the *sign permit* has been issued in error by the *Town*.

10.0 MAINTENANCE:

- 10.1 The *sign owner* shall maintain, or ensure that such *sign* is maintained in a proper state of repair so that such *sign*:

- a) is fully operative at all times;
- b) in compliance with any approved plans, drawings, and specifications; and
- c) does not become unsightly, unsafe or damaged.

- 10.2 Maintenance or repairs using material identical to the *materials* of the component being maintained or repaired for the continuance of the *business* does not constitute an alteration so as to require a *sign permit* to be issued.

11.0 LOCATION:

- 11.1 No *sign* shall be erected, placed, or permitted to stand on or overhang public property, including sidewalks or boulevards, except as hereinafter expressly provided for *Hoarding Signs*, *Projecting Signs* and *Real Estate Signs*.
- 11.2 Notwithstanding any of the provisions of this By-law, no *person* shall post any *sign* on any tree, post, pole or fence, or erect any *sign* on any property owned by or under the jurisdiction of the *Town*, without the prior written consent of the *Town*.
- 11.3 No *sign* other than a *Fascia Sign* shall:
- a) be permitted within 10.67 metres (35.0 feet) of a traffic light;
 - b) be erected upon or supported by a parapet; or,
 - c) be erected upon or supported by a firewall or its parapet.
- 11.4 No *sign* shall be located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of firefighters to any part of the building at any time.

12.0 STRENGTH OF BUILDINGS:

No *sign* shall be erected on any building unless such building has been designed by a Professional Engineer to carry the additional dead and wind loads due to the erection of such *sign*.

13.0 SIGN MATERIALS:

- 13.1 Every *sign* attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wire ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of *signs* attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for *signs*. No *sign* shall be supported in any manner by an unbraced parapet wall, except as provided for in **Subsection 11.3 b)** of this By-law.
- 13.2 Notwithstanding **Subsections 13.3, 13.4 and 13.5**, all *Ground Signs*, *Fascia Signs* and *Projecting Signs* and the *sign structure* shall be constructed entirely of metal or other non-combustible *materials*.
- 13.3 Notwithstanding **Subsection 13.2** thereof, *Ground Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* shall not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground immediately below such *sign* to the highest point thereof.
- 13.4 Notwithstanding **Subsection 13.2** thereof, *Fascia Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* are not located within 0.61 metres (2.0 feet) of any window

above the first storey or within 0.91 metres (3.0 feet) of any fire escape or exit.

- 13.5 Notwithstanding **Subsection 13.2** thereof, *Projecting Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone*.
- 13.6 Notwithstanding any other provisions of this By-law, approved plastics may be used as facing *material* and as letters and decorations on *signs* subject to the following limitations and regulations:
- a) All parts of the sign other than the letters and decorations shall be made from non-combustible materials, the area of the display surface or facing which may be occupied or covered by letters and decorations may be made from or faced with approved plastics.
 - b) If plastics are employed in any part of a sign the finished plastic unit shall be identified either with the material manufacturer's trade name, or with the common name of the plastic material.

14.0 ILLUMINATION:

- 14.1 *Illuminated Signs* shall be designed, erected and operated so that the light from such *signs* does not project onto any adjacent premises.
- 14.2 Electric illumination shall be installed in accordance with the requirements of Newmarket Hydro.
- 14.3 External lighting shall be limited to the following:
- a) open hooded spotlights, which are a traditional form of lighting;
 - b) lighting recessed in an architectural feature adjacent to the sign;
 - c) lights concealed behind relief lettering that illuminates individual letters in silhouettes against the background panel; or
 - d) spot lighting positioned below the sign and shining upward.

In all cases lamps shall be designed to be visually unobtrusive, which determination shall be made by the Director.

15.0 SIGN AND ZONE SPECIFIC REGULATIONS:

In addition to the requirements to obtain a *sign permit* under **Section 6.0**, *signs* shall comply with the applicable *sign type* restrictions under **Sections 16.0** through to **29.0** inclusive.

16.0 GROUND SIGNS:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A _{1, 2}	Commercial Employment Urban Centre*	1	Less than 243.84m (800 ft.)	27.87m ² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with Subsections 14.1 and 14.2
		2	243.84m (800 ft.) or more	46.45m ² (500 sq. ft.)	10.67m (35.0 ft)		Electronic Changeable Copy permitted in accordance with Section 25.0
Class B _{1,2, 3}	Downtown Urban Centre Historic Downtown Urban Centre	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class C ^{1,2}	Institutional	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class D ^{1, 2}	Open Space Golf Course	1		13.94m ² (150 sq. ft.)			Not Permitted
Menu Board Sign	Commercial Urban Centre	1 Menu Board		4.0m ² (43 sq. ft.)	2.5 m (6.5 ft)		Permitted in accordance with Subsections 14.1 and 14.2
		1 Pre-Menu Board		2.0m ² (21.5 sq. ft.)	2.5 m (6.5 ft)		
Billboard Sign ^{d 1,4}	Commercial Employment	1	Less than 300.0m (984.0ft)	18.58m ² (200 sq. ft.)	7.5m (24.6 ft.)	3.05m (10.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0
	Urban Centre*	2	300.0m (984.0ft) or more	Per Sign Face			
¹ Ground Signs, Billboard Signs and their structural members shall be constructed entirely of metal or other non-combustible materials.							
² Ground Signs shall not be located within 0.6m (2.0ft) of a property line.							
³ Ground Signs which are located in the Downtown Urban Centre and Historic Downtown Urban Centre Zones may be constructed in whole or in part of combustible materials, provided that such signs do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such sign, to the highest point thereof.							
⁴ Subject to separation distances set out in Subsections 16.1 and 16.2							
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

Billboard Signs

16.1 No person shall erect, locate or display a *Billboard Sign*:

- on the same *property* as a *Mobile Sign*;
- within a radius of 300.0 metres (984ft) of any other *Billboard Sign* or 15.0 metres (49.2ft) of any *Ground Sign*;
- on *property* other than *property* within an *Urban Centre Zone*, *Commercial Zone* or *Employment Zone*;
- on any *property* on which another *Billboard Sign* has been erected or for which a *sign permit* has been issued for a *Billboard Sign* under this by-law, except where the *property* has a *frontage* greater than 300.0 metres (984ft); or

- e) within 200 metres (656ft) of any of the following:
- i) any *property* within a *Residential Zone* or legally used for residential purposes; or
 - ii) any *property* which is used for a school or park, or any property which is designated under Part IV or Part V of the *Ontario Heritage Act*.

16.2 No *Billboard Sign* shall be located any closer to the edge of the road allowance than the following:

- a) 4.0m (13.1ft) from the edge of the road allowance; or
- b) 1.5m (4.9ft) from any property line.

16.3 *Billboard Signs* displaying *Electronic Changeable Copy* or *Mechanical Copy* shall be subject to the applicable provisions contained in **Section 25.0**.

16.4 A *Billboard Sign* shall not contain or use more than two visible faces for advertising purposes.

16.5 A *Billboard Sign* may be illuminated but shall not be otherwise electrically animated, have any moving parts or animated message changes.

16.6 Notwithstanding **Subsection 3.2**, a *Billboard Sign* may contain third party content subject to the appropriate *sign permit* being obtained.

17.0 **FASCIA SIGNS:**

	Required Zoning		Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1, 2 ***	Commercial	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2 Electronic Changeable Copy permitted in accordance with Section 25.0
	Employment Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class B 1, 3 ***	Downtown Urban Centre*	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
	Historic Downtown Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class C 1, 2 ***	Institutional and all other zones **		2.32 m ² (25.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
¹ Fascia Signs shall not be erected to extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.						
² No portion of a <i>Fascia sign</i> shall project more than 20.32 cm (8.0 inches) from the face of the wall for signs located over private property.						
³ Fascia signs placed on the wall of a building within the <i>Historic Downtown Urban Centre Zone</i> shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building.						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						
** excluding <i>residential zones</i>						
*** <i>Mural signs must form part of the overall area of the Mural</i>						

18.0 PROJECTING SIGNS:

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ¹	Commercial Employment Urban Centre*	1 per <i>business</i>	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Electronic Changeable Copy permitted in accordance with Section 25.0
Class B ^{1,2}	Downtown Urban Centre Historic Downtown Urban Centre	1 per <i>business</i>	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	
<i>Awning Signs</i> shall be deemed to be <i>Projecting Signs</i> and shall be subject to the above provisions.						
¹ <i>Projecting Signs</i> shall not project above the roof level in <i>Shopping Centres</i>						
² <i>Projecting signs</i> placed on the wall of a building within the <i>Historic Downtown Urban Centre Zone</i> shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						

19.0 MOBILE SIGNS AND PORTABLE SIGNS

19.1 Every *Mobile Sign* and *Portable Sign* erected or installed pursuant to this By-law shall:

- a) not be located closer than 4.57 metres (15.0 feet) from the intersection of a driveway with a street line or the intersection of two street lines or 0.91 metres (3.0 feet) from any municipal sidewalk, provided that where the lot abuts a regional road or provincial highway, the sign shall be set back such distance from such road or highway as determined by the appropriate road authority provided such distance is not less than 4.57 metres (15.0 feet);
- b) not be located closer than 4.57 metres (15.0 feet) from the limits of a driveway entrance as delineated by pavement markings, driveway islands or driveway curbs or any combination thereof;
- c) not occupy a parking space within a parking lot or parking area; and,
- d) only advertise the business to which the *sign permit* was issued.

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	Commercial	Total <i>Portable Sign</i> , and <i>Mobile Sign</i> combined restriction by <i>frontage</i> (Per premises): Frontage #	4.46 m ² (48.0 sq. ft.)	Including supporting structure 2.44m (8.0 ft.)	Not permitted	21 days
	Employment					
Class A	Urban Centre*	0.3-60.96m 6 (1.0- 200.0 ft.)	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height (4.0ft.) in width	Not permitted	One (1) Calendar Year
		.6126-152.4 m 9 (201.0 - 500.0 ft.)				
		152.7-304.8 m 12 (501.0 - 1000.0 ft.)				
		304.8 m + 15 (1001.0 ft. +)				
Class B	Downtown Urban Centre	One (1) per business	0.56 m ² (6 sq. ft.)	0.91 m (3 ft.)	Not permitted	One (1) Calendar Year
	Historic Downtown Urban Centre					

¹ *Mobile Signs* shall display the name and telephone number of the *Sign Owner* in a visible location on the *sign*.

² *Mobile Signs* shall only advertise the business to which the *Sign Permit* was issued.

³ *Mobile Signs* shall be comprised of a black background, within a black frame and all letters or other writings or markings shall be white.

⁴ *Mobile Signs* shall not be located on the same property as a *Billboard Sign*

⁵ *Sign permits* for *Mobile Signs* and *Portable Signs* shall be subject to the conditions under **Subsection 7.2**

⁶ Within the *frontage* limits provided above, each *business* shall be restricted to the use of one (1) *Portable Sign* or one (1) *Mobile Sign* per *business premises* on which the *business* is located at any one time.

⁷ *Portable Signs* shall not be placed earlier than one (1) hour before the posted hour for the opening of the *business* to which it is related and shall be removed within one (1) hour after the posted hour of the closing of the *business* to which it is related each day. Excluding Advertising Flag Signs.

⁸ A *Portable Sign* located in the *Historic Downtown Urban Centre Zone* or *Downtown Urban Centre Zone* may be placed on the municipal sidewalk in front of the *business* and can be permitted to encroach a maximum of 0.61 meters (2.0 feet) from the main wall of the *building* facing the *street*.

⁹ Advertising Flag Signs shall not be used in the *Historic Downtown Urban Centre Zone* or *Downtown Urban Centre Zone*

¹⁰ Advertising Flag Signs shall not exceed 3.36 meters (11.0 feet) in height

* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

20.0 **BANNERS:**

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Location	Illumination
Banners	Commercial	1 per <i>business</i>	6.0 m² (64.58 sq. ft.)	1.0m (3.28ft)	<i>Banners</i> shall only be displayed on the first storey of a building.	Not permitted
	Employment					
	Urban Centre*					
The <i>banner</i> shall only refer to the <i>business</i> to which the <i>sign permit</i> was issued.						
<i>Banners</i> shall be permitted for display once a year per <i>business</i> to advertise a grand opening or promotional event, for a period of thirty (30) days.						
<i>Banners</i> shall not be erected or displayed to obstruct or interfere with the free use of any fire escape, exit or standpipe.						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						

21.0 **SIGNS INCIDENTAL TO CONSTRUCTION:**

Construction Information Signs

21.1 A *Construction Information Sign* shall be removed when one hundred percent (100%) of the units being advertised have been sold.

Hoarding Signs

21.2 Prior to a *sign permit* being issued for a *Hoarding Sign*, the *applicant* shall provide a certificate confirming to the *Town* that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the *Town* is named as an additional insured.

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
Construction Information Signs^{1,2,3} Class A	Commercial		27.87m ² (300 sq. ft.)		Minimum separation distance between <i>Construction Information Signs</i> 100.0m (328.08ft)
	Employment				
Class B^{1,2,3}	Institutional		10.0m ² (107.64 sq. ft.)		
	Urban Centre*				
Hoarding Signs^{4,5,6,7}	Downtown Urban Centre			Combined height of hoarding and signage 3.08m (10.0ft)	
	Historic Downtown Urban Centre				
	All zones				
¹ A <i>Construction Information Sign</i> shall not be erected until the development being advertised has been draft approved by Town planning staff.					
² A <i>Construction Information Sign</i> shall be located within the development that it advertises.					
³ Any person may erect one non-illuminated <i>Construction Information Sign</i> , for a period not exceeding three (3) months or until the permanent <i>Ground Sign</i> is erected, whichever shall first occur.					
⁴ <i>Hoarding Signs</i> shall only be permitted where the <i>Owner</i> has entered into an agreement with the <i>Town</i> which authorizes the hoarding and where the <i>Owner</i> has obtained a <i>sign permit</i>					
⁵ A maximum of sixty percent (60%) of the hoarding area shall be permitted to display signage and advertising materials.					
⁶ <i>Hoarding Signs</i> shall only be composed of signage and advertising material specific to the development of the site and not the <i>Owner's</i> or <i>Developer's business</i> in general					
⁷ <i>Hoarding Signs</i> shall not incorporate any <i>Electronic Changeable Copy</i> or <i>Mechanical Copy</i> .					
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>					

22.0 **NEW HOME DEVELOPMENT SIGNS:**

22.1 No person shall place or locate a *New Home Development Sign*:

- a) within a sight triangle, on a median or any other location on a street that obstructs a sight line or otherwise interferes with street maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
- b) closer than 10.0 metres (32.8 feet) to a transit stop;
- c) closer than 5.0 metres (16.4 feet) to a driveway intersection with a street line; or
- d) within 1.0 metre (3.2 feet) of any municipal sidewalk.

- 22.2 No *person* shall place or locate a *New Home Development Sign* on a *street* before 7:00 p.m. on a Friday and all such *signs* shall be removed no later than 6:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.
- 22.3 Prior to a *sign permit* being issued for a *New Home Development Sign*, the *applicant* shall provide a certificate confirming to the *Town* that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the *Town* is named as an additional insured.
- 22.4 Where a *Builder* has erected a sales office or a model home(s) within a *new home development*, such *builder* may place one *New Home Development Sign* or one (1) *Ground Sign*, not exceeding 1.12 m² (12.0 sq. ft.), on each *residential* lot or proposed *residential* lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such *New Home Development Sign* or *Ground Sign* may be located on any lands which are to be conveyed to the *Town* or which may form part of a municipal road allowance.

		Maximum Number	Maximum Sign Area	Maximum Height	Location
New Home Development Sign		Each <i>builder</i> limited to ten (10) <i>New Home Development Signs</i> per project	No more than two (2) <i>sign faces</i> each <i>sign face</i> with a maximum area of 1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.)	May be placed on a <i>street</i> subject to the requirements of Section 22.0
Development Sign ¹		One (1)	10.0m ² (107.64 sq. ft.)	7.62m (25.0 ft.)	Shall be located within the development that the <i>sign</i> advertises
Ground Sign or New Home Development Sign	Model Home/Sales Centre	One (1) per residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located.	1.12m ² (12 sq. ft.)		
New Home Development Signs shall be limited to two (2) corners of a <i>street</i> intersection and a maximum of five (5) in total for each corner of the two (2) corners of the <i>street</i> intersection.					
Each <i>builder</i> shall be limited to two (2) <i>signs</i> in total for each <i>street</i> intersection					
¹ <i>Development Signs</i> shall be removed when one hundred percent (100%) of the units bring advertised have been sold					
² No such <i>New Home Development Sign</i> or <i>Ground Sign</i> may be located on any lands which are to be conveyed to the <i>Town</i> or which may form part of a municipal road allowance.					

23.0 INFLATABLE SIGNS:

23.1 No person shall place or locate an *Inflatable Sign*:

- a) within 3.0 m (9.8 ft.) of any property line;
- b) within 3.0 m (9.8 ft.) of any driveway entrance and exit;
- c) within 10.0 m (32.8 ft.) of any *Ground Sign* or *Mobile Sign* on the same property or abutting property;
- d) within 92.0 m (301.0 ft.) of a residential property, measured in a straight line; or
- e) within 50.0 m (164.0 ft) of a traffic light standard.

23.2 *Inflatable Signs* shall not be erected or displayed on a roof.

23.3 One *Inflatable Sign* shall be permitted for each property at any one time.

23.4 Before being issued a *sign permit* for an *Inflatable Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured.

23.5 All *Inflatable Signs* shall be properly secured to the satisfaction of the *Town*.

23.6 Power cords and/or supporting devices for *Inflatable Signs* shall not be placed on or over *parking areas*, *parking lots* or pedestrian areas.

	Required Zoning	Maximum Number	Maximum Sign Area	Dimensions	Minimum Frontage	Permit Length
Inflatable Signs	Commercial	One (1) <i>sign per premises</i>	42.0 m ² (451.85 sq. ft.)	Maximum Height: 7.0 m (22.96 ft.)	15.0m (49.0 ft.)	21 days
	Employment					
	Institutional			Maximum Width: 6.0m (19.68 ft.)		
	Urban Centre					
Inflatable Signs shall only advertise the business to which the Sign Permit was issued.						

24.0 TEMPORARY SIGNS:

24.1 *Temporary Signs* erected or displayed pursuant to this By-law shall:

- a) have a maximum sign face area of 0.37 square meters (4 sq. ft.) per sign face, if used as a *Non-profit sign*; and,
- b) only be permitted for use as a *Non-Profit Signs* and *Election Signs* as set out in **Section 26.0** and **Section 27.0** respectively.

25.0 ELECTRONIC CHANGEABLE COPY AND MECHANICAL COPY:

25.1 *Electronic Changeable Copy and Mechanical Copy* may be incorporated as a component into any *Ground Sign* up to a maximum of 60% of the *sign area*, 100% of the *sign area* of a *Billboard Sign* and 100% of the *sign area* of a *Fascia Sign* or *Projecting Sign* in a *Commercial, Employment or Urban Centre Zone* provided a *sign permit* is received from the *Director* and the *sign* meets the *sign* specific requirements under this By-law.

25.2 For the purposes of this section, *Urban Centre Zone* shall not include the Historic Downtown *Urban Centre Zone* or the Downtown *Urban Centre Zone*.

25.3 Where a *sign* is permitted to display *Electronic Changeable Copy* or *Mechanical Copy*:

- a) the sign must comply with **Section 25.0** of this By-law;
- b) the sign must be located a minimum of 30.48 metres (100.0 feet) away from a residential zone;
- c) the transition effects shall ensure a near instantaneous change between messages and shall not include effects that have the appearance of moving text or images;
- d) the sign must not be within 15.24 metres (50.0 feet) of another sign displaying *Electronic Changeable Copy* or *Mechanical Copy*;
- e) the sign shall not be located within 22.86 metres (75.0 feet) of a street intersection or traffic light;
- f) the sign shall be erected in a manner so as not to be visible from a contiguous residential zone; and
- g) the brightness level must be lowered in accordance with ambient light conditions between the hours of 12:00 a.m. and 5:00 a.m.

25.4 *Signs* displaying *Electronic Changeable Copy* shall have a maximum transition time of one (1) second between static image displays and the changing of the *sign copy* shall not occur at intervals of less than six (6) seconds.

25.5 Where *signs* display scrolling *Electronic Changeable Copy* or *Mechanical Copy*, the *sign copy* shall not revolve at a rate faster than eight (8) revolutions per minute.

25.6 All *signs* displaying *Electronic Changeable Copy* shall come equipped with automatic dimming technology which automatically adjusts the *sign's* brightness in direct correlation with ambient light conditions.

25.7 Electric illumination only is permitted in accordance with **Subsection 14.1** and **14.2** and shall be installed in accordance with the requirements of Newmarket Hydro.

26.0 NON-PROFIT SIGNS:

26.1 A *Non-Profit Sign* shall only be located, erected or displayed on private property save and except for the public property as set out in **Subsection 26.2**

26.2 Subject to approval of the *Director*, a *Non-Profit Sign* may be located, erected, or displayed on the property of *Town* facilities or property owned and controlled by the *Town* provided that the *Non-Profit Sign* does not in any way interfere with any *signs* or other notices posted by the Corporation.

26.3 A *sign permit* for a *Non-Profit Sign* shall be issued and valid for a maximum of twenty-one (21) days prior to the fundraising event or charitable activity.

26.4 A *Non-Profit Sign* shall:

- a) be in the form of a *Temporary Sign* or *Portable Sign* or Mobile Signs according to the provisions contained in this By-law;
- b) have a maximum of two (2) faces; and
- c) be erected no sooner than twenty-one (21) days prior to, and removed no later than forty-eight (48) hours after, the fundraising event or charitable activity.

- 26.5 Before being issued a *sign permit* for a *Non-Profit Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$3,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured.
- 26.6 A non-profit organization shall be permitted to erect or display up to fifty (50) *Temporary Signs* or ten (10) *Portable* or 5 Mobile Signs on private property within the *Town*. Such *Temporary Signs* or *Portable signs* or Mobile Signs shall be displayed in a manner that is consistent with the provisions of this by-law.
- 26.7 Prior to issuing a *sign permit* the *Director* may request appropriate documentation confirming the status of a non-profit organization or charitable organization.
- 26.8 The *sign permit* fee as set out in the *Fees and Charges By-law* shall be waived for *Non-Profit Signs*.

27.0 ELECTION SIGNS:

- 27.1 No candidate shall erect, display, or permit to be erected or displayed, an *Election Sign* in the *Town* unless the *Election Sign Deposit* specified in the *Fees and Charges By-law* has been deposited with the *Director* by the *Candidate* or the *Candidate's* authorized agent.
- 27.2 An *Election Sign* erected or displayed shall be located a minimum of 1.83 metres (6.0 feet) away from the face of the curb or edge of pavement and where there is a sidewalk, not within 0.6 metres (1.97 feet) of such sidewalk.
- 27.3 **Subsection 27.2** does not apply when the sidewalk is less than 0.6m (1.97 feet) from the main wall of the building, in which case the *sign* shall be placed at the furthest distance possible from the sidewalk or from the face of the curb or edge of pavement.
- 27.4 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be affixed, erected or otherwise displayed:
- a) within a sight triangle;
 - b) in a location where such *sign* creates an *unsafe* obstruction or visual impairment for pedestrian or vehicle traffic;
 - c) in a location where such *sign* obstructs the visibility of any traffic sign or device;
 - d) on a municipal boulevard;
 - e) on a tree, utility pole or light standard;
 - f) on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held;
 - g) in or on a vehicle that is parked on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held, if the sign is visible;
 - h) in any public park or on any road allowance abutting *Town* owned land or facility or any local board; or
 - i) unless the property owner has consented to the placement of the sign.
- 27.5 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or thirty (30) days immediately preceding the day of a municipal election.

27.6 Notwithstanding **Subsection 27.5**, an *Election Sign* which is a *Fascia Sign* may be affixed to the face of the building or building unit which is used as a *candidate's* campaign headquarters provided:

- a) such sign complies with the provisions of this *By-law* applicable to *Fascia Signs*;
- b) the *candidate* has filed his or her party nomination paper;
- c) notwithstanding **Subsection 27.6 b)** a municipal *candidate* must have filed his or her nomination paper and paid the required nomination filing fee; and
- d) the *candidate* has paid the *Election Sign Deposit* fee as set out in the *Fees and Charges By-law*.

27.7 An *Election Sign* shall not exceed a maximum *sign* area of 1.49 m² (16.0 sq. ft.) with the exception of those placed on *Billboard Signs*.

27.8 An *Election Sign* shall be removed within seventy-two (72) hours immediately following 11:59 p.m. of the day of the election.

27.9 Where an *Election Sign* has been affixed, erected or otherwise displayed in contravention of any provision of this *By-law*, the *Town* may remove the sign immediately without notice and **Subsection 31.12** shall apply.

27.10 The Director shall return the balance of the Election Sign Deposit, following the election, after deducting the costs incurred by the *Town* in the removal of Election Signs pursuant to Subsection 27.9, including the cost of any damage within the road allowance caused by or incidental to the erection or removal of Election Signs.

28.0 **EXEMPTIONS:**

This *By-law* shall not apply to any *sign* or any other *advertising device* erected for government or other public purposes by the *Town*, the Regional Municipality of York, or any Provincial or Federal governmental authority.

29.0 **FEES:**

Fees shall be paid upon submission of an application for a *sign permit* as set out in the *Fees and Charges By-law*.

30.0 **POWER OF ENTRY:**

30.1 The *Town* may enter onto a *property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) the provisions of this *By-law*;
- (b) an Order issued under this *By-law*; or
- (c) an Order made under Section 431 of *the Act*.

30.2 Where an inspection is conducted by the *Town*, the *person* conducting the inspection may:

- (a) require the production of documents or relevant items for inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;

- (c) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; and,
 - (d) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 30.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the *Act*.
- 30.4 The *Town's* power of entry may be exercised by an employee, *inspector* or agent of the *Town* or by a member of a police force with jurisdiction, as well by any *person* under his or her direction.

31.0 REMOVAL OF SIGNS AND ENFORCEMENT:

- 31.1 When a *sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* may be removed immediately, by the *Town*, without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the *Town* at the expense of the *sign owner*, and under Section 446 of the *Act*, the *Town* may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.
- 31.2 Where a *sign* not requiring a *sign permit* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, the Director may notify or order the owner to repair, remove or to bring the sign into compliance with the provisions of this By-law. Where such *sign owner* fails to bring the *sign* into compliance, the *Director* may remove the *sign* and charge the *sign owner* a fee as set out in the *Fees and Charges By-law*.
- 31.3 When a *sign* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, The *Director* may issue an order to any *person* who:
- a) has erected, displayed, *altered* or caused or permitted to be erected, displayed or altered, a *sign* on private property for which a *sign permit* has not been obtained where such *sign permit* is required under the provisions of this By-law; or
 - b) having obtained a *sign permit*, has erected or *altered*, or caused or permitted to be erected or altered, a sign on private property contrary to the *sign permit* issued.
- 31.4 The order shall require the *sign* to be brought into compliance with this By-law within fourteen (14) days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the sign must be brought into compliance with the By-law.
- 31.5 The order shall be served personally or posted at the address of the *business* to which the *sign* relates and/or the address supplied on the *sign permit* application.
- 31.6 Where an order has been issued and the *sign* has not been brought into compliance with this By-law within fourteen (14) days of the issuance of the order, the *Director* or *Inspector* may remove or cause to be removed, the *sign* or any part thereof and/or may take any action necessary to prevent the *sign* from being displayed in a manner that is contrary to this By-law. The *Town* may recover the cost of the removal or necessary

action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.

- 31.7 Where a *sign* has been removed by the *Town* such *sign* shall be stored for a period of thirty (30) days and the *Sign Owner* may redeem the *sign* upon payment of the storage and removal fees prescribed in the *Fees and Charges By-law*. Where a *sign* has not been redeemed within the thirty (30) day period, such *sign* may be forthwith destroyed or otherwise disposed of by the *Town* without notice or compensation and the *Sign Owner* shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.8 Notwithstanding **Section 31.7**, upon removal, signs under 1.0m² (10 sq ft.) will be destroyed or otherwise disposed of by the *Town* without notice as the *Director* deems fit.
- 31.9 **Subsections 31.2, 31.3, 31.4, 31.5 and 31.6** do not apply to *Temporary Signs, Portable Signs or Mobile Signs*.
- 31.10 Where a *Temporary Signs, Portable Sign or Mobile Sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* shall be removed at the direction of the *Town* without notice, at the expense of the *Sign Owner*.
- 31.11 Where the number of *Portable Signs or Mobile Signs* erected or displayed on any *premises* exceeds the restrictions for those premises, the excess *signs* will be removed at the expense of the *Sign Owner*.
- 31.12 Where an *Election Sign* is removed pursuant to this By-law, any costs associated with its removal shall be deducted from the *Election Sign Deposit* in accordance with the sign removal fee prescribed in the *Fees and Charges By-law*. Any costs incurred in excess of the *Election Sign Deposit* shall be invoiced to the registered candidate. Unpaid invoices may be collected by action or the amount may be added to the tax roll and collected in the same manner as taxes.

32.0 PENALTY PROVISION:

- 32.1 Any *person* who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
- 32.2 If a *sign* has been constructed, erected, installed, *altered*, posted, displayed or maintained in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 32.3 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 32.4 Any *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;

- c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

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

32.6 For the purposes of this By-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

33.0 VARIANCES:

33.1 Any person may apply for a variance from the provisions of this by-law

33.2 An application for a variance shall be made on the form prescribed by the *Town* and shall be accompanied by the non-refundable variance application fee in the *Fees and Charges By-law*.

33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed *sign*:

- a) is warranted based on physical circumstances applicable to the property or premises;
- b) is consistent with the architecture of the building or development of the property;
- c) is consistent with buildings and other features of properties or premises within 120.0 metres (393ft) of the proposed sign;
- d) will not alter the essential character of the area;
- e) will not adversely affect adjacent properties;
- f) will not adversely affect public safety;
- g) is in the opinion of the decision maker, not contrary to the public interest; and
- h) is not expressly prohibited by this by-law

33.4 Upon receiving an application for a variance from this By-law to permit the erection and display of a *sign* other than a *Billboard Sign*, the *Director* may:

- a) grant a Variance;
- b) grant a Variance with Conditions; or
- c) refuse to grant a Variance

33.5 An applicant may request a review of the variance application decision of the *Director* within thirty (30) days of the decision.

33.6 The request for review is made by filing a written request for review, on a form approved by the *Director*, to the *Variance Review Committee* of the *Town*. The *Variance Review Committee* may authorize *sign* variances from the provisions of this By-law, provided that in the opinion of the *Variance Review Committee* it is established that the requirements in **Subsection 33.3** are met.

33.7 A decision of the *Variance Review Committee* is final and binding.

33.8 Upon receiving an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, the *Director* shall refer the

application to the Committee of the Whole.

33.9 The Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council in respect of the application for a variance from this By-law to permit the erection and display of a *Billboard Sign*.

33.10 Upon receiving the recommendation of the Committee of the Whole in respect of an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, Council shall:

- a) grant a Variance;
- b) grant a Variance with Conditions; or
- c) refuse to grant a Variance.

33.11 The decision of Council is final and binding.

34.0 LIABILITY:

In addition to any other party who commits the offence with respect to the sign by-law, the owner of the *premises* on which the *sign* was constructed, erected, installed, posted, displayed or maintained shall be deemed to commit the offence.

35.0 SEVERABILITY:

Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary;

36.0 SHORT TITLE:

This By-law shall be referred to as the "Sign By-law".

AND THAT By-law 2009-79 of the *Town* is hereby repealed.

ENACTED THIS 20TH DAY OF JANUARY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-03

A BY-LAW TO AMEND BY-LAW 2013-57 BEING A BY-LAW TO ADOPT FEES AND CHARGES FOR SERVICES OR ACTIVITIES PROVIDED BY THE TOWN OF NEWMARKET.

(Legislative Services – General Fees)

WHEREAS Council enacted By-law 2013-57 to establish a Legislative Services-General Fees for the Corporation of the Town of Newmarket;

AND WHEREAS it is deemed necessary to amend Schedule F of By-law 2013-57 to enact a new general fee for Sign By-law;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT Schedule F of By-law 2013-57 be amended to include the following fees for Sign By-law, TO APPLY Town wide with the exception of addresses outlined in section 2 of this By-law:

Ground Sign	\$400.00
Fascia Sign	\$400.00
Mural Sign	\$400.00
Projecting Sign	\$400.00
Construction Information Sign	\$400.00
Hoarding Sign	\$400.00
New Home Development Sign	\$100.00
Portable / Mobile Sign	\$100.00
Inflatable Sign	\$400.00
Banner	\$100.00
Election Sign Deposit	\$250.00
Billboard Sign	\$1,500.00
Billboard Sign Renewal	\$500.00
Variance Fee – Staff Review	\$250.00
Variance Fee – Committee	\$500.00
Sign Removal	\$150.00
Election Sign Removal (per sign)	\$25.00

2. AND THAT Schedule F of By-law 2013-57 be amended to include the following fees for Sign By-law for any addresses on Davis Drive from January 20, 2014 to December 31, 2015:

Ground Sign	\$150.00
Fascia Sign	\$150.00
Projecting Sign	\$150.00
Construction Information Sign	\$150.00
New Home Development Sign	\$80.00
Portable / Mobile Sign	\$80.00
Inflatable Sign	\$150.00

Banner	n/a
Billboard Sign	\$150.00
Variance Fee – Staff Review	\$72.55
Variance Fee – Committee	\$428.55
Sign Removal	\$75.00
Election Sign Removal (per sign)	\$75.00

3. AND THAT this By-law come into force and effect on January 20, 2014.

ENACTED THIS 20TH DAY OF JANUARY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-04

A BY-LAW TO APPOINT AN INTEGRITY COMMISSIONER FOR THE TOWN OF NEWMARKET. (SUZANNE CRAIG)

WHEREAS Council has adopted a Council Code of Conduct ("Code") through the enactment of By-law 2007-42;

AND WHEREAS the *Municipal Act, 2001*, s.223.3 and 223.4 provides the authority for the Municipality to appoint an Integrity Commissioner and deals with the conduct of an inquiry;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT Suzanne Craig be hereby appointed Integrity Commissioner on an as-needed basis for the Corporation of the Town of Newmarket for the remainder of the 2010-2014 Council term of office or until a successor has been appointed, for the purpose of:

- i) Conducting investigations regarding alleged breaches of the Code provided the complaint was received and concluded prior to June 30, 2014 (a complaint received after or not concluded before this date will be held until the following term of office begins);
- ii) Providing specific opinions and advice to Council as may be required on Town policies regulating the conduct of Members of Council and issues of compliance with those policies and protocols;
- iii) Providing written and oral advice as may be required to individual Council members regarding specific situations as they relate to the application of the Code;
- iv) Providing written and oral advice as may be required to individual Council members on other policies and procedures governing the ethical behaviour of members;
- v) Providing general comments as may be required to individual Members of Council and Town staff on issues of ethics and integrity that bridge the Code and Town policies, protocols and office procedures;
- vi) Providing advice and information as may be required to members of the public regarding the Code and obligations of members under the Code; and

- vii) Performing any other duties that may be assigned by the municipality from time to time.

ENACTED THIS 20TH DAY OF JANUARY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

**CORPORATION OF THE TOWN OF NEWMARKET****BY-LAW NUMBER 2014-05**

A BY-LAW TO AUTHORIZE THE USE OF VOTE COUNTING EQUIPMENT AND OPTICAL SCANNING VOTE TABULATORS.

WHEREAS By-law 2010-36 was enacted by the Municipal Council of the Corporation of the Town of Newmarket on June 1, 2010;

AND WHEREAS it is deemed necessary to repeal By-law 2010-36 for housekeeping purposes;

AND WHEREAS: Section 42 of the *Municipal Elections Act, 1996*, provides that the Council of a Municipality may pass a by-law authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT By-law 2010-36 be hereby repealed;
2. AND THAT authorization is hereby given for the use of voting and vote counting equipment such as voting machines, voting recorders and optical scanning vote tabulators at elections governed by the *Municipal Elections Act* in the Town of Newmarket for the 2014 Municipal Election.

ENACTED THIS 20TH DAY OF JANUARY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-06

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– JANUARY 20, 2014.

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

THEREFORE BE IT ENACTED by the Council of the Corporation of the Town of Newmarket as follows:

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 20TH DAY OF JANUARY, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk