



# Town of Newmarket

## Agenda

### Council

Date: Monday, March 2, 2020  
Time: 7:00 PM  
Location: Council Chambers  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

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

- 6.1 Simon Wood Foundation

**Note:** Heather Goodman will be in attendance to provide a deputation on this matter.

- 6.2 Amended Mobile Business Licence By-law

**Note:** Sebastian Fuchs, ASAP Towing, will be in attendance to provide a deputation on this matter. This deputation is related to item 9.1.8.

- \*6.3 Amended Mobile Business Licence By-law

**Note:** Frank Doyle will be in attendance to provide a deputation on this matter. This deputation is related to item 9.1.8.

7. Approval of Minutes

- 7.1 Council Meeting Minutes of February 10, 2020

1. That the Council Meeting Minutes of February 10, 2020 be approved.

## 8. Reports by Regional Representatives

## 9. Reports of Committees and Staff

### 9.1 Committee of the Whole Meeting Minutes of February 24, 2020

1. That the Committee of the Whole Meeting Minutes of February 24, 2020 be received and the recommendations noted within be adopted.

#### 9.1.1 Presentation - Amended Mobile Business Licence By-law

**Note:** See sub-item 9.1.8 below.

#### 9.1.2 Presentation - Procedure By-law Review for 2018-2022 Term of Council

**Note:** See sub-item 9.1.9 below.

#### 9.1.3 Deputation - Amended Mobile Business Licence By-law

**Note:** See sub-item 9.1.8 below.

#### 9.1.4 Deputation - Amended Mobile Business Licence By-law

**Note:** See sub-item 9.1.8 below.

#### 9.1.5 Deputation - Amended Mobile Business Licence By-law

**Note:** See sub-item 9.1.8 below.

#### 9.1.6 Deputation - Atkins Drive and Quick Street All-way Stop Request

1. That the deputation regarding the Atkins Drive and Quick Street All-way Stop Request by Pankaj Singh be received.

#### 9.1.7 Deputation - Atkins Drive and Quick Street All-way Stop Request

1. That the deputation regarding the Atkins Drive and Quick Street All-way Stop Request by Tuula Rinella be received.

#### 9.1.8 Amended Mobile Business Licence By-law

1. That the presentation regarding the Amended Mobile Business Licence By-law provided by the Manager of Regulatory Services be received; and,
2. That the deputations regarding the Amended Mobile Business Licence provided by Frank Doyle, Frank Zoghi, and Sebastian Fuchs be received; and,

3. That the reports entitled Mobile Business Licence By-law dated February 3, 2020 (deferred) and Amended Mobile Business Licence By-law dated February 24, 2020 be received; and,
4. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive) for previously licensed companies only; and,
5. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
6. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
7. That Council approve the draft amended Mobile Business Licence By-law 2020-07, with option #3 for a tow truck company licensing fee structure and the addition of Schedule B for criminal conviction thresholds; and,
8. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,
9. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 9.1.9 Procedure By-law Review for 2018-2022 Term of Council

**Note:** Revised versions of attachment 1 and attachment 2 have been included to reflect the changes from February 24, 2020 Committee of the Whole Meeting.

1. That the presentation regarding the Procedure By-law Review for 2018-2022 Term of Council provided by the Deputy Town Clerk be received; and,
2. That the report entitled Procedure By-law Review for 2018-2022 Term of Council dated February 24, 2020 be received; and,
3. That Council amend the 2020 meeting schedule effective March 3, 2020 to schedule all regular Committee of the Whole meetings to

begin at 1:00 PM; and,

4. That staff be directed to place an amended draft Procedure By-law on the agenda for the March 2, 2020 meeting of Council, reflecting the changes identified by the Committee of the Whole; and,
5. That Council repeal By-laws 2015-50, 2016-43, 2017-75, as amended, and replace with the Procedure By-law, as amended by Committee of the Whole; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.10 Zoning By-law Amendment Application – 665-695 Stonehaven Avenue

1. That the report entitled Zoning By-law Amendment Application – 665-695 Stonehaven Avenue, dated February 24, 2020 be received; and,
2. That the application for Zoning By-law amendment for lands municipally known as 665-695 Stonehaven Avenue be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1; and,
3. That Lucila Sandoval of Groundswell Urban Planners, 95 Mural Street, Suite 402, Richmond Hill, L4B 3G2 be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.11 Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165

1. That the report entitled Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 dated February 24, 2020 be received; and,
2. That the application for Official Plan & Zoning By-Law amendment, as submitted by Marianneville Developments Limited for Blocks 164 and 165 of the Estates of Glenway Community subdivision, be approved, and that staff be directed to prepare the necessary Official Plan and Zoning By-law amendments, including the necessary Holding provisions; and,
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
4. That Kerigan Kelly, of Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill, ON, L4B 3G2, be notified of this



action.

5. That the Correspondence from Jon Brock regarding Item 5.4: Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 be received.

#### 9.1.12 Atkins Drive and Quick Street All-way Stop Request

1. That the report entitled Atkins Drive and Quick Street All-way Stop Request dated February 24, 2020 be received; and,
2. That an All-Way Stop at the intersection of Atkins Drive and Quick Street not be implemented at this time; and,
3. That the Town monitor the intersection as the community continues to build out; and,
4. That school boards be notified of the school bus routing and be asked to implement improvements to student access to the school buses to reduce crossing of streets; and,
5. That York Regional Police be notified of the speeding issues and school bus stop arm violations to plan increased enforcement; and,
6. That the Town continue to apply Category 1 traffic calming measures to educate motorists to comply with the speed limits and that Staff explore options for Category 2 traffic calming measures; and,
7. That Staff provide Council with data regarding All-Way Stop warrants related to Bob Gapp Drive and Atkins Drive, including modelling the anticipated near-term growth; and,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 9.1.13 Dover Crescent and Burford Street All-way Stop Control Request

1. That the report entitled Dover Crescent and Burford Street All-way Stop Control Request dated February 24, 2020 be received; and,
2. That the existing stop controls remain; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 9.1.14 London Road and Harewood Boulevard All-way Stop Control Request

1. That the report entitled London Road and Harewood Boulevard All-Way Stop Control Request dated February 24, 2020 be received;

and,

2. That the existing stop controls remain; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.15 Non-Warranty Repairs and Regular Maintenance of Central York Fire Services Apparatus

1. That the report entitled “Non-Warranty Repairs and Regular Maintenance of CYFS Apparatus” dated February 24, 2020 be received; and,
2. That a non-competitive acquisition be approved to a maximum of \$125,000.00 in accordance with the Procurement By-Law; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.1.16 City of Richmond Hill Resolution - Regional Consolidation of Fire Services

1. That the correspondence from the City of Richmond Hill regarding Richmond Hill Resolution – Member Motion submitted by Regional and Local Councillor Perrelli regarding Regional Consolidation of Fire Services be received.

9.1.17 Item from draft Accessibility Advisory Committee Meeting Minutes of January 16, 2020

1. That Council refer the following motion to the Appointment Committee:
  - a. That the Accessibility Advisory Committee recommend to Council that the Terms of Reference be amended to increase their membership by 2, for a total of 10 members.

9.1.18 Audit Committee Meeting Minutes of June 18, 2019 and October 7, 2019

1. That the Audit Committee Meeting Minutes of June 18, 2019 and October 7, 2019 be received.

9.1.19 Newmarket Economic Development Advisory Committee Meeting Minutes of December 3, 2019

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of December 3, 2019 be received.

9.1.20 Outstanding Matters List

1. That the Outstanding Matters List be received.

9.1.21 Motion - Support of Never Forgotten National Memorial Foundation

Whereas the residents of Newmarket have a proud tradition of honouring those who made the supreme sacrifice on behalf of Canada in armed conflicts across the world; and,

Whereas the Never Forgotten National Memorial Foundation has been established to develop commemorative programming, exhibits and monuments at a site on Cape Breton Island as a place of remembrance and thanks for those brave individuals who lost their lives so far from home; and,

Whereas the Foundation is seeking the endorsement of businesses, agencies, government organizations, and individuals across Canada to bring life to this important national memorial;

Now therefore be it resolved:

1. That the Council of the Town of Newmarket supports efforts to develop the Never Forgotten National Memorial and so advises Mr. Tony Van Bynen, Member of Parliament, the Honourable Christine Elliott, Member of the Legislative Assembly of Ontario, the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

\*9.2 Correspondence regarding the Amended Mobile Business Licence By-law

**Note:** This correspondence is related to item 9.1.8.

**10. By-laws**

**2020-07** A By-law to Regulate and License Mobile Businesses to Operate in the Town of Newmarket (Mobile Business Licence By-law)

**2020-08** A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System (AMPS) in the Town of Newmarket

**2020-09** A By-law to amend Fees and Charges By-law 2019-52 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket (Legislative Services - Licensing Charges)

**2020-12** A By-law to govern the proceedings of Council and Committee Meetings (Procedure By-law)

**2020-13** A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 665-695 Stonehaven Avenue

1. That By-laws 2020-07, 2020-08, 2020-09, 2020-12 and 2020-13 be enacted.

**11. Notices of Motions**

**12. Motions**

**13. Announcements & Community Events**

**14. New Business**

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

**16. Confirmatory By-law**

**2020-14** A By-law to Confirm the Proceedings of the March 2, 2020 Council meeting

1. That By-law 2020-14 be enacted.

**17. Adjournment**

## Deputation and Further Notice Request Form

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

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

Name: <b>Heather Goodman</b>	
Organization / Group/ Business represented: <b>Simon Wood Foundation</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: <b>March 2, 2020</b>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): We are hosting a fundraiser to raise money to send youth for treatment for substance abuse as there are very few available options for families that are affordable. We have booked the fundraiser at the Old Town Hall on October 24, 2020 and are hoping that Council will waive the rental fee of the venue so that more money can be put towards supporting youth who need it. We are also asking that the Town provide us space at their booth at the Farmer's Market for advertising of our event and selling tickets. If this is not possible, we are hoping that Council will provide us with a space at the Market to do this (only necessary closer to the date of the event).	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

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

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

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



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Name: <u>Sebastian Fuchs</u>	
Organization / Group/ Business represented: <u>ASAP Towing Services Inc</u>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: <u>Mar 02, 2020</u>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>Im going to discuss the costs based around operating a tow truck and certain changes that should be identified before the by-law gets forward.</u>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Frank Doyle</b>	
Organization / Group/ Business represented: <b>Doyles Towing</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>March 2, 2020</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 9.1.8
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To speak about the draft Mobile Business Licence By-law regarding the towing and freight transportation, and capped fees.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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# **Town of Newmarket**

## **Minutes**

### **Council**

Date: Monday, February 10, 2020

Time: 7:00 PM

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

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

Members Absent: Councillor Morrison

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

The meeting was called to order at 7:00 PM.

Mayor Taylor in the Chair.

#### **1. Open Forum**

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

**2. Public Notices (if required)**

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

The Clerk advised of the following additions to the agenda:

- Item 6.2: Deputation by Frank Doyle regarding Mobile Business License By-law
- Item 6.3: Deputation by Ted Doucette regarding Mobile Business License By-law

The Clerk advised of the following closed session items:

- Item 15.1: Appointments to the Accessibility Advisory Committee (2 Vacancies) [Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.]
- Item 15.2: Appointment of Director: Envi Networks Ltd. [Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.]

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the additions to the agenda be approved.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

**4. Declarations of Pecuniary Interest**

Councillor Woodhouse declared a conflict related to item 9.3.1: Presentation - Short Term Rentals & item 9.3.4: Short Term Rentals. He advised that he has a client in his insurance practice who is in the hotel business.

**5. Presentations & Recognitions**

None.

**6. Deputations**

**6.1 Never Forgotten National Memorial Foundation**

Lt. Col (Ret'd) Ferguson A. Mobbs provided a deputation to Council regarding the Never Forgotten National Memorial Foundation and asked Council for their support of the project.

Moved by: Councillor Bisanz

Seconded by: Councillor Woodhouse

1. That the deputation provided by Lt. Col (Ret'd) Ferguson A. Mobbs be received; and,
2. That Council direct Staff to draft a motion to be placed on the February 24, 2020 Committee of the Whole Meeting agenda.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

## **6.2 Mobile Business Licence By-law**

Frank Doyle provided a deputation regarding the Mobile Business Licence By-law and outlined his concerns with the public consultation process and the proposed fee caps identified in the draft by-law.

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the deputation provided by Frank Doyle regarding the Mobile Business Licence By-law be received.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

## **6.3 Mobile Business Licence By-law**

Ted Doucette provided a deputation regarding the Mobile Business Licence By-law outlining his concern with the requirements related to criminal convictions contained in the draft by-law.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the deputation provided by Ted Doucette regarding the Mobile Business Licence By-law be received.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

## **7. Approval of Minutes**

### **7.1 Council Meeting Minutes of January 20, 2020**

Moved by: Councillor Twinney

Seconded by: Councillor Woodhouse

1. That the Council Meeting Minutes of January 20, 2020 be approved.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

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

Deputy Mayor & Regional Councillor Vegh advised that in 2018, the Municipal Act was amended to require regional municipalities to review the number of members of its council that represent the lower-tier municipalities. Regional Council can either adopt a by-law to change the number of members representing each local municipality, or a resolution affirming the current number of members. Regional Staff will provide a report on this matter at their Council Meeting on February 27, 2020.

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

### **9.1 Special Committee of the Whole Meeting Minutes of January 20, 2020**

Moved by: Councillor Simon

Seconded by: Councillor Kwapis

1. That the Special Committee of the Whole Meeting Minutes of January 20, 2020 be received and the recommendations noted within be adopted.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

#### **9.1.1 Established Neighbourhoods Study**

1. That the presentation regarding the Established Neighbourhoods Study be received.

#### **9.1.2 Deputations**

1. That the deputations by Patrick Monks, Elaine Adam and Ann Campbell regarding the Established Neighbourhoods Study be received.

#### **9.2 Council Workshop Meeting Minutes of January 29, 2020**

Moved by: Councillor Broome

Seconded by: Councillor Twinney

1. That the Council Workshop Meeting Minutes of January 29, 2020 be received.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

#### **9.3 Committee of the Whole Meeting Minutes of February 3, 2020**

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That the Committee of the Whole Meeting Minutes of February 3, 2020 be received and the recommendations noted within be adopted with the exception of sub-item 9.3.1, 9.3.4 and 9.3.5. See following sub-items 9.3.1, 9.3.4 and 9.3.5 for motions and recorded votes.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

**9.3.1 Presentation - Short Term Rentals**

**9.3.2 Presentation - Mobile Business Licence By-law**

**9.3.3 Deputation - Mobile Business Licence By-law**

1. That the deputation regarding the Mobile Business Licence By-law by Kim Wright, on behalf of Uber Canada be received.

**9.3.4 Short Term Rentals**

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That the presentation regarding Short-Term Rentals provided by the Senior Planner - Community Planning and the Manager of Regulatory Services be received; and,
2. That the report entitled Short-Term Rentals dated February 3, 2020 be received; and,
3. That Council direct Staff to proceed with Option 3 as described in the report; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

In Favour (7): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (7 to 0)**

Councillor Woodhouse took no part in the discussion or vote on the foregoing matter due to a declared conflict.

**9.3.5 Mobile Business Licence By-law**

Members of Council discussed the staff report and draft by-law related to the Mobile Business Licence By-law, and the concerns raised by deputants. Council asked Staff to conduct further research and provide additional information on the concerns identified.

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

Moved by: Councillor Kwapis



Seconded by: Councillor Twinney

1. **That the report entitled Mobile Business Licence By-law dated February 3, 2020 be deferred; and,**
2. **That Staff be directed to conduct further research and provide Council with additional information.**

In Favour (7): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Opposed (1): Councillor Woodhouse

**Carried (7 to 1)**

#### **9.3.6 Large Water Meter Rates**

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

#### **9.3.7 Main Street Clock Inc. Properties - Update**

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

#### **9.3.8 Accessibility Advisory Committee Meeting Minutes of November 21, 2019**

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

#### **9.3.9 Appointment Committee Minutes of October 9, 2019**

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

#### **9.3.10 Appointment Committee Meeting (Closed Session) Minutes of October 9, 2019**

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

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

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

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

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

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

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

**9.3.14 Heritage Newmarket Advisory Committee Meeting Minutes of November 5, 2019**

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

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

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

**9.3.16 Newmarket Public Library Board Meeting Minutes of November 20, 2019**

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

**9.3.17 Outstanding Matters List**

1. That the Outstanding Matters List be received; and,
2. That Item 17 regarding the Heritage Conservation District Plan be deleted.

**9.3.18 Public Hearing Matter - Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision**

1. That the presentation provided by Joanne Barnett and Richard Zelinka regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received; and,
2. That the deputations by Allen Matrosov, Gabriel D'aoust, Gord Bell, Jon Brock, Jeff Healey, Kevin Huguenin, Craig Sisson, Tracy and Peter Olesovsky, Roland Garfit, Wanda McClure, Edward Anderson, Leaf Sun, Sean Heavener, Jim Kyriacou, Jude and Nancy Zhao, and Luisa Lloyd regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received; and,
3. That the correspondence by Brian Greiner, Dominic Murphy, Adam Rogers, Erin Rogers and Gary Rogers, and Richard Smith regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received.

**9.4 Committee of the Whole Meeting (Closed Session) Minutes of February 3, 2020**

Moved by: Councillor Simon  
Seconded by: Councillor Kwapis

1. That the Committee of the Whole Meeting (Closed Session) Minutes of February 3, 2020 be approved.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

**10. By-laws**

Moved by: Councillor Woodhouse  
Seconded by: Councillor Twinney

1. That By-law 2020-10 be enacted.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That By-laws 2020-07, 2020-08 and 2020-09 be deferred subject to Council's consideration of the Mobile Business Licence By-law staff report.

In Favour (7): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Opposed (1): Councillor Woodhouse

**Carried (7 to 1)**

#### **11. Notices of Motions**

None.

#### **12. Motions**

None.

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

- Councillor Simon thanked residents and Members of Council for attending her Ward 1 Winter Carnival on February 9, 2020.
- Councillor Simon invited residents to her Ward 1 meeting on March 4, 2020 at 7:00 PM at the Magna Centre.
- Councillor Broome thanked Staff for organizing the Mulock Property Community Visioning Workshop on February 5, 2020 and thanked residents for their participation.
- Councillor Kwapis invited residents to the Town of Newmarket Winterfest on Sunday February 15, 2020 at the Newmarket Community Centre & Lions Hall and the Riverwalk Commons.
- Councillor Woodhouse encouraged residents to register for and attend the 2020 Coldest Night of the Year event on February 22, 2020 at 5:00 PM at Riverwalk Commons.

- Councillor Bisanz invited residents to her Ward 7 New Years Gathering on February 16, 2020 from 2:00 PM to 4:00 PM at the Ray Twinney Recreation Complex.

**14. New Business**

None.

**15. Closed Session**

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

**15.1 Appointments to the Accessibility Advisory Committee (2 Vacancies)**

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That the following individuals be appointed to the Accessibility Advisory Committee:

- Felim James Greene
- Cindy Gorlewski

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

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

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

That the Newmarket Hydro Holdings Inc. (the "Corporation") Report of the President dated January 30, 2020 regarding the election of a director to the board of directors of Envi Networks Ltd. ("Envi") be received and the following recommendations be adopted:

Whereas the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of the Corporation;

And whereas the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the Business Corporations Act (Ontario) (the "OBICA");

And whereas the Corporation owns a majority of the common shares of Envi;

And whereas pursuant to s.102(2) of the OBCA where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

And whereas pursuant to s.104 of the OBCA a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the OBCA relating to that meeting of shareholders;

Now Therefore Be It Resolved by the Municipal Council of the Corporation of the Town of Newmarket as follows:

That the Mayor, as the Sole Shareholder's legal representative, direct Jag Sharma, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolution:

1. That John Piercy be appointed as a director of Envi to hold office until the next annual meeting of shareholders or until his successor is elected or appointed.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (8 to 0)**

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

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That By-law 2020-11 be enacted.

**Carried**

## **17. Adjournment**

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

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

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk







# **Town of Newmarket**

## **Minutes**

### **Committee of the Whole**

Date: Monday, February 24, 2020

Time: 12:30 PM

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

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

Staff Present: J. Sharma, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development & Infrastructure Services  
I. McDougall, Commissioner of Community Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Town Clerk  
F. Scott, Manager of Regulatory Services  
J. Unger, Acting Director of Planning & Building Services  
A. Walkom, Legislative Coordinator

For consideration by Council on March 2, 2020.

The meeting was called to order at 12:32 PM.

The Committee of the Whole recessed at 2:24 PM and reconvened at 2:34 PM.  
Mayor Taylor in the Chair.

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

The Clerk advised of the following additions to the agenda:

- Item 3.1: Amended Mobile Business Licence By-law – the presentation was distributed with the revised agenda.
- Item 4.1: Deputation from Frank Doyle regarding the Amended Mobile Business Licence By-law.
- Item 4.2: Deputation from Frank Zoghi regarding the Amended Mobile Business Licence By-law.
- Item 4.3: Deputation from Sebastian Fuchs regarding the Amended Mobile Business Licence By-law.
- Item 4.4: Deputation from Pankaj Singh regarding the Atkins Drive and Quick Street All-way Stop Request.
- Item 5.1: Amended Mobile Business Licence By-law – the report was distributed with the revised agenda.
- Correspondence from Jon Brock regarding Item 5.4: Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the additions to the agenda be approved.

**Carried**

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

None.

## **3. Presentations & Recognitions**

### **3.1 Amended Mobile Business Licence By-law**

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

The Manager of Regulatory Services provided a presentation which included an amended draft by-law and provided an overview of the amendments since the February 10, 2020 Council meeting. The amendments included a schedule of criminal conviction thresholds, as well as new options for a fee structure for tow truck licences.

### **3.2 Procedure By-law Review for 2018-2022 Term of Council**

**Note:** This item was dealt with under sub-item 5.2. Please see sub-item 5.2 for motion.

The Deputy Clerk provided a presentation which included an overview of the proposed amendments to the Town's Procedure By-law. The proposed changes were grouped into themes of housekeeping and best practices, modernization and trends, and transparency. The presentation also provided options for Council's consideration on revised Council meeting times and schedules.

## **4. Deputations**

### **4.1 Amended Mobile Business Licence By-law**

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

Frank Doyle provided a deputation regarding the Amended Mobile Business Licence By-law and outlined his concerns with the prohibitions of tow trucks stopping within 200 metres of a collision scene, as well as with definitions and the proposed fee caps included in the by-law.

### **4.2 Amended Mobile Business Licence By-law**

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

Frank Zoghi provided a deputation regarding the Amended Mobile Business Licence By-law and outlined his concerns that the proposed by-law is duplicating other municipalities' by-laws and that these other by-laws could have become out of date.

### **4.3 Amended Mobile Business Licence By-law**

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

Sebastian Fuchs provided a deputation regarding the Amended Mobile Business Licence By-law and advised of his concerns with the flat rate

towing fee due to the distance of collision reporting centres from Newmarket.

#### **4.4 Atkins Drive and Quick Street All-way Stop Request**

Pankaj Singh provided a deputation regarding the Atkins Drive and Quick Street All-way Stop Request and advised of his concerns that drivers are speeding on the street, which could cause accidents. He also advised of his concern that cars were driving around school buses which make stops on the street, causing a threat to the safety of children in the neighbourhood.

Moved by: Councillor Simon

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the deputation regarding the Atkins Drive and Quick Street All-way Stop Request by Pankaj Singh be received.

**Carried**

#### **4.5 Atkins Drive and Quick Street All-way Stop Request**

Tuula Rinella provided a deputation regarding the Atkins Drive and Quick Street All-way Stop Request and advised of her concerns that public safety was being impacted by traffic on the street, particularly with regards to school buses stopping on the street.

Moved by: Councillor Woodhouse

Seconded by: Councillor Simon

1. That the deputation regarding the Atkins Drive and Quick Street All-way Stop Request by Tuula Rinella be received.

**Carried**

### **5. Consent Items**

Moved by: Councillor Simon

Seconded by: Councillor Woodhouse

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

**Carried**

## **5.1 Amended Mobile Business Licence By-law**

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

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. **That the presentation regarding the Amended Mobile Business Licence By-law provided by the Manager of Regulatory Services be received; and,**
2. **That the deputations regarding the Amended Mobile Business Licence provided by Frank Doyle, Frank Zoghi, and Sebastian Fuchs be received; and,**
3. That the reports entitled Mobile Business Licence By-law dated February 3, 2020 (deferred) and Amended Mobile Business Licence By-law dated February 24, 2020 be received; and,
4. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive) for previously licensed companies only; and,
5. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
6. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
7. That Council approve the draft amended Mobile Business Licence By-law 2020-07, with option #3 for a tow truck company licensing fee structure and the addition of Schedule B for criminal conviction thresholds; and,

8. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,
9. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **5.2 Procedure By-law Review for 2018-2022 Term of Council**

Members of Council discussed the proposed Procedure By-law and asked staff to make amendments before the March 2, 2020 Council meeting concerning land acknowledgment, Committee of the Whole and Council meeting times, advisory committee minutes and new business criteria.

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

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. **That the presentation regarding the Procedure By-law Review for 2018-2022 Term of Council provided by the Deputy Town Clerk be received; and,**
2. That the report entitled Procedure By-law Review for 2018-2022 Term of Council dated February 24, 2020 be received; and,
3. **That Council amend the 2020 meeting schedule effective March 3, 2020 to schedule all regular Committee of the Whole meetings to begin at 1:00 PM; and,**
4. **That staff be directed to place an amended draft Procedure By-law on the agenda for the March 2, 2020 meeting of Council, reflecting the changes identified by the Committee of the Whole; and,**
5. That Council repeal By-laws 2015-50, 2016-43, 2017-75, as amended, and replace with the Procedure By-law, **as amended by Committee of the Whole;** and,

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

**Carried**

**5.3 Zoning By-law Amendment Application – 665-695 Stonehaven Avenue**

1. That the report entitled Zoning By-law Amendment Application – 665-695 Stonehaven Avenue, dated February 24, 2020 be received; and,
2. That the application for Zoning By-law amendment for lands municipally known as 665-695 Stonehaven Avenue be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1; and,
3. That Lucila Sandoval of Groundswell Urban Planners, 95 Mural Street, Suite 402, Richmond Hill, L4B 3G2 be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**5.4 Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165**

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

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the report entitled Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 dated February 24, 2020 be received; and,
2. That the application for Official Plan & Zoning By-Law amendment, as submitted by Marianneville Developments Limited for Blocks 164 and 165 of the Estates of Glenway Community subdivision, be approved, and that staff be directed to prepare the necessary Official Plan and Zoning By-law amendments, including the necessary Holding provisions; and,
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,

4. That Kerigan Kelly, of Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill, ON, L4B 3G2, be notified of this action.
5. **That the Correspondence from Jon Brock regarding Item 5.4: Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 be received.**

**Carried**

### **5.5 Atkins Drive and Quick Street All-way Stop Request**

Moved by: Councillor Simon

Seconded by: Councillor Woodhouse

1. That the report entitled Atkins Drive and Quick Street All-way Stop Request dated February 24, 2020 be received; and,
2. That an All-Way Stop at the intersection of Atkins Drive and Quick Street not be implemented at this time; and,
3. That the Town monitor the intersection as the community continues to build out; and,
4. That school boards be notified of the school bus routing and be asked to implement improvements to student access to the school buses to reduce crossing of streets; and,
5. That York Regional Police be notified of the speeding issues **and school bus stop arm violations** to plan increased enforcement; and,
6. That the Town continue to apply Category 1 traffic calming measures to educate motorists to comply with the speed limits **and that Staff explore options for Category 2 traffic calming measures; and,**
7. **That Staff provide Council with data regarding All-Way Stop warrants related to Bob Gapp Drive and Atkins Drive, including modelling the anticipated near-term growth; and,**
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.



**Carried**

**5.6 Dover Crescent and Burford Street All-way Stop Control Request**

Moved by: Councillor Morrison

Seconded by: Councillor Twinney

1. That the report entitled Dover Crescent and Burford Street All-way Stop Control Request dated February 24, 2020 be received; and,
2. That the existing stop controls remain; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**5.7 London Road and Harewood Boulevard All-way Stop Control Request**

Moved by: Councillor Morrison

Seconded by: Councillor Woodhouse

1. That the report entitled London Road and Harewood Boulevard All-Way Stop Control Request dated February 24, 2020 be received; and,
2. That the existing stop controls remain; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**5.8 Non-Warranty Repairs and Regular Maintenance of Central York Fire Services Apparatus**

Moved by: Councillor Woodhouse

Seconded by: Councillor Bisanz

1. That the report entitled “Non-Warranty Repairs and Regular Maintenance of CYFS Apparatus” dated February 24, 2020 be received; and,
2. That a non-competitive acquisition be approved to a maximum of \$125,000.00 in accordance with the Procurement By-Law; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**5.9 City of Richmond Hill Resolution - Regional Consolidation of Fire Services**

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That the correspondence from the City of Richmond Hill regarding Richmond Hill Resolution – Member Motion submitted by Regional and Local Councillor Perrelli regarding Regional Consolidation of Fire Services be received.

**Carried**

**5.10 Item from draft Accessibility Advisory Committee Meeting Minutes of January 16, 2020**

1. That Council refer the following motion to the Appointment Committee:
  - a. That the Accessibility Advisory Committee recommend to Council that the Terms of Reference be amended to increase their membership by 2, for a total of 10 members.

**5.11 Audit Committee Meeting Minutes of June 18, 2019 and October 7, 2019**

1. That the Audit Committee Meeting Minutes of June 18, 2019 and October 7, 2019 be received.

**5.12 Newmarket Economic Development Advisory Committee Meeting Minutes of December 3, 2019**

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of December 3, 2019 be received.

**5.13 Outstanding Matters List**

1. That the Outstanding Matters List be received.

**6. Action Items**

None.

**7. Reports by Regional Representatives**

None.

**8. Notices of Motions**

None.

**9. Motions**

**9.1 Support of Never Forgotten National Memorial Foundation**

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

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Kwapis

Whereas the residents of Newmarket have a proud tradition of honouring those who made the supreme sacrifice on behalf of Canada in armed conflicts across the world; and,

Whereas the Never Forgotten National Memorial Foundation has been established to develop commemorative programming, exhibits and monuments at a site on Cape Breton Island as a place of remembrance and thanks for those brave individuals who lost their lives so far from home; and,

Whereas the Foundation is seeking the endorsement of businesses, agencies, government organizations, and individuals across Canada to bring life to this important national memorial;

Now therefore be it resolved:

1. That the Council of the Town of Newmarket supports efforts to develop the Never Forgotten National Memorial and so advises Mr. Tony Van Bynen, Member of Parliament, the Honourable Christine Elliott, Member of the Legislative Assembly of Ontario, the Federation of Canadian Municipalities and **the Association of Municipalities of Ontario**.

**Carried**

## **10. New Business**

### **10.1 Ward 5 Meeting**

Councillor Kwapis advised that a Ward 5 meeting would be held February 25, 2020 at 7:00 PM at the Old Town Hall. He advised that York Regional Police Constable Richard McHardy would be providing a presentation on crime prevention and safety.

### **10.2 Lighting between Meegan Court and McCaffrey Road**

Councillor Broome inquired as to the status of the replacement of lighting between Meegan Court and McCaffrey Road. The Commissioner of Development and Infrastructure Services advised he had initiated a request for the status of the replacement and would provide the information once it is available.

## **11. Closed Session**

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

## **12. Public Hearing Matter**

None.

## **13. Adjournment**

Moved by: Councillor Simon

Seconded by: Councillor Broome

1. That the meeting be adjourned at 4:12 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk





# Mobile Business Licence By-law

**Committee of the Whole**

**February 24, 2020**

Presented by:

Flynn Scott, Manager of Regulatory Services

# Presentation Outline

- Council Meeting – February 10, 2020
- Review of Regulations
- Amendments Proposed to Mobile Business Licence By-law
- Conclusion



# Council Review – Feb 10, 2020

- Council directed staff to review tow truck regulations in relation to:
  - criminal record requirements
  - annual licensing fee structure

# Review of Regulations

- Criminal Record Requirements
  - Richmond Hill, Toronto, and Vaughan all have criminal conviction thresholds
  - Thresholds range from 3-10yrs, depending on the conviction, with certain convictions identified as prohibited with no threshold
  - YRP provided input with a strong recommendation to align by-law with southern York Region municipalities

# Review of Tow Truck Regulations

- Tow Truck Licensing Fee Structure
  - Richmond Hill, Toronto, and Vaughan all have higher licensing rates when totaling the company, driver, and vehicle fees
  - Attachment #5 breaks down company, driver, vehicle licensing fees and the average cost to obtain a new or renewal licence

# Amendments Proposed Tow Truck Licensing Fees

## Option #1

- Staff previously proposed a one-time licensing fee of \$2,000 and renewal fee of \$750
- Based on tow truck company fees throughout York Region + Brampton + Mississauga

Rationale: less administration by  
removing driver & vehicle licensing

# Amendments Proposed Tow Truck Licensing Fees

## Option #2

- To align licensing fees with other municipalities, company + driver + vehicle fees would all be under consideration
- Fees would be significantly higher for both new and renewal applications
  - 1-3 RH: \$2,758 (renewal \$1,000)
  - 1-3 TO: \$2,048 (renewal \$1,423)
  - 1-3 VN: \$1,505 (renewal \$1,340)
  - 7-9 average = \$4,400 (renewal \$2,650)

# Amendments Proposed Tow Truck Licensing Fees

## **Option #3 (Recommended by Staff)**

- Establish tiered licensing fee structure unique to Newmarket
- Fees would be lower than both Option #1 (for smaller fleets) and Option #2 (for all fleet sizes)
  - 1-3 Vehicles: \$1,000 (renewal: \$750)
  - 4-6 Vehicles: \$2,000 (renewal: \$1,500)
  - 7-9 Vehicles: \$3,000 (renewal: \$2,250)
  - 10+ Vehicles: \$4,000 (renewal: \$3,000)

# Amendments Proposed Criminal Record Requirements

- Staff are proposing conviction thresholds under Schedule “B”, attached to the Mobile Business Licence By-law
- Thresholds range from 3-10yrs, depending on the conviction, with certain convictions identified as prohibited with no threshold
- Thresholds align with Richmond Hill, Toronto, & Vaughan
- Toronto staff advised their Legal and Enforcement Divisions recently reviewed thresholds (called “Screening Criteria”)

# Conclusion

- After receiving Council direction to review and report back on the tow truck industry, staff are proposing:
  - changes to the criminal record requirements via Schedule “B” (for consistency, this will apply to all classifications as a community standard process)
  - Three options for a licensing fee structure, with Option #3 – tiered licensing fees being recommended



# Questions?





# Recommendations for Procedure By-law Review 2018-2022 Term of Council

**Committee of the Whole**

**February 24, 2020**

Presented by: Kiran Saini, Deputy Town Clerk

# Presentation Outline

- Background
- Key Themes
  - Recommendations & Proposed Changes
- Consultation & Survey Results
- Conclusion & Next Steps

# Background

- The Municipal Act requires all Councils to adopt a Procedure By-law.
- Significant updates have not been made since 2015.
- Workshop held in October 2019 identified a review once per term is a best practice.

# Key Themes in Review

Housekeeping  
&  
Best Practices

Modernization  
& Trends

Transparency

# Highlights from Housekeeping & Best Practices

- Use of gender neutral language
- Reports by Regional Representatives at Council only
- Clarity for what is “New Business”:
  - Statutory time requirement
  - An emergency
  - Time sensitive
- Motions section on agenda clarified: “Motions where notice has already been provided”

# Highlights from Housekeeping & Best Practices Cont'd

- Recorded votes are upon request of a Member
  - Members visually show how they vote by raising their hands during meetings
- Notice of motion form developed to assist Members



# Highlights from Modernization & Trends

- Expansion in use of Council Information Package:
  - Advisory Committee Minutes (endorsement motions will still be considered at Committee of the Whole)
  - Memos or other communications from staff
  - Links to information reports that were circulated in that distribution period
- Land acknowledgement at every regular Council meeting beginning June 2020

# Highlights from Modernization & Trends Cont'd

- Deputations regarding staff performance, labour relations, ongoing legal proceedings or solicitation of business not permitted. Anyone under 18 years old will need to provide their parent/guardian's permission (live streaming privacy concerns).
- Outstanding Matters List will now be presented on a quarterly basis & will include additional information on any timeline changes.

# Highlights from Transparency

- Continuous improvement for closed session items
  - Internal tracking & further use of website
- Members encouraged to submit petitions directly to the Clerk for inclusion on an agenda
- Electronic Participation in Meetings only for Accessibility Advisory Committee

# Announcements & Community Events

- Announcements will be visually displayed at the beginning of Council during Open Forum.
- Member representatives will have the opportunity to provide Advisory Committee Updates
  - Greater linkage between Council and Advisory Committees

# Council Survey

- Members of Council surveyed on 3 options for meeting schedule
  - Option 1: Status Quo (evening Council meetings)
  - Option 2: Daytime Council meetings with 12:30 PM start time
  - Option 3: Daytime Council meetings with 1:00 PM start time
- Majority of Council Members prefer daytime Council meetings

# The Public Addressing Council & Committee of the Whole

- Council
  - 8 Deputations
  - 6 Presentations
- Committee of the Whole
  - 44 Deputations
  - 19 Presentations

Data from:

December 1, 2018 to September 30, 2019

# Considerations for Daytime Council Meetings

1. More individuals address Committee of the Whole than Council.
2. All Newmarket Council and Committee of the Whole meetings are livestreamed and archived on the Town's
3. Addressing Council formally in-person is no longer the primary method of engagement:
  - Email, social media, telephone, Public Information Centres, surveys & at community events or meetings.
4. 9-to-5 is no longer considered the “normal” working day.
5. Evening meetings would continue to be scheduled for significant public interest matters.
6. More Staff are present during the day to be able to answer questions from Members of Council.
7. Attending evening meetings can be challenging during the winter months.

# Daytime Council Meetings in the Greater Toronto Area

- More & more Ontario municipals are trending towards meeting during the day.
- Brampton, London, Mississauga, Toronto, Vaughan & York Region all meet during the day.
- Since the October 2019 Workshop Oshawa, Markham & Richmond Hill have all changed to daytime meetings.



# Conclusion & Next Steps

- Staff seeking Council approval of new Procedure By-law.
- One-year trial period for new meeting schedule.

## Next Steps:

- Communication & outreach with the public
  - Governance “101” & how to communicate with Council
- Updating Advisory Committees of changes

# Questions & Discussion

## Deputation and Further Notice Request Form

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Name: <b>Frank Doyle</b>	
Organization / Group/ Business represented: <b>Doyles Towing</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: Feb. 24, 2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.1
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To speak about the matter and some of the legal aspects pertaining to the matter	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Frank zoghi</b>	
Organization / Group/ Business represented: <b>YRTS</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>Feb 24 2020</b>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I am requesting to speak to concil to provid information that has not been given to concil and or committee .  I	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Sebastian Fuchs</b>	
Organization / Group/ Business represented: <b>ASAP Towing Services Inc.</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: Feb. 24 12:30
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.1
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): There are issues to the proposed tow truck by-law that are inaccurate with trends in the industry. These include pricing, criminal background checks, insured drivers, consent to tow, enforcement of the by-law.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Pankaj Singh</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: February 24, 2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.5
<input type="checkbox"/> I request future notification of meetings	<input type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To share concerns with the recommendations and the methodology used to conduct Council report #2020-13	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <u>Tunde Riechle</u>	
Organization / Group/ Business represented: [REDACTED]	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: <u>Feb 24/2020</u>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: [REDACTED]
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>Stop Sign @ Quick + Atkins Dr.</u>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please submit all materials at least 5 days before the meeting.	

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## **Amended Mobile Business Licence By-law Staff Report to Council**

Report Number: 2020-17

Department(s): Legislative Services

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

Meeting Date: February 24, 2020

### **Recommendations**

1. That the reports entitled Mobile Business Licence By-law dated February 3, 2020 (deferred) and Amended Mobile Business Licence By-law dated February 24, 2020 be received; and,
2. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive) for previously licensed companies only; and,
3. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
4. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
5. That Council approve the draft amended Mobile Business Licence By-law 2020-07, with option #3 for a tow truck company licensing fee structure and the addition of Schedule B for criminal conviction thresholds; and,
6. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,
7. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## **Purpose**

The purpose of this report is to present Council with additional information and proposed amendments to the Mobile Business Licence By-law in relation to the tow truck licensing classification, as directed at the regular Council meeting, held February 10, 2020.

## **Background**

During the February 10, 2020 regular Council meeting, Town staff was directed to review the Mobile Business Licence By-law in relation to the tow truck industry, with a specific focus on the criminal record requirement and annual licensing fee structure. Clarification surrounding the means to identify tow trucks without a Town licence plate being issued was also requested.

## **Discussion**

Following the February 10, 2020 Council meeting, Town staff initiated a comprehensive review of other municipalities which impose criminal record requirements on the tow truck industry. Staff also had an opportunity to further consult with the Superintendent of District 1 of York Regional Police to receive his feedback on the regulations proposed and respond to comments and questions raised during the Council meeting.

## **Regulatory Review of Other Municipalities**

Upon further review of licensing regimes throughout other municipalities, the following corrections and clarifications have been made:

- Staff previously reported that the five (5) year criminal record check for convictions clause was standard throughout York Region. However, it is relevant to note that Richmond Hill's 2019 Tow Truck By-law (78-19) includes an attached Schedule, which specifies conviction thresholds based on the type of conviction received; and
- Similarly, Vaughan has also implemented a 'Threshold Policy' for criminal convictions which has been attached as a Schedule to their Licensing By-law.
- Upon review of Mississauga's model, a clean criminal record from any offence for a duration of five (5) years is required, however, they also include a threshold policy for varying offences to be considered after the five (5) mark.
- Further review and consultation into Toronto's criminal conviction requirements determined a "Screening Criteria" process used internally by City staff, which outlines a threshold for criminal convictions to be considered eligible or ineligible for a municipal business licence.
- Similarly, both Brampton and Markham have threshold policies used within their respective municipalities.

In researching or speaking directly with municipal staff at Brampton, Markham, Mississauga, Richmond Hill, Toronto, and Vaughan, Town staff has been able to confirm

that all municipalities have some form of conviction threshold, ranging from 3 – 10 years for most criminal conviction offences, and certain criminal convictions identified as prohibited with no threshold permitted.

## **York Regional Police Feedback**

In consulting directly with the Superintendent of District 1, a strong recommendation was received to align Newmarket's tow truck regulations with the southern municipalities of York Region. The Superintendent advised that YRP's Organized Crime Unit has a strong focus on the tow truck industry due to the presence of criminal activity within this classification, which is escalating significantly as neighbouring municipalities impose regulations. Should Newmarket choose to not align its by-laws with other municipalities, there is a concern that businesses being refused a licence in other municipalities will turn to Newmarket to obtain a licence to operate. This could have an unintended consequence of subjecting Newmarket residents to increased criminal activity that is imbedded within this industry.

## **Amended Regulations Proposed – Criminal Convictions**

Staff are recommending that the criminal conviction clause for tow trucks be changed from a five (5) year threshold to the standards identified in Schedule "B" of this by-law. Schedule "B" is specific in defining and outlining criminal convictions and their respective timelines for licensing conditions within the Town. It is relevant to note that these thresholds align with Toronto and Richmond Hill due to their recent review within their respective municipalities. City of Toronto advised that they have had a "Screening Criteria" for criminal convictions in place since the early 2000's and recently underwent a comprehensive review with their Legal and Municipal Licensing Divisions to reaffirm the thresholds implemented. Similarly, Richmond Hill updated their Tow Truck By-law in 2019 and had no changes to the thresholds established, advising that they referred to both Toronto and Vaughan in developing their conviction threshold schedule.

By proposing to establish a criminal conviction threshold, staff are further recommending that all classifications of mobile businesses be subjected to the same standards of criminal conviction requirements, as set forth in Schedule "B" of the Mobile Business Licence By-law. This would affirm consistency throughout the Town's licensing standards and processes. Classifications affected within the Mobile Business Licence By-law would include Driving School Instructors, Limousines, Refreshment Vehicles, Taxicabs, and TNCs. It is relevant to note that the criminal conviction requirements for Driving School Instructors, Refreshment Vehicles, and Taxicabs currently require having no criminal convictions within the past five (5) years. By changing to a threshold structure, businesses and their drivers may be impacted either positively or negatively, depending on the type of charge a person may have and the thresholds being proposed.

## **Amended Regulations Proposed – Tow Truck Vehicle Requirements**

Questions were raised by Council during the February 10, 2020 meeting regarding the ability for lawful tow truck businesses to be identified within the community without individual vehicle licensing requirements. Tow truck vehicles are required to be marked with the tow truck company's name on both sides of the vehicle. This is a requirement also imposed on the taxicab industry.

Additionally, as part of the application process for tow trucks, all tow truck companies are required to provide a list of tow truck vehicles (VIN, make, model, year, MTO plate) in use and registered as part of their company and a list of all associated drivers. As part of the administrative process during an initial and renewal application, staff developed a procedure to issue a numbered sticker to each registered tow truck vehicle, which would identify that vehicle as being affiliated to a specific tow truck company holding a valid Town business licence. Rather than making this an administrative process, section 8.6(8)(b) has now been added to the Mobile Business Licence By-law for clarification purposes and to ensure compliance with this provision. This section reiterates the requirement for a tow truck vehicle to be registered to a company and a sticker will need to be visibly displayed on the front of the vehicle. This sticker will capture the intent of a Town plate being issued, which will allow the community, Licensing Officer, and YRP to recognize a lawful tow truck company.

## **Amended Regulations Proposed – Tow Truck Licensing Fees**

### **Option #1**

Town staff initially proposed a one-time licensing fee of \$2,000 and a \$750 renewal fee thereafter, which was based on tow truck company fees throughout various municipalities, including Brampton, Markham, Mississauga, Richmond Hill, Toronto, and Vaughan. This proposed fee structure did not include driver or vehicle-related licensing fees. In this option, Council may choose the flat-rate fee structure, as originally proposed.

### **Option #2**

When considering a tiered licensing fee structure for tow truck companies, a comprehensive review of all fees charged by other municipalities was conducted, which included company, driver, and vehicle licensing fees. Attached to this report is a table which outlines the varying fee structures for the tow truck industry from Richmond Hill, Toronto, and Vaughan. When totaling all three (3) municipalities' rates for a calculated average, a tiered licensing fee structure would be higher than the initial recommendation from Town staff.

### **Option #3 – Recommended option by Town staff**



Alternatively, Council may choose to establish its own tiered licensing fee structure without the consideration of other municipalities' licensing fees. In this option, staff would recommend:

- a one-time licensing fee of \$1,000 for tow truck companies operating with 1-3 tow truck vehicles, with \$750 renewal thereafter;
- a one-time licensing fee of \$2,000 for tow truck companies operating with 4-6 tow truck vehicles, with \$1,500 renewal thereafter;
- a one-time licensing fee of \$3,000 for tow truck companies operating with 7-9 tow truck vehicles, with \$2,250 renewal thereafter; and
- a one-time licensing fee of \$4,000 for tow truck companies operating with 10+ tow truck vehicles, with \$3,000 renewal thereafter.

### **Clarification on Driving School Instructors**

Driving school instructors are a unique classification within the Mobile Business Licence By-law, which requires drivers and vehicles to be licensed, rather than the companies, themselves. This structure of licensing is primarily due the fact that the Town of Newmarket is exclusive in having the only drive-test centre within an immediate area of neighbouring municipalities. As a result, the majority of driving school instructors operating within Newmarket are not businesses located directly in Town. Additionally, the Town has established a restricted area, prohibiting driving school instructors from practicing on certain residential streets within the Town. For this rationale, it is important that drivers and vehicles remain licensed and marked to ensure compliance and unlicensed drivers and vehicles be held accountable by enforcement action taken directly on the registered owner of a MTO (provincial) licence plate.

### **Conclusion**

After receiving Council direction to review and report back on the tow truck industry, Town staff are proposing amendments to the criminal conviction requirements by including Schedule "B", which mirrors the requirements established in neighbouring municipalities. Staff also recommend the tow truck licensing fees as presented in Option #3 and reflected in the Fees and Charges By-law, which has been attached for Council's consideration.

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

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

### **Consultation**

Further consultation with Richmond Hill, Toronto, and Vaughan has been conducted in reference to criminal record requirements and a tow truck licensing fee structure. The

Town's Legal Department was also consulted. Further written notification has been provided to all stakeholders, with over 1,000 letters or e-mails sent to notify stakeholders of the February 24 and March 2 meetings scheduled to discuss the Mobile Business Licence By-law.

## **Human Resource Considerations**

Please refer to Report 2020-06: Mobile Business Licence By-law Report.

## **Budget Impact**

Please refer to Report 2020-06: Mobile Business Licence By-law Report.

## **Attachments**

**Attachment 1** – Mobile Business Licence By-law Report (January 23, 2020)

**Attachment 2** – Draft Mobile Business Licence By-law

**Attachment 3** – Amended AMPS By-law

**Attachment 4** – Amended Fees and Charges By-law

**Attachment 5** – Tow Truck Licensing Fees Comparison Chart

## **Approval**

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

## **Contact**

For more information contact Flynn Scott, Manager of Regulatory Services at [fscott@newmarket.ca](mailto:fscott@newmarket.ca)



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## **Mobile Business Licence By-law Report.docx Staff Report to Council**

Report Number: 2020-06

Department(s): Legislative Services

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

Meeting Date: February 3, 2020

### **Recommendations**

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

### **Executive Summary**

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

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

## **Purpose**

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

## **Background**

### **Legislative Authority**

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

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

### **Historical Reference**

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

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

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

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

## **Discussion**

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

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

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

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

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

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

## **Community Feedback**

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

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

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

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

## **Transportation Network Companies (TNCs)**

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

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

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

## **Taxicab Companies**

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

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

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

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

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



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

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

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

## **Tow Trucks**

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

## **Limousine Services**

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

## **Driving School Instructors and Refreshment Vehicles**

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



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

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

### **AMPS By-law 2019-62**

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

### **Conclusion**

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

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

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

### **Consultation**

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

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

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

## Human Resource Considerations

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

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

## Budget Impact

### Projected Revenues: Transportation Network Companies

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

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

### Projected Revenues: Taxicab Companies

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

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

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

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

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

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

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

### **Projected Losses: Taxicab Plates**

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

### **Projected Revenues: Tow Trucks**

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

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

### **Projected Revenues: Limousine Services**

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

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

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

### **Projected Revenues: Driving School Instructors**

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

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

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

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

### **Human Resource Considerations**

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

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

### **Attachments**

**Attachment 1** – Draft Mobile Business Licence By-law

**Attachment 2** – Amended AMPS By-law

**Attachment 3** – Amended Fees and Charges By-law

## **Approval**

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

## **Contact**

For more information contact Flynn Scott, Manager of Regulatory Services at  
[fscott@newmarket.ca](mailto:fscott@newmarket.ca)



# Corporation of the Town of Newmarket

## By-law 2020-07

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

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

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

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

### 1. Title

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

### 2. Definitions

In this By-law:

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

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

“Appeal Committee” means the Appeal Committee established by the Town.

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

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

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

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

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

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

“Council” means Council for the Corporation of the Town of Newmarket;

“CVOR Certificate” means a Commercial Vehicle Operator’s Registration Certificate issued under the Highway Traffic Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Mobile Business” means a Business that provides goods and/or services to the public from a vehicle or apparatus that is designed to be mobile and includes, but is not limited to:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sticker Plate” means a numbered sticker plate issued by the Town and required to be visibly displayed on a Mobile Business Vehicle pursuant to this by-law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3. General Regulations**

(1) No Person shall:

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

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

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

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

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

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

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

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

#### **4. Administration and Enforcement**

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

#### **5. Licence Fees**

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

#### **6. Application and Renewal**

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

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

## **7. Suspension, Cancellation, and Refusal**

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

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

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

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

## **8. Specific Regulations**

### **8.1 Taxicab Companies**

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

### **Taxicab Driver Requirements**

- (2) A Taxicab Company shall not permit a Taxicab Driver to operate in the Town if the Taxicab Driver:
- (a) has received a criminal conviction that does not meet the standards set forth in Schedule "B" of this By-law;
  - (b) has a Driver's Abstract which contains:

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

#### Taxicab Company Requirements

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

#### Taxicab Company Record Keeping

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



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

#### Removal of Taxicab Driver from Taxicab Company

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

#### Taxicab Vehicle Requirements

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

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

## **8.2 Transportation Network Companies**

### **TNC Application Requirements**

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

automobile coverages, and statutory Ontario accident benefits; and

v. proof of a valid driver's licence.

- (c) An insurance certificate demonstrating commercial general liability business insurance for the operations of the TNC against claims filed against the TNC with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the TNC;
- (d) An indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the TNC's business and services, which shall be in a form satisfactory to the Licensing Officer;
- (e) A sworn declaration from the TNC confirming to the satisfaction of the Licensing Officer that:
  - i. the TNC will have the ability to maintain and deliver data in the form, manner, and frequency required by this By-law;
  - ii. the TNC has data security measures in place to protect the personal data collected by the TNC relating to passengers and drivers; and
  - iii. the TNC will ensure that every affiliated TNC Driver maintains the requirements set forth in section 8.2(2) of this By-law;

and

- (f) a report from an independent third party auditor confirming that the TNC is accurately collecting the information as required by this By-law.

#### TNC Driver Requirements

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

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

#### TNC General Requirements

(4) A TNC shall:

- (a) ensure that driver training is available for all affiliated TNC Drivers on the use of the TNC App;
- (b) ensure that prior to the collection of any personal information, a TNC shall obtain consent from any affiliated TNC Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
- (c) upon request confirm by way of an independent third party auditor that the information provided in accordance with this By-law is accurate and true;
- (d) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service or any other issues arising from the TNC operations.

(5) A TNC shall not:

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

#### TNC App Requirements

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

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

(7) A TNC shall ensure that its TNC App is based on functioning GPS technology as used by its affiliated TNC Drivers.

- (8) A TNC shall provide passengers with the following information via the TNC App prior to the start of a Trip:
- (a) the TNC Vehicle make and model;
  - (b) TNC Driver's first name;
  - (c) Ontario licence plate number of the TNC Vehicle; and
  - (d) photograph of the TNC Driver.
- (9) A TNC shall at the conclusion of every Trip via the TNC App provide the passenger with an electronic receipt containing the following information:
- (a) the fare charged;
  - (b) the date and end time of the Trip;
  - (c) the start and end locations of the Trip; and
  - (d) the TNC Driver's first name and provincial licence plate number of the TNC Vehicle.

#### TNC Record Keeping

- (10) A TNC shall maintain a list of every affiliated TNC Driver in a readily accessible electronic format approved by the Manager which shall include:
- (a) the full name, date of birth, address and phone number of the TNC Driver; and
  - (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the TNC to be operated by the Driver as a TNC Vehicle.
- (11) A TNC shall maintain information for all Trips completed by affiliated TNC Drivers which shall include:
- (a) the name of the TNC Driver;
  - (b) pick up location and the destination;
  - (c) date and time the Trip started and terminated;
  - (d) length of time elapsed between the passenger's service request and the start of the Trip; and
  - (e) the fare paid for the Trip.
- (12) A TNC shall maintain information for all Trips that cannot be completed by an affiliated TNC Driver.
- (13) The records a TNC is required to maintain under the provisions of this By-law shall be maintained for a minimum of one year.
- (14) The TNC shall provide the Manager with any information maintained by the TNC according to this By-law and shall provide said information:
- (a) within thirty (30) days upon request; and

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

#### Removal of TNC Driver from TNC App

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

#### TNC Vehicle Requirements

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

#### **8.3 Refreshment Vehicles**

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

- ii. a Safety Standards Certificate issued within 30 days of the application;
  - iii. a certificate of automobile insurance in the amount of two million dollars (\$2,000,000); and if requested a certificate of general liability insurance in the amount of two million dollars (\$2,000,000);
  - iv. a certificate from the Medical Officer of Health indicating that the Refreshment Vehicle complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed by the Town of Newmarket; and
  - v. sections 8.3(1)(b)(i), (ii), (iii) do not apply to Refreshment Vehicle – Type 3.
- (2) A Refreshment Vehicle Owner shall not permit a Refreshment Vehicle Operator to operate in the Town if the Refreshment Vehicle Operator:
- (a) has received a criminal conviction that does not meet the standards set forth in Schedule “B” of this By-law;
  - (b) has a **Driver’s Abstract** which contains:
    - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
    - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
  - (c) is operating a Refreshment Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Refreshment Vehicle Owner shall ensure that every Refreshment Vehicle Operator shall, at all times while operating a Refreshment Vehicle, have on display his or her name and photograph to be plainly visible and readable by customers.

#### Refreshment Vehicle Owner Prohibitions

- (4) A Refreshment Vehicle Owner shall not operate or permit the operation of a Refreshment Vehicle:
- (a) from any site unless such use is permitted by the Town’s Zoning By-law as may be amended from time to time;
  - (b) on private property without written consent from the property owner or management company. Notwithstanding anything in this section, the owner of a refreshment vehicle – Type 1 which has the sole purpose of travelling from place to place shall not be required to provide letters of permission from the property owner;
  - (c) on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
  - (d) unless it meets the requirements of the Region of York Health Department;
  - (e) which depends upon outside sources of power, electricity or water unless approved by property owner;
  - (f) within thirty (30) metres of any intersection;

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

#### Refreshment Vehicle – Type 1; Duties of Owner

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

#### Special Events

- (8) No Person shall hold or carry on, or permit to be held or carried on, a Special Event without a Special Event Organizer Licence.
- (9) Every **Refreshment Vehicle Owner** shall not operate or permit the operation of a **Refreshment Vehicle**:



- (a) from any park or recreation facility without permission and a signed lease agreement from the Director of Recreation and Culture or his designate; and having provided a certificate of general liability insurance in the amount of \$2,000,000 naming the Town of Newmarket as an additional insured;
  - (b) at a Special Event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or his designate;
  - (c) at a Special Event without first completing the York Region Public Health Department's street food vending cart application and after receiving their subsequent approval, file the approval with the **Director of Recreation and Culture** or his designate;
  - (d) at any Community Event which has been sponsored by a charitable or non for profit organization without first obtaining written permission of the said charitable or not for profit organization; and
  - (e) on any Trail in the Town.
- (10) An Owner's Licence for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.
- (11) A **Special Event Organizer Licence** is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.
- (12) Every **Special Event Organizer** shall provide:
- (a) A completed "Application for **Special Event Organizer Licence**" and the licensing fee as set out in the Fees and Charges by law; and
  - (b) A **Special Event Organizer** must provide for each **Special Event Vendor**:
    - i. For "Refreshment Vehicle Type 1 and Type 4", Certificate of automobile insurance in the amount of two million dollars (\$2,000,000.00), if the vendor is a motorized vehicle; and
    - ii. For Refreshment Vehicle Types 1, 2, 3 and 4, Certificate of General liability Insurance in the amount of two million dollars (\$2,000,000.00).
  - (c) A list of all **Refreshment Vehicles** that will be operating at the **Special Event**; and
  - (d) Proof that the **Special Event Organizer** has informed the **Health Department** of the dates and times of the event.
- (13) A **Special Event Organizer Licence** for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

#### Farmers Market

- (14) A **Farmers Market** is exempt from obtaining an Owner's Refreshment Vehicle licence where products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and

grain and seed products, at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

#### **8.4 Limousine Companies**

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

#### Limousine Driver Requirements

- (3) Every Limousine Company shall ensure the **Limousine Driver** maintains and keeps the following documents in the **Limousine** at all times:
  - (a) a current provincial motor vehicle permit for the Limousine; and
  - (b) a current Certificate of Liability Insurance for the Limousine.
- (4) A Limousine Company shall not permit a Limousine Driver to operate in the Town if the Limousine Driver:
  - (a) has received a criminal conviction that does not meet the standards set forth in Schedule "B" of this By-law;
  - (b) has a **Driver's Abstract** which contains:
    - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
    - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;

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

#### Limousine Vehicle Requirements

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

#### **8.5 Driving School Instructors**

- (1) No **Person** except an individual may hold a **Driving School Instructor Licence**.
- (2) No **Person's Driving School Instructor Licence** is valid unless the individual holds a valid **Ministry of Transportation Instructor's Licence**.
- (3) Every Person applying for a **Driving School Instructor Licence** or renewal shall:
  - (a) submit a copy of the insurance policy or a certificate of automobile insurance to the **Director** that is issued by an insurer of duly authorized to issue insurance within the Province of Ontario and for each **Driving School Instructor Vehicle**, coverage shall be in the amount of \$2 million (\$2,000,000.00)

dollars for personal injury and property damage arising out of any one accident or occurrence, and such policy shall be endorsed to the effect that the **Director** will be given fifteen (15) business days' notice in writing of any cancellation;

(b) provide a valid and current Class "G" Ontario Driver's Licence; and

(c) provide proof of a valid Ministry of Transportation Driving Instructor's Licence.

(4) Every Driving Instructor shall:

(a) carry at all times and produce, upon request, a valid and unexpired **Ministry of Transportation Driving Instructor's Licence**;

(b) carry a valid and unexpired driver's licence;

(c) produce upon request documentation showing dates and times that driving instructions and/or testing are being provided;

(d) affix a **Sticker Plate** that is visible to the rear of the Driving Instructor Vehicle; and

(e) affix a roof sign on the Driving Instructor Vehicle showing the business name of the Driving School Instructor as shown on the Driving Instructor Licence at all times while the **Driving Instructor Vehicle** is within the Town of Newmarket.

#### Restricted Area for Driving School Instructors

(5) No **Driving School Instructor** shall **Operate** or permit to **Operate a Driving Instructor Vehicle** on any **Highway** within the area marked "**Restricted Area**" in Schedule "A" to this By-law.

(6) Notwithstanding section 8.5(5), a **Driving Instructor Vehicle** may be **Operated** within the area marked "**Restricted Area**" in Schedule "A" provided that:

(a) the **Driving School Instructor** is picking up or dropping off a student residing in the "**Restricted Area**" for the purpose of giving driving instruction;

(b) when a **Driving School Instructor** is picking up or dropping off a student from a Secondary School located in the "**Restricted Area**"; or

(c) when a **Driving School Instructor Vehicle** is used for the purpose of a driving test required by the **Ontario Ministry of Transportation**.

### **8.6 Tow Truck Companies**

#### Tow Truck Company General Requirements

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

(a) insurance coverage for the following kinds of liability in the following amount in respect of any one claim:

- i. coverage against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property, in the amount of at least \$2,000,000 exclusive of interest and costs;

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

#### Tow Truck Driver Requirements

- (2) Every Tow Truck Company shall ensure the Tow Truck Driver:
  - (a) maintains and keeps the following documents in the Tow Truck at all times:
    - i. a current provincial motor vehicle permit for the Tow Truck; and
    - ii. a current Certificate of Liability Insurance for the Tow Truck.
  - (b) cleans up and removes any and all debris, fragments of glass, vehicle parts, or other materials from any highway or roadway during a collision, prior to the towing or conveying of any vehicle from the scene;
  - (c) notwithstanding section 8.6(2)(b), where the accident scene is an ongoing police investigation, a Tow Truck Company shall ensure the clean up and removal of all debris is carried out within 8 hours immediately following the completion of the investigation.
- (3) A Tow Truck Company shall not permit a Tow Truck Driver to operate in the Town if the Tow Truck Driver:
  - (a) has received a criminal conviction that does not meet the standards set forth in Schedule "B" of this By-law;
  - (b) has a **Driver's Abstract** which contains:

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

#### Tow Truck Company Prohibitions

- (6) No Tow Truck Company shall permit an affiliated Tow Truck Driver to:
  - (a) operate any affiliated Tow Truck unless it is clean, free from mechanical defects, and in good repair;
  - (b) interfere with any contract of another Tow Truck Company where a Person has hired or has indicated an intention to hire that Tow Truck Company, except under the direction of a Police Officer who is directing the removal of a vehicle in order to assist in an investigation;
  - (c) suggest or recommend any location to tow a customer's vehicle to unless the Tow Truck Company or Tow Truck Driver has been requested to do so by the customer;
  - (d) accept any gift or payment, other than payment for lawful services rendered, from any facility in exchange for business from the Tow Truck Company, either directly or indirectly; and
  - (e) demand, request or permit the acceptance or receive a **Drop Fee**.
  - (f) connect any vehicle to a Tow Truck, or perform any other services, unless first requested to do so by a customer, a Police Officer, any member of a municipal fire department, or any person authorized by law to direct the removal of a vehicle from public or private property;
  - (g) stop, stand, or park within (200) two hundred meters of a collision scene unless the Tow Truck Driver has been summoned to the collision by a customer, Police Officer, or member of a municipal fire department;

- (h) remove any vehicle from a Collision Scene or immediate vicinity of an accident in respect of which a report is required by law to be made by a Police Officer, until a report has been made and the investigating Police Officer has stated that the vehicle is no longer required to remain at the scene; and
- (i) permit to be driven or operated a Tow Truck with any passenger, other than the customer, while the Tow Truck is actively engaged in providing towing services.

#### Tow Truck Vehicle Requirements

- (7) Every Tow Truck Company shall require all Tow Trucks to provide and maintain the following equipment:
  - (a) a hoisting device of sufficient capacity to safely lift the vehicle to be towed;
  - (b) a tow cradle, tow bar, or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of a towed vehicle, except where a flatbed-type Tow Truck is being used;
  - (c) one device for securing the steering wheel of a vehicle;
  - (d) one 1.25kg dry chemical fire extinguisher of a type capable of functioning at -40 degrees Celsius;
  - (e) a minimum of two safety chains having a minimum length of 2.74 meters, each comprised of links of at least 7.94 millimetres steel;
  - (f) one broom;
  - (g) one shovel;
  - (h) one general purpose first aid kit;
  - (i) at least two wheel blocks;
  - (j) dollies, with the exception of a flatbed-type Tow Truck;
  - (k) an intermittent warning light system consisting of at least one light which, when activated, is clearly visible from three hundred sixty (360) degrees for a distance of at least one hundred (100) meters;
  - (l) absorbent material capable of absorbing or removing any vehicle fluid product from a roadway surface;
  - (m) a garbage container of a minimum capacity of 10 litres;
  - (n) a pry bar at least 1.5 meters in length;
  - (o) wheel straps;
  - (p) a safety vest; and
  - (q) any other equipment or provisions that may be required under the Highway Traffic Act, as amended.
- (8) Every Tow Truck Vehicle shall:
  - (a) have the name of the Tow Truck Company with whom the vehicle is associated with, in letters a minimum of 15cm in height, on both sides of the vehicle; and

- (b) affix a **Sticker Plate** that is visible to the front of the Tow Truck Vehicle.

#### Tow Truck Company Rates

- (9) Every Tow Truck Company shall:
  - (a) provide a quote, in writing, within 10% of the cost for towing services to a customer prior to services accepted and rendered;
  - (b) provide an itemized invoice of the cost for towing services to the customer;
  - (c) charge a maximum flat rate towing fee of \$250.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a Collision Scene;
  - (d) charge a maximum flat rate towing fee of \$125.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a non-collision scene;
  - (e) Notwithstanding sections 8.6(8)(c) and (d), rates established in this By-law shall not supersede the rates established by York Regional Police and Central York Fire Services; and
  - (f) Notwithstanding sections 8.6(8)(c) and (d), a Tow Truck Company shall be permitted to charge the following:
    - i. an additional rate of \$1.55 per kilometer after the first 30 kilometers of towing services;
    - ii. if required, a flat rate winch fee of \$103.00; and/or
    - iii. a wait-time (collision reporting centre) fee of \$17 per 15 minutes.
- (10) If a customer's requested drop-off location is closed, the Tow Truck Company shall require the Tow Truck Driver to take the customer's vehicle to a second location of the customer's choice and may only charge an additional mileage rate for a re-tow as follows:
  - (a) \$3.10 per kilometer for the first 30 kilometers; and
  - (b) \$1.55 per kilometer after the first 30 kilometers.

#### Tow Truck Company Record Keeping

- (11) A Tow Truck Company shall maintain a list of every affiliated Tow Truck Driver and Tow Truck Vehicle in a readily accessible electronic format approved by the Manager which shall include:
  - (a) the full name, date of birth, address and phone number of the Tow Truck Driver; and
  - (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the Tow Truck Company.
- (12) A Tow Truck Company shall maintain information for all Trips completed by affiliated Tow Truck Drivers which shall include:
  - (a) the name of the Tow Truck Driver;
  - (b) the name of the customer;
  - (c) the pick up location and the destination for towing services;



- (d) the date and time the towing services started and terminated; and
  - (e) the towing fees paid for the Trip.
- (13) Every Tow Truck Company shall keep the original copies of all run sheets and documentation required to be maintained under this By-law for a minimum of one year from the date of services provided.

#### Tow Truck Companies Affiliated with Public Garages

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

### **9. Offences**

- (1) Every Person who contravenes any provision of this By-law are liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62.
- (2) Every Person who is in contravention of the provisions of this By-law is responsible for any fines and administrative fees imposed in relation to their Licence under the Administrative Monetary Penalty System By-law 2019-62.
- (3) Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law-2019- 62.
- (4) Any **Person** who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

### **10. Severability**

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

### **11. Repeal**

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

Enacted this 2<sup>nd</sup> day of March, 2020.

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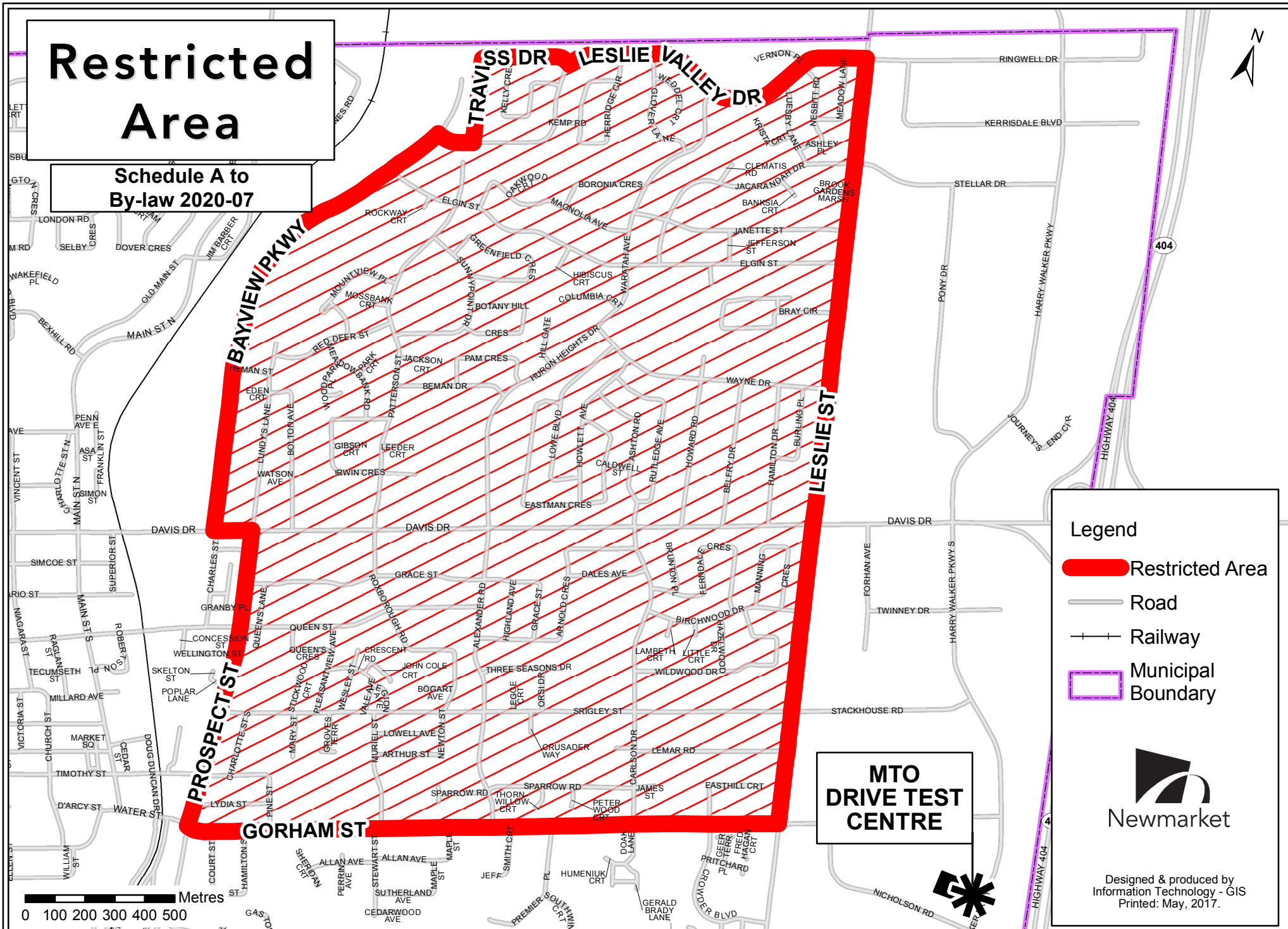
John Taylor, Mayor

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Lisa Lyons, Town Clerk

# Restricted Area

Schedule A to  
By-law 2020-07



## Legend

- Restricted Area
- Road
- Railway
- Municipal Boundary



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**Schedule “B”**  
**Conviction Thresholds**

**1. Definitions**

For the purpose of this Schedule:

“code 01 conviction” means a conviction for a sexual offence that involved a minor pursuant to Section 151 (Sexual interference), Section 152 (Invitation to sexual touching), Section 153 (Sexual exploitation), Section 155 (Incest), Sections 170 (Parent or guardian procuring sexual activity), 171 (Householder permitting sexual activity), 172.1 (Luring a child) or subsection 173(2) (Exposure) of Part V of the Criminal Code;

“code 02 conviction” means a conviction for:

- (a) financing of terrorism pursuant to Section 83.02 (Providing or collecting property for certain activities), Section 83.03 (Providing, making available, etc.) or Section 83.04 (Using or possessing property for terrorist purposes) of Part II.1 of the Criminal Code;
- (b) homicide pursuant to any of Sections 222 through 228 of Part VIII of the Criminal Code; or
- (c) murder, manslaughter and infanticide pursuant to any of Sections 229 through 240 of Part VIII of the Criminal Code.

“code 03 conviction” means a conviction for:

- (d) a major assault or sexual assault pursuant to Section 267 (Assault with a weapon or causing bodily harm), Section 268 (Aggravated assault) or Section 272 (Sexual assault with a weapon, threats to third party or causing bodily harm) of Part VIII of the Criminal Code;
- (e) sexual offences not involving a minor pursuant to Section 153.1 (Sexual exploitation of Person with disability), Section 155 (Incest), Section 173 (Indecent acts) or 271 (Sexual assault) of Parts V and VIII of the Criminal Code;
- (f) confinement pursuant to Section 279 (Kidnapping), Section 279.1 (Hostage taking), Section 280 (Abduction of Person under sixteen), Section 281 (Abduction of Person under fourteen), Section 282 (Abduction in contravention of custody order or Section 283 (Abduction) of Part VIII of the Criminal Code;
- (g) hate propaganda pursuant to Section 318 (Advocating genocide) or Section 319 (Public incitement of hatred) of Part VIII of the Criminal Code;
- (h) robbery or extortion pursuant to Section 98.1 (Robbery to steal a firearm) or any of Sections 343 through 346 of Parts III and IX of the Criminal Code;
- (i) participation in criminal organization activities pursuant to Section 167.11 (Participation in activities of criminal organization) of Part XIII of the Criminal Code;
- (j) trafficking of a substance listed in Schedule I or II of the Controlled Drugs and Substances Act pursuant to Section 5 of the Controlled Drugs and Substances Act;
- (k) importing or exporting of a substance listed in Schedule I or II of the Controlled Drugs and Substances Act pursuant to Section 6 of the Controlled Drugs and Substances Act; or
- (l) production of a substance listed in Schedule I or II of the Controlled Drugs and Substances Act pursuant to Section 7 of the Controlled Drugs and Substances Act, save and except for the production of marijuana;

“code 04 conviction” means a conviction for:

- (m) negligence pursuant to any of Sections 219 through 221 of Part XIII of the Criminal Code;
- (n) assault pursuant to Section 270 (Assaulting a peace officer), Section 270.01 (Assaulting a peace officer with a weapon or causing bodily harm) or Section 270.02 (Aggravated assault of a peace officer) of Part XIII of the Criminal Code;
- (o) administering a noxious thing to harm pursuant to subsection 245(a) of Part XIII of the Criminal Code;
- (p) criminal harassment pursuant to Section 264 of Part XIII of the Criminal Code;
- (q) uttering a threat pursuant to Section 264.1 of Part XIII of the Criminal Code;
- (r) using and possession explosives pursuant to Section 81 (Using explosives) and Section 82 (Possession without lawful excuse) of Part II of the Criminal Code;
- (s) using, possessing or trafficking weapons pursuant to any of Section 85 through 101 of Part III of the Criminal Code;
- (t) theft pursuant to any of Sections 322 through 342.2 of Part IX of the Criminal Code;
- (u) forgery pursuant to any of Section 366 through 378 of Part IX of the Criminal Code;
- (v) breaking and entering pursuant to Section 348 of Part IX of the Criminal Code;  
possession of property obtained by crime pursuant to Section 354 of Part IX of the Criminal Code;
- (w) fraud pursuant to any of Sections 380 through 402 of Part X of the Criminal Code;
- (x) falsification of books and documents pursuant to any of Sections 397 through 402 of Part X of the Criminal Code;
- (y) arson pursuant to any of Sections 433 through 436.1 of Part XI of the Criminal Code;
- (z) uttering, advertising and dealing in counterfeit money pursuant to Section 452 (Uttering, etc., counterfeit money), Section 458 (Making, having or dealing in instruments for counterfeiting) and Section 460 (Advertising and dealing in counterfeit money, etc.) pursuant to Part XII of the Criminal Code;
- (aa) laundering proceeds of crime pursuant to Section 462.31 of Part XII.2 of the Criminal Code;
- (bb) trafficking of a substance listed in Schedule III of the Controlled Drugs and Substances Act pursuant to Section 5 of the Controlled Drugs and Substances Act;
- (cc) importing or exporting of a substance listed in Schedule III of the Controlled Drugs and Substances Act pursuant to Section 6 of the Controlled Drugs and Substances Act; or
- (dd) production of a substance listed in Schedule III of the Controlled Drugs and Substances Act pursuant to Section 7 of the Controlled Drugs and Substances Act;

“code 05 conviction” means a conviction for:

- (ee) trap setting pursuant to subparagraph 247(1)(a) of Part XIII of the Criminal Code;
- (ff) administering a noxious thing to annoy or aggrieve pursuant to subsection 245(b) of Part XIII of the Criminal Code;
- (gg) mischief, pursuant to Section 140 (Public Mischief) and any of Sections 430 through 432 of Parts IV and XI of the Criminal Code;
- (hh) conspiracy to commit an indictable offence pursuant to subparagraphs 465(1)(a)(b) and (c) of Part XIII of the Criminal Code;
- (ii) an offence in relation to prostitution pursuant to Section 213 of Part VII of the Criminal Code;
- (jj) keeping, transporting to, and procuring to or at, bawdy houses pursuant to Sections 210 through 212 of Part VII of the Criminal Code;
- (kk) possession of a substance listed in the schedules to the Controlled Drugs and Substances Act pursuant to Section 4 of the Controlled Drugs and Substances Act;
- (ll) trafficking of a substance listed in Schedule IV of the Controlled Drugs and Substances Act pursuant to Section 5 of the Controlled Drugs and Substances Act;
- (mm) importing or exporting of a substance listed in Schedule IV of the Controlled Drugs and Substances Act pursuant to Section 6 of the Controlled Drugs and Substances Act; or
- (nn) production of a substance listed in Schedule IV of the Controlled Drugs and Substances Act pursuant to Section 7 of the Controlled Drugs and Substances Act;

“code 06 conviction” means a conviction for:

- (oo) Motor Vehicle, vessel or aircraft related matters pursuant to Section 249 (Dangerous operation of Motor Vehicles, vessels and aircraft), Section 252 (Failure to stop at scene of accident) or Section 253 (Operation while impaired), subsection 259(4) (Operation while disqualified) of Part VIII of the Criminal Code;
- (pp) driving when Driver’s License is suspended pursuant to Section 43(1) of the Highway Traffic Act;
- (qq) exceeding speed limit by 50km/hr or more pursuant to Section 128 of the Highway Traffic Act; subsection 13 (3) of Regulation 829 of the Revised Regulations of Ontario, 1990; any provision of the National Capital Commission Traffic and Property Regulations CRC 1978, c. 1044 made under the National Capital Act (Canada) fixing maximum rates of speed and any municipal by-law fixing maximum rates of speed;
- (rr) careless driving pursuant to Section 130 of the Highway Traffic Act;
- (ss) failing to remain at the scene of an accident pursuant to Section 200 of the Highway Traffic Act;
- (tt) failing to stop when signalled or requested to stop by police officer pursuant to Section 216 of the Highway Traffic Act;
- (uu) racing pursuant to Section 172 of the Highway Traffic Act; or
- (vv) failing to stop for a school bus pursuant to subsections 175 (11) and (12) of the Highway Traffic Act.

“code 07 conviction” means:

- (ww) any conviction under the Criminal Code other than those set out above as code 01 – code 06 convictions; or
- (xx) driving while Driver’s License is suspended pursuant to Section 36 of the Highway Traffic Act.

“Controlled Drugs and Substances Act” means the Controlled Drugs and Substances Act, S.C., 1996, c.19;

“Criminal Code” means the Criminal Code, R.S.C., 1985, c. C-46;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8;

Any section set out above includes any section that amends or supersedes it.

## **2. Refusal to issue, renew, revoke, or suspend business licence**

In the event that a criminal background check or a vulnerable sector screening identifies the following convictions in the timeframes indicated below, a Licensing Officer shall refuse to issue or renew an application for a licence, or shall suspend or revoke an existing licence, for any Mobile Business:

- (a) any code 01 conviction;
- (b) any code 02 conviction within the last 10 years;
- (c) any code 03 conviction within the last 5 years;
- (d) two or more code 03 convictions within the last 10 years;
- (e) any code 04 convictions within the last 3 years;
- (f) two or more code 04 convictions within the last 5 years;
- (g) any code 05 or code 07 conviction within the last year; or
- (h) any code 06 conviction within the last 3 years.

## **3. Convictions no longer leading to refusal to issue, renew, suspend, or revoke business licence**

The Licensing Officer shall issue, renew or reinstate any licence refused or suspended pursuant to Section 2 of this Schedule provided that:

- (a) in the case of a code 02 conviction, the conviction is more than 10 years old;
- (b) in the case of a code 03 conviction, the conviction is more than 5 years old;
- (c) in the case of two (2) or more code 03 convictions, no more than one (1) of the code 03 convictions is less than 10 years old, provided that it is not less than 5 years old;
- (d) in the case of a code 04 conviction described, the conviction is more than 3 years old;
- (e) in the case of two or more code 04 convictions, no more than one of the code 04 convictions is less than 5 years old, provided that it is not less than 3 years old;
- (f) in the case of a code 05 or a code 07 conviction or convictions, the conviction is more than a year old; and
- (g) the case of a code 06 conviction, the conviction is more than 3 years old.





Schedule “A”

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

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

A1 By-law	A2 Item #	A3 Section	A4 Description	A5 Early Payme nt	A6 Set Penalty	A7 Late Payme nt
Parking By-law 2019-62	1	5(2)	Interfere with Authorized Sign	30.00	40.00	50.00
	2	5(3)	Obstruct Authorized Sign	30.00	40.00	50.00
	3	6(1)(a)	Park facing wrong direction	30.00	40.00	50.00
	4	6(1)(b)	Park more than 30cm from curb	30.00	40.00	50.00
	5	6(1)(c)	Fail to park parallel to curb	30.00	40.00	50.00
	6	7(1)(a)	Park within 9m of non-signalized intersection	37.50	50.00	62.50
	7	7(1)(b)	Park within 15m of signalized intersection	37.50	50.00	62.50
	8	7(1)(c)	Exceed posted time	30.00	40.00	50.00
	9	7(1)(d)	Park contrary to traffic control device	30.00	40.00	50.00
	10	7(1)(e)	Park causing obstruction	30.00	40.00	50.00
	11	7(1)(f)	Park between 0200 and 0600 hrs	75.00	100.00	125.00
	12	7(1)(g)	Park on boulevard	37.50	50.00	62.50
	13	7(1)(h)	Park within 3m of hydrant	75.00	100.00	125.00
	14	7(1)(i)	Park within 152m of firefighting apparatus	56.25	75.00	93.75
	15	7(1)(j)	Park within 7m of fire hall entrance – same side	37.50	50.00	62.50
	16	7(1)(k)	Park within 30m of fire hall entrance – opposite side	37.50	50.00	62.50
	17	7(1)(l)	Park on a bridge	37.50	50.00	62.50
	18	7(1)(m)	Park within 6m of bus stop	30.00	40.00	50.00
Parking By-law 2019-62	19	7(1)(n)	Park in a public laneway	30.00	40.00	50.00
	20	7(1)(o)	Park on a median	37.50	40.00	50.00
	21	7(1)(p)	Double park	37.50	50.00	62.50
	22	7(1)(q)	Park within turning circle	30.00	40.00	50.00
	23	7(1)(r)	Park displaying vehicle for sale	30.00	40.00	50.00
	24	7(1)(s)	Park without valid insurance	30.00	40.00	50.00
	25	7(1)(t)	Parked while washing or repairing vehicle	30.00	40.00	50.00
	26	7(1)(u)	Exceed 3 consecutive hours	30.00	40.00	50.00
	27	7(1)(v)	Park within 0.6m of driveway	37.50	50.00	62.50
	28	7(1)(w)	Park obstructing previously parked vehicle	30.00	40.00	50.00
	29	7(1)(x)	Park on narrow roadway	30.00	40.00	50.00
	30	7(1)(y)	Park alongside railway tracks	30.00	40.00	50.00
	31	7(1)(z)	Park causing obstruction to building	30.00	40.00	50.00
	32	7(1)(aa)	Park within 15m of Authorized Sign intersection	30.00	40.00	50.00
	33	7(1)(bb)	Park within 30m of traffic signal intersection	37.50	50.00	62.50
	34	7(1)(cc)	Park within a turning basin	30.00	40.00	50.00
	35	7(1)(dd)	Interfere with funeral procession	30.00	40.00	50.00
	36	7(1)(ee)	Park within 15m of dead-end roadway	30.00	40.00	50.00
	37	7(1)(ff)	Park within 3m of walkway	30.00	40.00	50.00
	38	7(1)(gg)	Park within Unauthorized Area	75.00	100.00	125.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Parking By-law 2019-62	39	7(2)	Park commercial vehicle on street	41.25	55.00	68.75
	40	7(3)	Park trailer on street	41.25	55.00	68.75
	41	7(4)(a)	Park within 15m of crosswalk – same side	37.50	50.00	62.50
	42	7(4)(b)	Park within 30m of crosswalk – opposite side	37.50	50.00	62.50
	43	7(5)(a)	Unauthorized parking on private property	30.00	40.00	50.00
	44	7(5)(b)	Unauthorized parking on <b>Town</b> property	30.00	40.00	50.00
	45	7(5)(c)	Park during restricted time	30.00	40.00	50.00
	46	8(1)(a)	Stop within intersection	37.50	50.00	62.50
	47	8(1)(b)	Stop within 9m of pedestrian crossover	37.50	50.00	62.50
	48	8(1)(c)	Stop within 9m of School Crossing Guard	37.50	50.00	62.50
	49	8(1)(d)	Stop causing obstruction	37.50	50.00	62.50
	50	8(1)(e)	Stop contrary to traffic control device	30.00	40.00	50.00
	51	8(1)(f)	Stop parallel to vehicle	30.00	40.00	50.00
	52	8(1)(g)	Stop on a bridge	37.50	50.00	62.50
	53	8(1)(h)	Stop within tunnel	37.50	50.00	62.50
	54	8(1)(i)	Stop obstructing traffic	56.25	75.00	93.75
	55	8(1)(j)	Stop within turning circle	37.50	50.00	62.50
	56	8(1)(k)	Stop within Unauthorized Area	75.00	100.00	125.00
	57	9(3)	Park within fire route	112.50	150.00	187.50
	58	10(1)	Park contrary to No Parking sign	37.50	50.00	62.50
	59	11(1)	Stop contrary to No Stopping sign	37.50	50.00	62.50
	60	13(1)(a)	Park contrary to municipal parking area	30.00	40.00	50.00
	61	13(1)(b)	Park in more than one space	30.00	40.00	50.00
	62	13(1)(c)	Unauthorized parking in municipal parking area	30.00	40.00	50.00
	63	14(1)(a)	Failure to display accessible permit	300.00	300.00	300.00
	64	14(1)(b)	Unauthorized use of accessible permit	300.00	300.00	300.00
	65	17(2)	Obstruct a Municipal Enforcement <b>Officer</b>	75.00	100.00	125.00
Mobile Business Licence By-law 2020-07	66	3(1)(a)	Operate without a business licence	450.00	600.00	750.00
	67	3(1)(c)	Failure to comply with condition of licence	225.00	300.00	375.00
	68	3(2)	Failure to comply with legislation	225.00	300.00	375.00
	69	3(3)	Failure to display business licence	225.00	300.00	375.00
	70	3(5)(a)	Advertising without a business licence	225.00	300.00	375.00
	71	3(5)(b)	Improper business name advertised	225.00	300.00	375.00
	72	3(6)	Carry on business on Town property without authorization	225.00	300.00	375.00
	73	3(7)	Failure to possess business licence	225.00	300.00	375.00
	74	3(8)	Smoke or permit smoking in business vehicle	225.00	300.00	375.00
	75	4(2)	Obstruct a Licensing Officer	450.00	600.00	750.00
	76	7(9)	Operate business while licence is suspended	450.00	600.00	750.00
	77	7(10)	Advertise business while licence is suspended	225.00	300.00	375.00
	78	7(12)	Remove posted notice of suspension	225.00	300.00	375.00
	79	7(14)	Remove posted notice of no business licence	225.00	300.00	375.00
	80	8.1(2)	Failure to comply with Taxicab Driver requirements	225.00	300.00	375.00
	81	8.1(3)	Failure to display Taxicab Driver information	225.00	300.00	375.00
	82	8.1(4)(b)	Failure to disclose Fare for Taxicab Trip	225.00	300.00	375.00
	83	8.1(4)(c)	Failure to notify Town of Taxicab Driver	225.00	300.00	375.00
	84	8.1(4)(d)	Failure to notify Town of Taxicab	225.00	300.00	375.00
	85	8.1(5)(a)	Failure to provide required Taxicab Driver information	225.00	300.00	375.00
	86	8.1(5)(b)	Failure to provide required Taxicab information	225.00	300.00	375.00
	87	8.1(6)	Failure to maintain Taxicab Trip information	225.00	300.00	375.00
	88	8.1(10)	Failure to remove Taxicab Driver	225.00	300.00	375.00
	89	8.1(12)	Failure to comply with Taxicab requirements	450.00	600.00	750.00
	90	8.1(13)	Permit unauthorized passenger(s) in Taxicab	225.00	300.00	375.00
	91	8.2(2)	Failure to comply with TNC Driver requirements	225.00	300.00	375.00
	92	8.2(3)(b)	Permit hail ride for TNC	225.00	300.00	375.00
	93	8.2(3)(c)	Failure to maintain Safety Standard Certificate in TNC Vehicle	225.00	300.00	375.00
	94	8.2(4)(c)	Failure to provide third party audit records	225.00	300.00	375.00
	95	8.2(6)(a)	Failure to disclose Fare for TNC Trip	225.00	300.00	375.00
	96	8.2(6)(c)	Failure to charge proper Fare for TNC Trip	225.00	300.00	375.00
	97	8.2(6)(d)	Failure to maintain TNC Trip information	225.00	300.00	375.00
	98	8.2(7)	Failure to use GPS on TNC App	225.00	300.00	375.00
	99	8.2(8)	Failure to provide TNC Driver information via TNC App	225.00	300.00	375.00
	100	8.2(9)	Failure to provide electronic receipt via TNC App	225.00	300.00	375.00
	101	8.2(10)(a)	Failure to provide required TNC Driver information	225.00	300.00	375.00
	102	8.2(10)(b)	Failure to provide required TNC Vehicle information	225.00	300.00	375.00
	103	8.2(11)	Failure to maintain TNC Trip records	225.00	300.00	375.00
	104	8.2(15)	Failure to remove TNC Driver from TNC App	225.00	300.00	375.00
	105	8.2(17)	Failure to comply with TNC Vehicle requirements	450.00	600.00	750.00
	106	8.3(2)	Failure to comply with Refreshment Vehicle Operator requirements	225.00	300.00	375.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payme nt	Set Penalty	Late Payme nt
Mobile Business Licence By-law 2020-07	107	8.3(3)	Failure to display Refreshment Vehicle Operator information	225.00	300.00	375.00
	108	8.3(4)	Failure to comply with Refreshment Vehicle conditions	225.00	300.00	375.00
	109	8.3(5)(a)	Permit amplified sounds	225.00	300.00	375.00
	110	8.3(5)(b)	Unlawful seating for Refreshment Vehicle customers	225.00	300.00	375.00
	111	8.3(6)(a)	Failure to maintain Refreshment Vehicle	225.00	300.00	375.00
	112	8.3(6)(b)	Failure to clean up refuse from Refreshment Vehicle	225.00	300.00	375.00
	113	8.3(6)(c)	Failure to notify the Town of Refreshment Vehicle Operator	225.00	300.00	375.00
	114	8.3(7)	Failure to comply with Refreshment Vehicle – Type 1 conditions	225.00	300.00	375.00
	115	8.3(8)	Failure to obtain Special Event Organizer Licence	225.00	300.00	375.00
	116	8.3(9)	Operate Refreshment Vehicle contrary to conditions	450.00	600.00	750.00
	117	8.4(3)	Failure to maintain Limousine documents	225.00	300.00	375.00
	118	8.4(4)	Failure to comply with Limousine Driver requirements	225.00	300.00	375.00
	119	8.4(5)	Failure to display Limousine Driver information	225.00	300.00	375.00
	120	8.4(6)(a)	Failure to notify Town of Limousine Driver	225.00	300.00	375.00
	121	8.4(7)(a)	Permit too many passengers in Limousine	225.00	300.00	375.00
	122	8.4(7)(b)	Permit a Limousine to operate with obstructed view	450.00	600.00	750.00
	123	8.4(8)	Failure to comply with Limousine requirements	450.00	600.00	750.00
	124	8.5(4)(a)	Failure to provide MTO Driving Instructor's Licence	225.00	300.00	375.00
	125	8.5(4)(b)	Failure to carry a valid driver's licence	225.00	300.00	375.00
	126	8.5(4)(c)	Failure to provide driving instruction/test documentation	225.00	300.00	375.00
	127	8.5(4)(d)	Failure to affix Sticker Plate on Driving School Instructor Vehicle	225.00	300.00	375.00
	128	8.5(4)(e)	Failure to affix roof sign on Driving School Instructor Vehicle	225.00	300.00	375.00
	129	8.5(5)	Operate in Restricted Area	450.00	600.00	750.00
	130	8.6(2)(a)	Failure to maintain Tow Truck documents	225.00	300.00	375.00
	131	8.6(2)(b)	Failure to remove debris prior to towing a vehicle	225.00	300.00	375.00
	132	8.6(2)(c)	Failure to remove debris within 8hrs following investigation	450.00	600.00	750.00
Mobile Business Licence By-law 2020-07	133	8.6(3)	Failure to comply with Tow Truck Driver requirements	450.00	600.00	750.00
	134	8.6(4)	Failure to display Tow Truck Driver information	225.00	300.00	375.00
	135	8.6(5)	Failure to notify Town of Tow Truck Driver	225.00	300.00	375.00
	136	8.6(6)(a)	Failure to maintain Tow Truck;	225.00	300.00	375.00
	137	8.6(6)(b)	Interfere with Tow Truck Company's contract	225.00	300.00	375.00
	138	8.6(6)(c)	Recommend tow location to customer	225.00	300.00	375.00
	139	8.6(6)(d)	Accept gift or payment from facility in exchange for business	225.00	300.00	375.00
	140	8.6(6)(e)	Accept Drop Fee	225.00	300.00	375.00
	141	8.6(6)(f)	Failure to obtain consent to connect or tow	225.00	300.00	375.00
	142	8.6(6)(g)	Stop, stand, or park within 200m of Collision Scene	225.00	300.00	375.00
	143	8.6(6)(h)	Remove vehicle from Collision Scene without permission	225.00	300.00	375.00
	144	8.6(6)(i)	Permit unauthorized passenger(s) in Tow Truck	225.00	300.00	375.00
	145	8.6(7)	Failure to provide or maintain Tow Truck Equipment	225.00	300.00	375.00
	146	8.6(8)(a)	Failure to comply with Tow Truck Vehicle requirements	225.00	300.00	375.00
	147	8.6(8)(b)	Failure to affix Sticker Plate on Tow Truck Vehicle	225.00	300.00	375.00
	148	8.6(9)	Failure to comply with towing rates	450.00	600.00	750.00
	149	8.6(10)	Failure to comply with Re-Tow towing rates	450.00	600.00	750.00
	150	8.6(11)(a)	Failure to maintain Tow Truck Driver information	225.00	300.00	375.00
	151	8.6(11)(b)	Failure to maintain Tow Truck information	450.00	600.00	750.00
	152	8.6(12)	Failure to maintain Tow Truck Trip information	225.00	300.00	375.00
	153	8.6(13)	Failure to maintain run sheets	225.00	300.00	375.00
	154	8.6(14)	Failure to provide affiliated Public Garage information	225.00	300.00	375.00





# Corporation of the Town of Newmarket

## By-law 2020-09

A by-law to amend Fees and Charges By-law 2019-52 being a by-law to adopt fees and charges for services or activities provided by the Town of Newmarket. (Legislative Services - Licensing Charges).

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-52 to establish Legislative Services - Licensing Fees for the Corporation of the Town of Newmarket; and,

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

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

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

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

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

Service Provided	Unit of Measure	2020 Fee
<b>Taxicab Companies</b>		
Taxicab Company Annual Licence Fee (1-9 vehicles)	each	\$1,000.00
Taxicab Company Annual Licence Fee (10-19 vehicles)	each	\$2,000.00
Taxicab Company Annual Fee (20+ vehicles)	each	\$3,000.00
<b>Transportation Network Companies (TNCs)</b>		
TNC Annual Licence Fee	each	\$20,000.00
Per Trip Fee	each	\$0.30
<b>Tow Truck Companies</b>		
Tow Truck Company New Application Licence Fee (1-3 vehicles)	each	\$1,000.00
Tow Truck Company Annual Renewal Licence Fee (1-3 vehicles)	each	\$750.00
Tow Truck Company New Application Licence Fee (4-6 vehicles)	each	\$2,000.00
Tow Truck Company Annual Renewal Licence Fee (4-6 vehicles)	each	\$1,500.00
Tow Truck Company New Application Licence Fee (7-9 vehicles)	each	\$3,000.00
Tow Truck Company Annual Renewal Licence Fee (7-9 vehicles)	each	\$2,250.00
Tow Truck Company New Application Licence Fee (10+ vehicles)	each	\$4,000.00
Tow Truck Company Annual Renewal Licence Fee (10+ vehicles)	each	\$3,000.00
<b>Limousine Companies</b>		
Initial Licence Fee (one-time)	each	\$1,000.00
Annual Renewal Licence Fee	each	\$500.00

Enacted this 10<sup>th</sup> day of February, 2020.

\_\_\_\_\_  
John Taylor, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk

## Attachment #5 – Tow Truck Licensing Fees Comparison Chart

<b>Municipality</b>	<b>Company Fee (initial fee)</b>	<b>Driver Fee (each)</b>	<b>Total Fee (initial fee)</b>	<b>Total Fees (renewal)</b>
Richmond Hill	\$2,208 Renewal = \$450	\$275	1 - \$2,483 2 - \$2,758 3 - \$3,033 4 - \$3,308 5 - \$3,583 6 - \$3,858 7 - \$4,133 8 - \$4,408 9 - \$4,683 10 - \$4,958	1 - \$725 2 - \$1,000 3 - \$1,275 4 - \$1,550 5 - \$1,875 6 - \$2,100 7 - \$2,375 8 - \$2,650 9 - \$2,925 10 - \$3,200
Toronto	\$1,222 Renewal = \$813	\$412 Renewal = \$305	1 - \$1,634 2 - \$2,046 3 - \$2,458 4 - \$2,870 5 - \$3,282 6 - \$3,694 7 - \$4,106 8 - \$4,518 9 - \$4,930 10 - \$5,342	1 - \$1,118 2 - \$1,423 3 - \$1,728 4 - \$2,033 5 - \$2,338 6 - \$2,643 7 - \$2,948 8 - \$3,253 9 - \$3,558 10 - \$3,863
Vaughan	\$455 Renewal = \$290	\$525 (Owner = \$333) (Driver = \$192)	1 - \$980 2 - \$1,505 3 - \$2,030 4 - \$2,555 5 - \$3,080 6 - \$3,605 7 - \$4,130 8 - \$4,655 9 - \$5,180 10 - \$5,705	1 - \$815 2 - \$1,340 3 - \$1,865 4 - \$2,390 5 - \$2,915 6 - \$3,440 7 - \$3,965 8 - \$4,490 9 - \$5,015 10 - \$5,540

Taking the average rate of licensing fees for all municipalities above, the following is calculated:

- Initial Fee for 1-3 Tow Trucks \$2,103 (Renewal = \$1,254)
- Initial Fee for 4-6 Tow Trucks \$3,315 (Renewal = \$2,365)
- Initial Fee for 7-9 Tow Trucks \$4,527 (Renewal = \$3,464)
- Initial Fee for 10+ Tow Trucks \$5,335 (Renewal = \$4,201)







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## Procedure By-law Review for 2018-2022 Term of Council Staff Report to Council

Report Number: 2020-16

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: February 24, 2020

### Recommendations

1. That the report entitled Procedure By-law Review for 2018-2022 Term of Council dated February 24, 2020 be received; and,
2. That Council approve the revised 2020 meeting schedule (**Attachment 1**) effective March 3, 2020 for a one-year trial period, and:
  - a. All regular Council meetings begin at 1:00 PM;
  - b. All regular Committee of the Whole meetings begin at 1:00 PM;
  - c. All regular Site Plan Review Committee meetings begin at 10:00 AM;
  - d. All regular Council Public Planning meetings be scheduled at 7:00 PM; and,
3. That staff be directed to report to Council in Q2 2021 on the feedback received following the one-year trial period of the new meeting schedule and daytime Council meetings; and,
4. That Council repeal By-laws 2015-50, 2016-43, 2017-75, as amended, and replace with the attached Procedure By-law (**Attachment 2**); and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## Executive Summary

This report forms the Procedure By-law review for the 2018-2022 term of Council and serves to formalize the proposed amendments that were presented to Council at a Workshop in October 2019. This report highlights some of the key amendments to the By-law and to Council's meeting schedule. In addition to many housekeeping items, this report recommends daytime Council meetings based on the number of deputants that attend these meetings, Council's preference, and the ease of access to the live and archived video streaming for all Council and Committee of the Whole meetings.

## Purpose

This report seeks Council's approval to amend the Procedure By-law to reflect the changes that were presented at a Council Workshop, the feedback received at that Workshop and the subsequent survey that was administered to Council.

## Background

On October 28, 2019, a Procedure By-law review [Council Workshop](#) was held and indicated that a review of Council's Procedure By-law once per term was considered a best practice. A number of key areas were identified for review or that required update, and were organized into 3 themes: 1) housekeeping & best practices; 2) modernization & trends; and, 3) transparency. These themes emerged following Staff's use of the following guiding principles:

- Newmarket Council is the decision-making body for the Corporation and decision making processes should be:
  - Transparent
  - Conducted in a respectful environment
  - Considerate of all Newmarket residents
  - Considerate of balancing debate with timely decisions; and,
  - Considerate of budget and human resource impacts
- Stakeholder feedback is important and Council receives input through a variety of in-person and online channels
- Procedure rules should facilitate sound decision-making and be easy to understand.

## Discussion

**Attachment 2** is the proposed amended Procedure By-law. The following highlights many of the changes in this new By-law.

### Housekeeping & Best Practice Updates

- The By-law was re-organized to assist with readability and the functionality of the By-law.

- Gender neutral language is now being used throughout the By-law and pronouns such as “his” and “her” have been removed.
- The Appointment Committee is an example of a committee made up of 3 Members of Council and has experienced awkwardness of having both a mover and seconder for each motion. As such, the Procedure By-law has been amended to stipulate that Committees of 3 or less only require a mover for a motion.
- Council motions are no longer required for additional or corrected items that have been properly published to a revised agenda. Motions will still be required for any additional or corrected items following the publishing of the revised agenda the Thursday proceeding the meeting.
- Reports by Regional Representatives will now only be made at Council.
- The motions section of the By-law has been clarified to note that these are procedural motions, and does not dictate the types of motions that can be moved under the “motions” order of business on an agenda.
- There is greater clarity under the New Business section to provide criteria for items that may be introduced by a Member under this section. The By-law now states that Members of Council, under New Business, may present a motion if it is a statutory time requirement, an emergency, or time sensitive. Members are always encouraged to provide notice, wherever possible to allow sufficient notice to the public and other Members of their intent to introduce a matter for consideration.
- A new Notice of Motion form has been developed for use by Members when providing their motion in writing to the Clerk (see **Attachment 3**). Members are encouraged to provide this completed form to the Clerk for inclusion under the Notice section on the regular agenda.
- The inaugural meeting of a newly elected Council and the matters it considers at its first meeting are articulated in the By-law.
- The revised agenda publishing timeframe is provided for in the By-law (it is made available on the Thursday immediately preceding the Committee of the Whole meeting).
- To support effective meeting management, recorded votes at Council will now be only upon the request of a Member of Council, instead of for every motion. The Town’s previous agenda management software had an online searchable database; however, the current electronic agenda management system does not have this feature. As Members vote by raising their hands on every item, the public can easily see the manner in which a Member voted through the live and archived video stream.

## Modernization & Trends

- After every 2 hours of meeting time, the Mayor can recess the meeting for 15 minutes in support of health and wellness. Flexibility to accommodate no recess with Members’ consensus has been incorporated into the By-law.
- A land acknowledgement will be read prior to the beginning of every regular Council meeting. The statement will be developed in consultation with members

from the Indigenous community and will be prepared prior to the Council meeting in June 2020.

- Deputations regarding staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be heard by Council or Committee. Individuals younger than 18 years old will need to provide their parent or guardian's consent prior to being approved to formally address Council. This practice is recommended as individual names form part of the official meeting record and are indexed by search engines on the internet, and because meetings are all live streamed and archived on the Town's website.
- In previous regular election years staff have reported to Council to recommend that no Council, Committee of the Whole or Advisory Committee meetings take place in the month of October due to the election occurring in that month. Staff are recommending a formalization of that into the By-law to state that no regular meetings will be held after Thanksgiving Day until the inaugural meeting of the new Council. This means there will be, at minimum, one month period where there are no meetings being held.
- The Outstanding Matters List will be included on the Committee of the Whole agenda on a quarterly basis, and additional information on timelines and staff comments will be included to ensure that both Council and the public are aware of staff's intended timeline to bring certain items forward.

## Transparency

- After further consultation with staff from Ajax (currently the only community that staff is aware that completes an annual closed session report), staff were advised that their current process and report is subject to lengthy delays for review by legal and senior management staff due to competing priorities.
  - To support enhanced transparency in Newmarket, staff have commenced tracking relevant information (such as closed and open motions, when motions were made public) related to the items that are considered in closed session. Staff believe that internal tracking is a critical component of continued proactive disclosure and dissemination of information to the public, whenever possible. An example of the proactive measures that staff currently undertakes would be the Clock Tower agreements that were proactively made publically available online. Additionally, following receipt of a Freedom of Information request, the Town will make those same requested documents publically available online. There will be continued improvements to the confidential staff reports regarding key points and information that can be made available (recognizing that many confidential matters are no longer confidential after a certain point in time).
- Members may submit any petitions they receive directly to the Clerk prior to the regular agenda being published. This means that the petitions will form part of the agenda, which will provide greater transparency around when these matters are considered by Council.
- The Procedure By-law was updated to clarify that the Electronic Participation in Meetings Policy only applies to the Newmarket Accessibility Advisory Committee. Thus far, the Committee has not used this Policy, but it remains an additional

accessibility enhancement. There was feedback from the Workshop regarding Members of Council and their ability to participate electronically at Council and/or Committee of the Whole meetings. While the legislation permits this participation, it restricts members from counting towards quorum, which means they can only participate in the discussion on various matters. Electronic participation for Members of Council during Council and Committee of the Whole meetings would also require the management of significant technological components as these meetings are live-streamed. There would also need to be further investigation with the Town's audio-visual and agenda management system providers to understand whether the live-stream could integrate with a video or phone call with a Member of Council who is participating remotely so that the public watching from home could see and/or hear what the remote participant is saying. Further to the technological challenges, staff are not aware of any Greater Toronto Area municipalities that allow their Members of Council to participate remotely through electronic means at Council or standing committee meetings.

- The Council Information Package has been expanded to include the following:
  - Memoranda or other forms of communication from staff that are for information
  - Links to Information Reports that were circulated within that distribution period
  - Advisory Committee Minutes (resolutions that require Council endorsement or support will still be directly listed on the appropriate agenda)

## **Meeting Schedule (Attachment 1)**

Traditionally, Council meetings have been held in the evening; however, more and more municipalities are holding their Council meetings during the day instead of the evening. Staff cited the following reasons for moving towards daytime Council meetings:

1. More individuals address Committee of the Whole than Council (this suggests that individuals make themselves available on matters which they consider important).
  - Between December 1, 2018 and September 30, 2019; 44 deputations were heard at Committee of the Whole versus 8 deputations at Council.
2. All Newmarket Council and Committee of the Whole meetings are livestreamed and archived on the Town's website at [newmarket.ca/meetings](http://newmarket.ca/meetings). This means that anyone can watch meetings and the decisions made at a time that is convenient for them.
3. Addressing Council formally in-person is no longer the primary method of engagement (the public engages Council through email, on social media platforms, via telephone, at Public Information Centres, through surveys, and through informal in-person opportunities at community events or meetings). Additionally, the public has the option to submit written comments to Council in-lieu of an in-person address.

4. Working 9-to-5 is no longer considered the “normal” working day.
5. In consultation with the Mayor and CAO, evening meetings would continue to be scheduled for significant public interest matters. For example, an evening Committee of the Whole meeting was held for consideration of retail cannabis stores in Newmarket.

**Since the Workshop was held, Markham, Oshawa and Richmond Hill have all made decisions to move towards daytime Council meetings.**

In addition to the reasons listed above, Oshawa Council recognized that “attending evening meetings is a challenge for many members of the public, especially during the winter months.” Other Ontario municipal Councils that meet only during the day include: Brampton, London, Mississauga, Toronto, Vaughan and York Region.

### **Council Survey**

Staff surveyed Council on three different options for meeting times.

Option 1 - Status Quo

Option 2 - Moving to daytime Council meetings with a 12:30 PM start time

Option 3 - Moving to daytime Council meetings with a 1:00 PM start time

**The majority of Members surveyed prefer daytime Council meetings.**

- Council Members provided comments as part of the survey and a few indicated that they would support reverting back to the 1:30 PM start time to allow for a full morning of meetings or attending to other matters.

### **Statutory Public Planning meetings would be a standalone meeting**

In support of the majority of Council’s recommendations, which staff support, the evening public planning meetings would become Council meetings, with their own formal agenda. This will support transparency and clarity for members of the public who are looking for when certain development applications will be considered by Council.

### **Community Awards and Recognitions**

In consideration of moving to daytime Council meeting, staff reviewed the number of Community Award Recognition since 2017 for external recipients and have found only two regular award presentations: 1) the High School Art Contest; and 2) the Heritage Art Contest.

As these award programs are both organized by Recreation & Culture, Staff recommend that these awards be presented at the Newmarket Celebrates the Arts event. This event is held annually in autumn, with the ceremony taking place in the evening, and

celebrates local achievements in the arts sector. As most of the awards recipients for the High School Art Contest are returning students, absences due to students leaving for post-secondary education should not be a major factor. An opportunity for a reception prior to or after the formal awards portion of the ceremony will be considered as part of all 2020 award ceremonies.

If Council would prefer an alternative event to the Newmarket Celebrates the Arts option, hosting a small reception in Council Chambers similar to the Newmarket Sports Hall of Fame induction ceremonies is a viable option.

**This change in process will not preclude any organization from making a request that their recognition occur at Committee of the Whole or at Council.**

### **Staff recommend daytime Council meetings as a one-year pilot project**

**Attachment 1** depicts staff's recommendation, which supports daytime Council meetings for a one-year trial basis. This would allow staff to compile feedback and report to Council on the findings of the same.

One of the considerations of daytime Council meetings would be that more staff are present and are available to answer any questions from Members of Council. Additionally, there is a linkage to continuous improvement on service levels, which was identified as part of [Council's Strategic Priority of Long-Term Financial Sustainability](#). There is an opportunity to divert the additional hours in the evening into regular working hours for staff, and thereby reducing the lieu time or overtime hours incurred by support staff.

### **Announcements & Community Events**

Members of Council will typically use this portion of the Council agenda to provide verbal updates or communicate events that will be happening in the near future. Many of these events are also promoted by Corporate Communications through various channels such as social media, the Town's website and in the newspaper.

Staff recommend using a different model to support announcement & publication of community events at Council meetings. This would be through visual display of events and information on how residents can "get involved". For example, staff would use the display in the Council Chambers to promote the fact that Council is recruiting members for an Advisory Committee whenever there is a vacancy. This information would be pushed out through the live stream during the Open Forum portion of the agenda, which means it would benefit the audience sitting in the Council Chambers as well as those watching from home.



## **Corporate Communications will continue to provide Council with Toolkits for large public engagements**

As with past high-profile engagements, Corporate Communications will share social media content with Council Members to use in distributing to their own networks (e.g. Council Toolkit).

In addition, Council Members can continue to retweet and share social media posts from the Town's corporate Twitter and Facebook accounts. Information on upcoming events in the community are included in the [Town Page](#), which can easily be shared or distributed in electronic and hard copy formats.

## **Advisory Committee Updates**

To build greater awareness around the work that is being undertaken by Advisory Committees, staff proposes that a section of the Council agenda be dedicated for Council member representatives to provide updates on the same. Currently, the Advisory Committee minutes are received at Committee of the Whole for information purposes, but there is rarely discussion on these past meetings. This section of the Council agenda would be treated much the same as the "Reports by Regional Representatives" section of the meeting. Legislative Services staff support all Advisory Committees, and would also support Member representatives by providing updates to Councillors to read aloud during a Council meeting.

## **Conclusion**

This report makes several recommended changes to Council's Procedure By-law. Following adoption of the new By-law, staff will undertake a process to educate Council, staff and the public on any changes. Additionally, staff will work on a public education campaign focusing on how the public can engage with Council.

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

This report aligns with one of Council's actions of creating an environment for an engaged, accessible and inclusive community through meeting efficiencies. Additionally, this report aligns with Council's Strategic Priority of Long-Term Financial Sustainability as moving to daytime Council meetings would mean fewer overtime hours being incurred by staff having to stay in the evenings to support meetings.

## **Consultation**

The Strategic Leadership Team, Operational Leadership Team as well as staff from Corporate Communications and Recreation and Culture were consulted as part of this report.

Procedure By-laws from the cities of Brampton, Markham, Mississauga, Oshawa, Ottawa and Richmond Hill were reviewed as part of this report.



Council Members were surveyed as to their preference in moving Council meetings to the daytime, and the feedback from the Workshop discussion were all used to form staff's recommendations.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

**Attachment 1** – Revised Council and Committee of the Whole Meeting Schedule 2020

**Attachment 2** – Draft Procedure By-law

**Attachment 3** – Notice of Motion Form

## **Approval**

Lisa Lyons, Director of Legislative Services/Town Clerk, Legislative Services

Esther Armchuk, Commissioner of Corporate Services, Corporate Services

## **Contact**

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



## Town of Newmarket 2020 Schedule of Meetings

**Draft Document Until Approved by Council**

March 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2 2:00 PM – SPR 7:00 PM – CL	3	4	5	6	7
8	9	10	11	12	13	14
15	16 March Break	17 March Break	18 March Break	19 March Break	20 March Break	21
22	23 1:00 PM – CoW <u>7:00 PM – Public Hearing Matter(s)</u>	24	25	26	27	28
29	30 <del>10:00 AM</del> <u>2:00 PM</u> – SPR <del>4:00-7:00</del> PM – CL	31				

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

### April 2020

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
			1	2	3	4
5	6	7	8	9	10 <b>Good Friday</b> Town Offices Closed	11
12	13 <b>Easter Monday</b> Town Offices Closed	14 1:00 PM – CoW <u>7:00 PM – Public Hearing Matter(s)</u>	15	16	17	18
19	20 <del>10:00 AM</del> <u>2:00 PM</u> – SPR <del>4:00</del> <u>7:00</u> PM – CL	21	22	23	24	25
26	27	28	29	30		

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

May 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4 1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	5	6	7	8	9
10	11 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>1:00-7:00</del> PM – CL	12	13	14	15	16
17	18 <b>Victoria Day</b> Town Offices Closed	19	20	21	22	23
24	25 1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	26	27	28	29	30
31						

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

### June 2020

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
	1 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>4:00-7:00</del> PM – CL	2	3	4  Federation of Canadian Municipalities (FCM) Conference	5  FCM	6  FCM
7  FCM	8	9	10	11	12	13
14	15  1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	16	17	18	19	20
21	22 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>4:00-7:00</del> PM – CL	23	24	25	26	27
28	29	30				

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

July 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
			1 <b>Canada Day</b> Town Offices Closed	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

August 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
						1
2	3 <b>Civic Holiday</b> Town Offices Closed	4	5	6	7	8
9	10	11	12	13	14	15
16 Association of Municipal- ities of Ontario (AMO)	17 AMO	18 AMO	19 AMO	20	21	22
23	24 1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	25	26	27	28	29
30	31 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>4:00</del> <u>7:00</u> PM – CL					

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.



## Town of Newmarket 2020 Schedule of Meetings

September 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
		1	2	3	4	5
6	7 <b>Labour Day</b> Town Offices Closed	8	9	10	11	12
13	14 1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	15	16	17	18	19
20	21 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>1:00-7:00</del> PM – CL	22	23	24	25	26
27	28	29	30			

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

October 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
				1	2	3
4	5 1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	6	7	8	9	10
11	12 <b>Thanksgiving</b> Town Offices Closed	13 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>1:00</del> <u>7:00</u> PM – CL	14	15	16	17
18	19	20	21	22	23	24
25	26 1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	27	28	29	30	31

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

November 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>4:00</del> <u>7:00</u> PM – CL	3	4	5	6	7
8	9	10	11	12	13	14
15	16  1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	17	18	19	20	21
22	23 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>4:00</del> <u>7:00</u> PM – CL	24	25	26	27	28
29	30					

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

## Town of Newmarket 2020 Schedule of Meetings

December 2020						
Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
		1	2	3	4	5
6	7 1:00 PM – CoW  <u>7:00 PM – Public Hearing Matter(s)</u>	8	9	10	11	12
13	14 <del>10:00 AM</del> <u>2:00 PM</u> – SPR  <del>4:00-7:00</del> PM – CL	15	16	17	18	19
20	21	22	23	24 Town Offices close at 12:00 PM	25 <b>Christmas Day</b> Town Offices Closed	26
27	28 <b>Boxing Day</b> Town Offices Closed	29 Soft close	30 Soft close	31 Soft close		

CL – Council

CoW – Committee of the Whole; If closed session required, held +/- 3:00 PM

SPR – Site Plan Review

Unless otherwise indicated, all meetings are held in the Council Chambers at 395 Mulock Drive.

**Draft until approved by Council**

# **Corporation of the Town of Newmarket**

## **By-law 2020-XX**

A By-law to govern the proceedings of council and committee meetings.

Whereas Section 238(2) of the Municipal Act, 2001 provides that every municipality shall pass a procedure by-law for governing the calling, place, and proceedings of Meetings; and,

Whereas the Council of the Town of Newmarket considers it necessary to enact a by-law in this regard and to repeal Procedure By-law Number 2015-50, and amending By-laws 2016-43, 2017-75; and now,

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

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## **Part 1 – General Provisions**

### **1. Application and Interpretation**

- a) This By-law (referred to as the “Procedure By-law”) establishes the rules of order for Council and Committee Meetings.
- b) The rules of order contained in this Procedure By-law set out the rules of order for the dispatch of business in Council and Committee Meetings.
- c) A word in this By-law expressed in the singular has a corresponding meaning when used in the plural.
- d) Any future amendment(s) to the Municipal Act or other legislation as noted in this by-law that may alter the sections and sub-sections of the legislation referenced will not affect the validity of the by-law or any part thereof.
- e) In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail.
- f) A specific statement or rule in this Procedure By-law has greater authority than a general one.
- g) If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Bourinot's Rules of Order.

### **2. Principles of the Procedure By-law**

- a) The principles of openness, transparency and accountability to the public guide the Town’s decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
  - i) Ensuring the decision-making process is understood by the public and other stakeholders;

- ii) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this By-law and other statutory requirements;
  - iii) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.
- b) The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate.
- c) The principles of parliamentary law governing Council and Committee Meetings include:
  - i) The majority of Members have the right to decide;
  - ii) The minority of Members have the right to be heard;
  - iii) All Members have the right to information to help make decisions, unless otherwise prevented by law;
  - iv) All Members have a right to an efficient Meeting;
  - v) All Members have the right to be treated with respect and courtesy; and,
  - vi) All Members have equal rights, privileges and obligations.

### 3. Suspension of Rules

- a) Rules of order provided for in this Procedure By-law may be suspended by a Two Thirds vote of Council or a Committee, with the exception of the following circumstances:
  - i) Where required by law;
  - ii) Contractual agreements binding the Town;
  - iii) Amending this Procedure By-law; and,
  - iv) Quorum requirements.

### 4. Definitions

In this Procedure By-law:

**“Bourinot's Rules of Order”** means Stanford, Geoffrey (1995-05-08) Bourinot's Rules of Order: A Manual on the Practices and Usages of the House of Commons of Canada and on the Procedure at Public Assemblies, Including Meetings of Shareholders (4 ed.), ISBN 978-0-7710-8336-5, or a subsequent edition of the same;

**“CAO”** means the Chief Administrative Officer of the Town or their designate;

**“Chair”** means the Presiding Officer of Council or a Committee;

**“Clerk”** means the Director of Legislative Services/Town Clerk or their designate;



**“Code of Conduct”** means a by-law to establish a Council Code of Conduct, as amended from time to time;

**“Commissioner”** means a Commissioner of the Town or their designate;

**“Committee”** means a Committee, Board, Task Force or other body constituted and appointed by Council, including the Committee of the Whole, with the exception of the Newmarket Public Library Board;

**“Committee of the Whole”** is a Committee of Council comprised of all Members of Council that serves as the principle forum for the consideration of recommendations and public input on matters of Council business prior to consideration by Council;

**“Confirmatory By-law”** means a by-law passed for the purpose of giving general effect to a previous decision or proceeding of Council;

**“Council”** means the Council of the Town of Newmarket;

**“Friendly Amendment”** means the motion under debate is amended with the consent of the mover and seconder, and without the requirement for an amending motion to be made;

**“Local Board”** means a body as defined by the Municipal Act;

**“Majority”** means more than half of the Members present, or:

- a) If 9 Members present: 5
- b) If 8 Members present: 5
- c) If 7 Members present: 4
- d) If 6 Members present: 4
- e) If 5 Members present: 3

**“Mayor”** means the Mayor of the Town;

**“Meeting”** means any regular, special or other meeting of Council, of a local board or of a Committee of either of them, where;

- a) A quorum of members is present, and,
- b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee;

**“Member”** means a Member of Council or a Committee;

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

**“Municipal Office”** means the Town’s administrative office at 395 Mulock Drive, Newmarket, Ontario;

**“Notice”** means written Notice, except where legislation, by-law or Corporate Policy provides for another form and manner of Notice;

“**Offending Member**” means a Member who has been found by the Chair or by Council or by a Committee to have disobeyed a rule in this Procedure By-law or a Chair’s ruling;

“**Petition**” means a formal written request that appeals to Council with respect to a particular issue as set out in this Procedure By-law;

“**Police**” means an officer(s) of the York Regional Police Service or their designate(s);

“**Property**” in Section 18 a) i) is defined broadly to include physical, financial and intellectual property, among other things;

“**Public PlanningHearing**” means a Meeting held pursuant to the Planning Act or other statute;

“**Quorum**” means the number of Members required for the legal conduct of the business of Council or a Committee. In the case of Meetings of Council and Committee of the Whole, quorum is five (5) Members;

“**Recording Secretary**” means the person designated to record the minutes of a Committee meeting;

“**Solicitor**” means the Director of Legal & Procurement Services/Municipal Solicitor or their designate;

“**To receive**” means to acknowledge the receipt of a matter before Council or a Committee, with no expectation of any future action being taken;

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

“**Two Thirds**” means 2/3 of the Members present, or:

- a) 2/3 of 9: 6
- b) 2/3 of 8: 6
- c) 2/3 of 7: 5
- d) 2/3 of 6: 4
- e) 2/3 of 5: 4

## **5. Administrative Authority of Clerk**

- a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.

## **Part 2 – Meetings**

### **6. Inaugural Meeting of Newly Elected Council**

- a) Subsequent to a regular election, the inaugural Meeting of a newly elected Council is held at a date and time fixed by the Clerk after the Members of Council take office. It shall be held

on the date as prescribed in the Municipal Act, or such other date as determined by the Clerk.

- b) At the Inaugural Meeting of the Council, the only business to be brought before the meeting shall be the following:
  - i) Declarations of Office; and
  - ii) Any other ceremonial proceedings related to the inauguration of Council.

## **7. Regular Meetings**

- a) Regular Meetings of Council or a Committee shall be held in accordance with the schedule/calendar adopted by Council or Committee, except when otherwise directed by a resolution of Council or Committee
- b) Notwithstanding subsection a) above, in the year of a municipal election, no meetings of the Council or Committees shall be held after the Wednesday following Thanksgiving Day, until the inaugural meeting of the new Council.

## **8. Location and Schedule of Meetings**

- a) Meetings of Council and Committee of the Whole take place at the Municipal Office or at another location adjacent to the Municipality or as provided for in the Municipal Act, 2001, as amended when Notice is given.
- b) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended. The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.
- c) The Meeting schedule of all other Committees is determined by its Members, in accordance with each Committee's terms of reference and/or prescribed mandate.

## **9. Special Council or Committee of the Whole Meetings**

- a) A special Meeting of Council or Committee of the Whole may be called by the Mayor or, by the Mayor in consultation with the CAO, at any time. A special Meeting of Council or Committee of the Whole is limited to business matters included in the Notice of Meeting.
- b) When the Clerk receives a petition signed by a majority of the Members of Council, a special Meeting of Council or Committee of the Whole is called for the purpose and time identified in the Petition. The Petition shall include:
  - i) Original signatures of Members; and,
  - ii) A clear statement of the purpose of the special Meeting.

## **10. Emergency Council or Committee of the Whole Meetings**

- a) Notwithstanding any other provision in this Procedure By-law, the Mayor may, at any time, call or provide Notice of an emergency Meeting of Council or Committee of the Whole. An

emergency Meeting of Council or Committee of the Whole is limited to business matters included in the Notice of Meeting.

**11. Workshop Meetings**

- a) The Mayor and/or CAO may convene a workshop Meeting for Members of Council to discuss issues in an informal venue. With the exception of Procedural Matters, no motions are passed, no decisions are made, and is an opportunity for Council to have informal discussion regarding various matters.
- b) Minutes describing, in general terms, the proceedings and the subject matter discussed is made at all workshop Meetings and placed on a future Council agenda to be received only for the purposes of information.

**12. Cancellation or Postponement of Meetings**

- a) A regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting of Council may be cancelled or postponed where Quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is no longer required, as deemed by the Mayor and/or CAO.
- b) The Clerk gives Notice on the Town's website and time permitting, through The Town's regular page in the local newspaper of a cancellation or postponement of a regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting. Where time is limited, a Notice is posted at the main entrance to the Municipal Office.
- c) Meetings of other Committees may be cancelled or postponed by the Clerk, Recording Secretary, Chair or other assigned person where Quorum cannot be achieved, by Committee resolution, or in the event of an emergency.

**13. Late Arrival**

- a) If a Member arrives late at a Meeting, any prior discussion is not reviewed without the consent of the Members present.

**14. Notice of Meetings**

- a) The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:
  - i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole.
  - ii) Providing Council with a revised agenda on each Thursday preceding the Meeting day of the Committee of the Whole.
  - iii) Including regular Meetings of the Joint Council Committee (Central York Fire Services).
- b) The Clerk, Recording Secretary or other assigned person gives Notice of Meetings of other Committees by:

- i) Providing an agenda to Committee Members one week prior to the Meeting.
  - ii) Time permitting, using the Town's website to indicate the date and time of the Meeting of the Committee.
- c) The Clerk gives Notice of special Meetings of Council or Committee of the Whole by:
  - i) Providing Council with an agenda in person, by telephone, by mail, or electronic mail at least 24 hours prior to the Meeting.
  - ii) Using the Town's website to indicate the date and time of the special Meeting of Council or Committee of the Whole, and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole.
- d) The Clerk gives Notice of emergency Meetings of Council or Committee of the Whole by:
  - i) Providing Notice to Council in person, by telephone, by electronic mail, or in the form of an agenda that indicates the date and time of the Meeting and general nature of the matters to be discussed.
  - ii) Posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Meeting and general nature of the matters to be discussed.
- e) The Clerk gives Notice of workshop Meetings of Council by:
  - i) Providing, at least 24 hours in advance, Notice to Council in person, by telephone, by mail or electronic mail that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
  - ii) Using the Town's website to indicate the date and time of the workshop, and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop.

## **15. Notice of Meetings Closed to the Public**

- a) Where a matter may be considered by Council or a Committee for discussion in closed session, wherever possible, written Notice will include:
  - i) The fact that the Meeting will be closed to the public as provided by the appropriate legislation;
  - ii) The general nature of the matter to be considered at the closed Meeting.

## **16. Invalidation of Notice of Meeting**

- a) If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.

## **17. Quorum**

- a) Members of Council will attempt to advise the Clerk at least two days in advance if unable to attend a Meeting of Council, Committee of the Whole or a workshop Meeting. If Quorum cannot be met, the Meeting is cancelled and Council is advised by the Clerk.
- b) If no Quorum is present within fifteen (15) minutes after the time appointed for a Meeting of Council, Committee of the Whole or a workshop Meeting, the Clerk records the names of the Council Members present and the Meeting is adjourned until the date of the next regular Meeting.
- c) Where there is an insufficient number of Members of Council present to achieve Quorum at a Meeting of Council, Committee of the Whole or a workshop Meeting due to a provision of the Municipal Conflict of Interest Act, the remaining Members of Council shall constitute Quorum, provided such number is not less than two (2).
- d) Members of other Committees will attempt to advise, at least two days in advance, the Clerk, Recording Secretary, Chair or other assigned person if unable to attend a Committee Meeting. If Quorum cannot be met, the Meeting is cancelled and the Committee is advised by the Clerk, Recording Secretary, Chair or other assigned person.
- e) If no Quorum is present within fifteen (15) minutes after the time appointed for a Meeting of another Committee, the Meeting is adjourned until the date of its next regular Meeting. Remaining Committee Members may have an informal discussion on matters, but no motions are passed or actions taken. The Clerk, Recording Secretary or other assigned person will not be required to remain for the informal discussion.

## **18. Open & Closed Meetings**

- a) All Meetings of Council or a Committee are open to the public. As provided for in the Municipal Act, Council or a Committee may resolve into a session closed to the public in order to discuss matters related to one or more of the following:
  - i) The security of the property of the Municipality or Local Board;
  - ii) Personal matters about an identifiable individual, including municipal employees or local board employees;
  - iii) A proposed or pending acquisition or disposition of land by the Municipality or Local Board;
  - iv) Labour relations or employee negotiations;
  - v) Litigation or potential litigation, including matters before administrative tribunals affecting the Municipality or Local Board;
  - vi) Advice that is subject to Solicitor-client privilege, including communications necessary for that purpose;

- vii) A matter in respect of a Council, Board, Committee or other body may hold a closed Meeting under an Act other than the Municipal Act;
  - viii) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - ix) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - x) A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
  - xi) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; or,
  - xii) The Meeting is held for the purpose of educating or training Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or a Committee.
- b) Council or a Committee shall also resolve into a Meeting closed to the public for the following purposes:
- i) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, board, commission or other body is the head of an institution for the purposes of that Act; or,
  - ii) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, and Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, 2001, or the investigator referred to in subsection 239.2 (1) of the Municipal Act, 2001.
- c) Before holding a Meeting or part of a Meeting closed to the public, Council or a Committee approves a motion, stating the following:
- i) The fact that the Meeting will be closed to the public as provided by the appropriate legislation; and,
  - ii) The general nature of the matter to be considered at the Meeting closed to the public.
- d) Voting during Meetings Closed to the Public

No vote will be taken at a Meeting which is closed to the public, unless:

- i) The subject matter relates to an issue as described in Section 18 a) of this Procedure By-law; and,

- ii) The vote is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality, or persons retained by or under contract with the Municipality.
- e) Reporting Out & Confidentiality of Closed Session Discussions
  - i) A summary of any discussion held in closed session and any required vote will occur following the closed session discussion of Council or a Committee Meeting. In the case of Committee of the Whole Meetings, communication of closed session discussions will occur at Council Meetings.
  - ii) The summary of closed session discussion and vote will provide sufficient detail without detrimentally affecting the confidentiality of the matter(s) discussed in closed session and the position of the Municipality.
  - iii) No Member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or if directed to do so by a court.
- f) Application of Open & Closed Meeting Provisions to all Committees
  - i) The provisions of Section 239 of the Municipal Act and Sections 18 a), b), and c) of this Procedure By-law apply to all Committees.
- g) Closed Meeting Investigation
  - i) A person may request that an investigation be undertaken to determine whether Council or other Committee complied with the requirements of the Municipal Act and this Procedure By-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by completing and submitting the prescribed form, which is available on the Town's website or from the Municipal Offices.
  - ii) If the report of a Closed Meeting Investigation finds that a meeting or part of a meeting appeared to be improperly closed to the public, contrary to section 239 of the Municipal Act or this Procedure By-law, Council shall pass a resolution stating how it intends to address the report.

## **19. Preparation of Agendas of Council & Committee of the Whole**

- a) The CAO and their staff are charged with providing guidance and recommendations to Council related to municipal business, and to implement the decisions of Council.
- b) The Clerk provides an administrative process to support the approval, preparation, Notice, publication and distribution/public



access to agendas and agenda items, following approval by the CAO and/or Commissioner.

**20. Preparation & Availability of Agendas of Other Committees**

- a) The Clerk, Recording Secretary, Chair or other assigned person prepares and makes public an agenda for Meetings of other Committees in the order, timeframe and manner established by the Committee.

**21. Availability of Agendas of Council & Committee of the Whole**

- a) Council agendas are generally made available to the public on the Thursday immediately preceding the Meeting.
- b) Committee of the Whole agendas are generally available to the public on the Thursday, ten (10) days prior to the Meeting.
- c) A revised agenda for Committee of the Whole is generally available to the public on the Thursday immediately preceding the Meeting.

~~d) Council Public Planning Matters agendas are generally made available to the public on the Thursday immediately preceding the Meeting.~~

**22. Record of Meetings (i.e., Minutes)**

- a) The Clerk records the minutes of Meetings of Council and Committee of the Whole without note or comment. The minutes record:
  - i) The date, time and location of the Meeting;
  - ii) The name of the Chair and a record of the attendance at the Meeting;
  - iii) The name and nature of presenters and deputations;
  - iv) All resolutions, decisions and other proceedings of the Meeting; and,
  - v) Administrative references, including by-law, report, motion and policy indexes.
- b) Minutes of each Meeting of Council are presented to the subsequent regular Meeting of Council for approval.
- c) Time permitting, minutes of Meetings of Committee of the Whole are submitted to the next regular Meeting of Council, for consideration of the recommendations.
- d) Approved minutes of Council and minutes of Committee of the Whole will be posted on the Town's website as they become available.
- e) Minutes of other Committees, as designated by Council, are submitted to Committee of the Whole for Council receipt or approval of recommendations.

- f) The receipt of minutes from other Committees by Council does not constitute endorsement by the Town of any recommendations or actions contained therein.

### **23. Public Record**

- a) All communications that the Clerk receives about a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of their personal information when submitting it, or where confirmed by the Clerk.

### **24. Recording, Broadcasting and/or Streaming Meetings**

- a) All Council, Committee of the Whole, ~~Council Public Planning, and~~ Site Plan Review Committee Meetings may be audio and/or visually recorded, broadcast and/or streamed publically by the Town, with the exception of proceedings closed to the public provided for in Section 18 of this Procedure By-law.
- b) Attendees using their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk or Recording Secretary to ensure attendees at the Meeting are notified through the Chair.

### **25. Electronic Meeting Participation**

- a) Only Members of the Town's Accessibility Advisory Committee may participate through electronic means in a Meeting of that Committee, and:
  - i) Members may only participate in meetings open to the public using electronic communication, in accordance with the Electronic Participation in Meetings Policy, as amended from time to time.
  - ii) Members participating through electronic communication shall not be counted towards quorum.
  - iii) Members cannot participate through electronic communication during a meeting that is closed to the public in accordance with Section 239 of the Municipal Act, 2001, as amended.
  - iv) The Clerk may provide for administrative procedures for facilitating electronic participation in meetings.

## Part 3 – Order of Proceedings

### 26. Order of Business – Committee of the Whole

- a) The business of Committee of the Whole is dealt with in the order stated on the published agenda, unless Committee of the Whole consents to changing the order.
- b) The order of business for the Committee of the Whole is set out in the agenda as follows, where provided for:

Additions & Corrections to the Agenda

Conflict of Interest Declarations

Presentations & Recognitions

Deputations

Consent Items

Action Items

Notices of Motion

Motions where notice has already been provided

New Business

Closed Session (if required)

Public Hearing Matter(s)

Adjournment

### 27. Order of Business – Council

- a) The business of Council is dealt with in the order stated on the published agenda, unless Council consents to changing the order.
- b) The order of business of Council is set out in the agenda, as follows, where provided for:

Open Forum

~~Land Acknowledgement~~

Public Notices (if required)

Additions & Corrections to the Agenda

Conflict of Interest Declarations

Presentations & Recognitions

Deputations

Minutes

Reports by Regional Representatives

~~Reports from Advisory Committee Representatives~~

Consent Items and Recommendations from Committees

By-laws

Notices of Motion

Motions where notice has already been provided

New Business

Closed Session (if required)

Confirmatory By-law

Adjournment

**~~28. Order of Business – Council Public Planning~~**

- ~~a) The order of business of Council Public Planning Meetings is set out in the agenda, as follows, where provided for:~~

~~Public Statement~~

~~Notice of Application(s)~~

~~Additions & Corrections to the Agenda~~

~~Conflict of Interest Declarations~~

~~Presentations~~

~~Deputations and Correspondence~~

~~Confirmatory By-law~~

~~Adjournment~~

**28. Open Forum**

- a) Open Forum occurs fifteen (15) minutes prior to the formal portion of a Council Meeting, and any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting.
- b) Generally, no motions are passed related to matters raised during Open Forum.
- c) The general nature of the Open Forum discussion is captured in the Minutes of the Meeting.

**29. Additional Items & Corrections to Agendas**

- a) Council and Committee of the Whole are required to consent to the introduction of additional or corrected items that have been added or amended following the publishing of a revised agenda.

- b) The Clerk provides, as required, a summary of the additional items and advises of any corrections to the Meeting of Council or Committee of the Whole.

**30. Conflict of Interest Declarations**

- a) Members are required to make conflicts of interest declarations in accordance with the requirements of the Municipal Conflict of Interest Act and/or other relevant legislation.

**31. Presentations & Recognitions**

- a) Presentations include staff or parties invited by staff or other government agency presentations to Council or Committee of the Whole on matters of interest to the Town, as well as awards, certificates, grants and other recognitions presented to/by the Town. Such presentations are received or presented by the Chair.
- b) Presentations may be up to ten (10) minutes. The consent of Council or Committee of the Whole is required to extend a presentation beyond ten (10) minutes.

**32. Deputations at Meetings of Council & Committee of the Whole**

- a) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to an item of business on the agenda.
- b) An individual who is under eighteen (18) years of age must provide to the Clerk written permission from the individual's parent or guardian.
- c) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to any matter of municipal business or community interest within sixty (60) days of submitting the prescribed form to the Clerk, available on the Town's website or at the Municipal Offices.
- d) If there is no available Council or Committee of the Whole meeting available within sixty (60) days of submitting the prescribed form to the Clerk, it will be scheduled at the earliest opportunity thereafter.
- e) The Clerk's determination of when a deputation will be scheduled under subsections 32 c) and d) of this By-law is final.
- f) Despite the rules in subsections 32 a) through e) of this By-law:
  - i) Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council, except for matters which have not been approved through the regular Committee of the Whole and Council reporting cycle or upon a vote in the affirmative of two thirds of the Members present;
  - ii) Deputations related to staff performance, ongoing labour relations, ongoing legal proceedings or solicitation of business will not be considered by Council or a Committee.

- g) Individuals who request to make a deputation may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a deputation request.
- h) Should an individual wish to have their name and the purpose of their deputation published in an agenda, they are required to complete the prescribed form and have it submitted in accordance with the agenda publishing timeframes established by the Clerk.
- i) Deputations are limited to five (5) minutes. A limit of five (5) deputations will be considered at a Meeting of Council or Committee of the Whole. The consent of Council or Committee of the Whole is required to extend a deputation beyond five (5) minutes and to consider more than five (5) deputations. There is no limit on the number of deputations at Council Public Planning Meetings.
- j) Members of Council and Committee of the Whole are permitted to ask the individual making a deputation questions only for clarification and to obtain additional relevant information.

### **33. Further Notice**

- a) Should an individual wish to be provided with further Notice related to a matter of business before Council or Committee, they are required to indicate this wish to the Clerk on the prescribed further notice request form. These forms are available on the Town's website or at the Municipal Offices.

### **34. Deputations & Public Input at Meetings of Other Committees**

- a) Other Committees may put in place practices and procedures to hear deputations and public input related to matters relevant only to their specific mandates.

### **35. Correspondence**

- a) Where correspondence has been requested to be included on a Council or Committee of the Whole agenda or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.
- b) Staff may prepare recommendations related to the matter for Council's consideration.
- c) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or Committee of the Whole.
- d) The Clerk is required to verify whether it is the intent of an individual to include their correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councillors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include their correspondence on a public agenda.

- e) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.
- f) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.
- g) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.

### 36. Council Information Package

- a) The Clerk will periodically prepare and post a package of information items on the Town's Website for the reference of Council and the public, including:
  - i) Correspondence intended for the information of Council or Committee only, unrelated to an item of Council or Committee business or which is not requested to be included as part of a Council or Committee of the Whole agenda;
  - ~~ii) Advisory Committee minutes that do not contain resolutions requiring Council endorsement or support;~~
  - ii) Resolutions from municipalities outside of York Region and requests for endorsement or action from other organizations;
  - iii) Resolutions from municipalities within York Region that do not require Council endorsement or support;
  - iv) Communications from staff that do not require a decision by Council or a Committee, including routine reporting on delegated matters, follow up on matters raised at a Meeting, status reports on Town initiatives and the like;
  - v) Approved proclamation, lighting and community flag raising requests.
- b) Subject to the Clerk's agenda publishing deadlines, any Member may request the Clerk to place an item included in the Council Information Package on the agenda that the Clerk determines is appropriate in relation to the item's subject matter.

### 37. Petitions

- a) Petitions may be submitted to the Clerk prior to the regular agenda being published, and will include a minimum of two (2) persons and their respective addresses, and a clear statement of purpose for the Petition.
  - i) Individuals who submit a petition may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a petition.
- b) The request conveyed in the Petition will be considered by Committee of the Whole for disposition. Where required due to

urgency or timing, Petitions may be considered directly by Council ~~as an item of New Business.~~

- c) For reasons of privacy, the names and addresses included with the Petition will be provided to Members of Council, but not published in an agenda of the Committee of the Whole or Council.
- d) Staff may prepare recommendations related to the matter for Council's consideration.
- e) The Town is not accountable for the accuracy or reliability of Petitions that are submitted.

### **38. Motions from Other Municipalities & Organizations Requesting Endorsement**

- a) Motions from other York Region municipalities are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other York Region municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.
- b) Staff may prepare recommendations related to the matter for Council's consideration.
- c) The Council's receipt of motions from other York Region municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.

### **39. Reports by Regional Representatives**

- a) Representatives of the Town on Regional Council provide a verbal or written report at regular Meetings of Council on matters of interest to the Town.

### ~~41. Reports by Advisory Committee Representatives~~

- ~~a) Council representatives on Advisory Committees may provide a verbal or written report at regular Meetings of Council on matters of interest to the Town.~~

### **40. Staff Reports**

- a) In accordance with established administrative protocols, reports prepared by staff are submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting of Council or Committee.
- b) Reports prepared by staff members contain information and recommendations prepared in the context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

### **41. Adoption in a Single Motion (i.e., Consent Agenda)**

- a) One or more report items on a Committee or Council Agenda may be adopted in a single Motion. At a Meeting, any Member may request that an item which is part of a Single Motion be debated and voted on separately.



## 42. Information Reports

- a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.
- b) An Information Report does not contain recommendations.
- c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.
- d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request to the Clerk. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.
- e) Confidential Information Reports are not made available to the public on the Town's website and may only be placed on a Committee of the Whole or Council agenda if the nature of the confidential information satisfies the closed meeting requirements of this By-law.

## 43. New Business

- a) ~~Any~~ Member of Council or a Committee, at any Meeting, may ~~present and~~ introduce any matter or motion of New Business during the New Business portion of the Meeting, ~~and shall have regard to the following guidelines:~~
- b) Members may have regard to the following guidelines:
  - i) Members are encouraged to raise operational matters prior to the Meeting through the CAO, Commissioner or appropriate staff member;
  - ii) Members are discouraged from raising substantive policy matters, in particular consideration of corporate policies or by-laws;
  - iii) Providing notice of a motion is encouraged; and,
  - iv) Motions without prior notice may be considered under New Business if the matter is ~~Members of Council are discouraged from presenting motions, without prior notice, under New Business, unless it is:~~
    - i. A statutory time requirement;
    - ii. An emergency; or,
    - iii. Time sensitivity.

## 44. Notice of Motion

- a) A Member of Council may ~~provides~~ verbal Notice of their intention to introduce a motion at a Meeting of Council or Committee of the Whole, which will include the general purpose of the proposed motion.

- b) Following verbal Notice, the Member of Council will provide the proposed motion to the Clerk, in writing using the prescribed form, for inclusion in a regular agenda of Committee of the Whole or Council, as indicated by the Member.
- c) The CAO or staff may be requested to comment on the motion raised in this Section, but no staff report will be prepared unless the motion is referred to staff for a further report.
- d) It is the duty of the Member of Council to:
  - i) Prepare the proposed motion in writing.
  - ii) Submit the proposed motion to the Clerk prior to the publication deadline for the regular agenda of the Committee of the Whole.
  - iii) Ensure the content of the proposed motion allows for it to be published on a public agenda.

#### **45. By-laws**

- a) All by-laws shall be given first, second and third readings in a single motion by Council.
- b) A Confirmatory By-law is enacted at each Meeting of Council.
- c) Every by-law adopted by Council is done so under the seal of the Corporation of the Town and signed by the Clerk or Deputy Clerk, and the Mayor or Acting Mayor, or in the absence of both, the alternate Acting Mayor.
- d) The following types of by-laws may be presented directly to Council, without the requirement for a staff report:
  - i) Those directed to be presented directly to Council by Committee of the Whole or Council;
  - ii) Appointment of staff authorized by the CAO;
  - iii) Consolidation of by-laws or housekeeping amendments;
  - iv) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution;
  - v) Public highway dedication by-laws;
  - vi) Minor amendments resulting from changes to provincial enabling legislation; and,
  - vii) Other administrative by-laws deemed appropriate by the CAO.

#### **46. Majority Vote**

- a) Unless this Procedure By-law states otherwise, a matter passes when a Majority of Members present vote in the affirmative.

### **Part 4 – Duties and Conduct**

#### **47. Chair of Meeting**

- a) The Chair of a Meeting of Council, Committee of the Whole or a workshop Meeting is the Mayor. In the absence of the Mayor, the Acting Mayor is Chair as provided for in Section 50 of this Procedure By-law.
- b) The Chair and any Vice Chairs of other Committees are appointed from among their Members.

#### **48. Appointment to Committees and Boards**

- a) Appointments of Members and other representatives of the Town to other Committees and boards and organizations shall be approved by vote of Council.

#### **49. Duties of the Chair**

- a) The Chair is responsible for, where applicable:
  - i) Chairing the Meeting in an objective manner in accordance with this Procedure By-law;
  - ii) Enforcing the rules of order in this Procedure By-law;
  - iii) Enforcing order and good behaviour of all Members at all times;
  - iv) Announcing the business before Council or a Committee and the order in which it is to be considered;
  - v) Receiving, stating and framing all motions presented to clarify their intent as moved;
  - vi) Ruling on whether a motion is in order;
  - vii) Protecting Council or a Committee from a motion that is obviously frivolous or tending to cause delay by refusing to acknowledge the motion;
  - viii) Providing information to Members on any matter related to the business of Council or a Committee;
  - ix) Deciding all questions of order at the Meeting, subject to an appeal by any Member to the Council or a Committee on any question of order in respect to business before the Council or a Committee;
  - x) Deciding to acknowledge, and ruling on, whether a Point of Order or Point of Personal Privilege is in order;
  - xi) If a Point of Order or Point of Personal Privilege is in order, ruling on the Point of Order or Point of Personal Privilege and giving the facts, circumstances and reasons for the ruling as set out in this Procedure By-law;
  - xii) If there is an appeal to the ruling of the Chair, announcing the results of the vote;
  - xiii) If necessary, recessing a Meeting for a brief, specified time to consult the Clerk, the CAO or other staff person;

- xiv) If there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder, recessing the Meeting for a specified time;
- xv) Ensuring that all Members who wish to speak on a motion have spoken;
- xvi) Ensuring clarity, where required, by reading, or requesting the Clerk, Recording Secretary or other appropriate person to read motions before voting;
- xvii) Putting all motions to a vote and announcing results;
- xviii) Voting on all matters unless the Municipal Conflict of Interest Act prohibits it;
- xix) Declining to put to a vote any motion which contravenes this Procedure By-law;
- xx) Calling Members to order;
- xxi) Ordering a Member, or any other person from the Meeting, in accordance with this Procedure By-law;
- xxii) Adjourning the Meeting when the business of the Meeting has concluded;
- xxiii) Authenticating, when necessary, by their signature, all by-laws, resolutions, and minutes; and,
- xxiv) Recessing the meeting after two (2) hours has passed since the last recess, unless there is unanimous consent to continue without such.

## **50. Acting Mayor**

- a) When the Mayor is absent through illness or absent from the Municipality, the Deputy Mayor & Regional Councillor serves as Acting Mayor.
- b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.
- c) In the event that both the Mayor and Deputy Mayor & Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:
  - i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on their availability.
  - ii) The Clerk will prepare a calendar outlining the monthly assignment of alternate Acting Mayors in accordance for the term of Council for distribution to Council Members, CAO, and Commissioners.
  - iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.

- iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.
- v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor.
- vi) The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.

## **51. Members**

- a) Members are responsible for, where applicable:
  - i) Attending scheduled Meetings;
  - ii) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
  - iii) Voting on motions put to a vote;
  - iv) Respecting the rules of order in this Procedure By-law;
  - v) Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege, as set out in this Procedure By-law;
  - vi) Remaining silent in their seats while Council or a Committee votes and until the Chair announces the result of the vote;
  - vii) Refraining from using any offensive, disrespectful or unparliamentary language about any Member, municipal employee, Meeting attendees and Council or a Committee as a whole;
  - viii) Respecting and following the decisions of Council or a Committee;
  - ix) Respecting the confidentiality of matters discussed in closed session Meetings and not disclosing the subject or substance of these discussions unless authorized to do so;
  - x) Complying with the Chair's rulings and Council's decisions; and
  - xi) Complying with the Council Code of Conduct.
- b) If a Member disobeys a rule in this Procedure By-law or a Chair's ruling:
  - i) After the first occurrence, the Chair calls the Member to order.
  - ii) After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair will immediately order the Member to leave his/her seat and observe the Meeting from the audience for the remainder of the Meeting.

- iii) Any Member other than the Offending Member may appeal the Chair's ruling in ii), and Council or a Committee may overturn or uphold the Chair's ruling. Should the Chair's ruling be overturned, the Offending Member may return to his/her seat.
- iv) If the Offending Member informs the CAO or a Commissioner that they wish to apologize, the Clerk will inform the Chair of the Member's request.
- v) At the next available opportunity in the Meeting, the Chair will allow the Offending Member to return to their seat to apologize to Council or a Committee. The apology will not include additional comments or debate by the Offending Member or by Council or a Committee.
- vi) After an apology is made by the Offending Member, Council or a Committee may consent to allow the Offending Member to return to the Meeting.
- vii) Should at any point the Offending Member create a disturbance while seated in the audience in ii), the Chair will order the Offending Member to leave the Council chamber or meeting room.
- viii) Council cannot appeal and the Offending Member cannot seek an apology from Council for the Chair's ruling in vii).
- ix) If the Offending Member refuses to leave his/her seat or leave the Council chamber or meeting room in vii), the Chair may request the CAO to contact security or Police for assistance.

## **52. Attendees**

- a) The Chair may expel or exclude any person who disrupts a Meeting, and request security and/or Police assistance in doing so.
- b) No persons, other than Council Members and Town staff, are permitted to approach the area where Council and staff are seated.
- c) Attendees will submit all materials for Council through the Clerk.
- d) Attendees are responsible for:
  - i) Maintaining order and not heckling, or engaging in conversations, displaying placards or props or any behaviour that may be considered disruptive;
  - ii) Speaking respectfully at all times;
  - iii) Ensuring all personal digital devices are turned off or set to a silent mode during a Meeting;
  - iv) Using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or

ceasing to use recording, broadcasting or streaming devices.

**53. Right of Public Input & Notice**

- a) The public has the right to have input and receive Notice on Council's decision-making process. The methods for doing so include: writing to Council through the Clerk; submitting a petition; speaking at an Open Forum; or speaking as a deputation at a Council, Committee of the Whole or other Committee. The public will receive Notice in accordance with the requirements of legislation and this Procedure By-law.

**54. Rules of Debate**

- a) The Chair maintains a list of Members who have requested to speak or ask questions. The Chair designates Members to speak or ask questions in the order in which they appear on the list.
- b) A Member may speak a total of three (3) times on the same matter for up to five (5) minutes each time. This allotment of time is exclusive of the time required to clarify statements made by the Member and staff responses to questions raised.
- c) The mover and seconder of a motion have the opportunity to speak first to a motion.
- d) When a Member is speaking, no interruptions are permitted except to raise a Point of Order or a Point of Personal Privilege as set out in this Procedure By-law. Clarification on matters is made through the Chair.
- e) Members' comments are relevant to the matter of business before Council or a Committee. Members should avoid comments intended to be statements or assertions.
- f) Members express themselves succinctly without repetition.
- g) Questions may be asked only of:
  - i) The Chair;
  - ii) Staff;
  - iii) A previous speaker; and,
  - iv) A deputation.

**55. Point of Order**

- a) A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:
  - i) A deviation or departure from this Procedure By-law; or
  - ii) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.

- b) Upon hearing such Point of Order, the Chair decides and states their ruling on the matter.
- c) Upon hearing the Point of Order ruling, a Member only addresses the Chair for the purpose of appealing the Chair's decision to the Council or a Committee.
- d) If no Member appeals, the decision of the Chair is final.
- e) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state their case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of the majority of the Members of the Council or a Committee who are present is final.

## **56. Point of Personal Privilege**

- a) A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights, or integrity of their own person, the Council, a Committee or anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- b) Upon hearing such Point of Personal Privilege, the Chair decides and states their ruling on the matter.
- c) Where the Chair rules that a breach of Privilege has taken place, they demand that the offending Member or individual apologize and, failing such apology, requires said Member or individual to vacate the Meeting room for the duration of the Meeting.
- d) With the exception of providing an apology, the Member addresses the Chair for the purpose of appealing the Chair's ruling of a breach of Privilege to the Council or a Committee.
- e) If no Member appeals, the decision of the Chair is final.
- f) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state their case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of a majority of the Members who are present at the Meeting of Council or Committee is final.

## **Part 5 – Motions**

### **57. Motions – Impact on Corporate Resources**

- a) The CAO will advise on the appropriate means of disposition for matters that make an impact on administration.
- b) Council is not required to pass a motion that makes an impact on corporate resources where a matter:
  - i) Has already been approved by Council;
  - ii) Is considered by the CAO to be minor in nature; and/or,



- iii) Falls within existing service levels.

## **58. Motions in General**

- a) Every motion in any Meeting of Council or Committee requires a mover and a seconder, subject to the following:
  - i) Committees with 3 or fewer Members only require a motion to be moved.
- b) When duly moved and seconded, every motion, other than a motion to adjourn, recess, table or suspend the rules of this Procedure By-law, is open for discussion.
- c) No debate is permitted on any motion or amending motion until it has been properly seconded.
- d) A motion or amending motion may not be withdrawn without the consent of the mover and seconder.
- e) The Chair of a Meeting of Council or a Committee will not move or second a motion.
- f) All Members of Council or a Committee will vote on all motions except in the instance where the Member refrains from voting on an issue due to the conflict of interest declaration in the matter by the Member. If any Member does not vote, they will be deemed as voting in the negative (except where prohibited from voting by statute).
- g) Where a motion to adjourn, recess, table or suspend the rules of this Procedure By-law has been made, until such motion has been decided upon, there will be no discussion by a Member of Council or a Committee on the matter proposed to be adjourned recessed, tabled or suspended.
- h) When a motion is under debate, no other motion may be considered except for the following motions, to be considered in the listed order of priority:
  - i) To recess;
  - ii) To adjourn;
  - iii) To defer (i.e., postpone) the motion under consideration to a definite date;
  - iv) To defer (i.e., postpone) the motion under consideration indefinitely;
  - v) To table a motion;
  - vi) To refer the motion under consideration to a sub-committee for a report; and,
  - vii) To amend the motion under consideration.

## **59. Motion to Recess**

- a) A motion to recess when other business is before the Meeting :

- i) Specifies the length of time of the recess; and,
- ii) Is not to be debatable and is only to be amendable with respect to the length of the recess.

**60. Motion to Adjourn**

- a) A motion to adjourn means to end a Meeting, and:
  - i) Is not to be amendable; and,
  - ii) Is not to be debatable.

**61. Motion to Defer (i.e., postpone)**

- a) A motion to defer to a certain time or date:
  - i) Is open to debate as to advisability of postponement; and
  - ii) May be amended as to the time or date to which the matter is to be deferred.

**62. Motion to Table**

- a) A motion to table means to postpone a matter without setting a definite date for future discussion of a matter. A tabled motion that has not been decided on by Council during the term of Council in which the motion was introduced is deemed to have been withdrawn:
  - i) Is not to be amended or debated; and
  - ii) Applies to the motion and any amendments thereto under debate at the time when the motion to table was made.
- b) A tabled motion is deemed to have been withdrawn if it has not been decided by the Council or a Committee either in the affirmative or the negative during the term of the Council or a Committee in which the motion was introduced.

**63. Motion to Refer**

- a) A motion to refer a matter under consideration to a Committee or to staff means to direct a matter under discussion by Council or a Committee to staff or another Committee for further examination or review:
  - i) Is to be open to debate and may be amended;
  - ii) Includes the terms on which the motion is being referred and the time at which the matter is to be returned; and
  - iii) Includes the reasons for the referral.

**64. Motion to Amend**

- a) A motion to amend means to alter a motion in a germane manner:
  - i) Is to be open to debate; and,

- ii) Is to be relevant to the main motion.
- b) If it is not considered a “Friendly Amendment,” then the motion to amend:
  - i) If more than one, will be put to a vote in the reverse order to that in which they were moved;
  - ii) Will be decided upon or withdrawn before the main motion is put to the vote;
  - iii) Will not be amended more than once, provided that further amendments may be made to the main motion; and,
  - iv) Will not be directly contrary to the main motion.

**65. Motion “To Put the Question to a Vote” or “To call the Vote or Question”**

- a) Any Member may request the Chair “To put the question to a vote” or “To call the vote or question” by presenting a motion that the question “now be put to a vote” means to stop debate and immediately proceed to vote on the motion. A motion to put the question to a vote must:
  - i) Be seconded;
  - ii) Is not open to debate;
  - iii) If supported by a majority of the Members present, the original question is immediately put to a vote without debate.

**66. Withdrawal of Motion**

- a) A request to withdraw a motion:
  - i) May only be made by the mover of the motion;
  - ii) Requires consent of the seconder of the motion; and,
  - iii) Is in order any time during the debate.

**67. Reconsideration of a Matter**

- a) Committee of the Whole (or by Council, if the matter is considered by Council directly) cannot reconsider a matter until 90 days have passed from the date of the matter’s original disposition by Council, except upon a vote in the affirmative of Two Thirds of the Members present.
- b) Other Committees cannot reconsider a matter until 90 days have passed from the date of the matter’s original disposition except upon a vote in the affirmative of Two Thirds of the Members present.
- c) In a) and b), “considered” means matters for which the Members at the Meeting have decided upon, and does not include the receipt of information where no action has been sought or taken.

**68. Motion Containing Two or More Matters**

- a) When the motion under consideration concerns two or more matters, the Chair, upon the request of any Member, will direct that the vote upon each matter be taken separately. Such request may also be made by the Chair.

**69. Voting**

- a) After a motion is finally put to a vote by the Chair, no Member speaks to it nor will any other motion be made until after the vote is taken and the result has been declared.
- b) All Members of Council or a Committee will vote on all motions. Failure by any Member to announce their vote openly and individually, including an “abstention,” is deemed to be a vote in the negative.
- c) Each Member present and voting announces or indicates his/her vote upon the motion openly and individually, and no vote is taken by ballot, or any other method of secret voting.

**70. Tie Vote**

- a) Any motion on which there is a tie vote is deemed to be lost.

**71. Recorded Vote**

- a) A recorded vote is only permitted at Council Meetings and only when a Member requests a recorded vote at Council. All Members present at the Meeting shall vote unless they have declared a conflict of interest with respect to that item. The Clerk records each Member’s vote in the minutes.
- b) A Member of Council’s failure to participate in a recorded vote when they have not declared a conflict of interest is deemed to be a negative vote.
- c) A recorded vote at Council Meetings will be taken as set out as follows:
  - i) Each Member indicates their vote by using the electronic voting equipment device in addition to raising their hand when called on by the Chair to vote in favour or in opposition to the matter.
  - ii) Should the electronic voting equipment be unavailable, as described in clause i), each Member announces their vote openly, and the Clerk records their vote in the minutes. Votes are called in an order based upon the seating of the Members, moving clockwise around the Council Chambers, beginning with the mover of the motion. Notwithstanding this order, the vote in every case ends with the Mayor; or,
- d) Notwithstanding recorded votes, a record or notation of a Member’s opposition to an issue is not recorded in any Meeting minutes.

- e) Recorded votes will not be permitted in a Meeting that is closed to the public or at Council Public Planning Meetings.

That By-laws Number 2015-50, 2016-43 and 2017-75 be hereby repealed;  
and,

That this By-law come into force on March 3, 2020.

Read a first, second and third time, and enacted on March 2, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

# Motion

**Subject:** Enter the subject or general matter of this motion.

**Member of Council:** Select who is moving the motion.

**Meeting:** Select what meeting the motion will be considered at. Motions are typically considered at Committee, unless it is urgent due to time sensitivity.

**Notice Provided on:** Enter meeting date.

**For Consideration at:** Enter meeting date.

In accordance with the Procedure By-law, following verbal Notice [of their intention to introduce a motion], the Member of Council will provide the proposed motion to the Clerk **in writing** for inclusion in a regular agenda of Committee of the Whole.

## Background

[Insert background information or “whereas” clauses here, if applicable]

## Motion

Now therefore be it resolved:

1. That...; and,
2. That...; and,
3. That....







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

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

## **Zoning By-law Amendment Application 665-695 Stonehaven Avenue Staff Report**

Report Number: 2020-10

Department(s): Planning and Building Services

Author(s): Ted Horton, Senior Planner

Meeting Date: February 24, 2020

### **Recommendations**

1. That the report entitled Zoning By-law Amendment Application – 665-695 Stonehaven Avenue, dated February 24, 2020 be received;
2. That the application for Zoning By-law amendment for lands municipally known as 665-695 Stonehaven Avenue be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1;
3. That Lucila Sandoval of Groundswell Urban Planners, 95 Mural Street, Suite 402, Richmond Hill, L4B 3G2 be notified of this action; and
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

The Town has received an application to amend Zoning By-law 2010-40 to add additional permitted uses for the lands known municipally as 665-695 Stonehaven Avenue (the “subject lands”). The application proposes to add day nurseries (daycares) and commercial schools as permitted uses, as they are current prohibited by the zoning by-law. This report recommends that the application be approved and provides the amending zoning by-law to this effect.

### **Purpose**

This recommends approval of the zoning by-law amendment for 665-695 Stonehaven Avenue to amend the existing zoning of Retail Commercial 2 Zone Exception 108 (CR-

2-108) to add day nurseries and commercial schools as permitted uses under the zoning by-law. The report recommends that the application be approved.

## **Background**

### **History**

The subject lands were considered under previous Planning Act applications. In 2009 the Town received zoning by-law amendment application NP-A-09-01, which sought approval for the development of a retirement community consisting of 152 units throughout one 5-storey building and 36 bungalow units. The application was deemed complete and circulated for public consultation. Through the process of consultation, concerns were raised regarding the compatibility of residential and institutional uses in close proximity to the existing industrial uses to the north. In particular, concerns were raised that these sensitive uses could be negatively impacted by noise and vibration from the industrial uses and that allowing these sensitive uses in proximity to the industrial plants would limit the ability of the industrial uses to continue, change, or expand their operations.

In 2011 the Town received Official Plan Amendment application D9-NP11-07 and Zoning By-law Amendment application D14-NP11-07, which sought to amend the Official Plan for the subject lands to a commercial designation and the zoning by-law to allow a retail commercial plaza. Through the process of consultation some residents from the surrounding areas raised concerns of noise and traffic, while others commented positively on the increased availability of retail options in walking distance of their homes. Similarly to the previous applications, representatives of the owners of the industrial properties to the north raised concerns of the potential that sensitive noise receptors such as daycares, schools, and hotels would be located on the site. These representatives raised similar concerns of compatibility of allowing sensitive land uses in proximity to existing industrial facilities. Council approved amending zoning by-law 2012-23, which applied a retail commercial zoning to the site but specifically prohibited commercial schools, day nurseries, hotels, institutional day cares, and places of worship.

In 2012 the Town received an application for site plan approval D11-NP12-03, which sought approval for the layout of the site in a manner that conformed to the zoning by-law. After a technical review, site plan approval was granted, and the property has now been built out with all approved buildings.

### **Location and surrounding uses**

The proposed zoning by-law amendment submitted by Groundswell Urban Planners Inc. on behalf of the owner, Garden Commercial (Newmarket) Inc., concerns a 2.49 hectare property located on the northeast corner of Bayview Avenue and Stonehaven Avenue. The subject lands are irregularly-shaped, with a taper to the east as Stonehaven Avenue curves northward. The site has been developed as a retail

commercial plaza with four buildings. The buildings are currently occupied by a retail pharmacy on the northwest corner, a Tim Horton's with a drive through on the south of the site, and the large building on the east of the site that is occupied by a grocery store.

The subject lands are legally described as Part of Lot 28, Concession 2, Part of Parts 1 & 2, Plan 65R-15778. The subject property is designated 'Commercial' by the Town of Newmarket Official Plan and zoned Retail Commercial 2 Zone Exception 108 (CR-2-108) by Zoning By-law 2010-40, as amended by By-law 2012-23.

Surrounding land uses include:

- North: Large industrial buildings on Newpark Boulevard
- East: The German Canadian Housing of Newmarket Inc. residential development
- South: York Region Police Association open space and recreational lands
- West: Single detached residential neighbourhood

## Proposal

The applicant is proposing to amend the zoning by-law for the subject lands to add day nursery (daycare) and commercial school as permitted uses on the subject lands to reverse the prohibition on them that was imposed by the 2012 zoning by-law amendment. The property has previously received site plan approval for the development of the lands, and has been built out with all buildings as approved.

The applicant is proposing certain restrictions on where these uses can be located on the lands in order to comply with the land use compatibility guidelines from the Ministry of the Environment, Conservation, and Parks (MOECP). Based on this guidance, the findings of the supporting studies suggest that the day nursery use be limited to the currently-vacant building on the southwest corner of the subject lands.

## Discussion

Decisions on planning matters are required to conform to or be consistent with the policies of superior planning instruments. In the case of an application for a zoning by-law amendment such as this, the decision is required to conform to or be consistent with the Provincial Policy Statement (2014), provincial plans including the Growth Plan for the Greater Golden Horseshoe 2019 (the "Growth Plan"), the York Region Official Plan (YROP), and the Town of Newmarket Official Plan.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with the PPS.

Policy 1.1.1 (b) requires that an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreation, park and open space uses be accommodated to meet long-term needs.

The proposed application would allow for a daycare, which is a high-demand use that serves the surrounding residential neighbourhoods, to be located in close proximity to these homes.

Policy 1.1.1 (c) seeks to avoid development and land use patterns which may cause environmental or public health and safety concerns.

Policy 1.2.6.1 states that *Major facilities* and *sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.

Major facilities are defined to include industries. Sensitive land uses are defined to include day care centres. The PPS clearly indicates a need to ensure that the potential effects of industrial uses on day cares are addressed through buffering and separation, and that care be taken in permitting day cares that they not limit the long-term viability of industrial uses through their presence.

The Growth Plan for the Greater Golden Horseshoe 2019 provides a framework for managing growth in the Greater Golden Horseshoe including: direction on how and where to grow, the provision of infrastructure to support growth, ensuring an appropriate mix of land uses, and protecting valuable heritage systems. All decisions in respect of a planning matter must conform to the Plan. The Growth Plan includes policies that are relevant to this application, including several that are cited below.

Policy 2.2.1.4 of the Growth Plan regarding where and how to grow states that the policies of the Plan will achieve complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;(...)
- e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces.

Policy 2.2.5 states that municipalities will plan for all employment areas within settlement areas by:

- a) prohibiting residential uses and prohibiting or limiting other *sensitive land uses* that are not ancillary to the primary employment use; (...)
- c) providing an appropriate interface between *employment areas* and adjacent non-employment areas to maintain land use compatibility.

The same policy goes on to state that:

The development of *sensitive land uses, major retail uses or major office uses* will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.

The applicant has submitted studies related to noise & vibration, air quality, and environmental site assessments. These were provided to the appropriate Town staff and consulting professionals for peer review. The Town's consulting engineer peer reviewers concluded that the findings of the applicant are valid, and they concur with the findings of the applicant's consultants.

With the incorporation of mitigation measures such as ensuring the buildings have central heating and cooling and adequate architectural noise controls, the noise impacts will be below the thresholds provided by the MOECP, thereby addressing potential noise compatibility concerns. Through the site plan review process, staff will confirm these are implemented along with improvements to the exterior layout of the site.

### **York Region Official Plan**

The subject lands is designated as "Urban Area" as shown on Map 1 of the York Region Official Plan (YROP), which permits a broad range of residential, institutional, commercial, and industrial uses. The YROP provides objectives to develop commercial sites in a compact form that is pedestrian-oriented and transit-supportive. The YROP supports a mix of uses that allows residents to meet their daily needs in close proximity to their homes.

Planning Staff have circulated the application to the Regional Municipality of York. Comments from the Region are generally as follows:

- The Region has no comments on the application.
- The subject lands are within a Wellhead Protection Area and as such are subject to the applicable policies of the YROP.
- The Region will require a Source Water Protection Impact and Assessment Mitigation Plan or a letter by a qualified professional attesting that none of the proscribed high-risk activities will be occurring on the site.

### **Town of Newmarket Official Plan**

The subject lands are designated 'Commercial' on Schedule A – Land Use in the Town of Newmarket Official Plan. The goals and strategic directions of the Official Plan include supporting employment and economic well-being by achieving opportunities for employment growth.

The Commercial designation of the Official Plan provides for a range of retail and service commercial uses including service commercial uses. The proposed use is conformity with those permitted by this designation. The Official Plan directs the

comprehensive development of lands including internal circulation systems, coordinated access points, and compatible urban design features.

Within the policies of the Official Plan related to employment land uses, the Official Plan indicates that the Town will implement controls such as buffering and separation distances for sensitive land uses to ensure that conflicts between uses are minimized with the priority being given to office and industrial uses.

The applicant has submitted studies related to noise & vibration, air quality, and environmental site assessments, as are discussed above. The conclusions of these studies were peer reviewed and find that the land uses are compatible, and provide recommendations on mitigation measures to assist in limiting any adverse impacts.

### **Town of Newmarket Zoning By-law 2010-40**

The subject lands are currently zoned Retail Commercial 2 Zone Exception 108 (CR-2-108) and the applicant has proposed to amend the by-law to remove the site-specific prohibition on day nurseries and commercial schools.

The Official Plan requires that in considering an amendment to the Zoning By-Law, Council shall be satisfied that:

- a.** the proposed change is in conformity with this Plan;

The inclusion of day nursery and commercial school uses is common within commercially-designated areas. These uses were prohibited on this site due to concerns of compatibility, as is discussed above. The review of the applicant's materials has demonstrated that, with the incorporation of several noise mitigation measures, that the site is expected to be within acceptable noise compatibility limits and that no health impacts are anticipated from the adjacent employment uses.

- b.** the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

As discussed above, the compatibility of the uses is dependent in part on the submitted studies related to noise, vibration, and air quality. Staff are satisfied by the submitted studies that this compatibility can be achieved. The Environmental Protection Act requires that a Record of Site Condition be required to be filed with the Ministry of the Environment, Conservation, and Parks (MOECP) before a building permit can be issued for the daycare.

- c.** potential nuisance effects upon adjacent uses are mitigated;

As discussed above, the compatibility of the uses is dependent in part on the submitted studies related to noise, vibration, and air quality. The potential nuisance effects of noise, vibration, and air quality on the daycare have been reviewed. Similarly, staff are

conscious of the importance of not limiting the viability of the industrial uses through the introduction of nearby sensitive land uses. Opportunity was provided for the owners of the employment lands to the north to indicate concerns with the establishment of a sensitive land use on this site and no such comments were provided.

**d.** adequate municipal services are available;

Servicing for the site has been reviewed as part of the original site plan approval application. Engineering Services has recommended that this be confirmed as part of the minor site plan amendment that is required, and the recommendations of this report would secure this obligation.

**e.** the size of the lot is appropriate for the proposed use;

The size of the lot is adequate for the proposed uses.

**f.** the site has adequate road access and the boundary roads can accommodate the traffic generated;

The site has driveway access directly onto Bayview Avenue, which is under the jurisdiction of the Regional Municipality of York. The Region has expressed no concern with the traffic that may be generated by this site. The existing commercial site permits a range of uses by right that can be expected to generate similar amounts of traffic.

**g.** the on-site parking, loading and circulation facilities are adequate;

The applicant has provided reports and studies in support of this application including a site plan, concept landscape plan, arborist report, and initial reports on servicing, grading, and stormwater management. A further study of daycare parking demand was undertaken at staff's request to confirm the anticipated parking demand for the daycare can be accommodated on the site, which has demonstrated to staff's satisfaction that this is the case.

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

Notice was provided in accordance with the *Planning Act* and a statutory public meeting was held on November 25, 2019.

### **Adjacent uses**

As is discussed above, the subject lands have residential uses to the west and east, open space to the south, and industrial lands to the north. These industrial uses are continuing, lawful uses that comply with the Town's zoning by-law and Official Plan.

The Regional Municipality of York is currently undergoing a Municipal Comprehensive Review (MCR). This review includes the consideration of requests for the conversion of



employment lands to other purposes. Through item 5.9 of the June 17<sup>th</sup>, 2019 Committee of the Whole, Council adopted staff recommendations to support a request from the agent of the owners of 520, 521, 550, and 630 Newpark Boulevard that their lands be permitted to be converted from employment lands to a mix of residential, office, retail, and open space uses. The recommendation was made, in part, based on a recognition that the surrounding lands are becoming more residential in nature. The Region has not concluded its MCR or rendered a final decision on the employment conversion request.

### **Site Plan Application**

The site was granted site plan approval in 2012. The initial approval contemplated a bank with a drive through for the corner building that is now proposed for the day care.

If Council grants the proposed zoning by-law amendment, the applicant will be required to undertake a minor amendment to the site plan. Through this process, staff will ensure that issues identified through the review of this application are addressed such as ensuring pedestrian safety and providing proper landscape buffering for daycare outdoor play areas.

### **Conclusion**

The application acceptably meets the policies of the Official Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

Staff recommend the approval of the application, subject to the by-law attached as Attachment 1. Final detailed review of the outstanding matters can take place during the minor amendment to the site plan agreement in order to ensure that the Record of Site Condition is filed and the minor changes to the layout of the site are reviewed.

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

Economic Leadership and Job Creation

Supporting the evolving composition of Newmarket through careful consideration of planning applications helps to manage the changing patterns of development and density in a manner that maximizes economic opportunity and liveability

### **Consultation**

#### **Community Consultation**

Notice was provided to surrounding property owners and signs placed on the property in accordance with the Planning Act. A statutory public meeting was held on November 25, 2019. No residents spoke to the application at the meeting.



A limited number of comments were received by staff in writing from residents related to the application. These were focused principally on ensuring the safe separation of the play area from traffic, and concerns that the traffic flow of the site be optimized for the new use. These comments were considered by staff and have influenced this recommended approval, the elements of the attached approval by-law, and the minor changes that will be required to the site, implemented through a subsequent minor amendment to the site plan.

### **Agency Circulation**

Notice was provided to development review partners and public bodies per the Town's usual practice. These comments have been considered by Planning staff and form the basis of this recommended approval, the elements of the attached approval by-law, and the minor changes that will be required to the site, implemented through a subsequent minor amendment to the site plan.

### **Human Resource Considerations**

Not applicable to this report.

### **Budget Impact**

Required application fees were received with the submission of this application.

### **Attachments**

Attachment 1: Amending Zoning By-law

### **Approval**

Ted Horton, Senior Planner

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

### **Contact**

Ted Horton

[thorton@newmarket.ca](mailto:thorton@newmarket.ca)

# Corporation of the Town of Newmarket

## By-law 2020-XX

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 665-695 Stonehaven Avenue, Newmarket.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Council of the Town of Newmarket has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

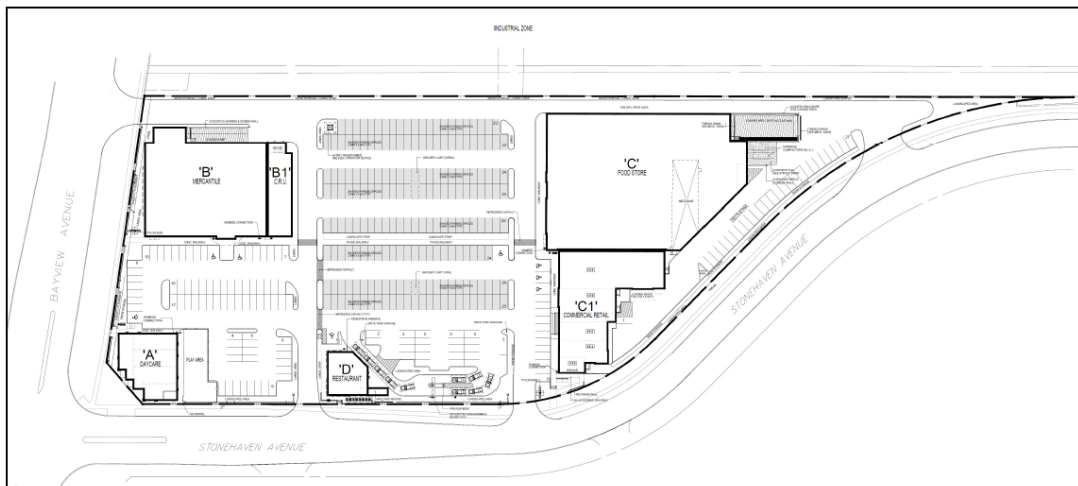
Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas it is deemed advisable to amend By-law Number 2010-40;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
2. THAT By-law 2010-40 as amended is hereby further amended by:
  - a. Exception 108 be amended as follows:

Exception	Zoning	Map	By-Law Reference	File Reference
108	CR-2-108	19	2012-23 2020-XX	D14-NP-11-07 D14-NP-19-12
<p>i) Location: northeast corner of Bayview Avenue and Stonehaven Avenue</p> <p>ii) Legal Description: Pt Lot 28, Concession 2, Pt of Pts 1 &amp; 2, Plan 65R15778, Town of Newmarket</p> <p>iii) Uses: Notwithstanding the permitted <i>uses</i> for the CR-2-108 Zone, the following <i>uses</i> shall not be permitted: <i>hotel; institutional day centre; motor vehicle service or motor vehicle repair shop; place of worship.</i></p> <p><i>A dry cleaning depot and dry cleaning establishment</i> may be permitted subject to the completion of a Risk Assessment and Risk Management Plan in accordance with the <i>Ontario Clean Water Act, 2006</i> as amended from time to time.</p> <p><i>A day nursery</i> shall only be permitted within the structure indicated as 'A' on the plan below.</p> <p>A commercial school shall only be permitted within the portion of the structure indicated as 'C1' on the plan below.</p>				



iv) Development standards

- a) *Front yard building setback* (Stonehaven Avenue) 0.23m minimum
- b) *Exterior side yard building setback* (Bayview Avenue) 2.28m minimum
- c) *Rear yard building setback* (north lot line) 6.00m minimum
- d) A *landscape buffer* having a minimum width of 2.28 metres shall be provided along Bayview Avenue and a *landscape buffer* having a minimum width of 1.50 metres shall be provided along the northerly property line.
- e) Required parking shall be calculated at the rate of 4.25 spaces per 90m<sup>2</sup> of *gross floor area*.
- f) A *parking lot* shall be located a distance of 2.28m from Bayview Avenue.
- g) A total of 4 entrance and exit ramps shall be permitted.
- h) The most easterly entrance/exit ramp along Stonehaven Avenue shall have a maximum width of 13.01m.
- i) The access to *loading spaces* along the northerly property boundary shall have a minimum width of 4.5m.

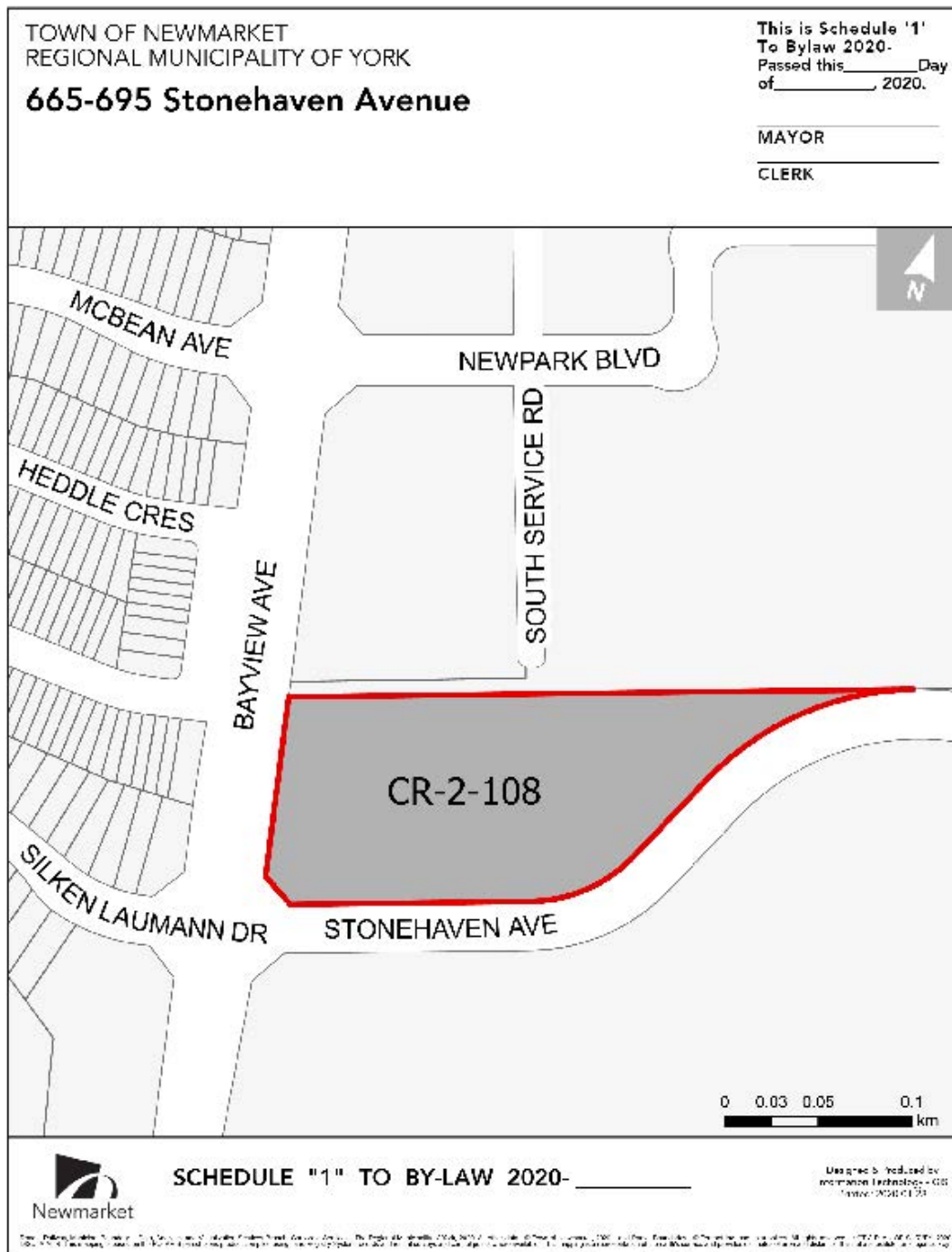
1. List of Holding Provisions

The following holding provisions apply to the properties specified:

By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2020-XX	665-695 Stonehaven Avenue	No person within the lands zoned (H)UC-R-144 shall use any land, buildings or structures for a day nursery unless an amendment to this By-law or removal of the '(H)' prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.	That a Record of Site Condition (RSC) has been filed for the site.  That the Director of Engineering Services has confirmed that the servicing design

			<p>is sufficient for the proposed use.</p> <p>That the owner has entered into an amending site plan agreement with the Town for the required changes to the site.</p>
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## Schedule 1







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

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

## **Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 Staff Report to Council**

Report Number: 2020-14

Department(s): Planning and Building Services

Author(s): Alannah Slattery

Meeting Date: February 24, 2020

### **Recommendations**

1. That the report entitled Official Plan and Zoning By-Law Amendment Glenway Blocks 164 & 165 dated February 24, 2020 be received;
2. That the application for Official Plan & Zoning By-Law amendment, as submitted by Marianneville Developments Limited for Blocks 164 and 165 of the Estates of Glenway Community subdivision, be approved, and that staff be directed to prepare the necessary Official Plan and Zoning By-law amendments, including the necessary Holding provisions;
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
4. That Kerigan Kelly, of Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill, ON, L4B 3G2, be notified of this action.

### **Executive Summary**

Staff have reviewed the application to amend Official Plan 2006 and Zoning By-law 2010-40 to permit the development of stacked townhouses and live-work units on the subject lands known as Block 164 and 165 of Plan of Subdivision 65M-4587, Estates of Glenway Community.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy framework as it relates to providing desirable residential dwellings, prioritizing intensification to make efficient use of land and infrastructure and

Official Plan and Zoning By-Law Amendment  
Glenway Blocks 164 & 165

support transit viability, supporting a range and mix of housing options to serve all sizes, incomes, and ages of households, and creating complete communities.

This report provides the context of the site, details of the proposal and how it has changed from its initial submission, a discussion of the relevant planning policies and how the application addresses them, an outline of feedback received, and next steps in the development process.

If Committee adopts the recommendations of this report, the Official Plan and Zoning By-law amendments will be presented to Council for adoption at a future date.

## Purpose

This report serves to provide recommendations to Committee of the Whole on the applications for Official Plan and Zoning By-law amendment for Block 164 and 165 of Plan of Subdivision 65M-4587.

This report discusses the application as it has been revised based on comments from staff from the Town and its development review partners, along with feedback provided by members of Council and the public. The recommendations of the report, if adopted, would result in amendments to the Official Plan and Zoning By-law to permit the proposed development, and apply necessary holding provisions to secure servicing requirements and to ensure the applicant enter into a Site Plan Agreement with the Town.

## Background

### Subject Lands

The subject lands are located within the most northeasterly portion of the Estates of Glenway Community subdivision, as approved by the Ontario Municipal Board in 2014. Blocks 164 and 165, as outlined on Plan of Subdivision 65M-4587, are located south of Davis Drive, east of Mitchell Place and west of the Bus Terminal. The subject lands are currently vacant and devoid of significant natural features or vegetation. The lands have a land area of approximately 2.71 ha (6.7 acres).





The surrounding land uses are as follows:

**North:** Future residential development lands (Sundial Homes)

**East:** Bus Station

**South:** Stable residential lands, single-detached dwellings

**West:** Emerging residential lands, townhomes

The subject lands were subject to Official Plan Amendment 16 (OPA 16) in 2014, which designated the lands to permit 4 to 6 storey apartment buildings and mixed use “live-work” units. Accordingly, the subject lands are currently zoned Residential with Exception (H)(R5-T-125) and retail Commercial with Exception (H)(CR-2-126), to permit apartment dwellings 4 to 6 storeys in height, an elementary school and residential uses in the form of live work units.

## Proposal

The applicant is proposing to amend the Official Plan to expand the permitted uses on the subject property to include stacked townhouse units as a permitted use. The applicant is further seeking to amend Zoning By-law 2010-40 to permit twelve townhouse buildings for residential and commercial uses, consisting of 304 dwelling units, 12 of which are proposed as live-work units.

### Live-work Units

The proposed live-work units will be located on the ground floor of Buildings 1 and 2, which are situated in the northwest corner of the subject lands, closest to the intersection of Mitchell Place and Davis Drive West.

The general built form for each live-work building is similar in design; each building features a garage with both an internal access through the garage and exterior access to the dwelling unit.

The commercial units will be located facing Mitchell Place and Davis Drive, each having up to 60 square metres of commercial space, and pedestrian access from the abutting streets.

Parking for the live-work units will be provided in a lot at ground-level.



Image: Live-work units, commercial side facing Davis Drive



Image: Live-work units, residential side

## Residential Units

Buildings 3-12 are proposed to be developed as back-to-back stacked townhouses, each consisting of 20 to 36 units, resulting in a total of 292 dwelling units. The stacked townhouses are proposed to have four habitable levels, with the lower level being partially below grade, resulting in a height of 3.5 storeys. The stacked townhouse buildings will consist of one, two and three bedroom units.

The stacked townhouse dwellings are similar in design to the proposed-live-work units, however the stacked townhouses buildings do not include an attached garage.

Parking for the residential units will be provided in an underground parking garage, with visitor parking spaces located both at ground-level and underground.



Image: Back-to-back stacked townhouses

## Open Space

The proposed development includes a strip of open space along the southerly portion of the subject lands, which is consistent with the previously approved development concept. The open space strip is approximately 30 metres in width and is proposed to act as a buffer space between the proposed stacked townhouses and the existing single-detached dwellings to the south of the subject lands. This open space area will act as a private park area for residents and is proposed to contain a walking path and outdoor seating.

The applicants are also proposing amenity spaces in the centre of the development and in the northwest corner of the subject lands, abutting Davis Drive and Mitchell Place.

## **Parking and Transportation**

The majority of parking for the stacked townhouse units is proposed to be located underground, with the access point located centrally. Visitor parking for residential units will be located both at grade and underground. Parking for the commercial units and visitor parking will be provided in lots at grade level.

The applicants have requested a 5% reduction for residential parking requirements, due to the proximity of the development to the Bus Station location directly adjacent to the subject lands. This site-specific zoning provision is discussed in detail further in this report.

Access to the subject lands is proposed from an all turns access on Mitchell Place to the west, which connects to a signalized connection to Davis Drive West. Emergency access will be designed through a hard-surface landscaped area in the northwesterly corner of the site.

Pedestrian access points are planned from Mitchell Place and Davis Drive.

The subject lands are located adjacent to the Newmarket Bus Terminal, and are in close proximity to the VIVA bus rapid transit route along Davis Drive, providing public transit options for residents.

## **Discussion**

The following section will review the development proposal against applicable planning policy.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

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

The policies set out in the PPS outline how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term, and accommodating an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The policies also direct municipalities to provide for a range and mix of housing types and densities, including implementing minimum targets for affordable housing and facilitating diverse forms of housing and residential intensification.

The proposed development is consistent with the PPS by adding to the mix of housing types within the settlement area of the Town of Newmarket. Stacked townhouses and live-work units represent a type of residential development that is more compact than traditional low-density residential development, such as single-detached dwellings. The proposal provides for a compact form allowing for the efficient use of land and infrastructure, and promotes the use of active transportation and public transit options.

## **A Place to Grow – Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) provides a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

The Growth Plan identifies an Urban Growth Centre in Newmarket, the boundaries of which are generally surrounding the intersection of Yonge Street and Davis Drive and are more specifically delineated in the Town's Official Plan. The Growth Plan sets a target of 200 residents and jobs per hectare for the 'Newmarket Centre' Urban Growth Centre. The proposed development lands are located adjacent to the boundaries of the Urban Growth Centre, along Davis Drive.

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobiles through mixed-use, transit-supportive development. This proposal would improve the diversity of housing stock in Newmarket, provide additional dwelling units close to transit and retail options, and provide a parking supply that supports reduced dependence on private automobile use.

This development proposal aligns with the objectives of the Growth Plan by:

- providing a mix of built forms;
- seeking to meet affordable housing targets;
- providing a range of size and types of dwelling units; and
- supporting transportation demand management through its proximity to the Davis Drive corridor and accessibility of public transit options.

## **York Region Official Plan**

The YROP designates the subject lands as part of the "Urban Area", which is the primary area for accommodating growth. A minimum of 40% of all residential

development in York Region is to occur within the built-up area, which includes the subject lands. This application supports the achievement of this target.

In addition, the application generally supports the YROP policies related to intensification. The application supports the YROP policy of permitting a mix and range of housing types, lot sizes, unit sizes, functions, tenures, and levels of affordability.

Based on its location adjacent to Davis Drive, the application supports the YROP targets of locating 50 percent of residents within 200 metres of a transit stop, and 90 percent of residents within 500 metres of a transit stop.

York Region has provided comments on the proposed development application which are addressed further in this report.

## **Official Plan Considerations**

The subject lands are designated Emerging Residential on Schedule “A” Land Use of the Newmarket Official Plan. Emerging Residential areas permit single detached and semi detached dwellings, however townhomes are also permitted provided the use is appropriately justified. The policies of the plan direct new developments of these forms to the Urban Centres and the Emerging Residential areas, where appropriate, in order to manage change in a manner that will maintain neighbourhood character.

Emerging Residential areas represent future residential areas that are in the process of being developed or are anticipated to be developed but will eventually become Stable Residential areas. These areas may develop at low densities similar to the Stable Residential areas while providing for a range of innovative and affordable housing types, zoning standards and subdivision designs.

The objective of the Emerging Residential designation is to provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town’s housing needs; and to encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

In 2014, the subject lands were subject to Official Plan Amendment 16 (OPA 16), which was approved by the Ontario Municipal Board and adopted by the Town of Newmarket on November 18th, 2014. The purpose of OPA 16 was to change Schedule “A” Land Use Designations as it related to parts of the former Glenway Country Club lands, and to add a special policy to Section 33 Emerging Residential Areas. The special policy reads as follows:

*Town of Newmarket Official Plan Section 3.3.2.5:*

*Within the Emerging Residential Area located on Davis Drive, immediately west of the GO Bus Terminal, permitted uses shall also include 4 to 6 storey apartment buildings and mixed use “live-work” units.*



The applicant is now proposing to re-designate the subject lands to permit stacked townhouse dwellings in addition to the 4 to 6 storey apartment buildings that were previously approved by OPA 16. The applicants are looking to maintain the “live-work” units as a permitted use on the subject lands.

The proposal has been designed to include a landscaped buffer strip of approximately 30 metres along the southerly boundary of the site where it abuts existing residential dwellings to the south. In addition, a 1.8 metre high wood privacy fence is proposed to be constructed 0.3 metres inside the property line along the southerly lot boundary.

The Official Plan allows for this type of development within the Emerging Residential designation which looks to provide for a range of residential accommodations, including stacked townhouse developments.

### **Compatibility and Site Suitability**

The existing neighbourhood contains a mix of low to medium density dwellings. To the south of the subject lands are Stable Residential lands, consisting of single-detached dwellings. To the west and southwest of the subject lands there are Emerging Residential lands, consisting of townhouse dwellings currently under construction. To the north of the subject lands across Davis Drive are Emerging Residential lands, currently proposed for future townhouse development. The applicants have proposed a 30 metre open space area between the proposed stacked townhouses and the existing single-detached dwellings, as well as a 1.8 metre high wood privacy fence, to act as a buffer between the two land uses.

From Davis Drive, the proposed stacked townhouse units will be similar in style and massing to the townhouse development to the west, and the proposed townhouse development to the north, creating a similar streetscape.

With regard to the physical suitability of the site to accommodate the proposed development, Engineering Services have reviewed the grading, water distribution, sanitary service and stormwater, and have indicated that the proposed use can be graded and serviced in an acceptable manner.

### **Affordable Housing**

Section 3.10.2 of the Town’s Official Plan requires a minimum of 25% of new housing development outside the Urban Centres Secondary Plan to be affordable to low and moderate income households. This 25% minimum is comprehensive of all development applications outside of the Urban Centres and may not necessarily be achieved by each individual application. This policy also requires that these units include a range of types, unit size, tenures to provide opportunities for all household types, including larger families, seniors and persons with special needs.

The proposed Official Plan and Zoning By-law amendments expand the range of built form permitted on the subject lands to include stacked townhouse dwellings, in addition to the existing approvals for low-rise apartment buildings and live-work units.

### **Parkland Dedication**

Parkland Dedication was collected as part of the original approval of the entire Glenway development lands.

### **Zoning By-law Considerations**

The subject property is currently zoned Residential with Exception (H)(R5-T-125) and Retail Commercial with Exception (H)(CR-2-126). The zoning for the subject property was approved by the Ontario Municipal Board in 2014, and amended by By-law number 2014-25.

The current (H)R5-T-125 zone permits apartment dwellings 4 to 6 storeys in height. The zone also permits an elementary school use.

The current (H)CR-2-126 zone permits residential uses in the form of live work units, and commercial uses including the following: art gallery, studio, personal service shop, retail store, and office, as well as an elementary school.

The applicant is proposing to replace the current (H)R5-T-125 Zone with an amended Residential Exception Zone (H)(R5-T-125). This new (H)R5-T-125 zone would add stacked townhouses as a permitted use, including site specific regulations, and remove elementary school as a permitted use, as an alternative school site was ultimately chosen by the school board, and it no longer requires this site. The current Retail Commercial with Exception (H)(CR-2-126) Zone would also be amended to remove the elementary school as a permitted use.

### **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose holding provisions (“H”) on a zoning by-law to limit the use of lands until the provision is removed. The amending zoning by-law will include holding provisions that are typical for zoning by-law amendments for residential developments such as the requirement to enter into a site plan agreement and to obtain servicing allocation.

### **Parking**

The majority of parking for the residential units is proposed to be located underground, with the access point to the underground parking lot located centrally. Visitor parking for residential units will be located both at grade and underground. Parking for the commercial units and visitor parking will be provided in lots at grade level.

The applicants have requested a 5% reduction for residential parking requirements, due to the proximity of the development to the Bus Station located directly adjacent to the





## **Roads and Traffic**

The submitted Traffic Impact Study has been reviewed by Engineering Services, who have concurred that the proposed OPA and ZBA will not have a significant impact on the previously approved Transportation Impact Study. They note that the Transportation Demand Management Plan is acceptable, subject to the Region's approval of the recommendations outlined in the report.

## **Stormwater Management and Storm Drainage**

Engineering Services have indicated that the subject site is designed to outlet to Pond 4 of the Glenway subdivision. They note that the imperviousness level of the revised site is higher than that allocated in the subdivision design. As such, an on-site underground storage chamber is proposed to provide adequate quantity control. It is noted that no additional measures are required for quality control, as the pond as designed can provide the adequate level of quantity control. Engineering Services note that the following items are to be addressed at the Site Plan Application stage:

- Detailed calculations for the runoff coefficients and imperviousness
- Any permanent dewatering from the underground parking is to be discussed and accommodated in the stormwater management design
- Additional Low Impact Development measures are to be reviewed and implemented during the detailed engineering design stage

## **Sanitary Drainage, Water and Grading**

Engineering Services note that changes may be required of the calculations for proposed flows of the development, however this should be addressed at the detailed design stage. It is noted that the proposed watermain system is sufficient to support the proposed use and justification for the proposed watermain size should be provided at the Site Plan stage. Additional details regarding grading will also be required at the Site Plan stage.

## **Servicing**

Servicing allocation has not been granted to this development. This report recommends a holding provision be employed to require that servicing allocation be granted before any development occurs.

## **Noise**

The submitted Noise Impact Study has been reviewed and engineering staff have concurred that the proposed development can be compatible with the existing noise levels from the surrounding operations and can be accommodated with mitigation measures, and that additional comments will need to be addressed at the Site Plan stage.

## **Vibration**

On March 18 2019, staff brought forward Report 2019-29 to Council recommending vibration impact assessments be required as part of a complete application for development proposals. As the pre-consultation for the proposed development was held June 2018, prior to this process being approved, a vibration impact assessment had not been established as a requirement for a complete application. Notwithstanding this, the applicant has provided an assessment of construction vibration potential related to the proposed development.

The vibration impact assessment has been reviewed by the Town's review partners who have stated that vibration comments will be addressed at the Site Plan stage and should not be a concern for the current Official Plan and Zoning By-law amendments. The Town's review partners have provided that other engineering aspects are satisfactory with respect to the Official Plan and Zoning By-law amendments, as outlined in their original comments.

## **Environmental Site Assessment**

The submitted Phase One and Two Environmental Site Assessments have been reviewed by Engineering Services. It is noted that the proposed change use of land will have no bearing on the Record of Site Condition filed with the Ministry.

## **Agency and Public Comments**

The development proposal has been circulated internally and externally to the public and the Town's review partners. Many of the comments provided are outlined in the discussion section above. Additional comments from several review partners are provided below for greater context.

### **York Region**

Staff from the Regional Municipality of York have provided comments on the application. They note that they have no objections to the Official Plan Amendment and Zoning By-law Amendment, and that they are of the opinion that the proposal appears to be a routine matter of local significance and will not adversely affect Regional planning policies or interests. York Region has provided the application with exemption from Regional approval.

Technical comments from York Region will be addressed through the appropriate planning tools.

### **Engineering Services**

Staff from Engineering Services have provided comments on the application outlined in the above section.

## **Lake Simcoe Region Conservation Authority**

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), the Greenbelt Plan, the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 under the Conservation Authorities Act, and have provided comments applicable to the application.

The LSRCA have provided technical comments to inform the preparation of the subsequent detailed design submission (Site Plan) for these lands.

Based on the review of the submitted information, the LSRCA does not object to the approval of this Application for Official Plan and Zoning By-Law Amendment.

## **Other Review Partners**

- The York Region District School Board has been advised of the application and they have noted that they have no objections to the approval of the proposed OPA and ZBA.
- Canada Post has been advised of the application and they have noted they do not have any comments at this time.
- The Southlake Regional Health Centre has been advised of the application and they have noted the ongoing need for capital investment and public support to meet the needs of the region's growing population.

## **Effect of Public Input**

A statutory public meeting was held in November of 2019. Comments were received in person from the public at the statutory public meeting. The effect of this input, or the way in which the matters raised by the public were otherwise addressed, are discussed below. These comments centered on the following themes:

- Vibration and construction noise
- Traffic

A **vibration impact assessment** was submitted as part of the applicant's second submission of studies. This study has been reviewed by the Town's review partners who have provided that the vibration impact assessment will be reviewed in detail, and any vibration comments should be addressed at the Site Plan stage.

Noise from the construction process will be regulated as per the Town of Newmarket's Noise By-law 2017-76.

The applicant had submitted a **Traffic Impact Study** in October 2014, in support of the original rezoning and Official Plan Amendment applications. This Traffic Impact Study was reviewed and approved by the Town for the original development proposal. In 2019, the applicant submitted a revised **Traffic Impact Study**, to address the changes in the development proposal. The original development concept was comprised of apartment

buildings consisting of 298 residential units and 12 live/work units. The revised concept consists of 292 stacked townhouse units and 12 live/work units. The revised plan results in six fewer units than the previously approved concept plan. The applicant has provided an analysis of the amount of trips generated from the original concept plan to the proposed plan, and have found that the revised site plan will generate fewer trips.

Engineering Services have concurred that the proposed OPA and ZBA will not have a significant impact on the previously approved Transportation Impact Study, and note that the Transportation Demand Management Plan is acceptable.

## **Conclusion**

The amendment applications meet the policies of the Town's Official Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

Staff recommend approval of the applications, subject to certain holding provisions. Further refinement of the application will take place as part of the site plan approval application.

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

- Vibrancy on Yonge, Davis and Mulock

## **Consultation**

The Official Plan and Zoning by-law Amendment application has been provided to the Town's internal review partners and external agencies per standard practice. Notice has been provided to persons and bodies as required by Ontario Regulation 543/06 and Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held in November of 2019. Following this meeting additional studies were provided to the Town in January of 2020, which were also circulated for review.

## **Human Resource Considerations**

N/A

## **Budget Impact**

The appropriate planning application fees have been received for the Official Plan Amendment and Zoning By-law Amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

## **Attachments**

- Location Map
- Proposed Site Plan
- Proposed Conceptual Landscape Plan
- Perspective Elevations

## **Approval**

Alannah Slattery, BES, MCC

Planner, Planning and Building Services

Adrian Cammaert, MCIP, RPP, CNU-A

Acting Manager, Planning Services

Jason Unger, MCIP RPP

Acting Director, Planning and Building Services

Peter Noehammer, P.Eng

Commissioner, Development & Infrastructure Services

## **Contact**

Alannah Slattery, Planner, [aslattery@newmarket.ca](mailto:aslattery@newmarket.ca)



# LOCATION MAP

## Marianneville Blocks 164 and 165 (Glenway)



 Subject Lands



TOWN OF NEWMARKET PLANNING DEPARTMENT







**KEY MAP**

THESE DRAWINGS ARE NOT TO BE SCALED		
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES MUST BE REPORTED DIRECTLY TO SRN ARCHITECTS INC.		
NO.	DATE:	ISSUED FOR:
1	15/12/17	CONCEPT SITE PLAN
2	24/01/18	CONCEPT SITE PLAN
3	13/03/18	CONCEPT SITE PLAN
4	04/04/18	CONCEPT SITE PLAN
5	26/04/18	CLIENT REVIEW
6	31/10/18	CLIENT REVIEW
7	06/12/18	CLIENT REVIEW
8	13/12/18	CLIENT REVIEW
9	19/12/18	ISSUED FOR ZONING REVIEW
10	22/01/19	CLIENT REVIEW

ADDITIONAL NOTES:

PRELIMINARY CONCEPT ONLY

[illegible]

	
<b>8395 JANE STREET, SUITE 202</b> <b>VAUGHAN, ONTARIO, L4K 5Y2</b> PHONE: 905.417-5515 FAX: 905.417-5517	
	
<b>MARIANNEVILLE</b> <b>DEVELOPMENTS LIMITED</b> 26 LESLIE ROAD, UNIT 3 TORONTO, ONTARIO, M3B 2T5 (416) 733.3128 (F) 416.733.3129	
PROJECT: <b>MIXED-USE RESIDENTIAL</b> <b>GLENNWAY NEWMARKET</b>	
DRAWING TITLE: <b>CONCEPT SITE PLAN</b>	
DATE: <b>03/04/18</b>	SCALE: <b>1:250</b>
DRAWN BY: <b>N.W.</b>	CHECKED BY: <b>G.P.R.</b>
PROJECT NUMBER:	DRAWING NUMBER:
S17066	A100



SITE STATISTICS		
TOTAL SITE AREA	2.71 ha / 27,070 SQ.M.	
LOT AREA (NET)	2.71 ha / 27,070 SQ.M. (100%)	
FSI (GFA/LOT)	1.12	
DENSITY (UPH)	112	
BUILDING AREA	8232.7 SQ.M.	(30.41%)
LANDSCAPED AREA	14,230.6 SQ.M.	(52.57%)
PAVED AREA	4606.7 SQ.M.	(17.02%)

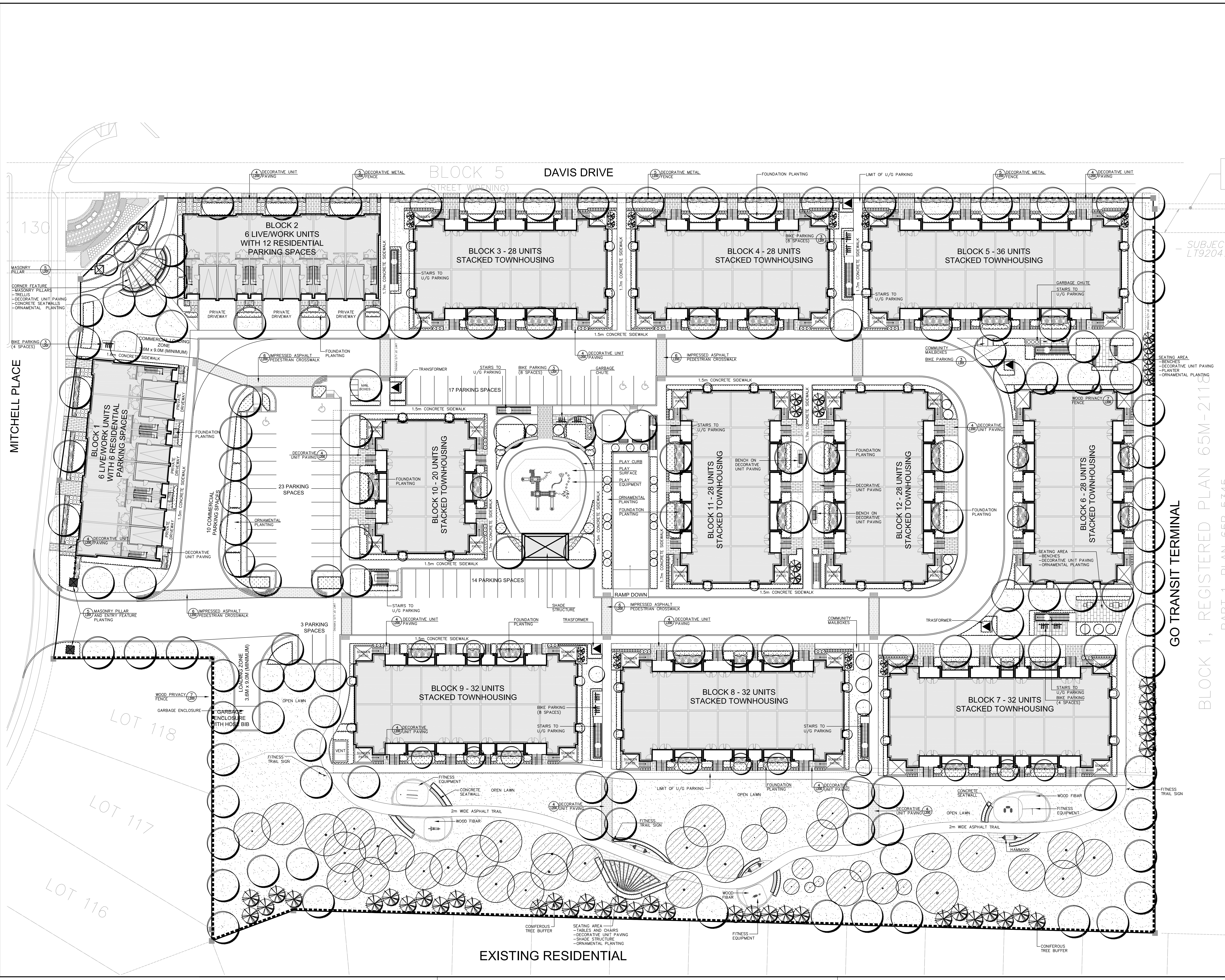
BUILDING STATISTICS:			
	UNITS PER BLOCK	BUILDING FOOTPRINT	BUILDING GFA
BLOCK 1	6 LIVE/WORK UNITS	587.1 SQ.M.	1,494.1 SQ.M. (16,082 SQ.Ft.)
BLOCK 2	6 LIVE/WORK UNITS	587.1 SQ.M.	1,494.1 SQ.M. (16,082 SQ.Ft.)
BLOCK 3	28 UNITS	637.0 SQ.M.	2,624.0 SQ.M. (28,245 SQ.Ft.)
BLOCK 4	28 UNITS	637.0 SQ.M.	2,624.0 SQ.M. (28,245 SQ.Ft.)
BLOCK 5	36 UNITS	834.3 SQ.M.	3,427.3 SQ.M. (36,891 SQ.Ft.)
BLOCK 6	28 UNITS	637.0 SQ.M.	2,624.0 SQ.M. (28,245 SQ.Ft.)
BLOCK 7	32 UNITS	735.0 SQ.M.	3,030.0 SQ.M. (32,615 SQ.Ft.)
BLOCK 8	32 UNITS	735.0 SQ.M.	3,030.0 SQ.M. (32,615 SQ.Ft.)
BLOCK 9	32 UNITS	735.0 SQ.M.	3,030.0 SQ.M. (32,615 SQ.Ft.)
BLOCK 10	28 UNITS	637.0 SQ.M.	2,624.0 SQ.M. (28,245 SQ.Ft.)
BLOCK 11	28 UNITS	637.0 SQ.M.	2,624.0 SQ.M. (28,245 SQ.Ft.)
BLOCK 12	28 UNITS	637.0 SQ.M.	2,624.0 SQ.M. (28,245 SQ.Ft.)
TOTAL	304 UNITS (292 STACKED + 12 LIVE/WORK UNITS)	7,840.7 SQ.M.	30,446.0 SQ.M. (327,721 SQ.Ft.)
UNDERGROUND GARAGE GFA		16,346.9 SQ.M. (175,958 SQ.Ft.)	

UNIT TYPE	NUMBER	PERCENT
LIVE/WORK	12	3.9%
1 BEDROOM	80	26.3%
2 BEDROOM	172	56.6%
3 BEDROOM	40	13.2%
TOTAL:	304	100%









**GENERAL NOTES**

- VERIFY ALL DIMENSIONS.
- DO NOT SCALE DRAWINGS.
- REPORT ANY DISCREPANCIES, DISCOVERED ERRORS, OR OMISSIONS TO THE LANDSCAPE ARCHITECT BEFORE PROCEEDING.
- IT IS ADVISED THAT CONTRACTORS CONTACT THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION TO ENSURE THE USE OF THE LATEST REVISED DRAWINGS.
- DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE LANDSCAPE ARCHITECT.

**LEGEND**

- EXISTING TREES TO BE PRESERVED
- PROPOSED DECIDUOUS TREE
- PROPOSED LARGE DECIDUOUS SHRUB
- PROPOSED CONIFEROUS TREE
- DECIDUOUS SHRUBS
- ORNAMENTAL GRASS AND PERENNIAL PLANTING
- CONIFEROUS SHRUBS
- SODDING
- CONCRETE SEATWALL
- BENCH
- BIKE RACK
- METAL FENCE
- MASONRY PILLAR

No.	DATE	REVISION	BY
1.	2019-04-03	Issued for Submission	s.m.

It is the responsibility of the Contractor and/or Owner to ensure that the drawings with the latest revisions are used for construction.

**SBK**  
STRYBOS BARRON KING  
LANDSCAPE ARCHITECTURE

5770 HURONTARIO STREET, SUITE 320  
MISSISSAUGA, ONTARIO, L4R 3G5  
T: 416.695.4949 F: 905.712.3101  
WWW.STRYBOS.COM

PROJECT:  
**MIXED-USE RESIDENTIAL**  
MITCHELL PLACE  
NEWMARKET, ONTARIO

DRAWING TITLE:  
**PRELIMINARY LANDSCAPE PLAN**

SCALE: 1 : 250	PROJECT No. <b>18-5237</b>
DATE: NOV 28, 2018	DRAWING No. <b>L100</b>
DRAWN BY: SS	
CHECKED BY: BB	





THESE DRAWINGS ARE NOT TO BE SCALED;  
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR  
TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES  
MUST BE REPORTED DIRECTLY TO SRN ARCHITECTS INC.

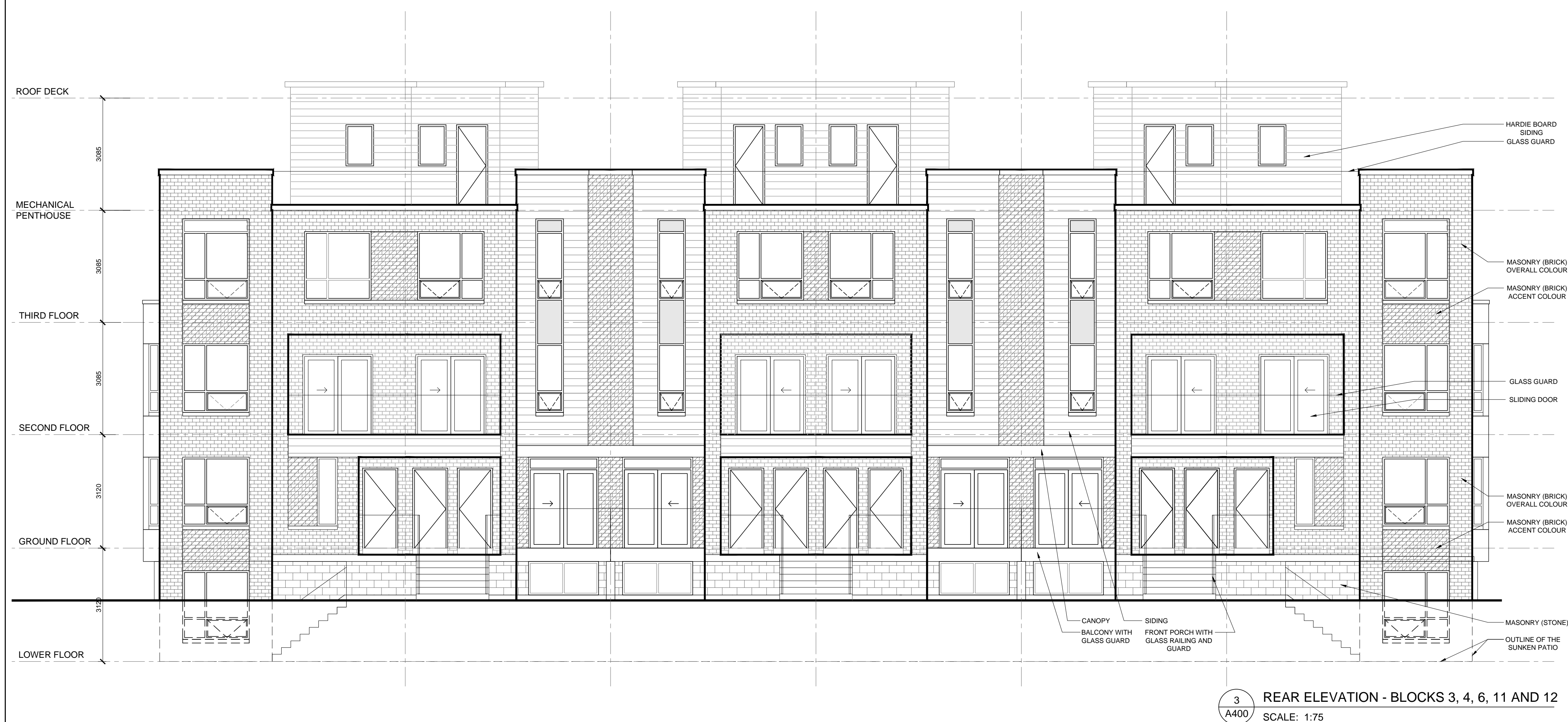
NO:	DATE:	ISSUED FOR:
1	15/12/17	CONCEPT SITE PLAN
2	24/01/18	CONCEPT SITE PLAN
3	13/03/18	CONCEPT SITE PLAN
4	04/04/18	CONCEPT SITE PLAN
5	26/04/18	CLIENT REVIEW
6	31/10/18	CLIENT REVIEW
7	06/12/18	CLIENT REVIEW
8	13/12/18	CLIENT REVIEW
9	19/12/18	ISSUED FOR ZONING REVIEW
10	22/01/19	CLIENT REVIEW

ADDITIONAL NOTES:

PRELIMINARY CONCEPT ONLY

[illegible]

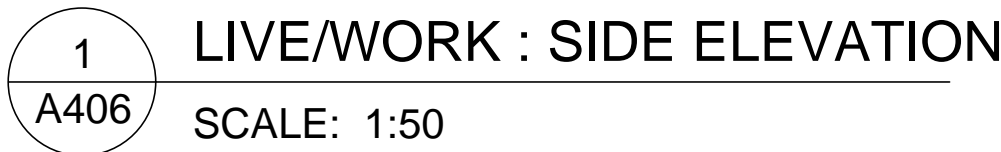
 <b>SRN   architects inc.</b>	
8395 JANE STREET, SUITE 202 VAUGHAN, ONTARIO, L4K 5Y2 PHONE: 905.417-5515 FAX: 905.417-5517	
ONTARIO ASSOCIATION OF ARCHITECTS 	
© SRN ARCHITECTS INC. 20	
MARIANNEVILLE DEVELOPMENTS LIMITED 26 LESMILL ROAD, UNIT 3 TORONTO, ONTARIO, M3B 2T5 (P) 416.733.3128 (F) 416.733.3129	
PROJECT: MIXED-USE RESIDENTIAL GLENVIEW NEWMARKET	
DRAWING TITLE: TOWNHOUSES ELEVATIONS	
DATE: 17/12/12	SCALE: 1/75
DRAWN BY: N.W.	CHECKED BY: G.P.R.
PROJECT NUMBER:	DRAWING NUMBER:
<div> <div>S17066</div> <div>A400</div> </div>	


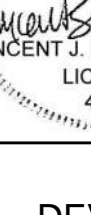





NO.	DATE:	ISSUED FOR:
1	15/12/17	CONCEPT SITE PLAN
2	24/01/18	CONCEPT SITE PLAN
3	13/03/18	CONCEPT SITE PLAN
4	04/04/18	CONCEPT SITE PLAN
5	26/04/18	CLIENT REVIEW
6	31/10/18	CLIENT REVIEW
7	06/12/18	CLIENT REVIEW
8	13/12/18	CLIENT REVIEW
9	19/12/18	ISSUED FOR ZONING REVIEW
10	22/01/19	CLIENT REVIEW

PRELIMINARY CONCEPT ONLY



	
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MARIANNEVILLE DEVELOPMENTS LIMITED 26 LESMILL ROAD, UNIT 3 TORONTO, ONTARIO, M3B 2T5 (P) 416.733.3128 (F) 416.733.3129	
PROJECT: MIXED-USE RESIDENTIAL GLENWAY NEWMARKET	
DRAWING TITLE: LIVE/WORK ELEVATIONS	
DATE: 04/01/19	SCALE: 1:50
DRAWN BY: N.W.	CHECKED BY: G.P.R.
PROJECT NUMBER:	DRAWING NUMBER:
S17066	A406

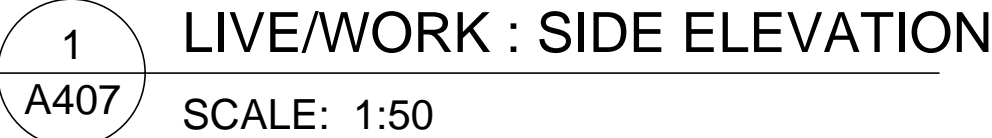


NO.	DATE:	ISSUED FOR:
1	15/12/17	CONCEPT SITE PLAN
2	24/01/18	CONCEPT SITE PLAN
3	13/03/18	CONCEPT SITE PLAN
4	04/04/18	CONCEPT SITE PLAN
5	26/04/18	CLIENT REVIEW
6	31/10/18	CLIENT REVIEW
7	06/12/18	CLIENT REVIEW
8	13/12/18	CLIENT REVIEW
9	19/12/18	ISSUED FOR ZONING REVIEW
10	22/01/19	CLIENT REVIEW

PRELIMINARY CONCEPT ONLY

 <p><b>SRN</b>   architects inc.</p>	
<p>8395 JANE STREET, SUITE 202 VAUGHAN, ONTARIO, L4K 5Y2 PHONE: 905.417-5515 FAX: 905.417-5517</p>	
<p>ONTARIO ASSOCIATION OF ARCHITECTS</p> <p><i>Handwritten signature</i></p> <p>VINCENT J. SANTAMARIA LICENCE 4238 100 UNIVERSITY AVENUE, SUITE 100 TORONTO, ONTARIO M5S 1A6</p>	 <p>© SRN ARCHITECTS INC. 2010</p>

PROJECT:	
MIXED-USE RESIDENTIAL GLENWAY NEWMARKET	
DRAWING TITLE:	
LIVE/WORK ELEVATORS	
DATE: 04/01/19	SCALE: 1:50
DRAWN BY: N.W.	CHECKED BY: G.P.R.
PROJECT NUMBER:	DRAWING NUMBER:
S17066	A407









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

## **Atkins Drive and Quick Street All-way Stop Request Staff Report to Council**

Report Number: 2020-13

Department(s): Engineering Services

Author(s): M. Kryzanowski, Manager, Transportation Services

Meeting Date: February 24, 2020

### **Recommendations**

1. That the report entitled Atkins Drive and Quick Street All-way Stop Request dated February 24, 2020 be received; and,
2. That an All-Way Stop at the intersection of Atkins Drive and Quick Street not be implemented at this time; and,
3. That the Town monitor the intersection as the community continues to build out; and,
4. That school boards be notified of the school bus routing and be asked to implement improvements to student access to the school buses to reduce crossing of streets; and,
5. That York Regional Police be notified of the speeding issues to plan increased enforcement; and,
6. That the Town continue to apply Category 1 traffic calming measures to educate motorists to comply with the speed limits; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to summarize the findings and recommendations of the all-way stop review for the Atkins Drive and Quick Street All-Way Stop Control request.

## **Background**

At its regular meeting of June 24, 2019, Town Council referred to staff the request made through a deputation at the preceding Committee of the Whole where a petition was presented, asking the Town to install an All-Way Stop at Atkins Drive and Quick Street.

## **Discussion**

Staff proceeded by conducting a 5-hour traffic count at the intersection. The traffic count was performed in conformance with the Town's Transportation Management Policy, which requires that the number of vehicle turning movements and pedestrian activity be counted between 7:00 AM and 9:00 AM and between 3:00 PM and 6:00 PM.

The subject intersection was then analysed to determine if the All-Way Stop warrants were met. The All-Way Stop warrant consists of three (3) parts. The first part addresses the future signalization of intersections. This part does not apply, since traffic signals are not planned for the intersection.

The second part of the All-Way Stop warrant examines the frequency of recorded vehicle collisions in, or adjacent to, the intersection for the twelve (12) month period prior to the review. A search of our records indicated that no vehicle collisions occurred within the intersection during that time period.

The third part of the warrant deals with both traffic and pedestrian volumes on the major and minor streets of the intersection. Accordingly, staff calculated the total number of vehicles and pedestrians approaching the intersection on an hourly basis, and the average volume on the minor street (Quick Street, in this case).

The results of the all-way stop warrant analysis confirmed that the all-approach volume reached only 60% of the required minimum warrant volume of 200, and the minor street volume was only 56% of the required minimum warrant volume of 100. Therefore, the intersection does not meet the warrants for an All-Way Stop control.

Further to the above, residents in the immediate area were contacted for input as per the Public Consultation and Support Policy. A number of residents stated that an All-Way Stop is not needed at the intersection, whereas a few indicated that an All-Way Stop would add increased safety for pedestrians, and particularly for children.

The petition request for an All-Way Stop specified that speeding on the street and children's safety when interacting with the school buses were of concern. The technical reference documents based on research and experience indicate that All-Way Stop controls are to be used for right-of-way control, and they have been proven ineffective as speed control measures. Unwarranted All-Way Stops create additional issues, such as stop non-compliance, thereby posing a potential new danger to pedestrians. The compliance rate for unwarranted All-Way Stops is low as it has been proven that a number of vehicles will 'run' the stop sign or attempt a rolling stop. Another issue caused

by unwarranted stop signs is an increase in speeds as drivers accelerate away from the intersection to make up for lost time.

Since this request was related to speeding, speed and traffic volume counts were undertaken along Atkins Drive on the road segments that are located on either side of Quick Street. The operating speeds (85<sup>th</sup> percentile) remained consistent at around 49 to 50 km/h in the data that was collected in both 2017 and 2019. Atkins Drive is considered a minor residential collector (slightly wider pavement surface than other streets in the area, and sidewalks on both sides of the road) and the operating speeds are typical for a minor collector road.

The Town contacted the School Board regarding busing to the area and it was learned that up to four buses can stop in or around Quick Street to provide service to both Stonehaven Public School and Notre Dame CES. The School Board representative noted that school bus drivers stop all traffic for loading or unloading from either side of the street.

## **Conclusion**

It is recommended that:

1. An all-way stop at the intersection of Atkins Drive and Quick Street not be implemented at this time.
2. The Town monitor the intersection as the community continues to build out.
3. The School Boards be reminded to review the routing of school buses, and that they be asked to consider improvements to student access to the school buses to reduce the requirement to cross streets.
4. York Region Police be notified of the speeding concerns and be asked to provide enforcement.
5. The Town continue to apply Category 1 traffic calming measures (radar speed boards, boulevard signage, etc.) to educate motorists to comply with the speed limits.

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

Well-planned and connected...strategically planning for the future to improve information, access and enhance travel to, from, and within Newmarket.

## **Consultation**

As per the Council-approved Public Consultation and Support Policy, the residents in the immediate area around the intersection were contacted in a letter dated July 12, 2019, soliciting comments and input in the review. Two (2) residents responded. They were generally in favour of an All-Way Stop.

A copy of this report will be provided to both households within the study area and the households included on the petition.

## **Human Resource Considerations**

None

## **Budget Impact**

The cost to monitor and implement any Category 1 measures would be funded through the Transportation Services business unit budgets.

## **Attachments**

None

## **Approval**

Rachel Prudhomme, Director, Engineering Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

For more information or questions regarding this report, please contact Mark Kryzanowski, Manager, Transportation Services, at 905-895-5193 extension 2508 or [MKryzanowski@newmarket.ca](mailto:MKryzanowski@newmarket.ca).



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## **Dover Crescent and Burford Street All-way Stop Control Request Staff Report to Council**

Report Number: 2020-11

Department(s): Engineering Services

Author(s): M. Kryzanowski, Manager, Transportation Services

Meeting Date: February 24, 2020

### **Recommendations**

1. That the report entitled Dover Crescent and Burford Street All-way Stop Control Request dated February 24, 2020 be received; and,
2. That the existing stop controls remain; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to summarize the findings and recommendations of the All-Way Stop review for the Dover Crescent and Burford Street All-way Stop Control request.

### **Background**

At its regular meeting of September 30, 2019, Town Council adopted the recommendations of the preceding Committee of the Whole, at which a deputation request in regards to installing an All-Way Stop at Dover Crescent and Burford Street was referred to staff.

### **Discussion**

To start the All-Way Stop review, a 5-hour traffic count was undertaken at the intersection. The traffic count was performed in conformance with the Town's

Transportation Management Policy, which requires that vehicle turning movements and pedestrian activity be collected between 7:00 AM and 9:00 AM and between 3:00 PM and 6:00 PM.

The subject intersection was then analysed to determine if the All-Way Stop warrants were met. The All-Way Stop warrant consists of three (3) parts. The first part addresses the future signalization of intersections. This part does not apply, since traffic signals are not planned for the intersection.

The second part of the All-Way Stop warrant examines the frequency of recorded vehicle collisions in, or adjacent to, the intersection for the twelve (12) month period prior to the review. A search of our records indicates that no vehicle collisions occurred at the intersection during that period.

The third part of the warrant deals with both traffic and pedestrian volumes on the major and minor streets of the intersection. Accordingly, staff calculated the total number of vehicles and pedestrians approaching the intersection on an hourly basis, and the average volume on the minor street (Burford Street, in this case).

The results of the All-Way Stop warrant analysis confirmed that the all-approach volume reached only 10% of the required minimum warrant volume of 200, and the minor street volume was only 18% of the required minimum warrant volume of 100. Therefore, the intersection does not meet the warrants for an All-Way Stop control.

The immediate area residents were contacted for input as per the Public Consultation and Support Policy. A number of residents stated that an All-Way Stop is not needed at the intersection, while a few indicated an all-way stop would add increased safety to area pedestrians, and to children in particular.

## **Conclusion**

It is recommended that an All-Way Stop control at Dover Crescent and Burford Street not be implemented at this time.

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

Well-planned and connected...strategically planning for the future to improve information, access and enhance travel to, from, and within Newmarket.

## **Consultation**

As per the Council-approved Public Consultation and Support Policy, the immediate area residents around the intersection were contacted via letter dated October 28, 2019 soliciting comments and input to the review. Five (5) residents responded with various comments, through which it became evident that the residents were looking for speed control and/or protection of area children playing on or near the street, rather than right-of-way control. The technical reference documents based on research and experience

indicate that All-Way Stop controls are to be used for right-of-way control, and they have been proven ineffective as speed control measures. As a result, the conclusion of the investigation into this matter suggests that the Town implement Category 1 Traffic Calming Measures at this location, such as lawn signs, speed advisory boards and enforcement rather than All-Way Stop controls as per the Town's Transportation Management Policy.

## **Human Resource Considerations**

None.

## **Budget Impact**

None

## **Attachments**

None

## **Approval**

Rachel Prudhomme, Director, Engineering Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

For more information or questions regarding this report, please contact Mark Kryzanowski, Manager, Transportation Services, at 905-895-5193 extension 2508 or [MKryzanowski@newmarket.ca](mailto:MKryzanowski@newmarket.ca).







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## **London Road and Harewood Boulevard All-way Stop Control Request Staff Report to Council**

Report Number: 2020-12

Department(s): Engineering Services

Author(s): M. Kryzanowski, Manager, Transportation Services

Meeting Date: February 24, 2020

### **Recommendations**

1. That the report entitled London Road and Harewood Boulevard All-Way Stop Control Request dated February 24, 2020 be received; and,
2. That the existing stop controls remain; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to summarize the findings and recommendations of the All-Way Stop review for the London Road and Harewood Boulevard All-way Stop Control request.

### **Background**

At its regular meeting of September 9, 2019, Town Council adopted the recommendations of the preceding Committee of the Whole, at which a deputation request in regards to installing an All-Way Stop at London Road and Harewood Boulevard was referred to staff.

## **Discussion**

To start the All-Way Stop review, a 5-hour traffic count was undertaken at the intersection. The traffic count was performed in conformance with the Town's Transportation Management Policy, which requires that vehicle turning movements and pedestrian activity be collected between 7:00 AM and 9:00 AM and between 3:00 PM and 6:00 PM.

The subject intersection was then analysed to determine if the All-Way Stop warrants were being met. The All-Way Stop warrant consists of three (3) parts. The first part addresses the future signalization of intersections. This part does not apply, since traffic signals are not planned for the intersection.

The second part of the All-Way Stop warrant examines the frequency of recorded vehicle collisions in, or adjacent to, the intersection for the twelve (12) month period prior to the review. A search of our records indicated that no vehicle collisions occurred within the intersection during that period.

The third part of the warrant deals with both traffic and pedestrian volumes on the major and minor streets of the intersection. Accordingly, staff calculated the total number of vehicles and pedestrians approaching the intersection on an hourly basis, and the average volume on the minor street (Harewood Boulevard, in this case).

The results of the All-Way Stop warrant analysis confirmed that the all-approach volume reached only 80% of the required minimum warrant volume of 500, and the minor street volume was only 93% of the required minimum warrant volume of 200. Therefore, the intersection does not meet the warrants for an All-Way Stop control.

The disproportionately higher minor street percentage is likely due to local drivers using Harewood Boulevard/Bexhill Road to access Main Street North. A comparison of the 2019 peak traffic hours and the 2015 peak traffic hours for the intersection shows a decrease in traffic volume of approximately eight percent with time. Therefore, traffic flow through the intersection has decreased slightly over the years.

The immediate area residents were contacted for input as per the Public Consultation and Support Policy. Only three (3) of the residents replied, two of whom did not want an All-Way Stop.

## **Conclusion**

It is recommended that an All-Way Stop control at London Road and Harewood Boulevard not be implemented at this time.

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

Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from, and within Newmarket.

## **Consultation**

As per the Council-approved Public Consultation and Support Policy, the immediate area residents around the intersection were contacted via letter dated October 28, 2019, soliciting comments and input for the review. Three (3) residents responded with various comments, where two of the residents were against and one was in favour of an All-Way Stop at this location.

## **Human Resource Considerations**

None

## **Budget Impact**

None

## **Attachments**

None

## **Approval**

Rachel Prudhomme, Director, Engineering Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

For more information or questions regarding this report, please contact Mark Kryzanowski, Manager, Transportation Services, at 905-895-5193 extension 2508 or [MKryzanowski@newmarket.ca](mailto:MKryzanowski@newmarket.ca).





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Newmarket, Ontario, L3Y 4X7

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## **Non-Warranty Repairs and Regular Maintenance of CYFS Apparatus Staff Report to Council**

Report Number: 2020-15

Department(s): Central York Fire Services

Author(s): Deputy Chief Rocco Volpe

Meeting Date: February 24, 2020

### **Recommendations**

1. That the report entitled “Non-Warranty Repairs and Regular Maintenance of CYFS Apparatus” dated February 24, 2020 be received; and,
2. That a non-competitive acquisition be approved to a maximum of \$125,000.00 in accordance with the Procurement By-Law; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

To seek approval for an interim non-competitive arrangement with Dependable Emergency Vehicles for non-warranty repairs and regular maintenance for fire services vehicles to a maximum of \$125,000 until a competitively acquired contract is in place. This is in accordance with the non-competitive provisions of the Procurement By-Law 2014-27, being Section 13.6, Single Source, (iii) where compatibility with an existing product equipment or service is a paramount consideration, and Table 5, Schedule “D” which requires Council authority to approve matters exceeding a cumulative Procurement Value of \$100K.

## Background

Central York fire apparatus are highly sophisticated vehicles custom built for Central York Fire Services (CYFS) to meet the emergency services needs of the communities. The Town of Newmarket fleet services department is able to meet most of the needs of CYFS however, due to the urgent nature of some repairs and the need for specific and specialized equipment, support from an outside vendor is sometimes required.

The Town presently utilizes Dependable Emergency Vehicles to carry out warranty and specific non-warranty repairs along with specialty maintenance at an approximate cost of \$25K per month. The non-warranty repairs were as a result of previous resourcing shortages in fleet services which have been experienced over the past few years. The turnaround for heavy fleet repairs were at risk of not meeting the needs of CYFS. The Ontario Highway Traffic Act requires all emergency vehicles to undergo annual inspections known as the Periodic Commercial Vehicle Inspection Program (PMCVI). In addition, the National Fire Protection Association (NFPA) outlines annual ground ladder testing, pump testing and aerial ladder testing be done annually. Also, as a corrosion preventive maintenance measure, all CYFS apparatus get oil sprayed annually in an effort to maintain the vehicle for their projected 20 year lifecycle. Historically, CYFS and fleet services have used Dependable Emergency Vehicles to repair fire apparatus that fleet service was not able to undertake due to specialized equipment or staffing workload. Dependable Emergency Vehicles was chosen for the following reasons;

- Certified mechanical Emergency Vehicle Technicians (EVT) staff
  - Repair garage located one hour from Newmarket
  - Mobile EVT service capability
  - 24 hour 7 day a week on call service
  - Pick-up and delivery of fire apparatus
  - Stocked inventory parts
  - Authorized Spartan dealer
  - Paint and body shop repair
- Able to complete the inspections and certifications required by the Highway Traffic Act and the NFPA.

Dependable Emergency Vehicles is able to offer a comprehensive apparatus repair depot to allow a quick turnaround to complete the necessary work required in order to get fire apparatus back in service. There is no other external agency within the GTA and surrounding areas that offers this level of service.

There are various repair shops that specialize in truck repairs, however, their specialized services are limited to major components such as engines, transmissions and suspension service. Having a one stop shop reduces the need for additional coordination and staff time to move the apparatus between various repair facilities to get

Non-Warranty Repairs and Regular Maintenance of CYFS Apparatus

the necessary work completed as stated above. This also causes delays in the fire truck returning to service in Central York.

In discussion with the Town of Newmarket Procurement Services, a competitive acquisition for these services had not been carried out in the past.

## **Discussion**

Central York Fire Services currently has six frontline fire apparatus and four reserve apparatus. The majority of fire apparatus have been acquired from Dependable Emergency Vehicles through a competitive bid process. Warranty repairs are included in each respective contract, however, non-warranty repairs and regular maintenance however are not covered.

Presently, the Newmarket Fleet Services Division has the necessary equipment to carry out most day to day non-warranty repairs and regular maintenance of fire apparatus. However, fleet services would require additional staff and specialized equipment for more advanced repairs of apparatus such as pump testing, rustproofing, ladder & aerial inspections. While future consideration regarding the management of regular maintenance and repairs of CYFS apparatus should be considered, such an assessment would need further review as well as an approved budget and a timeline determined for its execution.

With recent backfilling, the Town of Newmarket Fleet Services currently have the staff and capacity to provide maintenance of the vehicles in compliance with the Service Level Agreement with CYFS. However, in the event they experience future staff shortages this proposed contract will provide the Department with the flexibility to outsource some maintenance until adequate staff levels are re-established.

In the interim, a Request for Proposal (RFP) for non-warranty repairs and regular maintenance of CYFS apparatus, being RFP-2020-009 was issued on January 22<sup>nd</sup> 2020. The RFP is being led by the Town of Newmarket with cooperative participation by the City of Richmond Hill Fire Services. The RFP will be closing on February 21st 2020 and it is anticipated that evaluation, approval of award and contract execution will be concluded approximately, May 2020.

With a competitively acquired contract in place resulting from the RFP process, CYFS may continue to seek periodic non-warranty and regular maintenance as required from the successful proponent until a future more in depth review of how the repair and service of CYFS apparatus may be considered.

The interim use of Dependable Emergency Vehicles relating to some intermittent non-warranty repairs and regular maintenance for CYFS apparatus until a competitively awarded contract is in place is of paramount consideration as most of CYFS apparatus have been acquired from Dependable and previously, some non-warranty and regular maintenance have been carried out by them when Fleet was short staffed. While the Non-Warranty Repairs and Regular Maintenance of CYFS Apparatus

results of the RFP will be unknown for some time, CYFS may commence considering all matters relating to a potential shift to another provider of the services if it is required to.

## **Conclusion**

That approval be granted for an interim non-competitive acquisition to the maximum of \$125K for non-warranty repairs and regular maintenance for CYFS apparatus to Dependable Emergency Vehicles, until a competitively acquired contract is established in accordance with the non-competitive provisions of the Procurement By-Law 2014-27 being Section 13.6, Single Source, (iii) where compatibility with an existing product equipment or service is paramount consideration, and table 5, Schedule “D” which requires Council authority to approve matters exceeding a cumulative Procurement Value of \$100K.

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

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

## **Consultation**

CYFS has consulted with the Town of Newmarket Fleet Services and Procurement Services.

## **Human Resource Considerations**

None.

## **Budget Impact**

The budget for fire vehicle repairs and maintenance falls under operating budget surpluses.

## **Attachments**

None.

## **Approval**

Chief Ian Laing, Central York Fire Services

## **Contact**

Please contact Deputy Chief Rocco Volpe at [rvolpe@cyfs.ca](mailto:rvolpe@cyfs.ca)

Non-Warranty Repairs and Regular Maintenance of CYFS Apparatus





January 23, 2020

Ms. Lisa Lyons, Town Clerk  
Town of Newmarket  
395 Mulock Drive, P.O. Box 328 STN Main  
Newmarket, Ontario L3Y 8P3

Email: llyons@newmarket.ca

Dear Ms. Lyons,

**Re: Richmond Hill Resolution – Member Motion submitted by Regional and Local Councillor Perrelli regarding Regional Consolidation of Fire Services**

Richmond Hill City Council, at its meeting held on January 22, 2020, adopted the following resolution:

Whereas Fire Services is an essential service for the protection of people and property in Richmond Hill; and

Whereas Fire Services are provided by all municipalities; and

Whereas fire suppression should be planned without regard for municipal boundaries to determine the optimal location of stations for public safety; and

Whereas fire suppression is currently planned based on municipal boundaries; and

Whereas the majority of response calls made by Fire Services are medical-based calls; and

Whereas Police and Emergency Medical Services are already consolidated and delivered by York Region; and

Whereas effective and efficient service may be better planned and delivered by consolidating Fire Services at the Regional level together with other first response services; and

Whereas administrative efficiencies may be gained on non-suppression fire activities such as training, education, dispatch, vehicle maintenance and inspections; and

Whereas York Regional Chair Wayne Emmerson supports Regional consolidation of Fire Services;

...2/

Now Therefore Be It Resolved:

- i) That York Region be requested to upload fire services for the purpose of consolidating Fire Services at the regional level;
- ii) That said action involve all York Region municipalities; and
- iii) That this resolution be forwarded to York Region and the other York Region local municipalities for support.

Please find attached a copy of the Council endorsed resolution for your records.

If you have any questions, please feel free to contact me at (905) 771-2529.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Huycke', with a stylized flourish at the end.

Stephen M.A. Huycke  
Director of Legislative Services/City Clerk

Attachment

**Extract from Council Meeting  
C#01-20 held January 22, 2020  
Confirmatory By-law 7-20**

**14. Other Business**

**14.1 Regional and Local Councillor Perrelli - Regional Consolidation of Fire Services**

Moved by: Regional and Local Councillor Perrelli  
Seconded by: Councillor Beros

Whereas Fire Services is an essential service for the protection of people and property in Richmond Hill; and

Whereas Fire Services are provided by all municipalities; and

Whereas fire suppression should be planned without regard for municipal boundaries to determine the optimal location of stations for public safety; and

Whereas fire suppression is currently planned based on municipal boundaries; and

Whereas the majority of response calls made by Fire Services are medical-based calls; and

Whereas Police and Emergency Medical Services are already consolidated and delivered by York Region; and

Whereas effective and efficient service may be better planned and delivered by consolidating Fire Services at the Regional level together with other first response services; and

Whereas administrative efficiencies may be gained on non-suppression fire activities such as training, education, dispatch, vehicle maintenance and inspections; and

Whereas York Regional Chair Wayne Emmerson supports Regional consolidation of Fire Services;

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**FOR YOUR INFORMATION AND ANY ACTION DEEMED NECESSARY**

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**Extract from Council Meeting  
C#01-20 held January 22, 2020  
Confirmatory By-law 7-20**

Now Therefore Be It Resolved:

- i) That York Region be requested to upload fire services for the purpose of consolidating Fire Services at the regional level;
- ii) That said action involve all York Region municipalities; and
- iii) That this resolution be forwarded to York Region and the other York Region local municipalities for support.

A recorded vote was taken:

In favour: (7): Regional and Local Councillor Perrelli, Councillor Chan, Councillor Beros, Mayor Barrow, Councillor Cilevitz, Councillor Liu, Councillor West

Opposed: (1): Councillor Muench

Motion Carried (7 to 1)

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**FOR YOUR INFORMATION AND ANY ACTION DEEMED NECESSARY**

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# **Town of Newmarket**

## **Minutes**

### **Audit Committee**

Date: Tuesday, June 18, 2019  
Time: 9:00 AM  
Location: Cane Room  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Cristine Prattas, Chair  
Terrance Alderson  
Councillor Bisanz  
Michael Tambosso, Vice Chair

Members Absent: Councillor Morrison  
Deputy Mayor & Regional Councillor Vegh

Staff Present: Jag Sharma, Chief Administrative Officer  
Esther Armchuk, Commissioner of Corporate Services  
Todd Kyle, Chief Executive Officer of Newmarket Public Library  
Mike Mayes, Director of Financial Services/Treasurer  
Dawn Schellenberg, Manager of Accounting and Finance  
Kiran Saini, Deputy Clerk

Guests: Hillary Bell, Deloitte Canada  
Pina Colavecchia, Deloitte Canada

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

The Committee Members requested that the following items be added to the agenda:

- Audit Committee Meeting Minutes of September 12, 2018 - Internal Audit Report
- Committee Mandate

Moved by: Michael Tambosso

Seconded by: Terrance Alderson

1. That the additions to the agenda be approved.

**Carried**

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

None.

## **3. Approval of Minutes**

### **3.1 Audit Committee Meeting Minutes of September 12, 2018**

Committee members discussed the internal audit in relation to the internal auditor presenting to the Audit Committee.

Moved by: Terrance Alderson

Seconded by: Michael Tambosso

1. That the Audit Committee Meeting Minutes of September 21, 2018 be approved.

**Carried**

## **4. Items**

### **4.1 Review of 2018 Financial Statements**

The Manager of Accounting & Finance and the Treasurer provided a presentation to the Audit Committee regarding the 2018 financial statements which outlined reserve and reserve funds, the Asset Replacement Fund (ARF), and the stormwater charge.

The Committee discussed the implications of Bill 108 and Bill 148, and next steps.

The Committee discussed the public posting of financial statements as part of the agenda package.

Moved by: Councillor Bisanz

Seconded by: Michael Tambosso

1. That the presentation provided by the Manager of Accounting & Finance and the Treasurer regarding the 2018 financial statements be received.

**Carried**

#### **4.2 Report to the Audit Committee by the External Auditor**

Hillary Bell and Pina Colavecchia of Deloitte Canada provided a presentation to the Audit Committee. Discussion regarding the management letter and responses ensued.

The Committee advised that although the external auditor's review includes Newmarket Public Library, the Audit Committee does not conduct a review of these statements.

Moved by: Councillor Bisanz

Seconded by: Michael Tambosso

1. That the presentation provided by Deloitte Canada be received.

**Carried**

Moved by: Michael Tambosso

Seconded by: Councillor Bisanz

1. That Deloitte be requested to report back to the Audit Committee on any extra time spent on the audit.

**Carried**

#### **4.3 Town of Newmarket Consolidated Financial Statements**

4.3.1 Town of Newmarket Consolidated Financial Statements Report

Moved by: Michael Tambosso

Seconded by: Terrance Alderson

1. That the Audit Committee recommends to Council, that the Consolidated Financial Statements year ended December 31, 2018, as amended, be approved.

**Carried**

4.3.2 Town of Newmarket Main Street District Business Improvement Area Financial Statements

Moved by: Michael Tambosso

Seconded by: Councillor Bisanz

1. That the Audit Committee recommends to Council, that the Main Street District Business Improvement Area Financial Statements be approved.

**Carried**

4.3.3 Town of Newmarket Trust Fund Financial Statements

Moved by: Michael Tambosso

Seconded by: Terrance Alderson

1. That the Audit Committee recommends to Council, that the Trust Fund Financial Statements be approved.

**Carried**

4.3.4 Financial Statement Discussion and Analysis (FSD&A)

Moved by: Councillor Bisanz

Seconded by: Terrance Alderson



1. That the Financial Statement Discussion and Analysis be received.

**Carried**

## **5. New Business**

### **5.1 Audit Committee Minutes of September 12, 2018**

Moved by: Michael Tambosso

Seconded by: Terrance Alderson

1. That the Audit Committee Chair be involved in reviewing the meeting agenda prior to publishing.

**Carried**

### **5.2 Mandate of Committee**

There was discussion regarding the Audit Committee's revised terms of reference.

Moved by: Michael Tambosso

Seconded by: Terrance Alderson

1. That the committee mandate be reviewed by the new Audit Committee members.

**Carried**

## **6. Closed Session**

Moved by: Michael Tambosso

Seconded by: Terrance Alderson

1. That the Audit Committee resolve into a Closed Session to discuss personal matters about identifiable individuals in accordance with Section 239 (2) (b) of the Municipal Act, 2001.

**Carried**

The Audit Committee resolved into Closed Session at 11:08 AM.  
The Audit Committee (Closed Session) Minutes are recorded under  
separate cover.

The Audit Committee resumed into Public Session at 11:17 AM.

**7. Adjournment**

Moved by: Terrance Alderson

Seconded by: Councillor Bisanz

1. That the meeting be adjourned at 11:22 AM.

**Carried**

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Cristine Prattas, Chair

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Date



# **Town of Newmarket**

## **Minutes**

### **Audit Committee**

Date: Monday, October 7, 2019

Time: 1:00 PM

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

Members Present: Michael Tambosso, Chair  
Deputy Mayor & Regional Councillor Vegh, Vice-Chair  
Councillor Bisanz  
Rebecca Mathewson  
Councillor Morrison  
Tom Mungham

Staff Present: J. Sharma, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
M. Mayes, Director of Financial Services/Treasurer  
D. Schellenberg, Manager of Finance & Accounting  
T. Kyle, Chief Executive Officer, Newmarket Public Library  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

Guests: Pina Colavecchia, Deloitte Canada

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

None.

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

None.

#### **3. Presentations**

### **3.1 Orientation Session**

The Legislative Coordinator provided an orientation presentation concerning Town By-laws, meeting procedures and the Code of Conduct.

## **4. Approval of Minutes**

### **4.1 Audit Committee Meeting Minutes of June 18, 2019**

Michael Tambosso requested the minutes be amended to reflect the addition to the agenda regarding the internal audit report, as well as the discussion regarding the posting of draft financial statements.

Moved by: Rebecca Mathewson

Seconded by: Councillor Bisanz

1. That the Audit Committee meeting minutes of June 18, 2019 be approved as amended.

**Carried**

### **4.2 Audit Committee Meeting (Closed Session) Minutes of June 18, 2019**

Moved by: Councillor Bisanz

Seconded by: Tom Mungham

1. That the Audit Committee Meeting (Closed Session) Minutes of June 18, 2019 be approved.

**Carried**

## **5. Items**

### **5.1 Appointment of Chair and Vice-Chair**

Moved by: Councillor Bisanz

Seconded by: Rebecca Mathewson

1. That Michael Tambosso be appointed as Chair of the Audit Committee.

**Carried**

Moved by: Councillor Bisanz

Seconded by: Councillor Morrison

2. That Deputy Mayor & Regional Councillor Vegh be appointed as Vice-Chair of the Audit Committee.

**Carried**

## **5.2 2019 Audit Service Plan**

Pina Colavecchia of Deloitte Canada presented the 2019 Audit service plan to the Committee. The presentation provided an overview of the audit scope and the terms of engagement. The presentation included an overview of significant audit risks, the audit approach, communication requirements, public sector accounting standards and asset retirement obligations. It was noted that while the audit included the Newmarket Public Library, the Audit Committee does not have a role regarding the Newmarket Public Library.

Moved by: Councillor Bisanz

Seconded by: Rebecca Mathewson

1. That the presentation by Pina Colavecchia regarding the 2019 Audit Service Plan be received.

**Carried**

## **6. New Business**

None.

## **7. Closed Session (if required)**

There was no requirement for a Closed Session.

## **8. Adjournment**

Moved by: Councillor Bisanz

Seconded by: Rebecca Mathewson

1. That the meeting be adjourned at 1:59 PM.

**Carried**

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Michael Tambosso, Chair

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Date



# **Town of Newmarket**

## **Minutes**

### **Newmarket Economic Development Advisory Committee**

Date: Tuesday, December 3, 2019

Time: 5:00 PM

Location: Upstairs Boardroom  
497 Timothy Street  
Newmarket, ON L3Y 1R1

Members Present: Donna Fevreau, Chair  
Carin Binder  
Marek Dabrowski  
Beric Farmer  
Jessica Rawlley  
Rod Scotland  
Darryl Sills  
Beth Stevenson  
Mayor Taylor  
Deputy Mayor & Regional Councillor Vegh  
Edmund Yeung

Members Absent: Steven Bruno  
Robert Bull  
Patrick Horgan  
Brian Johns  
Bri-Ann Stuart

Staff Present: I. McDougall, Commissioner, Community Services  
C. Kallio, Economic Development Officer  
E. Bryan, Business Development Specialist  
J. Grossi, Legislative Coordinator

The meeting was called to order at 5:20 PM.  
Donna Fevreau in the Chair.

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

None.

**2. Declarations of Pecuniary Interest**

None.

**3. Presentations & Deputations**

None.

**4. Approval of Minutes**

**4.1 Newmarket Economic Development Advisory Committee Meeting Minutes of September 26, 2019**

Moved by: Marek Dabrowski

Seconded by: Carin Binder

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of September 26, 2019 be approved.

**Carried**

**5. Items**

**5.1 Economic Development 2020-2024 Strategic Plan: Preliminary Strategies for Consideration**

The Economic Development Officer reviewed the Newmarket Economic Development Advisory Committee (NEDAC) strategic initiatives list from the joint workshop with Council on October 22, 2019.

The NEDAC Members discussed the initiatives and common themes could be used to group them into when developing the final plan.

The Business Development Officer reviewed the evaluation criteria - aligns with current direction and strategy, ability to create impact/change, economic impact, and resourcing implications.

The NEDAC Members queried Staff regarding the 2018-2022 Council Strategic Priorities, and discussed the importance of various initiatives identified throughout the process thus far.

**5.2 2020 Meeting Schedule**



Moved by: Carin Binder  
Seconded by: Edmund Yeung  
1. That the 2020 meeting schedule be approved.

**Carried**

**6. Closed Session**

Donna Fevreau advised that that there was no requirement for a closed session.

**7. New Business**

Beth Stevenson, Brain Power Studios, invited the Newmarket Economic Development Advisory Committee to a Christmas in Paris film premier at Old Town Hall on December 13, 2019 at 7:00 PM.

**8. Next Meeting**

**8.1 2020-2024 Economic Development Action Plan Business Summit -  
February 11, 2020 at Old Town Hall**

**9. Adjournment**

Moved by: Mayor Taylor  
Seconded by: Edmund Yeung  
1. That the meeting be adjourned at 6:46 PM.

**Carried**

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Donna Fevreau, Chair

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Date



# Town of Newmarket

## Outstanding Matters List (2018 – 2022 term of Council)

As of February 13, 2020

Q1, 2020				
1.	<b>Meeting Date:</b> Committee of the Whole – April 29, 2019  <b>Subject:</b> 2018-2022 Council Strategic Priorities	<b>Recommendations:</b> 2. That Staff report back to Council with respect to a <del>fulsome, ongoing communications plan</del> (completed) and an overall performance measurement approach intended to track and present progress.  <b>Responsible Department:</b> ➤ Strategic Priority Staff Working Group	Q1, 2020	
2.	<b>Meeting Date:</b> Committee of the Whole – April 8, 2019  <b>Subject:</b> Hollingsworth Arena and Future Ice Allocation Considerations	<b>Recommendations:</b> 3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and 6. That within six months staff bring back a report on any plans for public amenity use at this location; and,  <b>Responsible Department:</b> ➤ Recreation & Culture Services	Q1, 2020	
3.	<b>Meeting Date:</b> Committee of the Whole – February 25, 2019  <b>Subject:</b> Recognition of the Widdifield Family	<b>Recommendations:</b> 1. That staff be directed to investigate options that will recognize the area east of the river and west of Doug Duncan Drive, that lies between Timothy and Water St to be recognized in some format by a commemorative plaque or other option that acknowledges and demonstrates the background and history of an area known to be Widdifield Park; and, 2. That Mike Widdifield of Newmarket be notified of any proposals.  <b>Responsible Department:</b> ➤ Recreation / Parks	Q1, 2020	Information Report to be provided
4.	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Subject:</b> Council Remuneration	<b>Recommendations:</b> 1. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and,  <b>Responsible Department:</b> ➤ Office of the CAO/Human Resources	Q1, 2020	

5.	<b>Meeting Date:</b> Special Committee of the Whole – May 14, 2019  <b>Subject:</b> Ranked Ballots	<b>Recommendation:</b> 3. That Staff report back to Council with respect to referendum questions for the 2022 Municipal Election; and,  <b>Responsible Departments:</b> ➤ Legislative Services	September 14, 2020	Staff expect to present options for the 2022 Municipal Election at this Committee of the Whole Meeting
6.	<b>Meeting Date:</b> Committee of the Whole - September 23, 2019  <b>Subject:</b> Established Neighbourhoods Compatibility Study	<b>Recommendation:</b>  <b>Established Neighbourhoods Compatibility Study</b>  <b>Responsible Department:</b> ➤ Planning and Building Services	Q1, 2020	Special Committee of the Whole held January 20, 2020
7.	<b>Meeting Date:</b> Committee of the Whole - August 26, 2019  <b>Subject:</b> Traffic & Parking Petitions	<b>Recommendations:</b> 1. That the petition regarding Parking Restrictions on Helmer Avenue be referred to Staff; and, 2. That the petition regarding Traffic Calming Measures/Speed Mitigation on Flagstone Way be referred to Staff; and, 3. That the petition regarding Traffic Calming Measures/Speed Mitigation on Simcoe Street be referred to Staff.  <b>Responsible Departments:</b> ➤ Engineering	Q1, 2020	
8.	<b>Meeting Date:</b> Committee of the Whole - April 30, 2018  <b>Subject:</b> Heritage Designations - York Region Administrative Building and Newmarket Canal System	<b>Recommendations:</b> 1. The Strategic Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report: a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and, b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system.  <b>Responsible Department:</b> ➤ Planning and Building Services	Q1, 2020	
9.	<b>Meeting Date:</b> Committee of the Whole - September 23, 2019  <b>Subject:</b> All Way Stop at Dover Crescent and Burford Street	<b>Recommendations:</b> 1. That the traffic issue related to an all-way stop at Dover Crescent and Burford Street be referred to Staff.  <b>Responsible Departments:</b> ➤ Engineering Services	Q1, 2020	Report included on February 24, 2020 CoW Agenda

10.	<b>Meeting Date:</b> Council - September 9, 2019  <b>Subject:</b> All Way Stop at Dover Crescent and Burford Street	<b>Recommendations:</b> 1. That the deputation by Joseph Coupal regarding a Request for an All-way Stop at the Intersection of London Road and Harewood Boulevard be received and referred to staff  <b>Responsible Departments:</b> ➤ Engineering Services	Q1, 2020	Report included on February 24, 2020 CoW Agenda
11.	<b>Meeting Date:</b> Committee of the Whole - June 17, 2019  <b>Subject:</b> Protection of Trees on Private Property	<b>Recommendations:</b> 4. That following the internal and public consultation, issues identified in this report, together with comments from the public, and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole with a draft by-law; and,  <b>Responsible Department:</b> ➤ Planning Services	Q1, 2020	PIC at the iWonder Event completed.
12.	<b>Meeting Date:</b> Committee of the Whole – June 17, 2019  <b>Subject:</b> Youth Engagement, Diversity and Inclusivity, and Consultation on the Environment	<b>Recommendation:</b> 3. That staff be directed to plan a <del>Climate Change Open House for Fall 2019</del> (completed) and a Spring 2020 e-Waste Collection event as part of a one-year pilot environmental consultation program and report back in 2020 with a review of this program;  <b>Responsible Departments:</b> ➤ Engineering Services, Public Works Services	Q1, 2020	
<b>Q2, 2020</b>				
13.	<b>Meeting Date:</b> Committee of the Whole – March 18, 2019  <b>Subject:</b> Construction Vibration Issues	<b>Recommendations:</b> 5. That staff investigate options for existing sites where construction activity will cause significant vibrations.  <b>Responsible Departments:</b> ➤ Planning and Building Services & Engineering Services	Q2, 2020	
14.	<b>Meeting Date:</b> Committee of the Whole – June 17, 2019  <b>Subject:</b> Ward 1 Traffic Petitions	<b>Recommendation:</b> 1. That the petitions regarding traffic issues in Ward 1 be received and referred to staff.  <ul style="list-style-type: none"> <li>• Atkins Drive – Speed Mitigation</li> <li>• <del>Helena Court – Parking</del></li> <li>• Kingsmere Avenue – Stop sign</li> </ul> <b>Responsible Departments:</b> ➤ Engineering Services	Q2, 2020	Atkins Drive Report included on February 24, 2020 CoW Agenda

15.	<p><b>Meeting Date:</b> Committee of the Whole - September 23, 2019</p> <p><b>Subject:</b> Derelict Properties</p>	<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. That Staff circulate an information report related to derelict properties, including information regarding demolition requirements and any impediments that may apply.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services</li> <li>➤ Planning &amp; Building</li> </ul>	Q2, 2020	
16.	<p><b>Meeting Date:</b> Committee of the Whole - April 30, 2018</p> <p><b>Subject:</b> Asset Replacement Fund Strategy</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Financial Services</li> </ul>	Q2, 2020	
17.	<p><b>Meeting date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services/ Community Centre Lands Task Force</li> </ul>	Q2, 2020	

Q3, 2020				
18.	<p><b>Meeting Date:</b> (1) Committee of the Whole - November 6, 2017</p> <p>(2) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p><b>Subject:</b> Residential Parking</p>	<p><b>Recommendations:</b> (1) 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:</p> <p style="padding-left: 40px;">c. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report.</p> <p>(2) 5. That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p><b>Responsible Department:</b> ➤ Planning and Building Services / Legislative Services</p>	Q3, 2020	CW held on June 10, 2019
19.	<p><b>Meeting Date:</b> Committee of the Whole – November 4, 2019</p> <p><b>Subject:</b> Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard</p>	<p><b>Recommendation:</b> 1. That the petition regarding Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard be referred to Staff.</p> <p><b>Responsible Departments:</b> ➤ Engineering Services</p>	Q3, 2020	
20.	<p><b>Meeting Date:</b> Committee of the Whole - February 26, 2018</p> <p><b>Subject:</b> Newmarket Public Library Study Implementation</p>	<p><b>Recommendations:</b> 2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.</p> <p><b>Responsible Department:</b> ➤ Community Services/Newmarket Public Library</p>	Q3, 2020	

Q4, 2020				
21.	<b>Meeting Date:</b> Committee of the Whole - September 23, 2019  <b>Subject:</b> Town-Wide Mitigation Strategy - Traffic Calming Policy Public Consultation Report	<b>Recommendations:</b> 2. That Staff report back to Council in up to 12 months regarding various initiatives raised in this report.  <b>Responsible Departments:</b> ➤ Engineering	Q4, 2020	
22.	<b>Meeting Date:</b> Committee of the Whole – November 4, 2019  <b>Subject:</b> Multi Use Pathways	<b>Recommendation:</b> 1. That Council direct Staff to report back in 2020 regarding the best practices and options for improving the signage and markings on the Tom Taylor Trail system.  <b>Responsible Departments:</b> ➤ Public Works/Parks	Q4, 2020	
2021				
23.	<b>Meting Date:</b> Council – January 18, 2016 – Item 35  <b>Subject:</b> 2015-44 – Proposed Trail from Yonge Street to Rita’s Avenue	<b>Recommendation:</b> 1. That staff provide alternate trail options for this area at a lower cost.  2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and,  3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita’s Avenue to the George Luesby Park Trail; and,  4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail.  <b>Responsible Department:</b> ➤ Planning and Building Services ➤ Engineering Services	2021	Deferred subsequent to VivaNext construction



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





Insurance  
Travel  
Roadside  
Rewards

March 2, 2020

Mayor John Taylor and Members of Council  
c/o Newmarket Legislative Services (Clerks)  
Town of Newmarket  
395 Mulock Drive  
Newmarket, Ontario  
L3Y 4X7

**Sent via Email**

Dear Mayor Taylor and Members of Council,

**Re: Item 9.1.8 – Amended Mobile Business Licence By-law (Towing)**

On behalf of the Canadian Automobile Association (CAA) and our over 2.5 million members across the province, we are submitting our recommendations for the Town of Newmarket's mobile licensing bylaw, as it relates to the towing industry. As the largest not for profit automobile association, CAA has been helping to keep Ontarians safe, mobile and protected for over 115 years. We are strong advocates and a voice for our Members on issues such as road safety, infrastructure and consumer rights.

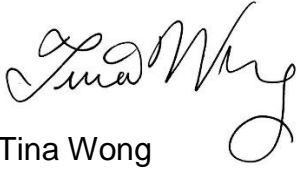
With customer protection front of mind, CAA is an avid proponent of a provincial licensing system for the towing industry. Currently, there is a patchwork system of municipal bylaws, resulting in a lack of clarity and consistency in services for consumers. For tow operators, having to maintain multiple licenses to service adjacent jurisdictions is both time and resource consuming. Given the nature of motorists' travel patterns in and around the Greater Toronto Area, it is not uncommon for confusion to arise when a driver is picked up in one jurisdiction but dropped off in another, with potentially a stop in a third municipality if it happens to host the closest collision reporting centre. Consequently, CAA believes that municipal licensing for the towing industry does not better serve Ontario's motorists. We urge Council to consider CAA's recommendation to support provincial licensing.

Understanding the need for the Town to take action soonest to protect its citizens, here are several components we believe would be important to include in a provincial licensing structure that would also be pertinent in a municipal licensing system for tow trucks:

- Evaluation of criminal background checks based on a threshold policy, similar to those in towing bylaws of Brampton, Caledon, Hamilton, Markham, Mississauga, Richmond Hill, Toronto and Vaughan
- Template of a permission to tow form as an appendix or schedule

We appreciate your time and consideration of our requests and thank you for allowing CAA to provide comments during the consultation process. Should you have any questions or concerns, please do not hesitate to contact me directly at [twon@caasco.ca](mailto:twon@caasco.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tina Wong', with a stylized, cursive script.

Tina Wong  
Government Relations  
CAA South Central Ontario

cc: Flynn Scott, Manager of Manager of Regulatory Services



# Corporation of the Town of Newmarket

## By-law 2020-07

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

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

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

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

### 1. Title

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

### 2. Definitions

In this By-law:

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

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

“Appeal Committee” means the Appeal Committee established by the Town.

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

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

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

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

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

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

“Council” means Council for the Corporation of the Town of Newmarket;

“CVOR Certificate” means a Commercial Vehicle Operator’s Registration Certificate issued under the Highway Traffic Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Mobile Business” means a Business that provides goods and/or services to the public from a vehicle or apparatus that is designed to be mobile and includes, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sticker Plate” means a numbered sticker plate issued by the Town and required to be visibly displayed on a Mobile Business Vehicle pursuant to this by-law;

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### **3. General Regulations**

(1) No Person shall:

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

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

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

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

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

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

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

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

#### **4. Administration and Enforcement**

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

#### **5. Licence Fees**

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

#### **6. Application and Renewal**

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

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

## **7. Suspension, Cancellation, and Refusal**

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

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

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

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

## **8. Specific Regulations**

### **8.1 Taxicab Companies**

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

### **Taxicab Driver Requirements**

- (2) A Taxicab Company shall not permit a Taxicab Driver to operate in the Town if the Taxicab Driver:
- (a) has received a criminal conviction that does not meet the standards set forth in Schedule "B" of this By-law;
  - (b) has a Driver's Abstract which contains:

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

#### Taxicab Company Requirements

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

#### Taxicab Company Record Keeping

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

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

#### Removal of Taxicab Driver from Taxicab Company

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

#### Taxicab Vehicle Requirements

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

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

## **8.2 Transportation Network Companies**

### **TNC Application Requirements**

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



automobile coverages, and statutory Ontario accident benefits; and

- v. proof of a valid driver's licence.
- (c) An insurance certificate demonstrating commercial general liability business insurance for the operations of the TNC against claims filed against the TNC with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the TNC;
- (d) An indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the TNC's business and services, which shall be in a form satisfactory to the Licensing Officer;
- (e) A sworn declaration from the TNC confirming to the satisfaction of the Licensing Officer that:
  - i. the TNC will have the ability to maintain and deliver data in the form, manner, and frequency required by this By-law;
  - ii. the TNC has data security measures in place to protect the personal data collected by the TNC relating to passengers and drivers; and
  - iii. the TNC will ensure that every affiliated TNC Driver maintains the requirements set forth in section 8.2(2) of this By-law;

and

- (f) a report from an independent third party auditor confirming that the TNC is accurately collecting the information as required by this By-law.

#### TNC Driver Requirements

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

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

#### TNC General Requirements

(4) A TNC shall:

- (a) ensure that driver training is available for all affiliated TNC Drivers on the use of the TNC App;
- (b) ensure that prior to the collection of any personal information, a TNC shall obtain consent from any affiliated TNC Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
- (c) upon request confirm by way of an independent third party auditor that the information provided in accordance with this By-law is accurate and true;
- (d) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service or any other issues arising from the TNC operations.

(5) A TNC shall not:

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

#### TNC App Requirements

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

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

(7) A TNC shall ensure that its TNC App is based on functioning GPS technology as used by its affiliated TNC Drivers.

- (8) A TNC shall provide passengers with the following information via the TNC App prior to the start of a Trip:
- (a) the TNC Vehicle make and model;
  - (b) TNC Driver's first name;
  - (c) Ontario licence plate number of the TNC Vehicle; and
  - (d) photograph of the TNC Driver.
- (9) A TNC shall at the conclusion of every Trip via the TNC App provide the passenger with an electronic receipt containing the following information:
- (a) the fare charged;
  - (b) the date and end time of the Trip;
  - (c) the start and end locations of the Trip; and
  - (d) the TNC Driver's first name and provincial licence plate number of the TNC Vehicle.

#### TNC Record Keeping

- (10) A TNC shall maintain a list of every affiliated TNC Driver in a readily accessible electronic format approved by the Manager which shall include:
- (a) the full name, date of birth, address and phone number of the TNC Driver; and
  - (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the TNC to be operated by the Driver as a TNC Vehicle.
- (11) A TNC shall maintain information for all Trips completed by affiliated TNC Drivers which shall include:
- (a) the name of the TNC Driver;
  - (b) pick up location and the destination;
  - (c) date and time the Trip started and terminated;
  - (d) length of time elapsed between the passenger's service request and the start of the Trip; and
  - (e) the fare paid for the Trip.
- (12) A TNC shall maintain information for all Trips that cannot be completed by an affiliated TNC Driver.
- (13) The records a TNC is required to maintain under the provisions of this By-law shall be maintained for a minimum of one year.
- (14) The TNC shall provide the Manager with any information maintained by the TNC according to this By-law and shall provide said information:
- (a) within thirty (30) days upon request; and

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

#### Removal of TNC Driver from TNC App

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

#### TNC Vehicle Requirements

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

### **8.3 Refreshment Vehicles**

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

- ii. a Safety Standards Certificate issued within 30 days of the application;
  - iii. a certificate of automobile insurance in the amount of two million dollars (\$2,000,000); and if requested a certificate of general liability insurance in the amount of two million dollars (\$2,000,000);
  - iv. a certificate from the Medical Officer of Health indicating that the Refreshment Vehicle complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed by the Town of Newmarket; and
  - v. sections 8.3(1)(b)(i), (ii), (iii) do not apply to Refreshment Vehicle – Type 3.
- (2) A Refreshment Vehicle Owner shall not permit a Refreshment Vehicle Operator to operate in the Town if the Refreshment Vehicle Operator:
- (a) has received a criminal conviction that does not meet the standards set forth in Schedule “B” of this By-law;
  - (b) has a **Driver’s Abstract** which contains:
    - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
    - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
  - (c) is operating a Refreshment Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Refreshment Vehicle Owner shall ensure that every Refreshment Vehicle Operator shall, at all times while operating a Refreshment Vehicle, have on display his or her name and photograph to be plainly visible and readable by customers.

#### Refreshment Vehicle Owner Prohibitions

- (4) A Refreshment Vehicle Owner shall not operate or permit the operation of a Refreshment Vehicle:
- (a) from any site unless such use is permitted by the Town’s Zoning By-law as may be amended from time to time;
  - (b) on private property without written consent from the property owner or management company. Notwithstanding anything in this section, the owner of a refreshment vehicle – Type 1 which has the sole purpose of travelling from place to place shall not be required to provide letters of permission from the property owner;
  - (c) on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
  - (d) unless it meets the requirements of the Region of York Health Department;
  - (e) which depends upon outside sources of power, electricity or water unless approved by property owner;
  - (f) within thirty (30) metres of any intersection;

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

#### Refreshment Vehicle – Type 1; Duties of Owner

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

#### Special Events

- (8) No Person shall hold or carry on, or permit to be held or carried on, a Special Event without a Special Event Organizer Licence.
- (9) Every **Refreshment Vehicle Owner** shall not operate or permit the operation of a **Refreshment Vehicle**:

- (a) from any park or recreation facility without permission and a signed lease agreement from the Director of Recreation and Culture or his designate; and having provided a certificate of general liability insurance in the amount of \$2,000,000 naming the Town of Newmarket as an additional insured;
  - (b) at a Special Event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or his designate;
  - (c) at a Special Event without first completing the York Region Public Health Department's street food vending cart application and after receiving their subsequent approval, file the approval with the **Director of Recreation and Culture** or his designate;
  - (d) at any Community Event which has been sponsored by a charitable or non for profit organization without first obtaining written permission of the said charitable or not for profit organization; and
  - (e) on any Trail in the Town.
- (10) An Owner's Licence for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.
- (11) A **Special Event Organizer Licence** is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.
- (12) Every **Special Event Organizer** shall provide:
- (a) A completed "Application for **Special Event Organizer Licence**" and the licensing fee as set out in the Fees and Charges by law; and
  - (b) A **Special Event Organizer** must provide for each **Special Event Vendor**:
    - i. For "Refreshment Vehicle Type1 and Type 4", Certificate of automobile insurance in the amount of two million dollars (\$2,000,000.00), if the vendor is a motorized vehicle; and
    - ii. For Refreshment Vehicle Types 1, 2, 3 and 4, Certificate of General liability Insurance in the amount of two million dollars (\$2,000,000.00).
  - (c) A list of all **Refreshment Vehicles** that will be operating at the **Special Event**; and
  - (d) Proof that the **Special Event Organizer** has informed the **Health Department** of the dates and times of the event.
- (13) A **Special Event Organizer Licence** for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

#### Farmers Market

- (14) A **Farmers Market** is exempt from obtaining an Owner's Refreshment Vehicle licence where products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and

grain and seed products, at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

#### **8.4 Limousine Companies**

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

#### **Limousine Driver Requirements**

- (3) Every Limousine Company shall ensure the **Limousine Driver** maintains and keeps the following documents in the **Limousine** at all times:
  - (a) a current provincial motor vehicle permit for the Limousine; and
  - (b) a current Certificate of Liability Insurance for the Limousine.
- (4) A Limousine Company shall not permit a Limousine Driver to operate in the Town if the Limousine Driver:
  - (a) has received a criminal conviction that does not meet the standards set forth in Schedule "B" of this By-law;
  - (b) has a **Driver's Abstract** which contains:
    - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
    - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;



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

#### Limousine Vehicle Requirements

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

#### **8.5 Driving School Instructors**

- (1) No **Person** except an individual may hold a **Driving School Instructor Licence**.
- (2) No **Person's Driving School Instructor Licence** is valid unless the individual holds a valid **Ministry of Transportation Instructor's Licence**.
- (3) Every Person applying for a **Driving School Instructor Licence** or renewal shall:
  - (a) submit a copy of the insurance policy or a certificate of automobile insurance to the **Director** that is issued by an insurer of duly authorized to issue insurance within the Province of Ontario and for each **Driving School Instructor Vehicle**, coverage shall be in the amount of \$2 million (\$2,000,000.00)

dollars for personal injury and property damage arising out of any one accident or occurrence, and such policy shall be endorsed to the effect that the **Director** will be given fifteen (15) business days' notice in writing of any cancellation;

(b) provide a valid and current Class "G" Ontario Driver's Licence; and

(c) provide proof of a valid Ministry of Transportation Driving Instructor's Licence.

(4) Every Driving Instructor shall:

(a) carry at all times and produce, upon request, a valid and unexpired **Ministry of Transportation Driving Instructor's Licence**;

(b) carry a valid and unexpired driver's licence;

(c) produce upon request documentation showing dates and times that driving instructions and/or testing are being provided;

(d) affix a **Sticker Plate** that is visible to the rear of the Driving Instructor Vehicle; and

(e) affix a roof sign on the Driving Instructor Vehicle showing the business name of the Driving School Instructor as shown on the Driving Instructor Licence at all times while the **Driving Instructor Vehicle** is within the Town of Newmarket.

#### Restricted Area for Driving School Instructors

(5) No **Driving School Instructor** shall **Operate** or permit to **Operate a Driving Instructor Vehicle** on any **Highway** within the area marked "**Restricted Area**" in Schedule "A" to this By-law.

(6) Notwithstanding section 8.5(5), a **Driving Instructor Vehicle** may be **Operated** within the area marked "**Restricted Area**" in Schedule "A" provided that:

(a) the **Driving School Instructor** is picking up or dropping off a student residing in the "**Restricted Area**" for the purpose of giving driving instruction;

(b) when a **Driving School Instructor** is picking up or dropping off a student from a Secondary School located in the "**Restricted Area**"; or

(c) when a **Driving School Instructor Vehicle** is used for the purpose of a driving test required by the **Ontario Ministry of Transportation**.

### **8.6 Tow Truck Companies**

#### Tow Truck Company General Requirements

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

(a) insurance coverage for the following kinds of liability in the following amount in respect of any one claim:

- i. coverage against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property, in the amount of at least \$2,000,000 exclusive of interest and costs;

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

#### Tow Truck Driver Requirements

- (2) Every Tow Truck Company shall ensure the Tow Truck Driver:
  - (a) maintains and keeps the following documents in the Tow Truck at all times:
    - i. a current provincial motor vehicle permit for the Tow Truck; and
    - ii. a current Certificate of Liability Insurance for the Tow Truck.
  - (b) cleans up and removes any and all debris, fragments of glass, vehicle parts, or other materials from any highway or roadway during a collision, prior to the towing or conveying of any vehicle from the scene;
  - (c) notwithstanding section 8.6(2)(b), where the accident scene is an ongoing police investigation, a Tow Truck Company shall ensure the clean up and removal of all debris is carried out within 8 hours immediately following the completion of the investigation.
- (3) A Tow Truck Company shall not permit a Tow Truck Driver to operate in the Town if the Tow Truck Driver:
  - (a) has received a criminal conviction that does not meet the standards set forth in Schedule "B" of this By-law;
  - (b) has a **Driver's Abstract** which contains:

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

#### Tow Truck Company Prohibitions

- (6) No Tow Truck Company shall permit an affiliated Tow Truck Driver to:
  - (a) operate any affiliated Tow Truck unless it is clean, free from mechanical defects, and in good repair;
  - (b) interfere with any contract of another Tow Truck Company where a Person has hired or has indicated an intention to hire that Tow Truck Company, except under the direction of a Police Officer who is directing the removal of a vehicle in order to assist in an investigation;
  - (c) suggest or recommend any location to tow a customer's vehicle to unless the Tow Truck Company or Tow Truck Driver has been requested to do so by the customer;
  - (d) accept any gift or payment, other than payment for lawful services rendered, from any facility in exchange for business from the Tow Truck Company, either directly or indirectly; and
  - (e) demand, request or permit the acceptance or receive a **Drop Fee**.
  - (f) connect any vehicle to a Tow Truck, or perform any other services, unless first requested to do so by a customer, a Police Officer, any member of a municipal fire department, or any person authorized by law to direct the removal of a vehicle from public or private property;
  - (g) stop, stand, or park within (200) two hundred meters of a collision scene unless the Tow Truck Driver has been summoned to the collision by a customer, Police Officer, or member of a municipal fire department;

- (h) remove any vehicle from a Collision Scene or immediate vicinity of an accident in respect of which a report is required by law to be made by a Police Officer, until a report has been made and the investigating Police Officer has stated that the vehicle is no longer required to remain at the scene; and
- (i) permit to be driven or operated a Tow Truck with any passenger, other than the customer, while the Tow Truck is actively engaged in providing towing services.

#### Tow Truck Vehicle Requirements

- (7) Every Tow Truck Company shall require all Tow Trucks to provide and maintain the following equipment:
  - (a) a hoisting device of sufficient capacity to safely lift the vehicle to be towed;
  - (b) a tow cradle, tow bar, or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of a towed vehicle, except where a flatbed-type Tow Truck is being used;
  - (c) one device for securing the steering wheel of a vehicle;
  - (d) one 1.25kg dry chemical fire extinguisher of a type capable of functioning at -40 degrees Celsius;
  - (e) a minimum of two safety chains having a minimum length of 2.74 meters, each comprised of links of at least 7.94 millimetres steel;
  - (f) one broom;
  - (g) one shovel;
  - (h) one general purpose first aid kit;
  - (i) at least two wheel blocks;
  - (j) dollies, with the exception of a flatbed-type Tow Truck;
  - (k) an intermittent warning light system consisting of at least one light which, when activated, is clearly visible from three hundred sixty (360) degrees for a distance of at least one hundred (100) meters;
  - (l) absorbent material capable of absorbing or removing any vehicle fluid product from a roadway surface;
  - (m) a garbage container of a minimum capacity of 10 litres;
  - (n) a pry bar at least 1.5 meters in length;
  - (o) wheel straps;
  - (p) a safety vest; and
  - (q) any other equipment or provisions that may be required under the Highway Traffic Act, as amended.
- (8) Every Tow Truck Vehicle shall:
  - (a) have the name of the Tow Truck Company with whom the vehicle is associated with, in letters a minimum of 15cm in height, on both sides of the vehicle; and

- (b) affix a **Sticker Plate** that is visible to the front of the Tow Truck Vehicle.

#### Tow Truck Company Rates

- (9) Every Tow Truck Company shall:
  - (a) provide a quote, in writing, within 10% of the cost for towing services to a customer prior to services accepted and rendered;
  - (b) provide an itemized invoice of the cost for towing services to the customer;
  - (c) charge a maximum flat rate towing fee of \$250.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a Collision Scene;
  - (d) charge a maximum flat rate towing fee of \$125.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a non-collision scene;
  - (e) Notwithstanding sections 8.6(8)(c) and (d), rates established in this By-law shall not supersede the rates established by York Regional Police and Central York Fire Services; and
  - (f) Notwithstanding sections 8.6(8)(c) and (d), a Tow Truck Company shall be permitted to charge the following:
    - i. an additional rate of \$1.55 per kilometer after the first 30 kilometers of towing services;
    - ii. if required, a flat rate winch fee of \$103.00; and/or
    - iii. a wait-time (collision reporting centre) fee of \$17 per 15 minutes.
- (10) If a customer's requested drop-off location is closed, the Tow Truck Company shall require the Tow Truck Driver to take the customer's vehicle to a second location of the customer's choice and may only charge an additional mileage rate for a re-tow as follows:
  - (a) \$3.10 per kilometer for the first 30 kilometers; and
  - (b) \$1.55 per kilometer after the first 30 kilometers.

#### Tow Truck Company Record Keeping

- (11) A Tow Truck Company shall maintain a list of every affiliated Tow Truck Driver and Tow Truck Vehicle in a readily accessible electronic format approved by the Manager which shall include:
  - (a) the full name, date of birth, address and phone number of the Tow Truck Driver; and
  - (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the Tow Truck Company.
- (12) A Tow Truck Company shall maintain information for all Trips completed by affiliated Tow Truck Drivers which shall include:
  - (a) the name of the Tow Truck Driver;
  - (b) the name of the customer;
  - (c) the pick up location and the destination for towing services;

- (d) the date and time the towing services started and terminated; and
  - (e) the towing fees paid for the Trip.
- (13) Every Tow Truck Company shall keep the original copies of all run sheets and documentation required to be maintained under this By-law for a minimum of one year from the date of services provided.

Tow Truck Companies Affiliated with Public Garages

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

**9. Offences**

- (1) Every Person who contravenes any provision of this By-law are liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62.
- (2) Every Person who is in contravention of the provisions of this By-law is responsible for any fines and administrative fees imposed in relation to their Licence under the Administrative Monetary Penalty System By-law 2019-62.
- (3) Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law-2019- 62.
- (4) Any **Person** who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

**10. Severability**

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

**11. Repeal**

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

Enacted this 2<sup>nd</sup> day of March 2020.

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John Taylor, Mayor

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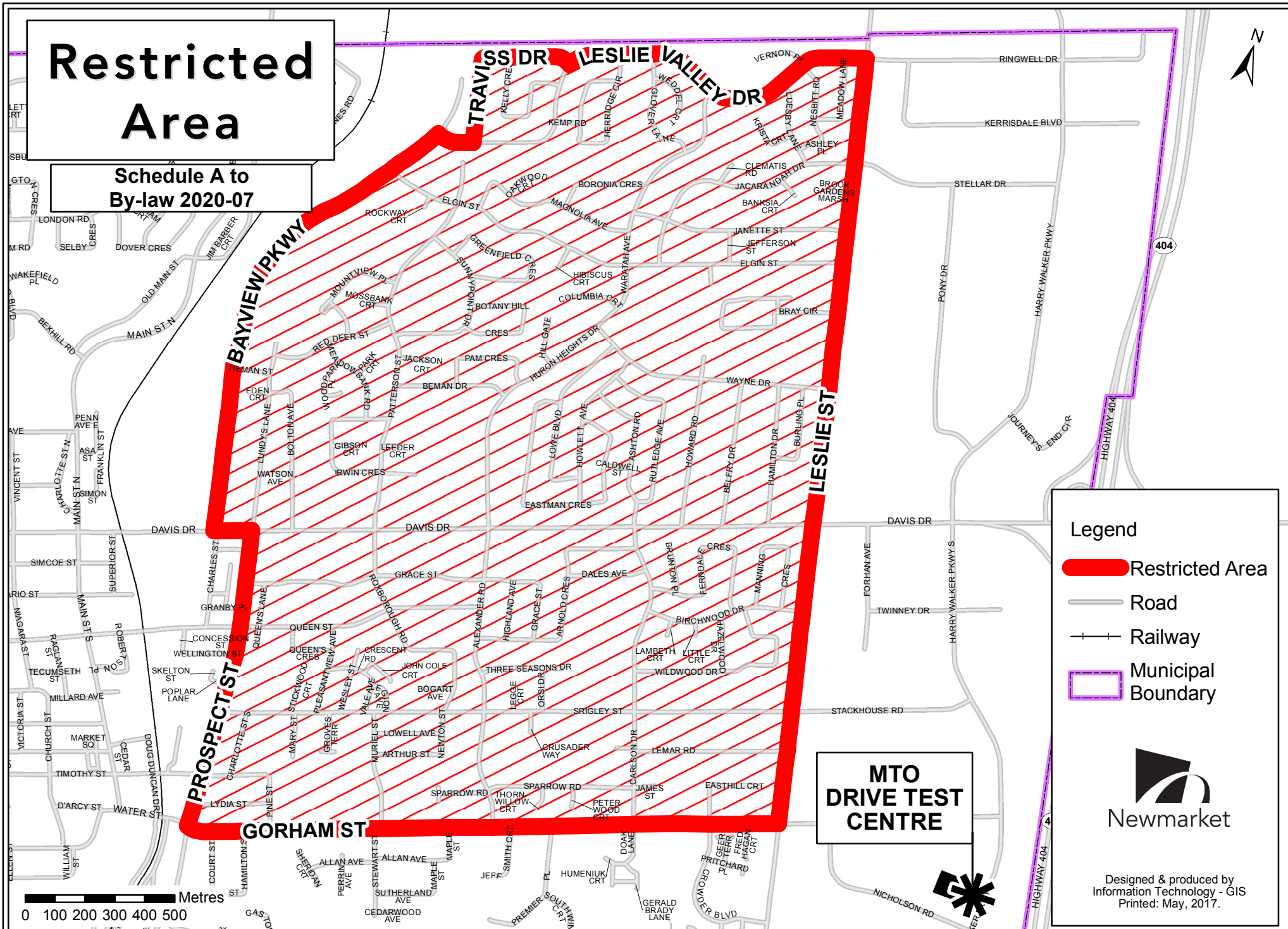
Lisa Lyons, Town Clerk





# Restricted Area

Schedule A to  
By-law 2020-07



## Legend

- Restricted Area
- Road
- Railway
- Municipal Boundary



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**Schedule “B”**  
**Conviction Thresholds**

**1. Definitions**

For the purpose of this Schedule:

“code 01 conviction” means a conviction for a sexual offence that involved a minor pursuant to Section 151 (Sexual interference), Section 152 (Invitation to sexual touching), Section 153 (Sexual exploitation), Section 155 (Incest), Sections 170 (Parent or guardian procuring sexual activity), 171 (Householder permitting sexual activity), 172.1 (Luring a child) or subsection 173(2) (Exposure) of Part V of the Criminal Code;

“code 02 conviction” means a conviction for:

- (a) financing of terrorism pursuant to Section 83.02 (Providing or collecting property for certain activities), Section 83.03 (Providing, making available, etc.) or Section 83.04 (Using or possessing property for terrorist purposes) of Part II.1 of the Criminal Code;
- (b) homicide pursuant to any of Sections 222 through 228 of Part VIII of the Criminal Code; or
- (c) murder, manslaughter and infanticide pursuant to any of Sections 229 through 240 of Part VIII of the Criminal Code.

“code 03 conviction” means a conviction for:

- (d) a major assault or sexual assault pursuant to Section 267 (Assault with a weapon or causing bodily harm), Section 268 (Aggravated assault) or Section 272 (Sexual assault with a weapon, threats to third party or causing bodily harm) of Part VIII of the Criminal Code;
- (e) sexual offences not involving a minor pursuant to Section 153.1 (Sexual exploitation of Person with disability), Section 155 (Incest), Section 173 (Indecent acts) or 271 (Sexual assault) of Parts V and VIII of the Criminal Code;
- (f) confinement pursuant to Section 279 (Kidnapping), Section 279.1 (Hostage taking), Section 280 (Abduction of Person under sixteen), Section 281 (Abduction of Person under fourteen), Section 282 (Abduction in contravention of custody order or Section 283 (Abduction) of Part VIII of the Criminal Code;
- (g) hate propaganda pursuant to Section 318 (Advocating genocide) or Section 319 (Public incitement of hatred) of Part VIII of the Criminal Code;
- (h) robbery or extortion pursuant to Section 98.1 (Robbery to steal a firearm) or any of Sections 343 through 346 of Parts III and IX of the Criminal Code;
- (i) participation in criminal organization activities pursuant to Section 167.11 (Participation in activities of criminal organization) of Part XIII of the Criminal Code;
- (j) trafficking of a substance listed in Schedule I or II of the Controlled Drugs and Substances Act pursuant to Section 5 of the Controlled Drugs and Substances Act;
- (k) importing or exporting of a substance listed in Schedule I or II of the Controlled Drugs and Substances Act pursuant to Section 6 of the Controlled Drugs and Substances Act; or
- (l) production of a substance listed in Schedule I or II of the Controlled Drugs and Substances Act pursuant to Section 7 of the Controlled Drugs and Substances Act, save and except for the production of marijuana;

“code 04 conviction” means a conviction for:

- (m) negligence pursuant to any of Sections 219 through 221 of Part XIII of the Criminal Code;
- (n) assault pursuant to Section 270 (Assaulting a peace officer), Section 270.01 (Assaulting a peace officer with a weapon or causing bodily harm) or Section 270.02 (Aggravated assault of a peace officer) of Part XIII of the Criminal Code;
- (o) administering a noxious thing to harm pursuant to subsection 245(a) of Part XIII of the Criminal Code;
- (p) criminal harassment pursuant to Section 264 of Part XIII of the Criminal Code;
- (q) uttering a threat pursuant to Section 264.1 of Part XIII of the Criminal Code;
- (r) using and possession explosives pursuant to Section 81 (Using explosives) and Section 82 (Possession without lawful excuse) of Part II of the Criminal Code;
- (s) using, possessing or trafficking weapons pursuant to any of Section 85 through 101 of Part III of the Criminal Code;
- (t) theft pursuant to any of Sections 322 through 342.2 of Part IX of the Criminal Code;
- (u) forgery pursuant to any of Section 366 through 378 of Part IX of the Criminal Code;
- (v) breaking and entering pursuant to Section 348 of Part IX of the Criminal Code;  
possession of property obtained by crime pursuant to Section 354 of Part IX of the Criminal Code;
- (w) fraud pursuant to any of Sections 380 through 402 of Part X of the Criminal Code;
- (x) falsification of books and documents pursuant to any of Sections 397 through 402 of Part X of the Criminal Code;
- (y) arson pursuant to any of Sections 433 through 436.1 of Part XI of the Criminal Code;
- (z) uttering, advertising and dealing in counterfeit money pursuant to Section 452 (Uttering, etc., counterfeit money), Section 458 (Making, having or dealing in instruments for counterfeiting) and Section 460 (Advertising and dealing in counterfeit money, etc.) pursuant to Part XII of the Criminal Code;
- (aa) laundering proceeds of crime pursuant to Section 462.31 of Part XII.2 of the Criminal Code;
- (bb) trafficking of a substance listed in Schedule III of the Controlled Drugs and Substances Act pursuant to Section 5 of the Controlled Drugs and Substances Act;
- (cc) importing or exporting of a substance listed in Schedule III of the Controlled Drugs and Substances Act pursuant to Section 6 of the Controlled Drugs and Substances Act; or
- (dd) production of a substance listed in Schedule III of the Controlled Drugs and Substances Act pursuant to Section 7 of the Controlled Drugs and Substances Act;

“code 05 conviction” means a conviction for:

- (ee) trap setting pursuant to subparagraph 247(1)(a) of Part XIII of the Criminal Code;
- (ff) administering a noxious thing to annoy or aggrieve pursuant to subsection 245(b) of Part XIII of the Criminal Code;
- (gg) mischief, pursuant to Section 140 (Public Mischief) and any of Sections 430 through 432 of Parts IV and XI of the Criminal Code;
- (hh) conspiracy to commit an indictable offence pursuant to subparagraphs 465(1)(a)(b) and (c) of Part XIII of the Criminal Code;
- (ii) an offence in relation to prostitution pursuant to Section 213 of Part VII of the Criminal Code;
- (jj) keeping, transporting to, and procuring to or at, bawdy houses pursuant to Sections 210 through 212 of Part VII of the Criminal Code;
- (kk) possession of a substance listed in the schedules to the Controlled Drugs and Substances Act pursuant to Section 4 of the Controlled Drugs and Substances Act;
- (ll) trafficking of a substance listed in Schedule IV of the Controlled Drugs and Substances Act pursuant to Section 5 of the Controlled Drugs and Substances Act;
- (mm) importing or exporting of a substance listed in Schedule IV of the Controlled Drugs and Substances Act pursuant to Section 6 of the Controlled Drugs and Substances Act; or
- (nn) production of a substance listed in Schedule IV of the Controlled Drugs and Substances Act pursuant to Section 7 of the Controlled Drugs and Substances Act;

“code 06 conviction” means a conviction for:

- (oo) Motor Vehicle, vessel or aircraft related matters pursuant to Section 249 (Dangerous operation of Motor Vehicles, vessels and aircraft), Section 252 (Failure to stop at scene of accident) or Section 253 (Operation while impaired), subsection 259(4) (Operation while disqualified) of Part VIII of the Criminal Code;
- (pp) driving when Driver’s License is suspended pursuant to Section 43(1) of the Highway Traffic Act;
- (qq) exceeding speed limit by 50km/hr or more pursuant to Section 128 of the Highway Traffic Act; subsection 13 (3) of Regulation 829 of the Revised Regulations of Ontario, 1990; any provision of the National Capital Commission Traffic and Property Regulations CRC 1978, c. 1044 made under the National Capital Act (Canada) fixing maximum rates of speed and any municipal by-law fixing maximum rates of speed;
- (rr) careless driving pursuant to Section 130 of the Highway Traffic Act;
- (ss) failing to remain at the scene of an accident pursuant to Section 200 of the Highway Traffic Act;
- (tt) failing to stop when signalled or requested to stop by police officer pursuant to Section 216 of the Highway Traffic Act;
- (uu) racing pursuant to Section 172 of the Highway Traffic Act; or
- (vv) failing to stop for a school bus pursuant to subsections 175 (11) and (12) of the Highway Traffic Act.

“code 07 conviction” means:

- (ww) any conviction under the Criminal Code other than those set out above as code 01 – code 06 convictions; or
- (xx) driving while Driver’s License is suspended pursuant to Section 36 of the Highway Traffic Act.

“Controlled Drugs and Substances Act” means the Controlled Drugs and Substances Act, S.C., 1996, c.19;

“Criminal Code” means the Criminal Code, R.S.C., 1985, c. C-46;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8;

Any section set out above includes any section that amends or supersedes it.

## **2. Refusal to issue, renew, revoke, or suspend business licence**

In the event that a criminal background check or a vulnerable sector screening identifies the following convictions in the timeframes indicated below, a Licensing Officer shall refuse to issue or renew an application for a licence, or shall suspend or revoke an existing licence, for any Mobile Business:

- (a) any code 01 conviction;
- (b) any code 02 conviction within the last 10 years;
- (c) any code 03 conviction within the last 5 years;
- (d) two or more code 03 convictions within the last 10 years;
- (e) any code 04 convictions within the last 3 years;
- (f) two or more code 04 convictions within the last 5 years;
- (g) any code 05 or code 07 conviction within the last year; or
- (h) any code 06 conviction within the last 3 years.

## **3. Convictions no longer leading to refusal to issue, renew, suspend, or revoke business licence**

The Licensing Officer shall issue, renew or reinstate any licence refused or suspended pursuant to Section 2 of this Schedule provided that:

- (a) in the case of a code 02 conviction, the conviction is more than 10 years old;
- (b) in the case of a code 03 conviction, the conviction is more than 5 years old;
- (c) in the case of two (2) or more code 03 convictions, no more than one (1) of the code 03 convictions is less than 10 years old, provided that it is not less than 5 years old;
- (d) in the case of a code 04 conviction described, the conviction is more than 3 years old;
- (e) in the case of two or more code 04 convictions, no more than one of the code 04 convictions is less than 5 years old, provided that it is not less than 3 years old;
- (f) in the case of a code 05 or a code 07 conviction or convictions, the conviction is more than a year old; and
- (g) the case of a code 06 conviction, the conviction is more than 3 years old.



# Corporation of the Town of Newmarket

## By-law 2020-08

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

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

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

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

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

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

Enacted this 2<sup>nd</sup> day of March, 2020.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk

## Schedule “A”

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

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

A1 By-law	A2 Item #	A3 Section	A4 Description	A5 Early Payment	A6 Set Penalty	A7 Late Payment
Parking By-law 2019-62	1	5(2)	Interfere with Authorized Sign	30.00	40.00	50.00
	2	5(3)	Obstruct Authorized Sign	30.00	40.00	50.00
	3	6(1)(a)	Park facing wrong direction	30.00	40.00	50.00
	4	6(1)(b)	Park more than 30cm from curb	30.00	40.00	50.00
	5	6(1)(c)	Fail to park parallel to curb	30.00	40.00	50.00
	6	7(1)(a)	Park within 9m of non-signalized intersection	37.50	50.00	62.50
	7	7(1)(b)	Park within 15m of signalized intersection	37.50	50.00	62.50
	8	7(1)(c)	Exceed posted time	30.00	40.00	50.00
	9	7(1)(d)	Park contrary to traffic control device	30.00	40.00	50.00
	10	7(1)(e)	Park causing obstruction	30.00	40.00	50.00
	11	7(1)(f)	Park between 0200 and 0600 hrs	75.00	100.00	125.00
	12	7(1)(g)	Park on boulevard	37.50	50.00	62.50
	13	7(1)(h)	Park within 3m of hydrant	75.00	100.00	125.00
	14	7(1)(i)	Park within 152m of firefighting apparatus	56.25	75.00	93.75
	15	7(1)(j)	Park within 7m of fire hall entrance – same side	37.50	50.00	62.50
	16	7(1)(k)	Park within 30m of fire hall entrance – opposite side	37.50	50.00	62.50
Parking By-law 2019-62	17	7(1)(l)	Park on a bridge	37.50	50.00	62.50
	18	7(1)(m)	Park within 6m of bus stop	30.00	40.00	50.00
	19	7(1)(n)	Park in a public laneway	30.00	40.00	50.00
	20	7(1)(o)	Park on a median	37.50	40.00	50.00
	21	7(1)(p)	Double park	37.50	50.00	62.50
	22	7(1)(q)	Park within turning circle	30.00	40.00	50.00
	23	7(1)(r)	Park displaying vehicle for sale	30.00	40.00	50.00
	24	7(1)(s)	Park without valid insurance	30.00	40.00	50.00
	25	7(1)(t)	Parked while washing or repairing vehicle	30.00	40.00	50.00
	26	7(1)(u)	Exceed 3 consecutive hours	30.00	40.00	50.00
	27	7(1)(v)	Park within 0.6m of driveway	37.50	50.00	62.50
	28	7(1)(w)	Park obstructing previously parked vehicle	30.00	40.00	50.00
	29	7(1)(x)	Park on narrow roadway	30.00	40.00	50.00
	30	7(1)(y)	Park alongside railway tracks	30.00	40.00	50.00
	31	7(1)(z)	Park causing obstruction to building	30.00	40.00	50.00
	32	7(1)(aa)	Park within 15m of Authorized Sign intersection	30.00	40.00	50.00
	33	7(1)(bb)	Park within 30m of traffic signal intersection	37.50	50.00	62.50
	34	7(1)(cc)	Park within a turning basin	30.00	40.00	50.00
	35	7(1)(dd)	Interfere with funeral procession	30.00	40.00	50.00
	36	7(1)(ee)	Park within 15m of dead-end roadway	30.00	40.00	50.00
	37	7(1)(ff)	Park within 3m of walkway	30.00	40.00	50.00
	38	7(1)(gg)	Park within Unauthorized Area	75.00	100.00	125.00



A1 By-law	A2	A3	A4	A5	A6	A7
	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Parking By-law 2019-62	39	7(2)	Park commercial vehicle on street	41.25	55.00	68.75
	40	7(3)	Park trailer on street	41.25	55.00	68.75
	41	7(4)(a)	Park within 15m of crosswalk – same side	37.50	50.00	62.50
	42	7(4)(b)	Park within 30m of crosswalk – opposite side	37.50	50.00	62.50
	43	7(5)(a)	Unauthorized parking on private property	30.00	40.00	50.00
	44	7(5)(b)	Unauthorized parking on <b>Town</b> property	30.00	40.00	50.00
	45	7(5)(c)	Park during restricted time	30.00	40.00	50.00
	46	8(1)(a)	Stop within intersection	37.50	50.00	62.50
	47	8(1)(b)	Stop within 9m of pedestrian crossover	37.50	50.00	62.50
	48	8(1)(c)	Stop within 9m of School Crossing Guard	37.50	50.00	62.50
	49	8(1)(d)	Stop causing obstruction	37.50	50.00	62.50
	50	8(1)(e)	Stop contrary to traffic control device	30.00	40.00	50.00
	51	8(1)(f)	Stop parallel to vehicle	30.00	40.00	50.00
	52	8(1)(g)	Stop on a bridge	37.50	50.00	62.50
	53	8(1)(h)	Stop within tunnel	37.50	50.00	62.50
	54	8(1)(i)	Stop obstructing traffic	56.25	75.00	93.75
	55	8(1)(j)	Stop within turning circle	37.50	50.00	62.50
	56	8(1)(k)	Stop within Unauthorized Area	75.00	100.00	125.00
	57	9(3)	Park within fire route	112.50	150.00	187.50
	58	10(1)	Park contrary to No Parking sign	37.50	50.00	62.50
	59	11(1)	Stop contrary to No Stopping sign	37.50	50.00	62.50
	60	13(1)(a)	Park contral to municipal parking area	30.00	40.00	50.00
	61	13(1)(b)	Park in more than one space	30.00	40.00	50.00
	62	13(1)(c)	Unauthorized parking in municipal parking area	30.00	40.00	50.00
	63	14(1)(a)	Failure to display accessible permit	300.00	300.00	300.00
	64	14(1)(b)	Unauthorized use of accessible permit	300.00	300.00	300.00
	65	17(2)	Obstruct a Municipal Enforcement <b>Officer</b>	75.00	100.00	125.00
Mobile Business Licence By-law 2020-07	66	3(1)(a)	Operate without a business licence	450.00	600.00	750.00
	67	3(1)(c)	Failure to comply with condition of licence	225.00	300.00	375.00
	68	3(2)	Failure to comply with legislation	225.00	300.00	375.00
	69	3(3)	Failure to display business licence	225.00	300.00	375.00
	70	3(5)(a)	Advertising without a business licence	225.00	300.00	375.00
	71	3(5)(b)	Improper business name advertised	225.00	300.00	375.00
	72	3(6)	Carry on business on Town property without authorization	225.00	300.00	375.00
	73	3(7)	Failure to possess business licence	225.00	300.00	375.00
	74	3(8)	Smoke or permit smoking in business vehicle	225.00	300.00	375.00
	75	4(2)	Obstruct a Licensing Officer	450.00	600.00	750.00
	76	7(9)	Operate business while licence is suspended	450.00	600.00	750.00
	77	7(10)	Advertise business while licence is suspended	225.00	300.00	375.00
	78	7(12)	Remove posted notice of suspension	225.00	300.00	375.00
	79	7(14)	Remove posted notice of no business licence	225.00	300.00	375.00
	80	8.1(2)	Failure to comply with Taxicab Driver requirements	225.00	300.00	375.00
	81	8.1(3)	Failure to display Taxicab Driver information	225.00	300.00	375.00
	82	8.1(4)(b)	Failure to disclose Fare for Taxicab Trip	225.00	300.00	375.00
	83	8.1(4)(c)	Failure to notify Town of Taxicab Driver	225.00	300.00	375.00
	84	8.1(4)(d)	Failure to notify Town of Taxicab	225.00	300.00	375.00
	85	8.1(5)(a)	Failure to provide required Taxicab Driver information	225.00	300.00	375.00
	86	8.1(5)(b)	Failure to provide required Taxicab information	225.00	300.00	375.00
	87	8.1(6)	Failure to maintain Taxicab Trip information	225.00	300.00	375.00
	88	8.1(10)	Failure to remove Taxicab Driver	225.00	300.00	375.00
	89	8.1(12)	Failure to comply with Taxicab requirements	450.00	600.00	750.00
	90	8.1(13)	Permit unauthorized passenger(s) in Taxicab	225.00	300.00	375.00
	91	8.2(2)	Failure to comply with TNC Driver requirements	225.00	300.00	375.00
	92	8.2(3)(b)	Permit hail ride for TNC	225.00	300.00	375.00
	93	8.2(3)(c)	Failure to maintain Safety Standard Certificate in TNC Vehicle	225.00	300.00	375.00
	94	8.2(4)(c)	Failure to provide third party audit records	225.00	300.00	375.00
	95	8.2(6)(a)	Failure to disclose Fare for TNC Trip	225.00	300.00	375.00
	96	8.2(6)(c)	Failure to charge proper Fare for TNC Trip	225.00	300.00	375.00
	97	8.2(6)(d)	Failure to maintain TNC Trip information	225.00	300.00	375.00
	98	8.2(7)	Failure to use GPS on TNC App	225.00	300.00	375.00
	99	8.2(8)	Failure to provide TNC Driver information via TNC App	225.00	300.00	375.00
	100	8.2(9)	Failure to provide electronic receipt via TNC App	225.00	300.00	375.00
Mobile Business Licence By-law 2020-07	101	8.2(10)(a)	Failure to provide required TNC Driver information	225.00	300.00	375.00
	102	8.2(10)(b)	Failure to provide required TNC Vehicle information	225.00	300.00	375.00
	103	8.2(11)	Failure to maintain TNC Trip records	225.00	300.00	375.00
	104	8.2(15)	Failure to remove TNC Driver from TNC App	225.00	300.00	375.00
	105	8.2(17)	Failure to comply with TNC Vehicle requirements	450.00	600.00	750.00
	106	8.3(2)	Failure to comply with Refreshment Vehicle Operator requirements	225.00	300.00	375.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Mobile Business Licence By-law 2020-07	107	8.3(3)	Failure to display Refreshment Vehicle Operator information	225.00	300.00	375.00
	108	8.3(4)	Failure to comply with Refreshment Vehicle conditions	225.00	300.00	375.00
	109	8.3(5)(a)	Permit amplified sounds	225.00	300.00	375.00
	110	8.3(5)(b)	Unlawful seating for Refreshment Vehicle customers	225.00	300.00	375.00
	111	8.3(6)(a)	Failure to maintain Refreshment Vehicle	225.00	300.00	375.00
	112	8.3(6)(b)	Failure to clean up refuse from Refreshment Vehicle	225.00	300.00	375.00
	113	8.3(6)(c)	Failure to notify the Town of Refreshment Vehicle Operator	225.00	300.00	375.00
	114	8.3(7)	Failure to comply with Refreshment Vehicle – Type 1 conditions	225.00	300.00	375.00
	115	8.3(8)	Failure to obtain Special Event Organizer Licence	225.00	300.00	375.00
	116	8.3(9)	Operate Refreshment Vehicle contrary to conditions	450.00	600.00	750.00
	117	8.4(3)	Failure to maintain Limousine documents	225.00	300.00	375.00
	118	8.4(4)	Failure to comply with Limousine Driver requirements	225.00	300.00	375.00
	119	8.4(5)	Failure to display Limousine Driver information	225.00	300.00	375.00
	120	8.4(6)(a)	Failure to notify Town of Limousine Driver	225.00	300.00	375.00
	121	8.4(7)(a)	Permit too many passengers in Limousine	225.00	300.00	375.00
	122	8.4(7)(b)	Permit a Limousine to operate with obstructed view	450.00	600.00	750.00
	123	8.4(8)	Failure to comply with Limousine requirements	450.00	600.00	750.00
	124	8.5(4)(a)	Failure to provide MTO Driving Instructor's Licence	225.00	300.00	375.00
	125	8.5(4)(b)	Failure to carry a valid driver's licence	225.00	300.00	375.00
	126	8.5(4)(c)	Failure to provide driving instruction/test documentation	225.00	300.00	375.00
	127	8.5(4)(d)	Failure to affix Sticker Plate on Driving School Instructor Vehicle	225.00	300.00	375.00
	128	8.5(4)(e)	Failure to affix roof sign on Driving School Instructor Vehicle	225.00	300.00	375.00
	129	8.5(5)	Operate in Restricted Area	450.00	600.00	750.00
	130	8.6(2)(a)	Failure to maintain Tow Truck documents	225.00	300.00	375.00
	131	8.6(2)(b)	Failure to remove debris prior to towing a vehicle	225.00	300.00	375.00
	132	8.6(2)(c)	Failure to remove debris within 8hrs following investigation	450.00	600.00	750.00
Mobile Business Licence By-law 2020-07	133	8.6(3)	Failure to comply with Tow Truck Driver requirements	450.00	600.00	750.00
	134	8.6(4)	Failure to display Tow Truck Driver information	225.00	300.00	375.00
	135	8.6(5)	Failure to notify Town of Tow Truck Driver	225.00	300.00	375.00
	136	8.6(6)(a)	Failure to maintain Tow Truck;	225.00	300.00	375.00
	137	8.6(6)(b)	Interfere with Tow Truck Company's contract	225.00	300.00	375.00
	138	8.6(6)(c)	Recommend tow location to customer	225.00	300.00	375.00
	139	8.6(6)(d)	Accept gift or payment from facility in exchange for business	225.00	300.00	375.00
	140	8.6(6)(e)	Accept Drop Fee	225.00	300.00	375.00
	141	8.6(6)(f)	Failure to obtain consent to connect or tow	225.00	300.00	375.00
	142	8.6(6)(g)	Stop, stand, or park within 200m of Collision Scene	225.00	300.00	375.00
	143	8.6(6)(h)	Remove vehicle from Collision Scene without permission	225.00	300.00	375.00
	144	8.6(6)(i)	Permit unauthorized passenger(s) in Tow Truck	225.00	300.00	375.00
	145	8.6(7)	Failure to provide or maintain Tow Truck Equipment	225.00	300.00	375.00
	146	8.6(8)(a)	Failure to comply with Tow Truck Vehicle requirements	225.00	300.00	375.00
	147	8.6(8)(b)	Failure to affix Sticker Plate on Tow Truck Vehicle	225.00	300.00	375.00
	148	8.6(9)	Failure to comply with towing rates	450.00	600.00	750.00
	149	8.6(10)	Failure to comply with Re-Tow towing rates	450.00	600.00	750.00
	150	8.6(11)(a)	Failure to maintain Tow Truck Driver information	225.00	300.00	375.00
	151	8.6(11)(b)	Failure to maintain Tow Truck information	450.00	600.00	750.00
	152	8.6(12)	Failure to maintain Tow Truck Trip information	225.00	300.00	375.00
	153	8.6(13)	Failure to maintain run sheets	225.00	300.00	375.00
	154	8.6(14)	Failure to provide affiliated Public Garage information	225.00	300.00	375.00



# Corporation of the Town of Newmarket

## By-law 2020-09

A by-law to amend Fees and Charges By-law 2019-52 being a by-law to adopt fees and charges for services or activities provided by the Town of Newmarket. (Legislative Services - Licensing Charges).

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-52 to establish Legislative Services - Licensing Fees for the Corporation of the Town of Newmarket; and,

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

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

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

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

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

Service Provided	Unit of Measure	2020 Fee
Mobile Business Licence - Other Classification	each	\$150.00
<b>Taxicab Companies</b>		
Taxicab Company Annual Licence Fee (1-9 vehicles)	each	\$1,000.00
Taxicab Company Annual Licence Fee (10-19 vehicles)	each	\$2,000.00
Taxicab Company Annual Fee (20+ vehicles)	each	\$3,000.00
<b>Transportation Network Companies (TNCs)</b>		
TNC Annual Licence Fee	each	\$20,000.00
Per Trip Fee	each	\$0.30
<b>Tow Truck Companies</b>		
Tow Truck Company New Application Licence Fee (1-3 vehicles)	each	\$1,000.00
Tow Truck Company Annual Renewal Licence Fee (1-3 vehicles)	each	\$750.00
Tow Truck Company New Application Licence Fee (4-6 vehicles)	each	\$2,000.00
Tow Truck Company Annual Renewal Licence Fee (4-6 vehicles)	each	\$1,500.00
Tow Truck Company New Application Licence Fee (7-9 vehicles)	each	\$3,000.00
Tow Truck Company Annual Renewal Licence Fee (7-9 vehicles)	each	\$2,250.00
Tow Truck Company New Application Licence Fee (10+ vehicles)	each	\$4,000.00
Tow Truck Company Annual Renewal Licence Fee (10+ vehicles)	each	\$3,000.00
<b>Limousine Companies</b>		
Initial Licence Fee (one-time)	each	\$1,000.00
Annual Renewal Licence Fee	each	\$500.00

Enacted this 2<sup>nd</sup> day of March, 2020.

\_\_\_\_\_  
John Taylor, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk



# Corporation of the Town of Newmarket

## By-law 2020-12

A By-law to govern the proceedings of council and committee meetings.

Whereas Section 238(2) of the Municipal Act, 2001 provides that every municipality shall pass a procedure by-law for governing the calling, place, and proceedings of Meetings; and,

Whereas the Council of the Town of Newmarket considers it necessary to enact a by-law in this regard and to repeal Procedure By-law Number 2015-50, and amending By-laws 2016-43, 2017-75; and now,

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

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## **Part 1 – General Provisions**

### **1. Application and Interpretation**

- a) This By-law (referred to as the “Procedure By-law”) establishes the rules of order for Council and Committee Meetings.
- b) The rules of order contained in this Procedure By-law set out the rules of order for the dispatch of business in Council and Committee Meetings.
- c) A word in this By-law expressed in the singular has a corresponding meaning when used in the plural.
- d) Any future amendment(s) to the Municipal Act or other legislation as noted in this by-law that may alter the sections and sub-sections of the legislation referenced will not affect the validity of the by-law or any part thereof.
- e) In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail.
- f) A specific statement or rule in this Procedure By-law has greater authority than a general one.
- g) If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Bourinot's Rules of Order.

### **2. Principles of the Procedure By-law**

- a) The principles of openness, transparency and accountability to the public guide the Town’s decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
  - i) Ensuring the decision-making process is understood by the public and other stakeholders;
  - ii) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this By-law and other statutory requirements;

- iii) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.
- b) The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate.
- c) The principles of parliamentary law governing Council and Committee Meetings include:
  - i) The majority of Members have the right to decide;
  - ii) The minority of Members have the right to be heard;
  - iii) All Members have the right to information to help make decisions, unless otherwise prevented by law;
  - iv) All Members have a right to an efficient Meeting;
  - v) All Members have the right to be treated with respect and courtesy; and,
  - vi) All Members have equal rights, privileges and obligations.

### 3. Suspension of Rules

- a) Rules of order provided for in this Procedure By-law may be suspended by a Two Thirds vote of Council or a Committee, with the exception of the following circumstances:
  - i) Where required by law;
  - ii) Contractual agreements binding the Town;
  - iii) Amending this Procedure By-law; and,
  - iv) Quorum requirements.

### 4. Definitions

In this Procedure By-law:

**“Bourinot's Rules of Order”** means Stanford, Geoffrey (1995-05-08) Bourinot's Rules of Order: A Manual on the Practices and Usages of the House of Commons of Canada and on the Procedure at Public Assemblies, Including Meetings of Shareholders (4 ed.), ISBN 978-0-7710-8336-5, or a subsequent edition of the same;

**“CAO”** means the Chief Administrative Officer of the Town or their designate;

**“Chair”** means the Presiding Officer of Council or a Committee;

**“Clerk”** means the Director of Legislative Services/Town Clerk or their designate;

**“Code of Conduct”** means a by-law to establish a Council Code of Conduct, as amended from time to time;



**“Commissioner”** means a Commissioner of the Town or their designate;

**“Committee”** means a Committee, Board, Task Force or other body constituted and appointed by Council, including the Committee of the Whole, with the exception of the Newmarket Public Library Board;

**“Committee of the Whole”** is a Committee of Council comprised of all Members of Council that serves as the principle forum for the consideration of recommendations and public input on matters of Council business prior to consideration by Council;

**“Confirmatory By-law”** means a by-law passed for the purpose of giving general effect to a previous decision or proceeding of Council;

**“Council”** means the Council of the Town of Newmarket;

**“Friendly Amendment”** means the motion under debate is amended with the consent of the mover and seconder, and without the requirement for an amending motion to be made;

**“Local Board”** means a body as defined by the Municipal Act;

**“Majority”** means more than half of the Members present, or:

- a) If 9 Members present: 5
- b) If 8 Members present: 5
- c) If 7 Members present: 4
- d) If 6 Members present: 4
- e) If 5 Members present: 3

**“Mayor”** means the Mayor of the Town;

**“Meeting”** means any regular, special or other meeting of Council, of a local board or of a Committee of either of them, where;

- a) A quorum of members is present, and,
- b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee;

**“Member”** means a Member of Council or a Committee;

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

**“Municipal Office”** means the Town’s administrative office at 395 Mulock Drive, Newmarket, Ontario;

**“Notice”** means written Notice, except where legislation, by-law or Corporate Policy provides for another form and manner of Notice;

**“Offending Member”** means a Member who has been found by the Chair or by Council or by a Committee to have disobeyed a rule in this Procedure By-law or a Chair’s ruling;

**“Petition”** means a formal written request that appeals to Council with respect to a particular issue as set out in this Procedure By-law;

“**Police**” means an officer(s) of the York Regional Police Service or their designate(s);

“**Property**” in Section 18 a) i) is defined broadly to include physical, financial and intellectual property, among other things;

“**Public PlanningHearing**” means a Meeting held pursuant to the Planning Act or other statute;

“**Quorum**” means the number of Members required for the legal conduct of the business of Council or a Committee. In the case of Meetings of Council and Committee of the Whole, quorum is five (5) Members;

“**Recording Secretary**” means the person designated to record the minutes of a Committee meeting;

“**Solicitor**” means the Director of Legal & Procurement Services/Municipal Solicitor or their designate;

“**To receive**” means to acknowledge the receipt of a matter before Council or a Committee, with no expectation of any future action being taken;

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

“**Two Thirds**” means 2/3 of the Members present, or:

- a) 2/3 of 9: 6
- b) 2/3 of 8: 6
- c) 2/3 of 7: 5
- d) 2/3 of 6: 4
- e) 2/3 of 5: 4

## **5. Administrative Authority of Clerk**

- a) The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings.

## **Part 2 – Meetings**

### **6. Inaugural Meeting of Newly Elected Council**

- a) Subsequent to a regular election, the inaugural Meeting of a newly elected Council is held at a date and time fixed by the Clerk after the Members of Council take office. It shall be held on the date as prescribed in the Municipal Act, or such other date as determined by the Clerk.
- b) At the Inaugural Meeting of the Council, the only business to be brought before the meeting shall be the following:
  - i) Declarations of Office; and

- ii) Any other ceremonial proceedings related to the inauguration of Council.

## **7. Regular Meetings**

- a) Regular Meetings of Council or a Committee shall be held in accordance with the schedule/calendar adopted by Council or Committee, except when otherwise directed by a resolution of Council or Committee
- b) Notwithstanding subsection a) above, in the year of a municipal election, no meetings of the Council or Committees shall be held after the Wednesday following Thanksgiving Day, until the inaugural meeting of the new Council.

## **8. Location and Schedule of Meetings**

- a) Meetings of Council and Committee of the Whole take place at the Municipal Office or at another location adjacent to the Municipality or as provided for in the Municipal Act, 2001, as amended when Notice is given.
- b) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended. The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.
- c) The Meeting schedule of all other Committees is determined by its Members, in accordance with each Committee's terms of reference and/or prescribed mandate.

## **9. Special Council or Committee of the Whole Meetings**

- a) A special Meeting of Council or Committee of the Whole may be called by the Mayor or, by the Mayor in consultation with the CAO, at any time. A special Meeting of Council or Committee of the Whole is limited to business matters included in the Notice of Meeting.
- b) When the Clerk receives a petition signed by a majority of the Members of Council, a special Meeting of Council or Committee of the Whole is called for the purpose and time identified in the Petition. The Petition shall include:
  - i) Original signatures of Members; and,
  - ii) A clear statement of the purpose of the special Meeting.

## **10. Emergency Council or Committee of the Whole Meetings**

- a) Notwithstanding any other provision in this Procedure By-law, the Mayor may, at any time, call or provide Notice of an emergency Meeting of Council or Committee of the Whole. An emergency Meeting of Council or Committee of the Whole is limited to business matters included in the Notice of Meeting.

## **11. Workshop Meetings**

- a) The Mayor and/or CAO may convene a workshop Meeting for Members of Council to discuss issues in an informal venue. With the exception of Procedural Matters, no motions are

passed, no decisions are made, and is an opportunity for Council to have informal discussion regarding various matters.

- b) Minutes describing, in general terms, the proceedings and the subject matter discussed is made at all workshop Meetings and placed on a future Council agenda to be received only for the purposes of information.

## **12. Cancellation or Postponement of Meetings**

- a) A regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting of Council may be cancelled or postponed where Quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is no longer required, as deemed by the Mayor and/or CAO.
- b) The Clerk gives Notice on the Town's website and time permitting, through The Town's regular page in the local newspaper of a cancellation or postponement of a regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting. Where time is limited, a Notice is posted at the main entrance to the Municipal Office.
- c) Meetings of other Committees may be cancelled or postponed by the Clerk, Recording Secretary, Chair or other assigned person where Quorum cannot be achieved, by Committee resolution, or in the event of an emergency.

## **13. Late Arrival**

- a) If a Member arrives late at a Meeting, any prior discussion is not reviewed without the consent of the Members present.

## **14. Notice of Meetings**

- a) The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:
  - i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole.
  - ii) Providing Council with a revised agenda on each Thursday preceding the Meeting day of the Committee of the Whole.
  - iii) Including regular Meetings of the Joint Council Committee (Central York Fire Services).
- b) The Clerk, Recording Secretary or other assigned person gives Notice of Meetings of other Committees by:
  - i) Providing an agenda to Committee Members one week prior to the Meeting.
  - ii) Time permitting, using the Town's website to indicate the date and time of the Meeting of the Committee.
- c) The Clerk gives Notice of special Meetings of Council or Committee of the Whole by:

- i) Providing Council with an agenda in person, by telephone, by mail, or electronic mail at least 24 hours prior to the Meeting.
  - ii) Using the Town's website to indicate the date and time of the special Meeting of Council or Committee of the Whole, and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole.
- d) The Clerk gives Notice of emergency Meetings of Council or Committee of the Whole by:
  - i) Providing Notice to Council in person, by telephone, by electronic mail, or in the form of an agenda that indicates the date and time of the Meeting and general nature of the matters to be discussed.
  - ii) Posting a Notice at the main entrance to the Municipal Office that indicates the date and time of the Meeting and general nature of the matters to be discussed.
- e) The Clerk gives Notice of workshop Meetings of Council by:
  - i) Providing, at least 24 hours in advance, Notice to Council in person, by telephone, by mail or electronic mail that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
  - ii) Using the Town's website to indicate the date and time of the workshop, and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop.

#### **15. Notice of Meetings Closed to the Public**

- a) Where a matter may be considered by Council or a Committee for discussion in closed session, wherever possible, written Notice will include:
  - i) The fact that the Meeting will be closed to the public as provided by the appropriate legislation;
  - ii) The general nature of the matter to be considered at the closed Meeting.

#### **16. Invalidation of Notice of Meeting**

- a) If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.

## **17. Quorum**

- a) Members of Council will attempt to advise the Clerk at least two days in advance if unable to attend a Meeting of Council, Committee of the Whole or a workshop Meeting. If Quorum cannot be met, the Meeting is cancelled and Council is advised by the Clerk.
- b) If no Quorum is present within fifteen (15) minutes after the time appointed for a Meeting of Council, Committee of the Whole or a workshop Meeting, the Clerk records the names of the Council Members present and the Meeting is adjourned until the date of the next regular Meeting.
- c) Where there is an insufficient number of Members of Council present to achieve Quorum at a Meeting of Council, Committee of the Whole or a workshop Meeting due to a provision of the Municipal Conflict of Interest Act, the remaining Members of Council shall constitute Quorum, provided such number is not less than two (2).
- d) Members of other Committees will attempt to advise, at least two days in advance, the Clerk, Recording Secretary, Chair or other assigned person if unable to attend a Committee Meeting. If Quorum cannot be met, the Meeting is cancelled and the Committee is advised by the Clerk, Recording Secretary, Chair or other assigned person.
- e) If no Quorum is present within fifteen (15) minutes after the time appointed for a Meeting of another Committee, the Meeting is adjourned until the date of its next regular Meeting. Remaining Committee Members may have an informal discussion on matters, but no motions are passed or actions taken. The Clerk, Recording Secretary or other assigned person will not be required to remain for the informal discussion.

## **18. Open & Closed Meetings**

- a) All Meetings of Council or a Committee are open to the public. As provided for in the Municipal Act, Council or a Committee may resolve into a session closed to the public in order to discuss matters related to one or more of the following:
  - i) The security of the property of the Municipality or Local Board;
  - ii) Personal matters about an identifiable individual, including municipal employees or local board employees;
  - iii) A proposed or pending acquisition or disposition of land by the Municipality or Local Board;
  - iv) Labour relations or employee negotiations;
  - v) Litigation or potential litigation, including matters before administrative tribunals affecting the Municipality or Local Board;
  - vi) Advice that is subject to Solicitor-client privilege, including communications necessary for that purpose;

- vii) A matter in respect of a Council, Board, Committee or other body may hold a closed Meeting under an Act other than the Municipal Act;
  - viii) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - ix) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - x) A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
  - xi) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; or,
  - xii) The Meeting is held for the purpose of educating or training Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or a Committee.
- b) Council or a Committee shall also resolve into a Meeting closed to the public for the following purposes:
- i) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, board, commission or other body is the head of an institution for the purposes of that Act; or,
  - ii) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, and Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, 2001, or the investigator referred to in subsection 239.2 (1) of the Municipal Act, 2001.
- c) Before holding a Meeting or part of a Meeting closed to the public, Council or a Committee approves a motion, stating the following:
- i) The fact that the Meeting will be closed to the public as provided by the appropriate legislation; and,
  - ii) The general nature of the matter to be considered at the Meeting closed to the public.
- d) Voting during Meetings Closed to the Public

No vote will be taken at a Meeting which is closed to the public, unless:

- i) The subject matter relates to an issue as described in Section 18 a) of this Procedure By-law; and,

- ii) The vote is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality, or persons retained by or under contract with the Municipality.
- e) Reporting Out & Confidentiality of Closed Session Discussions
  - i) A summary of any discussion held in closed session and any required vote will occur following the closed session discussion of Council or a Committee Meeting. In the case of Committee of the Whole Meetings, communication of closed session discussions will occur at Council Meetings.
  - ii) The summary of closed session discussion and vote will provide sufficient detail without detrimentally affecting the confidentiality of the matter(s) discussed in closed session and the position of the Municipality.
  - iii) No Member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or if directed to do so by a court.
- f) Application of Open & Closed Meeting Provisions to all Committees
  - i) The provisions of Section 239 of the Municipal Act and Sections 18 a), b), and c) of this Procedure By-law apply to all Committees.
- g) Closed Meeting Investigation
  - i) A person may request that an investigation be undertaken to determine whether Council or other Committee complied with the requirements of the Municipal Act and this Procedure By-law in respect of a Meeting or part of a Meeting closed to the public. A person may initiate such a request by completing and submitting the prescribed form, which is available on the Town's website or from the Municipal Offices.
  - ii) If the report of a Closed Meeting Investigation finds that a meeting or part of a meeting appeared to be improperly closed to the public, contrary to section 239 of the Municipal Act or this Procedure By-law, Council shall pass a resolution stating how it intends to address the report.

## **19. Preparation of Agendas of Council & Committee of the Whole**

- a) The CAO and their staff are charged with providing guidance and recommendations to Council related to municipal business, and to implement the decisions of Council.
- b) The Clerk provides an administrative process to support the approval, preparation, Notice, publication and distribution/public



access to agendas and agenda items, following approval by the CAO and/or Commissioner.

**20. Preparation & Availability of Agendas of Other Committees**

- a) The Clerk, Recording Secretary, Chair or other assigned person prepares and makes public an agenda for Meetings of other Committees in the order, timeframe and manner established by the Committee.

**21. Availability of Agendas of Council & Committee of the Whole**

- a) Council agendas are generally made available to the public on the Thursday immediately preceding the Meeting.
- b) Committee of the Whole agendas are generally available to the public on the Thursday, ten (10) days prior to the Meeting.
- c) A revised agenda for Committee of the Whole is generally available to the public on the Thursday immediately preceding the Meeting.

~~d) Council Public Planning Matters agendas are generally made available to the public on the Thursday immediately preceding the Meeting.~~

**22. Record of Meetings (i.e., Minutes)**

- a) The Clerk records the minutes of Meetings of Council and Committee of the Whole without note or comment. The minutes record:
  - i) The date, time and location of the Meeting;
  - ii) The name of the Chair and a record of the attendance at the Meeting;
  - iii) The name and nature of presenters and deputations;
  - iv) All resolutions, decisions and other proceedings of the Meeting; and,
  - v) Administrative references, including by-law, report, motion and policy indexes.
- b) Minutes of each Meeting of Council are presented to the subsequent regular Meeting of Council for approval.
- c) Time permitting, minutes of Meetings of Committee of the Whole are submitted to the next regular Meeting of Council, for consideration of the recommendations.
- d) Approved minutes of Council and minutes of Committee of the Whole will be posted on the Town's website as they become available.
- e) Minutes of other Committees, as designated by Council, are submitted to Committee of the Whole for Council receipt or approval of recommendations.

- f) The receipt of minutes from other Committees by Council does not constitute endorsement by the Town of any recommendations or actions contained therein.

### **23. Public Record**

- a) All communications that the Clerk receives about a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of their personal information when submitting it, or where confirmed by the Clerk.

### **24. Recording, Broadcasting and/or Streaming Meetings**

- a) All Council, Committee of the Whole, ~~Council Public Planning, and~~ Site Plan Review Committee Meetings may be audio and/or visually recorded, broadcast and/or streamed publicly by the Town, with the exception of proceedings closed to the public provided for in Section 18 of this Procedure By-law.
- b) Attendees using their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk or Recording Secretary to ensure attendees at the Meeting are notified through the Chair.

### **25. Electronic Meeting Participation**

- a) Only Members of the Town's Accessibility Advisory Committee may participate through electronic means in a Meeting of that Committee, and:
  - i) Members may only participate in meetings open to the public using electronic communication, in accordance with the Electronic Participation in Meetings Policy, as amended from time to time.
  - ii) Members participating through electronic communication shall not be counted towards quorum.
  - iii) Members cannot participate through electronic communication during a meeting that is closed to the public in accordance with Section 239 of the Municipal Act, 2001, as amended.
  - iv) The Clerk may provide for administrative procedures for facilitating electronic participation in meetings.

## Part 3 – Order of Proceedings

### 26. Order of Business – Committee of the Whole

- a) The business of Committee of the Whole is dealt with in the order stated on the published agenda, unless Committee of the Whole consents to changing the order.
- b) The order of business for the Committee of the Whole is set out in the agenda as follows, where provided for:

Additions & Corrections to the Agenda

Conflict of Interest Declarations

Presentations & Recognitions

Deputations

Consent Items

Action Items

Notices of Motion

Motions where notice has already been provided

New Business

Closed Session (if required)

Public Hearing Matter(s)

Adjournment

### 27. Order of Business – Council

- a) The business of Council is dealt with in the order stated on the published agenda, unless Council consents to changing the order.
- b) The order of business of Council is set out in the agenda, as follows, where provided for:

Open Forum

~~Land Acknowledgement~~

Public Notices (if required)

Additions & Corrections to the Agenda

Conflict of Interest Declarations

Presentations & Recognitions

Deputations

Minutes

Reports by Regional Representatives

~~Reports from Advisory Committee Representatives~~

Consent Items and Recommendations from Committees

By-laws

Notices of Motion

Motions where notice has already been provided

New Business

Closed Session (if required)

Confirmatory By-law

Adjournment

**~~28. Order of Business – Council Public Planning~~**

- ~~a) The order of business of Council Public Planning Meetings is set out in the agenda, as follows, where provided for:~~

~~Public Statement~~

~~Notice of Application(s)~~

~~Additions & Corrections to the Agenda~~

~~Conflict of Interest Declarations~~

~~Presentations~~

~~Deputations and Correspondence~~

~~Confirmatory By-law~~

~~Adjournment~~

**28. Open Forum**

- a) Open Forum occurs fifteen (15) minutes prior to the formal portion of a Council Meeting, and any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting.
- b) Generally, no motions are passed related to matters raised during Open Forum.
- c) The general nature of the Open Forum discussion is captured in the Minutes of the Meeting.

**29. Additional Items & Corrections to Agendas**

- a) Council and Committee of the Whole are required to consent to the introduction of additional or corrected items that have been added or amended following the publishing of a revised agenda.

- b) The Clerk provides, as required, a summary of the additional items and advises of any corrections to the Meeting of Council or Committee of the Whole.

**30. Conflict of Interest Declarations**

- a) Members are required to make conflicts of interest declarations in accordance with the requirements of the Municipal Conflict of Interest Act and/or other relevant legislation.

**31. Presentations & Recognitions**

- a) Presentations include staff or parties invited by staff or other government agency presentations to Council or Committee of the Whole on matters of interest to the Town, as well as awards, certificates, grants and other recognitions presented to/by the Town. Such presentations are received or presented by the Chair.
- b) Presentations may be up to ten (10) minutes. The consent of Council or Committee of the Whole is required to extend a presentation beyond ten (10) minutes.

**32. Deputations at Meetings of Council & Committee of the Whole**

- a) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to an item of business on the agenda.
- b) An individual who is under eighteen (18) years of age must provide to the Clerk written permission from the individual's parent or guardian.
- c) An individual may make a deputation at a Meeting of Council or Committee of the Whole related to any matter of municipal business or community interest within sixty (60) days of submitting the prescribed form to the Clerk, available on the Town's website or at the Municipal Offices.
- d) If there is no available Council or Committee of the Whole meeting available within sixty (60) days of submitting the prescribed form to the Clerk, it will be scheduled at the earliest opportunity thereafter.
- e) The Clerk's determination of when a deputation will be scheduled under subsections 32 c) and d) of this By-law is final.
- f) Despite the rules in subsections 32 a) through e) of this By-law:
  - i) Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council, except for matters which have not been approved through the regular Committee of the Whole and Council reporting cycle or upon a vote in the affirmative of two thirds of the Members present;
  - ii) Deputations related to staff performance, ongoing labour relations, ongoing legal proceedings or solicitation of business will not be considered by Council or a Committee.

- g) Individuals who request to make a deputation may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a deputation request.
- h) Should an individual wish to have their name and the purpose of their deputation published in an agenda, they are required to complete the prescribed form and have it submitted in accordance with the agenda publishing timeframes established by the Clerk.
- i) Deputations are limited to five (5) minutes. A limit of five (5) deputations will be considered at a Meeting of Council or Committee of the Whole. The consent of Council or Committee of the Whole is required to extend a deputation beyond five (5) minutes and to consider more than five (5) deputations. There is no limit on the number of deputations at Council Public Planning Meetings.
- j) Members of Council and Committee of the Whole are permitted to ask the individual making a deputation questions only for clarification and to obtain additional relevant information.

### **33. Further Notice**

- a) Should an individual wish to be provided with further Notice related to a matter of business before Council or Committee, they are required to indicate this wish to the Clerk on the prescribed further notice request form. These forms are available on the Town's website or at the Municipal Offices.

### **34. Deputations & Public Input at Meetings of Other Committees**

- a) Other Committees may put in place practices and procedures to hear deputations and public input related to matters relevant only to their specific mandates.

### **35. Correspondence**

- a) Where correspondence has been requested to be included on a Council or Committee of the Whole agenda or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.
- b) Staff may prepare recommendations related to the matter for Council's consideration.
- c) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or Committee of the Whole.
- d) The Clerk is required to verify whether it is the intent of an individual to include their correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councillors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include their correspondence on a public agenda.

- e) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.
- f) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.
- g) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.

### 36. Council Information Package

- a) The Clerk will periodically prepare and post a package of information items on the Town's Website for the reference of Council and the public, including:
  - i) Correspondence intended for the information of Council or Committee only, unrelated to an item of Council or Committee business or which is not requested to be included as part of a Council or Committee of the Whole agenda;
  - ~~ii) Advisory Committee minutes that do not contain resolutions requiring Council endorsement or support;~~
  - ii) Resolutions from municipalities outside of York Region and requests for endorsement or action from other organizations;
  - iii) Resolutions from municipalities within York Region that do not require Council endorsement or support;
  - iv) Communications from staff that do not require a decision by Council or a Committee, including routine reporting on delegated matters, follow up on matters raised at a Meeting, status reports on Town initiatives and the like;
  - v) Approved proclamation, lighting and community flag raising requests.
- b) Subject to the Clerk's agenda publishing deadlines, any Member may request the Clerk to place an item included in the Council Information Package on the agenda that the Clerk determines is appropriate in relation to the item's subject matter.

### 37. Petitions

- a) Petitions may be submitted to the Clerk prior to the regular agenda being published, and will include a minimum of two (2) persons and their respective addresses, and a clear statement of purpose for the Petition.
  - i) Individuals who submit a petition may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a petition.
- b) The request conveyed in the Petition will be considered by Committee of the Whole for disposition. Where required due to

urgency or timing, Petitions may be considered directly by Council ~~as an item of New Business.~~

- c) For reasons of privacy, the names and addresses included with the Petition will be provided to Members of Council, but not published in an agenda of the Committee of the Whole or Council.
- d) Staff may prepare recommendations related to the matter for Council's consideration.
- e) The Town is not accountable for the accuracy or reliability of Petitions that are submitted.

### **38. Motions from Other Municipalities & Organizations Requesting Endorsement**

- a) Motions from other York Region municipalities are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other York Region municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.
- b) Staff may prepare recommendations related to the matter for Council's consideration.
- c) The Council's receipt of motions from other York Region municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.

### **39. Reports by Regional Representatives**

- a) Representatives of the Town on Regional Council provide a verbal or written report at regular Meetings of Council on matters of interest to the Town.

### ~~41. Reports by Advisory Committee Representatives~~

- ~~a) Council representatives on Advisory Committees may provide a verbal or written report at regular Meetings of Council on matters of interest to the Town.~~

### **40. Staff Reports**

- a) In accordance with established administrative protocols, reports prepared by staff are submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting of Council or Committee.
- b) Reports prepared by staff members contain information and recommendations prepared in the context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.

### **41. Adoption in a Single Motion (i.e., Consent Agenda)**

- a) One or more report items on a Committee or Council Agenda may be adopted in a single Motion. At a Meeting, any Member may request that an item which is part of a Single Motion be debated and voted on separately.



## 42. Information Reports

- a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.
- b) An Information Report does not contain recommendations.
- c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.
- d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request to the Clerk. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.
- e) Confidential Information Reports are not made available to the public on the Town's website and may only be placed on a Committee of the Whole or Council agenda if the nature of the confidential information satisfies the closed meeting requirements of this By-law.

## 43. New Business

- a) ~~Any~~ Member of Council or a Committee, at any Meeting, may ~~present and~~ introduce any matter or motion of New Business during the New Business portion of the Meeting, ~~and shall have regard to the following guidelines:~~
- b) Members may have regard to the following guidelines:
  - i) Members are encouraged to raise operational matters prior to the Meeting through the CAO, Commissioner or appropriate staff member;
  - ii) Members are discouraged from raising substantive policy matters, in particular consideration of corporate policies or by-laws;
  - iii) Providing notice of a motion is encouraged; and,
  - iv) Motions without prior notice may be considered under New Business if the matter is ~~Members of Council are discouraged from presenting motions, without prior notice, under New Business, unless it is:~~
    - i. A statutory time requirement;
    - ii. An emergency; or,
    - iii. Time sensitivity.

## 44. Notice of Motion

- a) A Member of Council may ~~provides~~ verbal Notice of their intention to introduce a motion at a Meeting of Council or Committee of the Whole, which will include the general purpose of the proposed motion.

- b) Following verbal Notice, the Member of Council will provide the proposed motion to the Clerk, in writing using the prescribed form, for inclusion in a regular agenda of Committee of the Whole or Council, as indicated by the Member.
- c) The CAO or staff may be requested to comment on the motion raised in this Section, but no staff report will be prepared unless the motion is referred to staff for a further report.
- d) It is the duty of the Member of Council to:
  - i) Prepare the proposed motion in writing.
  - ii) Submit the proposed motion to the Clerk prior to the publication deadline for the regular agenda of the Committee of the Whole.
  - iii) Ensure the content of the proposed motion allows for it to be published on a public agenda.

#### **45. By-laws**

- a) All by-laws shall be given first, second and third readings in a single motion by Council.
- b) A Confirmatory By-law is enacted at each Meeting of Council.
- c) Every by-law adopted by Council is done so under the seal of the Corporation of the Town and signed by the Clerk or Deputy Clerk, and the Mayor or Acting Mayor, or in the absence of both, the alternate Acting Mayor.
- d) The following types of by-laws may be presented directly to Council, without the requirement for a staff report:
  - i) Those directed to be presented directly to Council by Committee of the Whole or Council;
  - ii) Appointment of staff authorized by the CAO;
  - iii) Consolidation of by-laws or housekeeping amendments;
  - iv) General by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution;
  - v) Public highway dedication by-laws;
  - vi) Minor amendments resulting from changes to provincial enabling legislation; and,
  - vii) Other administrative by-laws deemed appropriate by the CAO.

#### **46. Majority Vote**

- a) Unless this Procedure By-law states otherwise, a matter passes when a Majority of Members present vote in the affirmative.

### **Part 4 – Duties and Conduct**

#### **47. Chair of Meeting**

- a) The Chair of a Meeting of Council, Committee of the Whole or a workshop Meeting is the Mayor. In the absence of the Mayor, the Acting Mayor is Chair as provided for in Section 50 of this Procedure By-law.
- b) The Chair and any Vice Chairs of other Committees are appointed from among their Members.

#### **48. Appointment to Committees and Boards**

- a) Appointments of Members and other representatives of the Town to other Committees and boards and organizations shall be approved by vote of Council.

#### **49. Duties of the Chair**

- a) The Chair is responsible for, where applicable:
  - i) Chairing the Meeting in an objective manner in accordance with this Procedure By-law;
  - ii) Enforcing the rules of order in this Procedure By-law;
  - iii) Enforcing order and good behaviour of all Members at all times;
  - iv) Announcing the business before Council or a Committee and the order in which it is to be considered;
  - v) Receiving, stating and framing all motions presented to clarify their intent as moved;
  - vi) Ruling on whether a motion is in order;
  - vii) Protecting Council or a Committee from a motion that is obviously frivolous or tending to cause delay by refusing to acknowledge the motion;
  - viii) Providing information to Members on any matter related to the business of Council or a Committee;
  - ix) Deciding all questions of order at the Meeting, subject to an appeal by any Member to the Council or a Committee on any question of order in respect to business before the Council or a Committee;
  - x) Deciding to acknowledge, and ruling on, whether a Point of Order or Point of Personal Privilege is in order;
  - xi) If a Point of Order or Point of Personal Privilege is in order, ruling on the Point of Order or Point of Personal Privilege and giving the facts, circumstances and reasons for the ruling as set out in this Procedure By-law;
  - xii) If there is an appeal to the ruling of the Chair, announcing the results of the vote;
  - xiii) If necessary, recessing a Meeting for a brief, specified time to consult the Clerk, the CAO or other staff person;

- xiv) If there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder, recessing the Meeting for a specified time;
- xv) Ensuring that all Members who wish to speak on a motion have spoken;
- xvi) Ensuring clarity, where required, by reading, or requesting the Clerk, Recording Secretary or other appropriate person to read motions before voting;
- xvii) Putting all motions to a vote and announcing results;
- xviii) Voting on all matters unless the Municipal Conflict of Interest Act prohibits it;
- xix) Declining to put to a vote any motion which contravenes this Procedure By-law;
- xx) Calling Members to order;
- xxi) Ordering a Member, or any other person from the Meeting, in accordance with this Procedure By-law;
- xxii) Adjourning the Meeting when the business of the Meeting has concluded;
- xxiii) Authenticating, when necessary, by their signature, all by-laws, resolutions, and minutes; and,
- xxiv) Recessing the meeting after two (2) hours has passed since the last recess, unless there is unanimous consent to continue without such.

## **50. Acting Mayor**

- a) When the Mayor is absent through illness or absent from the Municipality, the Deputy Mayor & Regional Councillor serves as Acting Mayor.
- b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.
- c) In the event that both the Mayor and Deputy Mayor & Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:
  - i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on their availability.
  - ii) The Clerk will prepare a calendar outlining the monthly assignment of alternate Acting Mayors in accordance for the term of Council for distribution to Council Members, CAO, and Commissioners.
  - iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.

- iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.
- v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor.
- vi) The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.

## **51. Members**

- a) Members are responsible for, where applicable:
  - i) Attending scheduled Meetings;
  - ii) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
  - iii) Voting on motions put to a vote;
  - iv) Respecting the rules of order in this Procedure By-law;
  - v) Listening attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege, as set out in this Procedure By-law;
  - vi) Remaining silent in their seats while Council or a Committee votes and until the Chair announces the result of the vote;
  - vii) Refraining from using any offensive, disrespectful or unparliamentary language about any Member, municipal employee, Meeting attendees and Council or a Committee as a whole;
  - viii) Respecting and following the decisions of Council or a Committee;
  - ix) Respecting the confidentiality of matters discussed in closed session Meetings and not disclosing the subject or substance of these discussions unless authorized to do so;
  - x) Complying with the Chair's rulings and Council's decisions; and
  - xi) Complying with the Council Code of Conduct.
- b) If a Member disobeys a rule in this Procedure By-law or a Chair's ruling:
  - i) After the first occurrence, the Chair calls the Member to order.
  - ii) After the second occurrence, if the Member continues to disobey this Procedure By-law or the Chair's ruling, the Chair will immediately order the Member to leave his/her seat and observe the Meeting from the audience for the remainder of the Meeting.

- iii) Any Member other than the Offending Member may appeal the Chair's ruling in ii), and Council or a Committee may overturn or uphold the Chair's ruling. Should the Chair's ruling be overturned, the Offending Member may return to his/her seat.
- iv) If the Offending Member informs the CAO or a Commissioner that they wish to apologize, the Clerk will inform the Chair of the Member's request.
- v) At the next available opportunity in the Meeting, the Chair will allow the Offending Member to return to their seat to apologize to Council or a Committee. The apology will not include additional comments or debate by the Offending Member or by Council or a Committee.
- vi) After an apology is made by the Offending Member, Council or a Committee may consent to allow the Offending Member to return to the Meeting.
- vii) Should at any point the Offending Member create a disturbance while seated in the audience in ii), the Chair will order the Offending Member to leave the Council chamber or meeting room.
- viii) Council cannot appeal and the Offending Member cannot seek an apology from Council for the Chair's ruling in vii).
- ix) If the Offending Member refuses to leave his/her seat or leave the Council chamber or meeting room in vii), the Chair may request the CAO to contact security or Police for assistance.

## **52. Attendees**

- a) The Chair may expel or exclude any person who disrupts a Meeting, and request security and/or Police assistance in doing so.
- b) No persons, other than Council Members and Town staff, are permitted to approach the area where Council and staff are seated.
- c) Attendees will submit all materials for Council through the Clerk.
- d) Attendees are responsible for:
  - i) Maintaining order and not heckling, or engaging in conversations, displaying placards or props or any behaviour that may be considered disruptive;
  - ii) Speaking respectfully at all times;
  - iii) Ensuring all personal digital devices are turned off or set to a silent mode during a Meeting;
  - iv) Using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or

ceasing to use recording, broadcasting or streaming devices.

**53. Right of Public Input & Notice**

- a) The public has the right to have input and receive Notice on Council's decision-making process. The methods for doing so include: writing to Council through the Clerk; submitting a petition; speaking at an Open Forum; or speaking as a deputation at a Council, Committee of the Whole or other Committee. The public will receive Notice in accordance with the requirements of legislation and this Procedure By-law.

**54. Rules of Debate**

- a) The Chair maintains a list of Members who have requested to speak or ask questions. The Chair designates Members to speak or ask questions in the order in which they appear on the list.
- b) A Member may speak a total of three (3) times on the same matter for up to five (5) minutes each time. This allotment of time is exclusive of the time required to clarify statements made by the Member and staff responses to questions raised.
- c) The mover and seconder of a motion have the opportunity to speak first to a motion.
- d) When a Member is speaking, no interruptions are permitted except to raise a Point of Order or a Point of Personal Privilege as set out in this Procedure By-law. Clarification on matters is made through the Chair.
- e) Members' comments are relevant to the matter of business before Council or a Committee. Members should avoid comments intended to be statements or assertions.
- f) Members express themselves succinctly without repetition.
- g) Questions may be asked only of:
  - i) The Chair;
  - ii) Staff;
  - iii) A previous speaker; and,
  - iv) A deputation.

**55. Point of Order**

- a) A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been:
  - i) A deviation or departure from this Procedure By-law; or
  - ii) A deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.

- b) Upon hearing such Point of Order, the Chair decides and states their ruling on the matter.
- c) Upon hearing the Point of Order ruling, a Member only addresses the Chair for the purpose of appealing the Chair's decision to the Council or a Committee.
- d) If no Member appeals, the decision of the Chair is final.
- e) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state their case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of the majority of the Members of the Council or a Committee who are present is final.

## **56. Point of Personal Privilege**

- a) A Member may rise at any time on a Point of Personal Privilege where such Member feels that the health, safety, rights, or integrity of their own person, the Council, a Committee or anyone present at the Meeting has been called into question by another Member or by anyone present at the Meeting.
- b) Upon hearing such Point of Personal Privilege, the Chair decides and states their ruling on the matter.
- c) Where the Chair rules that a breach of Privilege has taken place, they demand that the offending Member or individual apologize and, failing such apology, requires said Member or individual to vacate the Meeting room for the duration of the Meeting.
- d) With the exception of providing an apology, the Member addresses the Chair for the purpose of appealing the Chair's ruling of a breach of Privilege to the Council or a Committee.
- e) If no Member appeals, the decision of the Chair is final.
- f) If a Member appeals the Chair's ruling to the Council or a Committee, the Member has the right to state their case, the Chair has the right to reply and the Council or Committee decides the question "That the decision of the Chair be sustained" without further debate. The decision of a majority of the Members who are present at the Meeting of Council or Committee is final.

## **Part 5 – Motions**

### **57. Motions – Impact on Corporate Resources**

- a) The CAO will advise on the appropriate means of disposition for matters that make an impact on administration.
- b) Council is not required to pass a motion that makes an impact on corporate resources where a matter:
  - i) Has already been approved by Council;
  - ii) Is considered by the CAO to be minor in nature; and/or,



- iii) Falls within existing service levels.

## **58. Motions in General**

- a) Every motion in any Meeting of Council or Committee requires a mover and a seconder, subject to the following:
  - i) Committees with 3 or fewer Members only require a motion to be moved.
- b) When duly moved and seconded, every motion, other than a motion to adjourn, recess, table or suspend the rules of this Procedure By-law, is open for discussion.
- c) No debate is permitted on any motion or amending motion until it has been properly seconded.
- d) A motion or amending motion may not be withdrawn without the consent of the mover and seconder.
- e) The Chair of a Meeting of Council or a Committee will not move or second a motion.
- f) All Members of Council or a Committee will vote on all motions except in the instance where the Member refrains from voting on an issue due to the conflict of interest declaration in the matter by the Member. If any Member does not vote, they will be deemed as voting in the negative (except where prohibited from voting by statute).
- g) Where a motion to adjourn, recess, table or suspend the rules of this Procedure By-law has been made, until such motion has been decided upon, there will be no discussion by a Member of Council or a Committee on the matter proposed to be adjourned recessed, tabled or suspended.
- h) When a motion is under debate, no other motion may be considered except for the following motions, to be considered in the listed order of priority:
  - i) To recess;
  - ii) To adjourn;
  - iii) To defer (i.e., postpone) the motion under consideration to a definite date;
  - iv) To defer (i.e., postpone) the motion under consideration indefinitely;
  - v) To table a motion;
  - vi) To refer the motion under consideration to a sub-committee for a report; and,
  - vii) To amend the motion under consideration.

## **59. Motion to Recess**

- a) A motion to recess when other business is before the Meeting :

- i) Specifies the length of time of the recess; and,
- ii) Is not to be debatable and is only to be amendable with respect to the length of the recess.

**60. Motion to Adjourn**

- a) A motion to adjourn means to end a Meeting, and:
  - i) Is not to be amendable; and,
  - ii) Is not to be debatable.

**61. Motion to Defer (i.e., postpone)**

- a) A motion to defer to a certain time or date:
  - i) Is open to debate as to advisability of postponement; and
  - ii) May be amended as to the time or date to which the matter is to be deferred.

**62. Motion to Table**

- a) A motion to table means to postpone a matter without setting a definite date for future discussion of a matter. A tabled motion that has not been decided on by Council during the term of Council in which the motion was introduced is deemed to have been withdrawn:
  - i) Is not to be amended or debated; and
  - ii) Applies to the motion and any amendments thereto under debate at the time when the motion to table was made.
- b) A tabled motion is deemed to have been withdrawn if it has not been decided by the Council or a Committee either in the affirmative or the negative during the term of the Council or a Committee in which the motion was introduced.

**63. Motion to Refer**

- a) A motion to refer a matter under consideration to a Committee or to staff means to direct a matter under discussion by Council or a Committee to staff or another Committee for further examination or review:
  - i) Is to be open to debate and may be amended;
  - ii) Includes the terms on which the motion is being referred and the time at which the matter is to be returned; and
  - iii) Includes the reasons for the referral.

**64. Motion to Amend**

- a) A motion to amend means to alter a motion in a germane manner:
  - i) Is to be open to debate; and,

- ii) Is to be relevant to the main motion.
- b) If it is not considered a “Friendly Amendment,” then the motion to amend:
  - i) If more than one, will be put to a vote in the reverse order to that in which they were moved;
  - ii) Will be decided upon or withdrawn before the main motion is put to the vote;
  - iii) Will not be amended more than once, provided that further amendments may be made to the main motion; and,
  - iv) Will not be directly contrary to the main motion.

**65. Motion “To Put the Question to a Vote” or “To call the Vote or Question”**

- a) Any Member may request the Chair “To put the question to a vote” or “To call the vote or question” by presenting a motion that the question “now be put to a vote” means to stop debate and immediately proceed to vote on the motion. A motion to put the question to a vote must:
  - i) Be seconded;
  - ii) Is not open to debate;
  - iii) If supported by a majority of the Members present, the original question is immediately put to a vote without debate.

**66. Withdrawal of Motion**

- a) A request to withdraw a motion:
  - i) May only be made by the mover of the motion;
  - ii) Requires consent of the seconder of the motion; and,
  - iii) Is in order any time during the debate.

**67. Reconsideration of a Matter**

- a) Committee of the Whole (or by Council, if the matter is considered by Council directly) cannot reconsider a matter until 90 days have passed from the date of the matter’s original disposition by Council, except upon a vote in the affirmative of Two Thirds of the Members present.
- b) Other Committees cannot reconsider a matter until 90 days have passed from the date of the matter’s original disposition except upon a vote in the affirmative of Two Thirds of the Members present.
- c) In a) and b), “considered” means matters for which the Members at the Meeting have decided upon, and does not include the receipt of information where no action has been sought or taken.

**68. Motion Containing Two or More Matters**

- a) When the motion under consideration concerns two or more matters, the Chair, upon the request of any Member, will direct that the vote upon each matter be taken separately. Such request may also be made by the Chair.

**69. Voting**

- a) After a motion is finally put to a vote by the Chair, no Member speaks to it nor will any other motion be made until after the vote is taken and the result has been declared.
- b) All Members of Council or a Committee will vote on all motions. Failure by any Member to announce their vote openly and individually, including an “abstention,” is deemed to be a vote in the negative.
- c) Each Member present and voting announces or indicates his/her vote upon the motion openly and individually, and no vote is taken by ballot, or any other method of secret voting.

**70. Tie Vote**

- a) Any motion on which there is a tie vote is deemed to be lost.

**71. Recorded Vote**

- a) A recorded vote is only permitted at Council Meetings and only when a Member requests a recorded vote at Council. All Members present at the Meeting shall vote unless they have declared a conflict of interest with respect to that item. The Clerk records each Member’s vote in the minutes.
- b) A Member of Council’s failure to participate in a recorded vote when they have not declared a conflict of interest is deemed to be a negative vote.
- c) A recorded vote at Council Meetings will be taken as set out as follows:
  - i) Each Member indicates their vote by using the electronic voting equipment device in addition to raising their hand when called on by the Chair to vote in favour or in opposition to the matter.
  - ii) Should the electronic voting equipment be unavailable, as described in clause i), each Member announces their vote openly, and the Clerk records their vote in the minutes. Votes are called in an order based upon the seating of the Members, moving clockwise around the Council Chambers, beginning with the mover of the motion. Notwithstanding this order, the vote in every case ends with the Mayor; or,
- d) Notwithstanding recorded votes, a record or notation of a Member’s opposition to an issue is not recorded in any Meeting minutes.

- e) Recorded votes will not be permitted in a Meeting that is closed to the public or at Council Public Planning Meetings.

That By-laws Number 2015-50, 2016-43 and 2017-75 be hereby repealed;  
and,

That this By-law come into force on March 3, 2020.

Read a first, second and third time, and enacted on March 2, 2020.

\_\_\_\_\_  
John Taylor, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk



**Corporation of the Town of Newmarket**

**By-law 2020-13**

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 665-695 Stonehaven Avenue, Newmarket.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

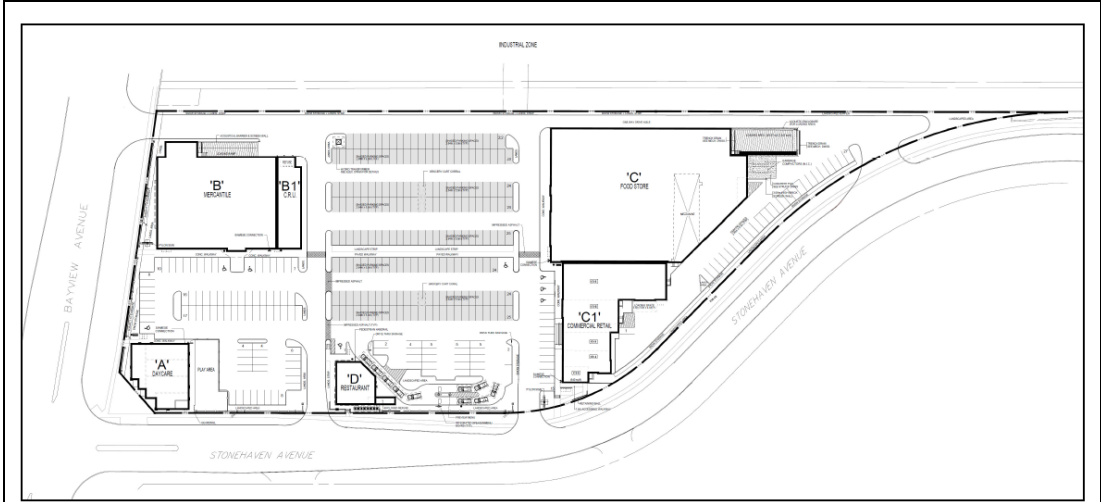
Whereas the Council of the Town of Newmarket has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas it is deemed advisable to amend By-law Number 2010-40;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
- 2. That By-law 2010-40 as amended is hereby further amended by:
  - a. Exception 108 be amended as follows:

Exception	Zoning	Map	By-Law Reference	File Reference
108	(H)CR-2-108	19	2012-23 2020-XX	D14-NP-11-07 D14-NP-19-12
<div><div>i) Location:</div><div>northeast corner of Bayview Avenue and Stonehaven Avenue</div></div> <div><div>ii) Legal Description:</div><div>Pt Lot 28, Concession 2, Pt of Pts 1 &amp; 2, Plan 65R15778, Town of Newmarket</div></div> <div><div>iii) Uses:</div><div>Notwithstanding the permitted <i>uses</i> for the CR-2-108 Zone, the following <i>uses</i> shall not be permitted: <i>hotel; institutional day centre; motor vehicle service or motor vehicle repair shop; place of worship.</i>  <i>A dry cleaning depot and dry cleaning establishment</i> may be permitted subject to the completion of a Risk Assessment and Risk Management Plan in accordance with the <i>Ontario Clean Water Act, 2006</i> as amended from time to time.  <i>A day nursery</i> shall only be permitted within the structure indicated as 'A' on the plan below.  <i>A commercial school</i> shall only be permitted within the portion of the structure indicated as 'C1' on the plan below.</div></div>				



- iv) Development standards
- a) *Front yard building setback* (Stonehaven Avenue)  
0.23m minimum
  - b) *Exterior side yard building setback* (Bayview Avenue)  
2.28m minimum
  - c) *Rear yard building setback* (north lot line)  
6.00m minimum
  - d) A *landscape buffer* having a minimum width of 2.28 metres shall be provided along Bayview Avenue and a *landscape buffer* having a minimum width of 1.50 metres shall be provided along the northerly property line.
  - e) Required parking shall be calculated at the rate of 4.25 spaces per 90m<sup>2</sup> of *gross floor area*.
  - f) A *parking lot* may be located a distance of 2.28m from Bayview Avenue.
  - g) A total of 4 entrance and exit ramps shall be permitted.
  - h) The most easterly entrance/exit ramp along Stonehaven Avenue shall have a maximum width of 13.01m.
  - i) The access to *loading spaces* along the northerly property boundary shall have a minimum width of 4.5m.

1. List of Holding Provisions

The following holding provisions apply to the properties specified:

By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2020-XX	665-695 Stonehaven Avenue	No person within the lands zoned (H)CR-2-108 shall use any land, buildings or structures for a day nursery unless an amendment to this By-law or removal of the ‘(H)’ prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.	<p>That a Record of Site Condition (RSC) has been filed for the site.</p> <p>That the Director of Engineering Services has confirmed that the servicing design is sufficient for the proposed use.</p> <p>That the owner has entered into an amending site plan agreement</p>



			with the Town for the required changes to the site.
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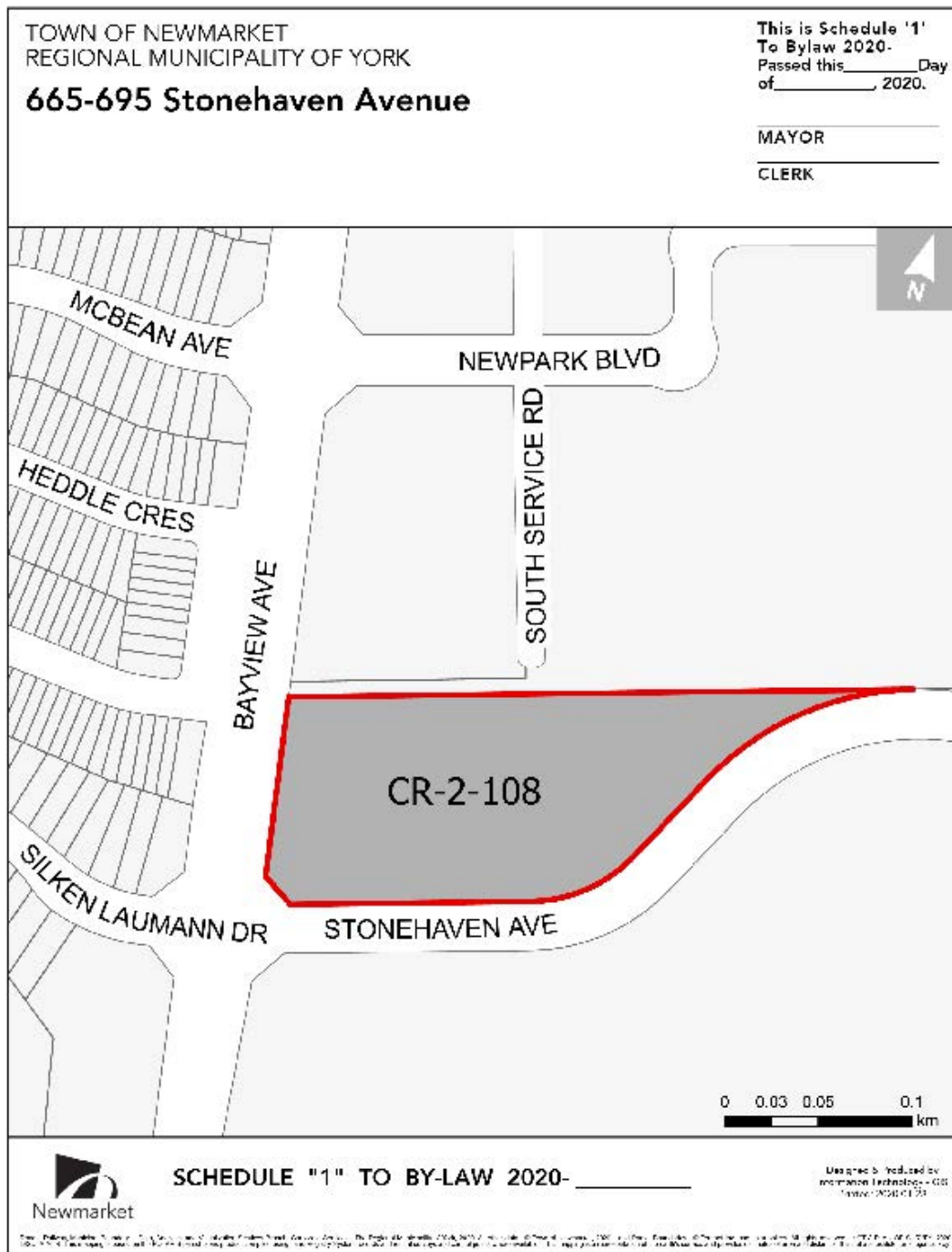
Enacted this 2<sup>nd</sup> day of March 2020.

\_\_\_\_\_  
John Taylor, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk



## Schedule 1







# Corporation of the Town of Newmarket

## By-law 2020-14

A By-law to confirm the proceedings of a meeting of Council – March 2, 2020

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 2<sup>nd</sup> day of March 2020.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk