

Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum header.

Declarations of Pecuniary Interest

Presentations & Recognitions

1. Superintendent Mark Brown and Inspector Paulo DaSilva, York Regional Police to address Council with a PowerPoint presentation regarding Police traffic enforcement strategies and current trends. (20 minutes) p. 1

Deputations

2. Ms. Margaret Davis to address Council regarding a petition related to the Clock Tower development. p. 19

Approval of Minutes

3. Council Minutes of May 16, 2016. p. 20

Reports by Regional Representatives

Reports of Committees and Staff

4. Committee of the Whole Minutes of May 30, 2016. p. 34

By-laws

- | | | |
|---------|---|-------|
| 2016-26 | A By-law to provide for the levy and collection of the sums required by the Corporation of the Town of Newmarket for 2016 and to provide for the mailing of notices requisitioning the payment of taxes for 2016. | p. 53 |
|---------|---|-------|

2016-27	A By-law to appoint Provincial Offences Officers for the Town of Newmarket.	p. 56
2016-28	A By-law to regulate the erection and maintenance of signs and other advertising devices in the Town of Newmarket.	p. 57
2016-29	A By-law for the licensing and regulating outdoor serving areas.	p. 84
2016-30	A By-law to appoint individuals to Town of Newmarket Boards and Committees for the 2014-2018 Term of Council or until successors are appointed.	p. 92

Notices of Motions

Motions

Announcements & Community Events

New Business

Closed Session (if required)

Confirmatory By-law

2016-31	A By-law to confirm the proceedings of Council - June 7, 2016.	p. 93
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Addendum (Additions and Corrections)

11.	Ms. Nagwa Mounir to address Council regarding Item 30 of the Committee of the Whole Minutes of May 30, 2016 with respect to downtown parking opportunities.	p. 94
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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, 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: Superintendent Mark Brown / Inspector Paulo DaSilva	
Organization / Group/ Business represented: York Regional Police	
Address: 47 Don Hillock Dr., Aurora	Postal Code: L4G 0S7
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: June 7, 2016 7pm
Is this an item on the Agenda? <input type="checkbox"/> Yes <input 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): Overview of Police Traffic Enforcement Strategies and current trends. Information only. A PowerPoint presentation will be provided.	
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;
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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



Crime Overview / Road Safety/Traffic Enforcement Community Partners



Mark Brown
Superintendent #241

Paulo DaSilva
Inspector #916

1 DISTRICT,
240 Prospect St,
Newmarket, Ontario

Deeds Speak



Presentation Overview

- 1 District Overview
- York Region Road Safety
- Road Watch and Complaint Area Reporting Process
- Online Traffic Reporting process

Deeds Speak





“Road Safety...It’s in Your Hands”

Traffic collisions cost society more, devastate more Canadian families and inflict more physical hardship than ALL other crimes combined.....”

Transport Canada



York Region Collision Clock

- One collision every.....**63 minutes**
- One person injured every.....**4 hours**
- One pedestrian collision every.....**2 days**
- One cyclist collision every.....**4 days**
- One fatality collision every.....**17 days**

• *2014 York Region Traffic Report*





Reported Motor Vehicle Collisions

Collisions	2014	2015	Variance
Motor Vehicle Collisions - Total (Reportable)	15,590	14,697	-5.7
Fatal Collisions	25	19	-24.0
Personal Injury Collisions	3,225	3,137	-2.7
Property Damage Collisions	12,340	11,541	-6.5
Persons Injured	4,509	4,404	-2.3
Person Killed	26	23	-11.5
Fail to Remain Collisions	2,849	2,750	-3.5



Impaired Operation Charges

Impaired Operation Offences	2014	2015	Variance
Impaired Operation/Related Violations	1108	1255	12.3
Impaired Operation/Over 80Mgs	940	1056	12.3
Cause Bodily Harm	8	5	-37.5
Cause Death	1	4	300.0
Fail/Refuse Breath/Blood Sample	130	137	12.1

**Going out tonight?
So are we .
Don't drink and drive.**



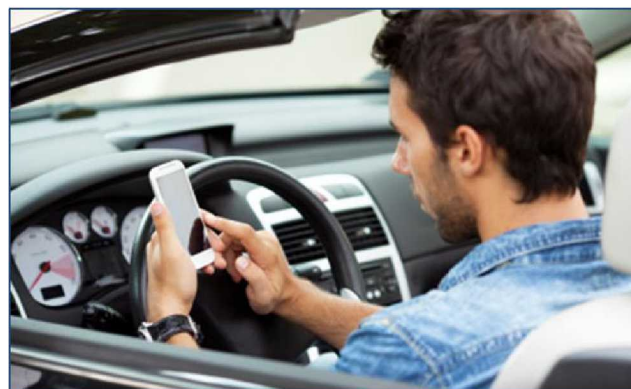
**Be
Safe**

madd⁺



Traffic Management Strategy Priorities

- Impaired driving
 - includes drug-impaired driving
- Distracted driving
- Aggressive driving
 - includes speeding, careless, stunt and dangerous driving
- Seat belt compliance



8





How Can You Help?

- *Make driving your priority when behind the wheel.*
- *If you see it, report it.*



SAFE ROADS... YOUR CALL

 King The City Above Toronto	 9-1-1 MADD Markham	 TOWN OF AURORA AURORA You're in Great Company
 Whitchurch-Stouffville	 East Gwillimbury	 MARKHAM

UNITED IN THE FIGHT AGAINST IMPAIRED DRIVING



Reporting ongoing traffic concerns in the community



[A-Z Services](#) [Contact Us](#) [Feedback](#) [Emergency? Call 9-1-1](#) [Non-Emergency? Call 1 \(866\) 876-5423](#) [Select Language](#)

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[Background Checks](#)

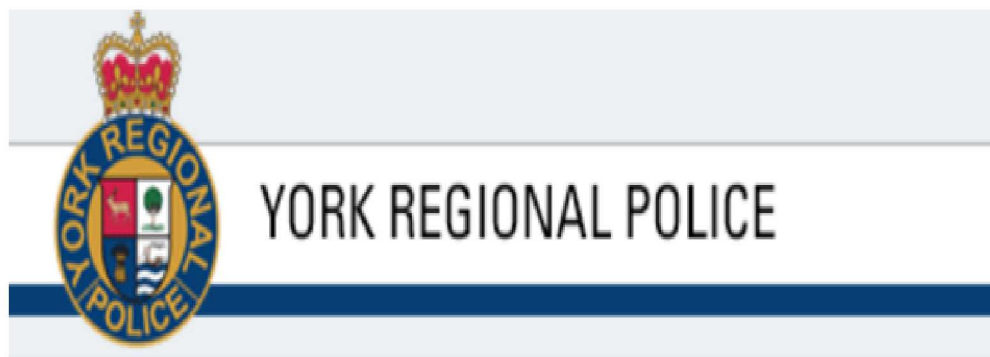
Road Watch Complaints

[A](#) [A](#) [A](#) |  |  SHARE





Reporting Traffic Concerns



Community Concerns Online Reporting



- Traffic concern reported Online
- Complaint reviewed and managed by 1 COR Sergeant



- Single Incident Letter sent to registered owner of the vehicle

- Repeated Problem – Report changed and treated as a Complaint Area.



YORK REGIONAL POLICE

Community Concerns Online Reporting



YRP.ca

- Traffic concern reported Online
- Complaint managed by 1 COR Sergeant

Online

- COR Officer assigned for validation
- COR SGT monitors complaint
- Possible deployment of speed trailer to area
- Speed Study requested through Municipality as required
- Group enforcement efforts to address complaint

Report

- Enforcement effort reviewed after 90 Days by COR Sergeant
- COR Sergeant communicates any design or signage issues to the Municipality
- Complaint closed or continued enforcement

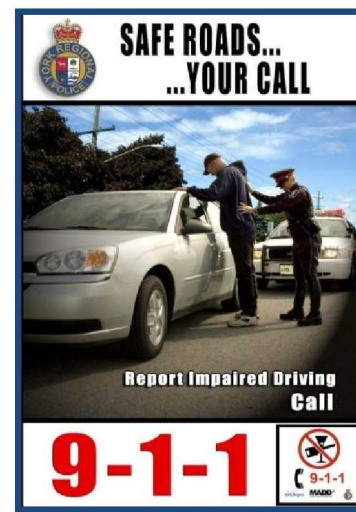
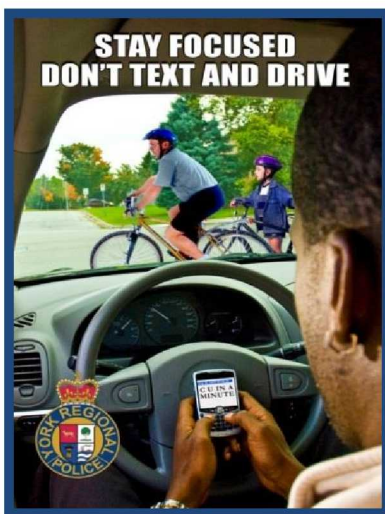


Working Together

- Educational Programs
- Pamphlets
- Community Engagement
- Traffic Enforcement
- Social Media



14





Its in your hands





Pledge to Ignore



Show a loved one
how much you care ...

Pledge to Ignore

**THE BOSS
CALLING!**

Decline Answer

When you are driving or walking near traffic, your cell phone can put your life and the lives of others at risk. The best gift you can give a loved one is your *Pledge to Ignore*.

Go to york.ca/pledgetoignore to make a pledge and send a pledge e-card to a family member or friend.

**PLEDGE TO
IGNORE**

YORK.CA/PLEDGETOIGNORE



Our Road Safety Partners





Thank you

Questions?



Deputation and Further Notice Request Form

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

Name: <u>MARGARET DAVIS - "NEWMARKET COMMITTEE FOR</u>	
Organization / Group / Business represented: <u>HERITAGE CONSERVATION"</u>	
Address: <u>NEWMARKET</u>	Postal Code: _____
Daytime Phone No: _____	Home Phone: _____
Email: _____	Date of Meeting: <u>JUNE 7 2016</u>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No: _____
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>I WISH FORMALLY TO PRESENT A PETITION AGAINST THE PROPOSED CLOCK TOWER DEVELOPMENT, SIGNED BY 1213 PEOPLE, THE VAST MAJORITY FROM NEWMARKET, WHO, IN MANY CASES GIVE DETAILED REASONS FOR THEIR OBJECTION, I WOULD LIKE THE PETITION AND ASSOCIATED COMMENTS TO BE REFERRED TO PLANNING STAFF WHO ARE PREPARING THE COMPREHENSIVE REPORT ON THE CLOCK TOWER APPLICATION</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.	

** I ALSO HOPE COUNCILLORS WILL GIVE THE COMMENTS WEIGHT*
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The meeting of the Council was held on Monday, May 16, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Sponga
Councillor Bisanz

Absent: Councillor Hempen
Councillor Broome-Plumley

Staff Present: R.N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
C. Finnerty, Council/Committee Coordinator
J. Patel, Business Support Analyst

Open Forum

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

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

Mayor Van Bynen in the Chair.

Public Notices

None.

Additions & Corrections to the Agenda

1. Additions & Corrections to the Agenda.

The Chief Administrative Officer advised of the addendum item, being a deputation by Mr. Ted Heald regarding Item 5 of the Agenda, being the Committee of the Whole Minutes of May 9, 2016, more specifically related to the Public Hearing concerning the Main Street Clock Inc. development proposal.

Moved by: Councillor Sponga
Seconded by: Councillor Bisanz

THAT the addendum item be included in the agenda.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Declarations of Pecuniary Interest

None.

Deputations

2. Mr. Ted Heald addressed Council with respect to the draft Committee of the Whole Minutes of May 9, 2016 and perceived inaccuracies and omissions in recording deputations made during the Public Hearing related to the Main Street Clock Inc. development proposal. He suggested that the process of recording deputations be reviewed and requested deferral of the Minutes in order to provide an opportunity for each deputant to review their recorded comments.

Moved by: Councillor Vegh
Seconded by: Councillor Sponga

THAT the deputation by Mr. Ted Heald regarding the draft Committee of the Whole Minutes of May 9, 2016 be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Presentations & Recognitions

3. Ms. Beth Sinyard, Curator, Elman W. Campbell Museum, along with the Mayor and Members of Council presented the 2016 High School Civic Art Contest Awards to Max Warner, Newmarket High School in the acrylic and oil category, Leanne Hollingsworth, Huron Heights Secondary School in the dry medium category, Reece Wolff, Newmarket High School in the mixed media category, Camille Kiffin, Pickering College in the watercolour category with honourable mentions to Reagan Sargent, Huron Heights Secondary School in the acrylic and oil category, Nathan Whitefield, Huron Heights Secondary School in the dry medium category, Julie Siery, Huron Heights Secondary School in the mixed media category, Gabi Macias, Pickering College, in the photography category and Karen Ji, Pickering College in the watercolour category.

Approval of Minutes

4. Special Council Minutes of April 25, 2016.

Moved by: Councillor Sponga

Seconded by: Councillor Bisanz

THAT the Special Council Minutes of April 25, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

5. Special Council (Closed Session) Minutes of April 25, 2016.

Moved by: Councillor Twinney
 Seconded by: Councillor Kerwin

THAT the Special Council (Closed Session) Minutes of April 25, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
 Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor
 Sponga, Councillor Bisanz

Opposed: (None)
 (7 in favour, 0 opposed)

Carried

6. Council Minutes of April 25, 2016.

Moved by: Councillor Kerwin
 Seconded by: Councillor Vegh

THAT the Council Minutes of April 25, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
 Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor
 Sponga, Councillor Bisanz

Opposed: (None)
 (7 in favour, 0 opposed)

Carried

Reports by Regional Representatives

- a) Deputy Mayor & Regional Councillor Taylor advised that Regional Council recently received an update on energy and conservation demands. This particular update was significant as it set emission reduction targets for achievement by 2051. Current emissions are greatly transit related; however technology advances are anticipated that will prompt emission reductions. The full strategy is available on the York Region website at www.york.ca Discussion ensued regarding bus idling, ridership statistics, coordination of the rapid line and bus line along Davis Drive and future studies and plans associated with transit integration.

- b) Deputy Mayor & Regional Councillor Taylor advised that the Province is undertaking a Co-Ordinated Land Use Planning Review and will be hosting Public Open Houses across the Province. The review includes recommendations related to intensification, to which the Region will be commenting on to ensure that sustainability measures are taken into consideration in order to recognize what residents want. Discussion ensued regarding input on plans for areas near and adjacent to Newmarket and opportunities for Newmarket Council to provide feedback on Regional comments.

Reports of Committees and Staff

7. Committee of the Whole Minutes of May 9, 2016.

Moved by: Councillor Sponga

Seconded by: Councillor Vegh

THAT the Committee of the Whole Minutes of May 9, 2016 be received, as amended and the following recommendations be adopted:

8. THAT the presentation by Mr. Ortiz and Mr. Fung be provided an additional five minutes.
9. THAT the PowerPoint presentation by Mr. Mark Ortiz, Manager of Infrastructure Asset Planning and Management and Mr. Stephen Fung, Director, Infrastructure Asset Management, Regional Municipality of York regarding the Regional Water and Wastewater Master Plan Update be received.
10. THAT the presentation by Mr. Ferguson be provided an additional five minutes.
11. a) THAT the PowerPoint presentation by Mr. Paul Ferguson, President, Newmarket-Tay Power regarding CustomerFirst Shareholding be received;
- b) AND THAT the Newmarket Hydro Holdings Inc. PowerPoint presentation of the President together with the Report of the President dated April 22, 2016 regarding CustomerFirst Inc. be received and the following recommendations be adopted:
- i) WHEREAS the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of Newmarket Hydro Holdings Inc. (the "Corporation");

ii) 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 “OBCA”);

iii) AND WHEREAS the Corporation is seeking shareholder approval to enter into a partnership, strategic alliance, joint venture, union of interests or reciprocal concession with any party or any other arrangement with any party for the sharing of profits, specifically CustomerFirst Inc.;

iv) AND WHEREAS the Board of Directors of Newmarket – Tay Power Distribution Ltd. has recommended that the Corporation subscribe to shares in CustomerFirst Inc.;

v) NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT the Mayor, as the Sole Shareholder’s legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to subscribe for certain Class A and Class B shares in the capital of CustomerFirst Inc. described below:

Subscriber	Class and Number of Shares	Aggregate Consideration	NHHI Portion	Price per Share
Newmarket Hydro Holdings Inc.	1 Class A Share	\$5,000.00	\$4,650.00	\$5,000.00
Newmarket Hydro Holdings Inc.	33,883 Class B Shares	\$338.83	\$315.11	\$0.01

2. AND THAT the Mayor, as the Sole Shareholder’s legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to execute the Declaration of Bare Trust and Nominee Agreement with Tay Hydro Inc.

12. Development and Infrastructure Services - Planning and Building Services Report 2016-13 dated April 20, 2016 regarding an Application for Zoning By-law Amendment - 345 and 351 Davis Drive.

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-13 dated April 20, 2016 regarding an Application for Zoning By-law Amendment - 345 and 351 Davis Drive be received and the following recommendations be adopted:

i) THAT the Application for Zoning By-law Amendment, as submitted by 1738357 Ontario Ltd., for lands being located at 345 and 351 Davis Drive, be approved and that staff be directed to prepare the necessary Zoning By-law Amendment including a Holding Provision, as necessary;

ii) AND THAT Mr. Andrew Fernacik, Walker, Nott, Dragicevic Associates Limited, 90 Eglinton Avenue East, Suite 970, Toronto, ON M4P 2Y3 be notified of this action.

13. Development and Infrastructure Services - Planning and Building Services Report 2016-18 dated May 9, 2016 regarding the Street Naming Policy.

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-18 dated May 9, 2016 regarding the Street Naming Policy be received and the following recommendations be adopted:

i) THAT Council adopt the attached Street Naming Policy;

ii) AND THAT Council delegate to staff such authority as is required to administer the Street Naming Policy.

14. Corporate Services Report - Financial Services 2016-20 dated April 27, 2016 regarding Deferred Implementation of Tiered Water Rates.

a) THAT Corporate Services Report - Financial Services 2016-20 dated April 27, 2016 regarding Deferred Implementation of Tiered Water Rates be received and the following recommendation be adopted:

i) THAT staff be directed to report back to Council on the implementation of the phase-in of the tiered fixed rate structure in 2017.

15. Corporate Services Report - Legislative Services 2016-09 dated April 28, 2016 regarding N6 Contract with BFL Canada Risk and Insurance Services Inc.

a) THAT Corporate Services Report – Legislative Services – 2016-09 dated April 28, 2016 regarding 'N6 Contract with BFL Canada Risk and Insurance Services Inc.' be received and the following recommendation be adopted:

i) THAT Council authorizes a three (3) year contract from January 1, 2017 to December 31, 2019 with BFL Canada Risk and Insurance Services Inc. for the provision of Town Insurance and Risk Management Services.

16. Main Street District Business Improvement Area Board of Management Minutes of March 15, 2016.

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of March 15, 2016 be received.

17. Heritage Newmarket Advisory Committee Minutes of April 5, 2016.

a) THAT the Heritage Newmarket Advisory Committee Minutes of April 5, 2016 be received.

18. Item - New Business a) of the Heritage Newmarket Advisory Committee Minutes of April 5, 2016 regarding the Clock Tower development.

a) THAT the following motion be received and forwarded to staff to coordinate as part of the Planning Report.

The Heritage Newmarket Advisory Committee recommends to Council:

WHEREAS the proposed building does not comply with the Town of Newmarket's Official Plan for Main Street which limits building heights to three stories;

AND WHEREAS the proposed building does not comply with the Development Plan for the Heritage Conservation District;

AND WHEREAS the proposed underground parking consists of three levels and there is an underground watercourse beneath or adjacent to the proposed development and surrounding buildings resulting in the need for the installation of waterproofing and structural pylons and therefore the construction of the proposed development may cause a change in the natural underground watercourse and may cause damage to other buildings in the Heritage Conservation District;

AND WHEREAS many of the buildings in the surrounding area are built on rubble stone foundations, extensive excavation and construction may result in ancillary damage to other parts of those buildings;

AND WHEREAS currently Park Avenue is a narrow street which is frequently blocked by vehicular traffic, and the proposed main entrance and exit for the underground parking garage, together with the loading dock will add to an already stressed situation on Park Avenue considering that the Trinity United Church which is across the street also has handicapped parking/access onto Park Avenue opposite or in close vicinity to the underground garage entrance/exit and the loading dock and therefore, concerns arise regarding adequate turning radius and potential risks for moving vans and delivery trucks;

AND WHEREAS the proposed construction requires a land swap between the owner and the Town of Newmarket in order that it has the required number of parking spaces;

AND WHEREAS according to the building proposal submission, the facades of the buildings at 184, 188, 190 and 194 Main Street south of the former Post Office have not been preserved in accordance with the Ontario Heritage Act;

AND WHEREAS the streetscape and shadow study provided do not realistically show the potential impact on surrounding buildings such as the Trinity United Church, where the stained glass windows are worthy of protection, and businesses on the east side of Main Street where front windows may also be impacted;

AND WHEREAS the construction of this development may have a long term effect on public parking which may negatively impact the local merchants' ability to carry on business for an extended period of time;

AND WHEREAS the likelihood of precedent setting examples exist with this proposed rezoning application;

THEREFORE we, the members of the Heritage Newmarket Advisory Committee adamantly recommend that the Council of the Town of Newmarket reject this proposal.

19. Correspondence received April 26, 2016 from Mr. Bernie Smith, Principal, Sacred Heart Catholic High School requesting an exemption from the Noise By-law (2004-94) for the 2016 Relay for Life event from 12:00 p.m. to 11:59 p.m. on May 27, 2016.

a) THAT the correspondence from Mr. Bernie Smith, Principal, Sacred Heart Catholic High School regarding an exemption from the Noise By-law 2004-94, as amended, be received;

i) AND THAT the Canadian Cancer Society, Relay for Life event be exempted from the Noise By-law 2004-94, as amended, from 12:00 p.m. to 11:59 p.m. on May 27, 2016 at Sacred Heart Catholic High School, subject to notification being provided to area residents.

20. Correspondence dated April 28, 2016 from Mr. Steve Foglia, Chair, Accessibility Advisory Committee requesting proclamation of May 29 to June 4, 2016 as 'National Access Awareness Week'.

a) THAT the correspondence from Mr. Steve Foglia, Chair, Accessibility Advisory Committee be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May 29 to June 4, 2016 as 'National Access Awareness Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

21. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

22. Correspondence dated April 2, 2016 from Ms. Amanda Knegje, President, PFLAG Canada York Region requesting proclamation of June 11 to 19, 2016 as 'Pride Week'.

a) THAT the correspondence from Ms. Amanda Knegje, President, PFLAG Canada York Region be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim June 11 to 19, 2016 as 'Pride Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

iii) AND THAT staff be directed to liaise with PFLAG for any opportunity to celebrate a Pride related event during that week.

23. Correspondence dated April 7, 2016 from Ms. Laurie Scott, MPP - Haliburton-Kawartha Lakes-Brock requesting support of Bill 158, Saving the Girl Next Door Act, 2016.

a) THAT the correspondence dated April 7, 2016 from Ms. Laurie Scott, MPP - Haliburton-Kawartha Lakes-Brock requesting support of Bill 158, Saving the Girl Next Door Act, 2016 be received and endorsed.

24. THAT Council direct staff to bring back a report within 180 days that examines the process and issues related to a ban on corporate and union donations in Newmarket Municipal Elections.

25. THAT the Procedural By-law be upheld and no extension of deputation times be allotted.

26. THAT all deputations and correspondence be received.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

By-laws

27. By-laws 2016-22, 2016-23 and 2016-24.

2016-22 A By-law to exempt certain lands from the Part Lot Control provisions of the Planning Act. (Lowton - Phase 7, Country Wide Homes, Laker Court, Luck Court)

2016-23 A By-law to provide an exemption to By-law 2004-94, as amended, being a by-law to prohibit and regulate unusual noises or noises likely to disturb the inhabitants of the Town of Newmarket. (Sacred Heart Catholic High School Relay for Life event)

2016-24 A By-law to appoint Provincial Offences Officers/Property Standards Officer for the Town of Newmarket.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT By-laws 2016-22, 2016-23 and 2016-24 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Notices of Motions

None.

Motions

None.

Announcements & Community Events

- a) Councillor Sponga advised that the Newmarket Environmental Advisory Committee has recently completed its review of the draft Community Energy Plan and provided comments to staff with respect to the draft plan. He further summarized the purpose of the plan and thanked the Mayor, Deputy Mayor & Regional Councillor and Town staff for their work to date.
- b) Councillor Sponga advised that the Newmarket Environmental Advisory Committee Community Garage Sale will take place on Saturday, May 28, 2016 from 8:00 a.m. until noon. The event will be held at the York Region parking lot located at the corner of Yonge and Eagle Street. For further information or to register, contact Petra Vollmerhausen at petra_v@rogers.com or 905-836-5932.
- c) Councillor Bisanz advised that the 'Touch-A-Truck' event will take place on Wednesday, May 25, 2016 from 5:30 to 8:30 p.m. at the Operations Centre, 1275 Maple Hill Court.
- d) Deputy Mayor and Regional Councillor invited residents to attend the Town of Newmarket's Community Open House on Wednesday, May 25, 2016 from 5:30 to 8:30 p.m. at the Operations Centre, 1275 Maple Hill Court. The Open House, which coincides with the 'Touch-A-Truck' event, will highlight Council's Strategic Priorities, operating policies and Town plans for the future.
- e) Councillor Twinney invited residents to participate in Smart Commute Central York's 10th Annual Bike to Work Day on Monday, May 30, 2016 at Riverwalk Commons, 200 Doug Duncan Drive. For further information, visit www.smartcommute.ca
- f) Councillor Twinney advised that the 2016 Newmarket Heritage Art Contest is currently underway. Artists are invited to submit original, two-dimensional work inspired by Newmarket's heritage. Submissions will be accepted by the Recreation and Culture Department from May 30 to June 3, 2016. Forms are available at the Municipal Offices, online at www.newmarket.ca or by contacting Beth Sinyard at 905-953-5314 ext. 2831.
- g) Councillor Kerwin invited residents to join him on Sunday, May 29, 2016 at the Riverwalk Commons, 200 Doug Duncan Drive for the Upper Canada Mall Easter Seals Run/Walk founded by Joe Persechini. Further details are available at www.persechinirun.org

- h) Councillor Vegh invited residents to the annual Ward 1 Waste Disposal and Recycling Event on Saturday, May 28, 2016 from 8:00 a.m. to noon at the Magna Centre, 800 Mulock Drive, in the south parking lot. For more information or to volunteer, call 905-895-7095 or email tomvegh@gmail.com
- i) Mayor Van Bynen advised that Councillor Broome-Plumley will be hosting a one-on-one meeting for Ward 6 residents on Wednesday, May 18, 2016 from 7:00 to 9:00 p.m. at the Newmarket Public Library, 438 Park Avenue. For more information, contact Councillor Broome-Plumley at 905-953-5323 or kbroome-plumley@newmarket.ca
- j) Mayor Van Bynen advised that the Municipal Offices will be closed on Monday, May 23, 2016 to observe Victoria Day.
- k) Mayor Van Bynen advised that he will be at 'Mayor in the Square' at the Farmer's Market in Riverwalk Commons on Saturday, May 28, 2016 from 10:00 a.m. until noon.
- l) Mayor Van Bynen advised that the next Council meeting is Tuesday, June 7, 2016 at 7:00 p.m.

New Business

None.

Closed Session

Mayor Van Bynen advised that there is no requirement for a Closed Session.

Confirmatory By-law

39. Confirmatory By-law.

2016-25 A By-law to confirm the proceedings of Council - May 16, 2016.

Moved by: Councillor Sponga

Seconded by: Councillor Bisanz

THAT By-law 2016-25 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

Adjournment

40. Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Sponga, Councillor Bisanz

Opposed: (None)
(7 in favour, 0 opposed)

Carried

There being no further business, the meeting adjourned at 7:45 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

The meeting of the Committee of the Whole was held on Monday, May 30, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present:

Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin (2:07 to 8:28 p.m.)
Councillor Twinney
Councillor Hempen (1:34 to 8:28 p.m.)
Councillor Sponga (1:31 to 6:33 p.m.)
Councillor Broome-Plumley
Councillor Bisanz (1:34 to 8:28 p.m.)

Staff Present:

R.N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
C. Service, Acting Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
R. Nethery, Director of Planning and Building Services
R. Prudhomme, Director of Engineering Services
A. Cammaert, Senior Planner – Policy
D. Ruggle, Senior Planner – Community Planning
C. Finnerty, Council/Committee Coordinator
L. Moor, Council/Committee Coordinator
S. Niezen, Records and Project Coordinator

The meeting was called to order at 1:31 p.m.

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being a request for a fifteen minute time allotment for Item 1 of the agenda, being a presentation by the Municipal Property Assessment Corporation, Ms. Liza Sheppard, Ms. Andrea Witty and Mr. Dale Albers, York Region Rapid Transit to address the Committee on behalf of Ms. M. Turner and Mr. P. May, withdrawal of Item 5 of the agenda being Planning Report 2016-19, a PowerPoint Presentation by the Economic Development Officer regarding Joint Report

2016-13, a deputation request by Mr. George Smith regarding Engineering Services Report 2016-25, a deputation request by Ms. Lisa Marie Pena-Sabanal regarding Engineering Services Report 2016-26, two additional requests for deputation status by Mr. Donald Matthews and Mr. David Kempton regarding Item 11 of the agenda being Engineering Services Report 2016-26 regarding Woodspring Avenue –Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2, Schedule ‘A’ of Finance Report 2016-16 with respect to Property Tax Rates and By-law, correspondence regarding the Public Hearing matter with respect to an Application for Official Plan and Zoning By-law Amendment – 16333 Leslie Street) and Community Services – Recreation and Culture Information Report 2016-19 regarding Potential Replacement of Hollingsworth Arena Update.

Mr. Robert Spencer requested deputation status from the gallery regarding Engineering Services Report 2016-26.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Vegh

THAT the addendum items be included in the agenda.

Carried

Declarations of Pecuniary Interest

None.

Councillors Bisanz and Hempen arrived at 1:34 p.m.

Consent Items

Moved by: Councillor Sponga

Seconded by: Councillor Vegh

THAT the following items be adopted on consent:

1. Development and Infrastructure Services Report - Planning and Building Services 2016-22 dated May 30, 2016 regarding an Application for Official Plan Amendment and Zoning By-law Amendment - HOOPP Realty Inc. - 1166 and 1186 Nicholson Road.

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-22 dated May 30, 2016 regarding an Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendations be adopted:

- i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by HOOPP Realty Inc. for lands municipally known as 1166 and 1186 Nicholson Road be referred to a public meeting;
 - ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
- 2. Corporate Services Report - Legislative Services 2016-10 dated May 12, 2016 regarding Carnival - Magical Midways Inc. - 20 Davis Drive.
 - a) THAT Corporate Services Report - Legislative Services 2016-10 dated May 12, 2016 regarding Carnival - Magical Midways Inc. for the location 20 Davis Drive be received and the application be approved subject to the following terms:
 - i) THAT the license be issued for a period of seven consecutive days from August 1 to August 7, 2016 to permit the setting up and dismantling of amusement devices;
 - ii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.
- 3. Joint Report - Legislative Services and Financial Services 2016-11 dated May 18, 2016 regarding Housekeeping Amendments - Elected Officials Expense Policy.
 - a) THAT Joint Report - Legislative Services and Financial Services 2016-11 dated May 18, 2016 regarding Housekeeping Amendments - Elected Officials Expense Policy be received and the following recommendation be adopted:
 - i) THAT Council adopt the proposed amended 'Elected Officials Expense Policy' (attached as Appendix A).
- 4. Corporate Services Commission Report - Legislative Services 2016-12 dated May 16, 2016 regarding the 'Housekeeping Amendments: Sign By-law and Outdoor Serving Area'.
 - a) THAT Corporate Services Commission Report - Legislative Services 2016-12 dated May 16, 2016 regarding the 'Housekeeping Amendments: Sign By-law and Outdoor Serving Area' be received and the following recommendations be adopted:
 - i) THAT Council adopt the recommended housekeeping amendments to the Sign By-law (2014-11), identified in red text and attached as Appendix 'A' and Outdoor Serving Area By-law (2002-151) Schedule 16; identified in red text and attached as Appendix 'B';

ii) AND THAT consolidated by-laws to regulate signs and outdoor serving areas be brought forward to Council, as amended.

5. Corporate Services Report - Financial Services 2016-16 dated May 19, 2016 regarding Property Tax Rates and By-law for 2016.

a) THAT Corporate Services Report - Financial Services 2016-16 dated May 19, 2016 regarding the Property Tax Rates and By-law for 2016 be received and the following recommendations be adopted:

i) THAT the property tax rates for 2016, as applied to the assessment roll returned for taxation 2016, be set for Town purpose, as follows:

Property Class	Tax Rate
Residential	0.384908%
Multi-Residential	0.384908%
Commercial	0.430019%
Industrial	0.505153%
Pipeline	0.353730%
Farm	0.096227%

ii) AND THAT the applicable tax rate by-law, attached as Appendix 'A' be forwarded to Council for approval.

6. Newmarket Environmental Advisory Committee Minutes of April 6, 2016.

a) THAT the Newmarket Environmental Advisory Committee Minutes of April 6, 2016 be received.

7. Appointment Committee Minutes of May 16, 2016.

a) THAT the Appointment Committee Minutes of May 16, 2016 be received.

8. Item New Business b) of the Appointment Committee Minutes of May 16, 2016.

The Appointment Committee recommends to Council:

a) THAT the New Business Item b) of the draft Heritage Newmarket Advisory Committee Minutes of May 3, 2016 with respect to a vacancy on the Committee be received;

b) AND THAT Council waive Section 4 ii) of the Committee Public Appointment Policy to excuse with reason Ms. Soni Felix Raj from her duties on the Heritage Newmarket Advisory Committee for the period of July through September, 2016;

c) AND THAT staff be directed to review the Heritage Newmarket Advisory Committee Workplan in order to prioritize tasks and canvas for additional volunteers to assist with executing the workplan tasks.

9. Appointment Committee (Closed Session) Minutes of May 16, 2016.

a) THAT the Appointment Committee (Closed Session) Minutes of May 16, 2016 be received;

b) AND THAT the individuals identified in the Appointment Committee (Closed Session) Minutes recommended for appointment to the following boards/committees be considered at the June 7, 2016 Council meeting in Open Session;

Accessibility Advisory Committee, Newmarket Environmental Advisory Committee

c) AND THAT the applicants be notified prior to the June 7, 2016 Council meeting.

10. Newmarket Public Library Board Minutes of March 16, 2016.

a) THAT the Newmarket Public Library Board Minutes of March 16, 2016 be received.

11. Newmarket Downtown Development Committee Minutes of February 26, 2016.

a) THAT the Newmarket Downtown Development Committee Minutes of February 26, 2016 be received.

12. Main Street District Business Improvement Area Board of Management Minutes of April 19, 2016.

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of April 19, 2016 be received.

13. Excerpt from Minutes - Main Street District Business Improvement Area Board of Management - April 19, 2016 - New Business e)

a) THAT the following be referred to staff:

a) THAT the Main Street District Business Improvement Area Board of Management requests that the Town of Newmarket staff plan and create a parking strategy for the west side of Main Street in the vicinity of the Old Town Hall and Market Square for a successful operation of the Old Town Hall.

14. Central York Fire Services - Joint Council Committee Minutes of April 5, 2016.

a) THAT the Central York Fire Services - Joint Council Committee Minutes of April 5, 2016 be received.

15. Correspondence dated April 29, 2016 from Ms. Kathy Somers, Group Leader for Canada TNA (CaTNA) requesting proclamation of October 7, 2016 as 'International Trigeminal Neuralgia Awareness Day'.

a) THAT the correspondence from Ms. Kathy Somers, Group Leader for Canada TNA (CaTNA) be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 7, 2016 as 'International Trigeminal Neuralgia Awareness Day';

ii) AND THAT the Riverwalk Commons be lit in teal (if feasible) on October 7, 2016;

iii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

16. Correspondence dated April 29, 2016 from Mr. Kirk Kelly, Newmarket Minor Hockey Association requesting that October 3, 2016 be proclaimed 'Minor Hockey Day' in the Town of Newmarket.

a) THAT the correspondence from Mr. Kirk Kelly, Newmarket Minor Hockey Association be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 3, 2016 as 'Minor Hockey Day';

ii) AND THAT the proclamation be advertised on the Town Page advertisement and on the Town's website www.newmarket.ca

17. Correspondence dated May 16, 2016 from Ms. Debbie White, Founding Board Member - World Oceans Day requesting proclamation of June 8, 2016 as 'World Oceans Day'.

a) THAT the correspondence from Ms. Debbie White be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim June 8, 2016 as 'World Oceans Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

18. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

Presentations & Recognitions

19. Ms. Natasha Dawood, Ms. Heather Colquhoun, and Mr. Carmelo Lipsi, Municipal Property Assessment Corporation addressed the Committee with a PowerPoint presentation regarding 2016 Assessment Notices for Taxation Purposes - 2017 through 2020.

Councillor Kerwin arrived at 2:07 p.m.

Moved by: Councillor Bisanz

Seconded by: Councillor Hempen

THAT the PowerPoint Presentation by Ms. Natasha Dawood, Ms. Heather Colquhoun and Mr. Carmelo Lipsi, Municipal Property Assessment Corporation regarding 2016 Assessment Notices for Taxation Purposes - 2017 through 2020 be received.

Carried

20. Ms. Liza Sheppard, Ms. Andrea Witty and Mr. Dale Albers, York Region Rapid Transit addressed the Committee with a PowerPoint presentation regarding the vivaNext Project Update - Davis Drive and Yonge Street.

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

THAT the presentation by representatives from York Region Rapid Transit be provided an additional five minutes.

Carried

Moved by: Councillor Vegh

Seconded by: Councillor Kerwin

THAT the PowerPoint Presentation by Ms. Liza Sheppard - Senior Project Manager - Davis Drive, Ms. Andrea Witty - Senior Project Manager - Yonge Street and Mr. Dale Albers - Senior Communications Officer – York Region Rapid Transit regarding the vivaNext Project Update - Davis Drive and Yonge Street be received.

Carried

21. The Senior Planner – Policy introduced Ms. Susan Hall, MES, Vice-President, LURA (Listen Understand Relate Advance) Consulting and Mr. Peter Garforth who addressed the Committee with a PowerPoint presentation regarding the Community Energy Plan.

Moved by: Councillor Sponga
Seconded by: Councillor Bisanz

THAT the PowerPoint Presentation by Ms. Susan Hall, MES, Vice-President, LURA (Listen Understand Relate Advance) Consulting and Mr. Peter Garforth regarding the Community Energy Plan be received.

Carried

22. Development and Infrastructure Services Report - Planning and Building Services 2016-20 dated May 4, 2016 regarding the Community Energy Plan.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
Seconded by: Councillor Kerwin

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-20 dated May 4, 2016 regarding the Community Energy Plan be received and the following recommendations be adopted:

i) THAT Council adopt the Community Energy Plan, dated May 19, 2016, prepared under the Municipal Energy Plan program through the Ministry of Energy, as summarized in this report and circulated previously to Council;

ii) AND THAT Council recognizes that the full success of the plan relies on participation and investment of the Provincial and Federal Governments;

iii) AND THAT Council direct staff to research options regarding the implementation of the Community Energy Plan.

Carried

23. Development and Infrastructure Services Report - Planning and Building Services 2016-17 dated May 30, 2016 regarding the 2016 Annual Servicing Allocation Review.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-17 dated May 30, 2016 regarding the 2016 Annual Servicing Allocation Review be received and the following recommendations be adopted:

i) THAT all previously distributed servicing capacity be re-instated;

ii) AND THAT upon 're-payment' of the first phase allocation (114 units/325 people) through the Inflow and Infiltration Program, additional servicing allocation be granted to Phase 2 of the Marianneville development in the amount of 166 detached units and 140 townhouse units (909 people);

iii) AND THAT staff report back as part of the six-month administrative review of servicing capacity with regard to the potential granting of allocation for 345-351 Davis Drive (40 stacked townhouse units/106 people) and 955/995 Mulock Drive (73 townhouse units/192 people);

iv) AND THAT the Town continue to hold the balance of its unassigned and uncommitted servicing capacity (1651 people total, with a minimum of 561 people to be directed to the Centres and Corridors) in a strategic reserve.

v) AND THAT the Town request a meeting with the Regional Chair and the Regional Chief Administrative Officer to establish sustainable options for the provision of servicing allocation for Newmarket.

Carried

Deputations

24. Ms. Lisa Marie Pena-Sabanal addressed the Committee regarding Development and Infrastructure Services Report – Engineering Services 2016-26 dated May 11, 2016 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2. She queried the evidence of resident responses associated with the research survey statistics.

Moved by: Councillor Bisanz
 Seconded by: Councillor Broome-Plumley

THAT the deputation by Ms. Lisa Marie Pena-Sabanal regarding Development and Infrastructure Services Report – Engineering Services 2016-26 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2 be received.

Carried

25. Mr. Donald Matthews addressed the Committee regarding Development and Infrastructure Services Report – Engineering Services 2016-26 dated May 11, 2016 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2. He expressed his concerns related to road safety.

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Kerwin

THAT the deputation by Mr. Donald Matthews regarding Development and Infrastructure Services Report – Engineering Services 2016-26 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2 and his concerns related to the road safety be received.

Carried

26. Mr. David Kempton addressed the Committee regarding Development and Infrastructure Services Report – Engineering Services 2016-26 dated May 11, 2016 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2. He expressed his concerns related to the width of the available turning lanes versus the bicycle lanes.

Moved by: Councillor Kerwin
 Seconded by: Councillor Vegh

THAT the deputation by Mr. David Kempton regarding Development and Infrastructure Services Report – Engineering Services 2016-26 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2 and his concerns related to the available turning lanes versus bicycle lanes be received.

Carried

27. Mr. Robert Spencer, a member of the Eagle Cycling Club addressed the Committee regarding Development and Infrastructure Services Report – Engineering Services 2016-26 dated May 11, 2016 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2. He expressed his concerns related to cyclist safety measures.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. Robert Spencer regarding Development and Infrastructure Services Report – Engineering Services 2016-26 with respect to Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report # 2 and his concerns related to cyclist safety measures be received.

Carried

28. Development and Infrastructure Services Report - Engineering Services 2016-26 dated May 11, 2016 regarding Woodspring Avenue - Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking - Report # 2.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Bisanz

Seconded by: Councillor Sponga

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-26 dated May 11, 2016 regarding Woodspring Avenue - Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking - Report # 2 be received and the following recommendations be adopted:

i) THAT the existing parking restrictions and lane configurations on Woodspring Avenue from Bonshaw Avenue to the Town Limit remain as they are pending a Public Information Centre to allow consideration of the issue and other options;

ii) AND THAT an improved approach to community consultation and decision making for traffic, parking and bicycle lane issues be developed that ensures greater opportunity for informed discussion of any associated issues.

Carried

29. Mr. George Smith, on behalf of St. Andrew's Presbyterian Church addressed the Committee and expressed his concerns related to the amount of parking spaces available for shared use between the Cachet Restaurant and the church.

Moved by: Councillor Kerwin
 Seconded by: Councillor Broome-Plumley

THAT the deputation by Mr. George Smith, on behalf of St. Andrew's Presbyterian Church regarding parking space availability for shared use between Cachet Restaurant and the church be received.

Carried

The Committee of the Whole recessed at 3:58 p.m.

The Committee of the Whole reconvened at 4:16 p.m.

30. Development and Infrastructure Services Report - ES 2016-25 dated May 15, 2016 regarding 'Old Fire Hall and Other Downtown Parking Opportunities.'

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Kerwin

Mayor Van Bynen requested that Recommendation iv) be voted on separately.

a) THAT Development and Infrastructure Services Report - ES 2016-25 dated May 15, 2016 regarding 'Old Fire Hall and Other Downtown Parking Opportunities' be received and the following recommendations be adopted:

- i) THAT the Old Fire Hall not be demolished to produce nine (9) parking spaces at this time;
- ii) AND THAT Council approve the construction of up to 33 additional new parking spaces at the Fairy Lake Parking Lot;
- iii) AND THAT staff prepare a report outlining the heritage, planning and economic aspects of the Old Fire Hall within the next 120 days;
- v) AND THAT staff prepare an analysis and a plan for parking at the Old Town Hall;
- vi) AND THAT staff prepare an Information Report outlining an estimate of costs related to the construction of additional parking spaces in the Fairy Lake lot and behind Cachet Restaurant.

Carried

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Kerwin

iv) AND THAT Council approve the construction of up to 22 new spaces behind Cachet Restaurant.

Carried

31. Community Services Report - Economic Development, Development and Infrastructure Services - Planning, Corporate Services - Finance, CAO - Corporate Communications Joint Report 2016-13 dated May 16, 2016 regarding Recommended Approaches to Advance Corridor Intensification.

The Economic Development Officer addressed the Committee with a PowerPoint Presentation highlighting details associated with the recommended approaches to advance corridor intensification.

Moved by: Councillor Hempen
 Seconded by: Deputy Mayor & Regional Councillor Taylor

a) THAT Community Services Report - Economic Development, Development and Infrastructure Services - Planning, Corporate Services - Finance, and CAO - Corporate Communications Joint Report 2016-13 dated May 16, 2016 regarding Recommended Approaches to Advance Corridor Intensification be received and the following recommendations be adopted:

i) THAT, while recognizing there may be associated short-term financial/budgetary impacts, Council endorse the principle of the selective use of financial and non-financial incentives on a case-by-case basis, subject to Council approval, in order to stimulate development and accelerate intensification on our corridors;

ii) AND THAT Council authorize an expenditure up to \$75,000, funded from Economic Development reserves, to be used towards engaging consulting expertise through a Request for Proposal process for a Community Investment Brand and Targeted Marketing/Communications Strategy aimed at intensification.

Carried

32. Joint Office of the CAO and Commissions of Development and Infrastructure, Community and Corporate Services Report 2016-08 dated May 16, 2016 regarding Federal Infrastructure Funding.

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Bisanz

a) THAT Joint Office of the CAO, Commissions of Development and Infrastructure, Community, and Corporate Services Report 2016-08 dated May 16, 2016 regarding Federal Infrastructure Funding be received for information purposes and the following recommendations be adopted:

i) THAT Council direct Staff to proceed to apply for available grant funding for projects that align with Council's 2014-2018 Strategic Priorities, Administrative Priorities and 2016/2017 Budget Priorities;

ii) AND THAT Staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of "a Community Well Beyond the Ordinary".

Carried

Closed Session

33. Closed Session Matters.

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Vegh

THAT Item 32 of the agenda being Personal matters about identifiable individuals per Section 239 (2) (b) of the Municipal Act, 2001 - Appointment Committee (Closed Session) Minutes of May 16, 2016 recommending appointment of representatives to the Main Street District Business Improvement Area Board of Management, be deferred to the June 20, 2016 Committee of the Whole meeting.

Carried

34. Community Services – Recreation and Culture Information Report 2016-19 dated May 25, 2016 regarding Potential Replacement of Hollingsworth Arena Update.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Twinney

a) THAT Community Services – Recreation and Culture Information Report 2016-19 dated May 25, 2016 regarding the Potential Replacement of Hollingsworth Arena Update be received for information purposes;

i) AND THAT the Public Information Centre on the potential replacement of Hollingsworth Arena be scheduled after a Public Information Centre is held showing detailed concept plans of the San Michael proposal.

Carried

Action Items

35. Township of Wellington Resolution received May 18, 2016 regarding Door-to-Door Sales for Electricity and Natural Gas Contracts.

Moved by: Councillor Broome-Plumley

Seconded by: Councillor Sponga

a) THAT the Township of Wellington Resolution received May 18, 2016 regarding Door-to-Door Sales for Electricity and Natural Gas Contracts be received and endorsed;

b) AND THAT staff review the current by-law and report back regarding door-to-door sales.

Carried

Reports by Regional Representatives

None.

Notices of Motion

36. Deputy Mayor & Regional Councillor Taylor provided notice that he would be bringing a motion to the next scheduled Committee of the Whole meeting recommending a tax levy increase of no more than 2.2% (Town portion) plus a further 0.6% for the infrastructure levy.

Motions

37. Councillor Twinney: Re: Licensing of Driver School Test Vehicles.

Moved by: Councillor Twinney

Seconded by: Councillor Sponga

THAT staff provide an information report on guidelines and licensing of driver school test vehicles.

Carried

New Business

- a) Councillor Kerwin advised that the withdrawal of Item 5 of the agenda being Development and Infrastructure Services Report - Planning and Building Services 2016-19 dated April 22, 2016 regarding Proposed Zoning By-law Amendment Application D14-NP-16-02 - 596, 602, 606 and 610 Grace Street was due to the property owner's discovery of inappropriate soil conditions for construction of a parking lot.

The Committee of the Whole recessed at 6:33 p.m.

The Committee of the Whole reconvened at 7:03 p.m.

Public Hearing Matters

The Council/Committee Coordinator welcomed the public to the Committee of the Whole meeting. She advised that the *Planning Act* requires the Town to hold at least one Public Meeting on any proposed Official Plan Amendment or Zoning By-law Amendment.

The Council/Committee Coordinator advised that the purpose of the meeting was to hear from anyone who has an interest in the Application for Official Plan Amendment and Zoning By-law Amendment related to the lands located on the northeast corner of Leslie Street and Veterans Way, municipally known as 16333 Leslie Street to permit a proposed development consisting of ten townhouse dwellings on a private road.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed amendments, but would refer all written and verbal comments to Planning Staff to consider in a report that will be brought forward to a future Committee of the Whole or Council meeting.

The Council/Committee Coordinator advised that if anyone present wished to be notified of subsequent meetings, or if making a presentation, to please complete a form with your name and address and submit it to the Clerk's staff.

The Council/Committee Coordinator noted that in accordance with the *Planning Act*, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if the appellant failed to make either oral submission at the Public Meeting or provide written submissions to Council prior to adoption.

She thanked everyone for their participation and interest in the meeting.

38. Development and Infrastructure Services Report - Planning and Building Services Report 2016-10 dated March 10, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan Amendment and Zoning By-law Amendment - 16333 Leslie Street.

Ms. Janice Robinson, The Goldberg Group and Mr. Richard Aubry, Architect addressed the Committee with a PowerPoint Presentation on the proposed development of the property known as 16333 Leslie Street. Ms. Robinson provided a review of the history of the property and the rationale behind the zoning by-law amendment application.

Moved by: Councillor Kerwin
Seconded by: Councillor Twinney

THAT the presentation by Ms. Robinson be provided an additional five minutes.

Carried

39. Mr. Tao, resident, Goring Circle, expressed concerns regarding commercial development, parkland and management of the development.
40. Mr. Arthur, resident, expressed concerns related to the proposed height of the development and traffic.
41. Ms. Rusakova, resident, Sherman Brock Circle, expressed concerns of the proposed development as she looked forward to a commercial plaza in the neighbourhood.
42. Mr. Wong, resident, Stuffles Crescent, expressed opposition to the proposed development not being commercial and the impact of parking on the street.
43. Mr. Kelson, resident, Ralston Crescent, expressed concern regarding the proposed height of the development and the shadow impacts on neighbouring backyards and queried whether there would be further opportunities for community feedback.
44. Mr. Goldstein, resident, Ralston Crescent, requested clarification regarding the planning process associated with the proposed development.

The Director of Planning and Building Services provided an overview of the planning process and the rezoning application process; he advised that if the development is rezoned the site plan process would advance.

45. Ms. Baxshi, resident, Sherman Brock Circle, expressed concerns related to being misinformed by her realtor, the height of the proposed townhomes and traffic infiltration.
46. Ms. Shaddick, resident, Tallantine Place, expressed concerns with the proposed development and queried what steps could be taken to prevent the progress.
47. Mr. Goetz, resident, Tallantine Place, expressed concerns related to the proposed height of the development and the potential loss of privacy in neighbouring backyards.
48. Ms. Baxshi, resident, Sherman Brock Circle, expressed concerns related to being misinformed by her realtor, the height of the proposed townhomes and traffic infiltration.
49. Ms. LoGiudince resident, Ralston Crescent, advised that as one of the original purchasers of property she was informed that the neighbourhood would be entirely comprised of detached dwellings and expressed concerns related to the potential loss of privacy in her backyard and potential traffic congestion.
50. Mr. Wong, resident, Ralston Crescent, expressed concerns related to being informed by the builder that the neighbourhood would be single detached dwellings and the potential loss of privacy in his backyard.
51. Ms. Surinder, resident, Goring Circle, expressed concerns related to his lot purchase based on an assumption that there would be commercial development in the area.
52. Mr. Chen, resident, Ralston Crescent, expressed concerns with traffic infiltration and road safety.
53. Ms. Rosakova questioned the builder's motive in bringing this proposal forward when the original plan was commercial development.
54. Ms. Tamburrini, resident, Sherman Brock Circle, expressed concerns related to the proposed development impeding on a return of her investment, traffic safety and school bus stop locations.
55. Mr. Tiang, resident, Ralston Crescent, expressed concerns with potential noise issues of the proposed development and the lack of small business in the immediate area.
56. Mr. Aubry, Architect, responded to questions related to the proposed development.

The Director of Planning and Building Services advised of the next steps associated with the application.

Moved by: Councillor Vegh
Seconded by: Councillor Kerwin

THAT the presentation by Ms. Janice Robinson, The Goldberg Group and Mr. Richard Aubry, Architect, with respect to the Application for Official Plan Amendment and Zoning By-law Amendment for the property known as 16333 Leslie Street, all deputations and related correspondence be received.

Carried

Adjournment

Moved by: Councillor Vegh
Seconded by: Councillor Hempen

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 8:28 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-26

A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF THE SUMS REQUIRED BY THE CORPORATION OF THE TOWN OF NEWMARKET FOR 2016 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUISITIONING THE PAYMENT OF TAXES FOR 2016.

WHEREAS Section 312 (2) of the *Municipal Act, 2001, as amended*, provides that the Council of a local municipality shall, after the adoption of estimates for the year, pass a by-law to levy a separate tax rate on the assessment in each property class;

AND WHEREAS Sections 307 and 308 of the said *Act* require tax rates to be established in the same proportion to tax ratios;

AND WHEREAS estimates have been prepared showing the sum of \$156,445,501 is required to be raised for the lawful purposes of the Corporation of the Town of Newmarket for the year 2016 which estimates are made up as follows:

1.	Town of Newmarket General Purposes	\$ 55,179,545
2.	Regional Municipality of York Purposes	\$ 56,935,463
3.	Ontario Education Purposes	<u>\$ 44,330,493</u>
		<u>\$156,445,501</u>

AND WHEREAS any special levy in the Town of Newmarket is based upon the Current Value Assessment as returned on the last revised Assessment Roll as determined by the Municipal Property Assessment Corporation in accordance with the *Assessment Act, R.S.O. 1990, as amended*, and summarized on Schedule "A" attached to this by-law;

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

1. THAT the following property tax class ratios are to be applied in determining tax rates for taxation in 2016:

Residential/Farm Property Class	1.0000
Multi-Residential Property Class	1.0000
Commercial Property Class	1.1172
Industrial Property Class	1.3124
Pipelines Property Class	0.9190
Farmlands Property Class	0.2500

2. AND THAT for the year 2016, the Corporation of the Town of Newmarket shall levy upon the Residential Assessment, Multi-Residential Assessment, Commercial Assessment, Industrial Assessment, Pipeline Assessment and Farm Assessment the rates of taxation set out in this by-law. The optional property classes allowable which were not adopted by the Region of York have been included within Schedule "A" for clarity, shown with the tax rates established for the default Commercial and Industrial Assessment classes for the respective optional classes. This presentation was selected to coincide with the property tax class codes and qualifiers used by the Municipal Property Assessment Corporation in its communication with property owners concerning their property assessments;
3. AND THAT the sum of \$55,179,545 be levied and collected for the Town of Newmarket's General Purposes as provided by the Corporation's 2016 Operating Budget, such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
4. AND THAT the sum of \$56,935,463 be levied and collected for the Town of Newmarket's share of the 2016 Budget for The Regional Municipality of York, such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;

5. AND THAT the sum of \$44,330,493 be levied and collected for the Town of Newmarket's share of the 2016 Ontario Education levy, such sum to be provided by applying to the taxable assessments the tax rates summarized in Schedule "A" which are the rates prescribed for use by Ontario Regulation 400/98 as amended by O.Reg. 101/16;
6. AND THAT for properties so assessed, payments in lieu of taxes shall be calculated using the tax rates in Schedule, "A" which would be applicable to the property if it were subject to tax;
7. AND THAT for the railway rights-of-way assessments and for the utility transmission and distribution corridor, assessments shall have their taxes due to the Corporation of the Town of Newmarket calculated in accordance with the Regulations as established by the Minister of Finance and the returned assessment roll;
8. AND THAT for the purpose of the business improvement area projects, the sum of \$30,000 shall be levied and collected from the property owners within the business improvement area.
9. AND THAT the Treasurer shall add to the Collector's Roll, all or any arrears for fees or charges which should be collected pursuant to any statute or by-law to the respective properties chargeable thereto and that the same shall be collected by the Treasurer, or designate, in the same manner and at the same time as all other rates or levies;
10. AND THAT the Interim Tax Levy pursuant to By-law Number 2016-02 shall be shown as a reduction on the final tax levy;
11. AND THAT all taxes levied under the authority of this by-law shall become due and payable in three installments; the first installment due July 26, 2016, the second installment due August 25, 2016 and the third installment due September 27, 2016, and all installments shall be payable to the Corporation of the Town of Newmarket;

These due dates are subject to amendment by the Treasurer or designate, if required, to meet the statutory timing required following the tax demand date;
12. AND THAT the Treasurer or designate for the Corporation of the Town of Newmarket may send or mail or cause to be sent or mailed, the notice specifying the amount of taxes payable by any person liable for taxes, addressed to that person's place of residence as indicated on the Collector's Roll;
13. AND THAT taxes are payable at the Municipal Offices, 395 Mulock Drive, Newmarket, and at such other places as may be designated by the Town from time to time;
14. AND THAT residents who qualify for the Low Income Seniors and Low Income Disabled Tax Deferral Program need to apply to the Tax Office in accordance with the program policies as established by the Regional Municipality of York. The amount of deferral for 2016 will be determined once the application has been approved;
15. AND THAT if any section or portion of this by-law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the Corporation of the Town of Newmarket that all remaining sections and portions of this by-law continue in force and effect;
16. AND THAT Schedule "A" attached hereto shall be and form a part of this by-law.

ENACTED THIS 7TH DAY OF JUNE, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

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Corporation of the Town of Newmarket 2016 Schedule of Tax Rates for Taxable Property

PropertyAssessment Class	Code/Q ual.	Town Rate	Region Rate	School Rate	Total Rate
Residential Taxable: Full	RT	0.384908%	0.397157%	0.188000%	0.970065%
Residential Taxable: Full Shared PIL	RH	0.384908%	0.397157%	0.188000%	0.970065%
Multi-Residential Taxable: Full	MT	0.384908%	0.397157%	0.188000%	0.970065%
Commercial Taxable: Full	CT	0.430019%	0.443704%	1.008874%	1.882597%
Commercial Taxable: Excess Land	CU	0.301013%	0.310593%	0.706212%	1.317818%
Commercial Taxable: Full Shared PIL	CH	0.430019%	0.443704%	1.008874%	1.882597%
Commercial Taxable: Excess Land, Shared PIL	CK	0.301013%	0.310593%	0.706212%	1.317818%
Parking Lot Taxable: Full	GT	0.430019%	0.443704%	1.008874%	1.882597%
Commercial Taxable: Vacant Land	CX	0.301013%	0.310593%	0.706212%	1.317818%
Office Building Taxable: Full	DT	0.430019%	0.443704%	1.008874%	1.882597%
Shopping Centre Taxable: Full	ST	0.430019%	0.443704%	1.008874%	1.882597%
Shopping Centre Taxable: Excess Land	SU	0.301013%	0.310593%	0.706212%	1.317818%
Commercial (New Construction) Taxable: Full	XT	0.430019%	0.443704%	1.008874%	1.882597%
Commercial (New Construction) Taxable: Excess Land	XU	0.301013%	0.310593%	0.706212%	1.317818%
Office Building (New Construction) Taxable: Full	YT	0.430019%	0.443704%	1.008874%	1.882597%
Office Building (New Construction) Taxable: Excess Land	YU	0.301013%	0.310593%	0.706212%	1.317818%
Shopping Centre(New Construction) Taxable: Full	ZT	0.430019%	0.443704%	1.008874%	1.882597%
Industrial Taxable: Full	IT	0.505153%	0.521229%	1.180000%	2.206382%
Industrial Taxable: Full Shared PIL	IH	0.505153%	0.521229%	1.180000%	2.206382%
Industrial Taxable: Excess Land, Shared PIL	IK	0.328350%	0.338799%	0.767000%	1.434149%
Industrial Taxable: Excess Land	IU	0.328350%	0.338799%	0.767000%	1.434149%
Industrial Taxable: Vacant Land	IX	0.328350%	0.338799%	0.767000%	1.434149%
Large Industrial Taxable: Full	LT	0.505153%	0.521229%	1.180000%	2.206382%
Large Industrial Taxable: Excess Land	LU	0.328350%	0.338799%	0.767000%	1.434149%
Industrial(New Construction)Taxable: Full	JT	0.505153%	0.521229%	1.180000%	2.206382%
Pipeline Taxable: Full	PT	0.353730%	0.364987%	1.434072%	2.152789%
Farm Taxable: Full	FT	0.096227%	0.099289%	0.047000%	0.242516%

**CORPORATION OF THE TOWN OF NEWMARKET****BY-LAW NUMBER 2016-27****A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS FOR THE TOWN OF NEWMARKET.**

(Lindsay Clarke, Erin Sanderson, Robert Hall)

WHEREAS it is deemed necessary to appoint Provincial Offences Officers for the Town of Newmarket.

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

1. THAT Lindsay Clarke, Erin Sanderson and Robert Hall be and are hereby appointed as Provincial Offences Officers for the Town of Newmarket.

ENACTED THIS 7TH DAY OF JUNE, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-28

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

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

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

AND WHEREAS Subsection 99 (2) of the *Act* provides that all costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality are a lien on the advertising device that may be enforced by the municipality under the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25;

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

AND WHEREAS the Municipal Council of the *Town* enacted By-law 2014-11 on March 3, 2014;

AND WHEREAS it is deemed necessary to repeal by-law 2014-11

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

1.0 **DEFINITIONS:**

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

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

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

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

"APPEAL COMMITTEE" means the Appeal Committee established by the Town;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“MODEL HOME GROUND SIGN” means a sign located on residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located,

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

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

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

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

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

“OPEN HOUSE SIGN” means a *sign* intended to direct traffic to a *property* that is for sale or lease, and is open to the public for viewing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“STREET” means any highway;

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

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

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

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

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

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

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

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

2.0 ADMINISTRATION:

2.1 Interpretation:

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

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

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

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

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

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

Responsibility for compliance with this By-law:

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

3.0 GENERAL PROVISIONS:

- 3.1 No *person* shall erect, install, post, display or maintain any *signs* on a *premises* within the *Town* except such *signs* as are permitted by this By-law.
- 3.2 Unless otherwise expressly provided in this By-law, no *person* engaged in a *business* shall erect, install, post, display or maintain or cause to be erected, installed, posted, displayed or maintained any *sign* on any *premises* except on the *premises* upon which such *business* is located and provided the written consent of the registered *Owner* of the property is obtained.
- 3.3 No *sign* shall be erected in a parking space required under the *Town's Zoning By-law*.
- 3.4 No *sign* shall obstruct the view of any pedestrian or motor vehicle driver, visibility of warning devices, railway, traffic and municipal *street signs* or cause an unreasonable distraction, so as to cause an *unsafe* condition in the opinion of an *Inspector* under this By-law.
- 3.5 A *sign* shall display only non-electronic static copy unless otherwise permitted in accordance with **Section 25.0** of this By-law.
- 3.6 No *sign* shall be supported entirely or partly by the roof of a building or structure, other than a *sign structure*, or shall project above the roof of a building or structure.
- 3.7 Flashing, *animated* or noise emitting *signs* of any size are strictly prohibited.
- 3.8 A sign attached or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement shall be strictly prohibited.
- 3.9 No person shall erect, display or cause or permit to be erected or displayed any sign at those intersections listed in Schedule "A" to this bylaw.

4.0 REQUIREMENT FOR SIGN PERMIT:

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

5.0 SIGNS NOT REQUIRING A SIGN PERMIT:

- 5.1 Notwithstanding **Section 4.1**, a *sign permit* is not required for the following *signs*,

but such *signs* shall comply with all other requirements of this By-law:

Sign type / Description	Applicable Zones	Provisions
Official <i>Signs</i> / Public Safety <i>Signs</i>	All <i>Zones</i>	Pursuant to Section 28.0
Incidental Sign	All <i>Zones</i> except <i>Residential</i>	Maximum height of 0.9 metres (2.95 ft) and shall be permitted to display the name or logo of a use on the lot. Shall be located on Private Property
Trespassing, safety or other warning <i>sign</i>	All <i>Zones</i> except <i>Residential</i>	Not exceeding 0.5m ² (5.38 sq. ft.) in <i>sign</i> area. Illumination not permitted
	<i>Residential Zone</i>	Not exceeding 0.2m ² (2.15 sq. ft.) Illumination not permitted
Address <i>Sign</i>	All <i>Zones</i>	Not exceeding 0.2 m ² (2.15 sq. ft.) in <i>sign</i> area Shall be located on private property
Flag of corporations, educational, religious, or charitable organizations	All <i>Zones</i>	Not more than three (3) flags per <i>premises</i> . Each flag shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 sq. ft.)
Emblems or insignia of patriotic, civic, educational, religious or charitable organizations.		Emblems or insignia shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 ft ²)
Home Occupation <i>Sign</i>	<i>Residential Zone</i>	Maximum <i>sign</i> area of 0.2 m ² (2.15 sq. ft.) Maximum height of 1.5m (5ft.) One <i>sign</i> may be erected where the use of the property for any Home based business complies with the <i>Zoning By-law</i> . Such <i>sign</i> shall be erected or displayed in the form of a <i>Fascia Sign, Projecting Sign, or Ground Sign</i> . Illumination not permitted.

<i>Real Estate Sign</i>	<i>All Zones</i>	<p>Maximum <i>sign</i> area of 1.0m² (10.7 sq. ft.) in a <i>Residential zone</i>. For all other <i>zones</i> a maximum area of 4.0m² (43 sq. ft.)</p> <p>One (1) <i>sign</i> per <i>street line</i> of the property on which the <i>sign</i> is erected.</p> <p>Such sign shall be removed thirty (30) days after the premises has been sold, rented, or leased.</p> <p>No sign shall be extend beyond the property lines or with in a site triangle.</p>
<i>Garage Sale Sign</i>	<i>All Zones</i>	<p>Only displayed or erected after 5:00pm on the day immediately before the garage sale and must be removed no later than 7am on the day immediately following the garage sale; Maximum height 0.6m (2ft); Maximum width 0.6m (2ft); Shall be located within the untraveled portion of the road allowance, not including any centre median, traffic island or centre boulevard of a roadway; Minimum of 1.83m (6ft) from roadway Minimum of 0.6m (1.97ft)from sidewalks and driveways Must include the address of the property where the garage sale will be located; Must include the date of the garage sale</p>
<i>Open House Sign</i>	<i>All Zones</i>	<p>Only displayed on the day which the open house takes place. Must be in the form of an A-Frame or Temporary sign. Minimum of 1.83 m (6ft.)from roadway Minimum of 0.6m (1.9 ft.) from sidewalks and driveways. Shall be located within the untraveled portion of the road allowance, not including any centre median, traffic island or centre boulevard of a roadway. Include address of property and date of open house</p>

Residential Contractor Advertising Sign	Residential	<p>Sign type: Must be in the form of a A-Frame sign Must be in the form of a <i>Temporary Sign</i></p> <p>Sign location: Must be located on the property where the work is occurring,</p> <p>Time frame: Must be erected no more than seven (7) days prior to the commencement of the project and removed seven(7) days after the project is completed.</p>
Entrance Gate Sign- located at the entrance to a subdivision/apartment or condominium complex	Residential Zone and Urban Centre Zone	<p>One (1) sign per frontage</p> <p>Maximum sign area 2.32m² (25.0 sq. ft.)</p> <p>Minimum ground clearance 0.91m (3.0 ft.)</p> <p>Maximum height 7.5m (24.6 ft.)</p>
Menu Board Sign	Urban Centre Zone and Commercial Zone	Maximum Sign Area 4m ² (43.06 sq. ft.)
Public transit or any street furniture/fixture advertising	All Zones	As approved by the Town or Region
Window Sign	All Zones	<p>Shall be non-flashing</p> <p>Shall not emit sound that can be heard from out side</p> <p>Shall not be animated</p>
Signs located under Gas station canopies	Commercial Zone and Commercial Zone	<p>Shall be non-flashing</p> <p>Shall not emit sound</p> <p>Shall not be animated</p>

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

6.0 **SIGN PERMIT APPLICATIONS:**

- 6.1 No *person* shall erect, display or *alter*, or cause or permit to be erected, displayed or altered, a *sign* within the *Town*, unless otherwise exempted, without first obtaining a *sign permit* from the *Director* pursuant to this By-law. All *signs* shall comply with all other applicable *Town* by-laws and all other applicable law.

- 6.2 Every *applicant* for a *sign permit* shall complete a *sign permit* application form as prescribed by the *Town*, submit all necessary plans, drawings, and specifications and pay all applicable fees as set out in the *Fees and Charges By-law*.

6.3 *Sign Permit* Information

All plans, drawings, and specifications accompanying a *sign permit* application form shall be provided in duplicate and shall meet the requirements as set out in the prescribed form.

- 6.4 No *sign permit* shall be issued until approvals have been obtained, where applicable, from the following:

- a) The Lake Simcoe Region Conservation Authority, pursuant to the Conservation Authorities Act, R.S.O. 1990, c. C.27;
 - b) The Chief Building Official pursuant to the *Building Code Act, 1992*;
 - c) The Regional Municipality of York, pursuant to any other applicable regional by-laws;
 - d) Newmarket Hydro; and
 - e) Any other applicable governmental authority.
- 6.5 No *sign permit* shall be issued by the *Director* unless the application meets all the requirements of this By-law and any other applicable laws or unless a variance has been granted pursuant to **Section 33.0**.
- 6.6 No more than four (4) *sign permits* per *sign* type shall be issued to a single *business* on the *premises* on which the *sign* is to be displayed, in a calendar year.
- 6.7 No *applicant* shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a *sign permit*, detail of construction or revision thereto.
- 6.8 The *applicant* shall be responsible to comply with this By-law and the approved plans, drawings and specifications and to ensure that each set of plans, drawings, and specifications approved by the *Town* is identical in every respect. Failure to do so shall not relieve the *applicant* of the responsibility for complying with every requirement of the By-law, should any discrepancies between the plans, drawings, or specifications and the erected sign become apparent to the *Town*.
- 6.9 Revisions may be made to the application or approved documents provided they do not require significant additional work by the *Town*. An administration fee as set out in the *Fees and Charges By-law* will be charged for all revisions.
- 6.10 An application for a *sign permit* shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a *sign permit* has been issued.
- 6.11 Sign permit fees may be doubled if a sign has been constructed, erected, installed, altered, posted, or displayed, prior to a sign permit being issued or obtained for that specific sign.
- 6.12 All or some of the following documentation must be provided, in duplicate, along with the application if required:
- a) Survey/Site Plan to scale, with all measurements in metric indicating location of proposed signs, total frontage of property, all boundary lines, location of existing signage, all entrances and exits from buildings;
 - b) Property Owners Letter of Permission;
 - c) Engineered approved and stamped drawings in detail drawn to scale including dimensions, sign area;
 - d) MTO Approval, for any sign within 400m (1312ft) and visible from the 404 highway;
 - e) Newmarket Hydro Approval, for *Ground Signs, Billboard Signs, Commercial Construction Information Signs, and Subdivision Development Signs*;
 - f) York Region Approval, for any *sign* located York Region Property;
 - g) Lake Simcoe Region Conservation Authority Approval for signs within their jurisdiction.
- 7.0 EXPIRATION OF PERMIT:**
- 7.1 Every *sign permit* issued by the *Town* for the erection, display or alteration of a *sign* expires and is null and void where the *business*, product, activity or service to which the *sign* relates ceases to operate or is no longer available at the *premises* where the *sign* is located.

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

- a) *Sign permits* for *Inflatable Signs*, and *Mobile Signs* shall expire thirty (30) days from the date of issuance;
- b) *Sign permits* for *Portable Signs* shall expire one (1) calendar year from the date of issuance;
- c) *Sign permits* for *Billboard Signs* shall expire five (5) years from the date of issuance.

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

7.4 Where a new business is using the sign structure from a previous business, the new business is required to get a permit. For greater clarification, a lens change, from one business to another, in a fascia or ground sign requires a sign permit.

8.0 TRANSFER OF PERMIT:

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

9.0 REVOCATION OF PERMIT:

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

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

10.0 MAINTENANCE:

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

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

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

11.0 LOCATION:

11.1 No *sign* shall be erected, placed, or permitted to stand on or overhang public property, including sidewalks or boulevards, except as hereinafter expressly provided for *Hoardings Signs*, *Projecting Signs* and *Real Estate Signs*.

- 11.2 Notwithstanding any of the provisions of this By-law, no *person* shall post any *sign* on any tree, post, pole or fence, or erect any *sign* on any property owned by or under the jurisdiction of the *Town*, without the prior written consent of the *Town*.
- 11.3 No *sign* other than a *Fascia Sign* shall:
- a) be permitted within 10.67 metres (35.0 feet) of a traffic light;
 - b) be erected upon or supported by a parapet; or,
 - c) be erected upon or supported by a firewall or its parapet.
- 11.4 No *sign* shall be located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of firefighters to any part of the building at any time.
- 11.5 All *signs* erected or displayed shall be located a minimum of 1.83 metres (6.0 ft) away from the face of the curb or edge of pavement of a roadway, and where there is a sidewalk, not within 0.6 metres (1.97 ft) of such sidewalk, except for a *Portable Sign* located in the *Historic Downtown Urban Centre Zone* or *Downtown Urban Centre Zone*.

12.0 **STRENGTH OF BUILDINGS:**

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

13.0 **SIGN MATERIALS:**

- 13.1 Every *sign* attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wire ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of *signs* attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for *signs*. No *sign* shall be supported in any manner by an unbraced parapet wall, except as provided for in ***Subsection 11.3 b)*** of this By-law.
- 13.2 Notwithstanding ***Subsections 13.3, 13.4 and 13.5***, all *Ground Signs*, *Billboard Signs*, *Fascia Signs* and *Projecting Signs* and the *sign structure* shall be constructed entirely of metal or other non-combustible *materials*.
- 13.3 Notwithstanding ***Subsection 13.2*** thereof, *Ground Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* shall not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground immediately below such *sign* to the highest point thereof.
- 13.4 Notwithstanding ***Subsection 13.2*** thereof, *Fascia Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* are not located within 0.61 metres (2.0 feet) of any window above the first storey or within 0.91 metres (3.0 feet) of any fire escape or exit.
- 13.5 Notwithstanding ***Subsection 13.2*** thereof, *Projecting Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone*.
- 13.6 Notwithstanding any other provisions of this By-law, approved plastics may be used as facing *material* and as letters and decorations on *signs* subject to the following limitations and regulations:
- a) All parts of the sign other than the letters and decorations shall be made from non-combustible materials, the area of the display surface or facing which may be occupied or covered by letters and decorations may be made from or faced with approved plastics.

- b) If plastics are employed in any part of a sign the finished plastic unit shall be identified either with the material manufacturer’s trade name, or with the common name of the plastic material.

14.0 **ILLUMINATION:**

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

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

15.0 **SIGN AND ZONE SPECIFIC REGULATIONS:**

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

16.0 **GROUND SIGNS:**

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A <i>1, 2</i>	Commercial Employment	1	Less than 243.84m (800 ft.)	27.87m² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with Subsections 14.1 and 14.2
	Urban Centre*	2	243.84m (800 ft.) or more	46.45m² (500 sq. ft.)	10.67m (35.0 ft)		
Class B <i>1,2, 3</i>	Downtown Urban Centre	1		2.32m² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Historic Downtown Urban Centre						
Class C <i>1,2</i>	Institutional	1		2.32m² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class D <i>1, 2</i>	Open Space	1		13.94m² (150 sq. ft.)			
	Golf Course						
Menu Board Sign	Commercial	1 Menu Board		4.0 m² (43 sq. ft.)	2.5 m (6.5 ft)		Permitted in accordance with Subsections 14.1 and 14.2
	Urban Centre	1 Pre Menu Board		2.0 m² (21.5 sq. ft.)	2.5 m (6.5 ft)		

¹*Ground Signs*, and their structural members shall be constructed entirely of metal or other non-combustible materials.

²*Ground Signs* shall not be located within 0.6m (2.0ft) of a property line.

³ <i>Ground Signs</i> which are located in the Downtown Urban Centre and Historic Downtown Urban Centre Zones may be constructed in whole or in part of combustible materials, provided that such signs do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such sign, to the highest point thereof.
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

16.1 BILLBOARD SIGNS:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Billboard Sign^{1,2}	Commercial	1	Less than 300.0m (984.0ft)	18.58m ² (200 sq. ft.)	7.5m (24.6 ft.)	3.05m (10.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment Urban Centre*	2	300.0m (984.0ft) or more	Per Sign Face			
¹ Billboard Signs and their structural members shall be constructed entirely of metal or other non-combustible materials							
² Subject to separation distances set out in Subsections 16.2 and 16.3							
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

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

- a) on the same *property* as a *Mobile Sign*;
- b) within a radius of 300.0 metres (984ft) of any other *Billboard Sign* or 15.0 metres (49.2ft) of any *Ground Sign*;
- c) on *property* other than *property* within an *Urban Centre Zone*, *Commercial Zone* or *Employment Zone*;
- d) on any *property* on which another *Billboard Sign* has been erected or for which a *sign permit* has been issued for a *Billboard Sign* under this by-law, except where the *property* has a *frontage* greater than 300.0 metres (984ft); or
- e) within 200 metres (656ft) of any of the following:
 - i) any *property* within a *Residential Zone* or legally used for residential purposes; or
 - ii) any *property* which is used for a school or park, or any *property* which is designated under Part IV or Part V of the *Ontario Heritage Act*.

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

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

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

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

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

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

17.0 FASCIA SIGNS:

	Required Zoning		Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1, 2 ***	Commercial	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2 Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class B 1, 3 ***	Downtown Urban Centre*	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
	Historic Downtown Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class C 1, 2 ***	Institutional and all other zones **		2.32 m ² (25.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2

¹ *Fascia Signs* shall not be erected to extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.

² No portion of a *Fascia sign* shall project more than 20.32 cm (8.0 inches) from the face of the wall for signs located over private property.

³ *Fascia signs* placed on the wall of a building within the *Historic Downtown Urban Centre Zone* shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building.

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

** excluding *residential zones*

*** *Mural signs must form part of the overall area of the Mural*

18.0 PROJECTING SIGNS:

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ¹	Commercial	1 per business**	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment Urban Centre*					
Class B ^{1,2}	Downtown Urban Centre	1 per business**	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	
	Historic Downtown Urban Centre					

Awning Signs shall be deemed to be *Projecting Signs* and shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building and shall be subject to the above provisions.

¹ *Projecting Signs* shall not project above the roof level in *Shopping Centres*

² *Projecting signs* placed on the wall of a building within the *Historic Downtown Urban Centre Zone* shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building

³ The Maximum sign area shall apply to the *Sign Copy* of an *Awning Sign*, not the *Sign Face* or *Sign Structure*.

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

** Excluding Awning signs

19.0 **MOBILE SIGNS AND PORTABLE SIGNS**

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

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

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	<i>Commercial</i> <i>Employment</i> <i>Urban Centre*</i>	Total <i>Portable Sign</i> , and <i>Mobile Sign</i> combined restriction by <i>frontage</i> (Per <i>premises</i>): Frontage #	4.46 m ² (48.0 sq. ft.)	Including supporting structure 2.44m (8.0 ft.)	Not permitted	30 days
Portable Signs ^{5,6,7,8,9,10} Class A	<i>Commercial</i> <i>Employment</i> <i>Urban Centre*</i>	0.3-60.96m 6 (1.0- 200.0 ft.) .6126-152.4 m 9 (201.0 - 500.0 ft.) 152.7-304.8 m 12 (501.0 - 1000.0 ft.) 304.8 m + 15 (1001.0 ft. +)	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height (4.0ft.) in width	Not permitted	One (1) Calendar Year
Class B	<i>Downtown Urban Centre</i> <i>Historic Downtown Urban Centre</i>	One (1) per business	0.56 m ² (6 sq. ft.)	0.91 m (3 ft.)	Not permitted	One (1) Calendar Year

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

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

³*Mobile Signs* shall be comprised of a black background, within a black frame, all letters or other writings or markings shall be white and photographic images or logos may be in full colour

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

⁵ <i>Sign permits</i> for Mobile Signs and Portable Signs shall be subject to the conditions under Subsection 7.2
⁶ Within the <i>frontage</i> limits provided above, each <i>business</i> shall be restricted to the use of one (1) <i>Portable Sign</i> or one (1) <i>Mobile Sign</i> per <i>business premises</i> on which the <i>business</i> is located at any one time.
⁷ <i>Portable Signs</i> shall not be placed earlier than one (1) hour before the posted hour for the opening of the <i>business</i> to which it is related and shall be removed within one (1) hour after the posted hour of the closing of the <i>business</i> to which it is related each day. Excluding Advertising Flag Signs.
⁸ A <i>Portable Sign</i> located in the <i>Historic Downtown Urban Centre Zone</i> or <i>Downtown Urban Centre Zone</i> may be placed on the municipal sidewalk in front of the <i>business</i> and can be permitted to encroach a maximum of 0.61 meters (2.0 feet) from the main wall of the <i>building</i> facing the <i>street</i> .
⁹ Advertising Flag Signs shall not be used in the <i>Historic Downtown Urban Centre Zone</i> or <i>Downtown Urban Centre Zone</i>
¹⁰ Advertising Flag Signs shall not exceed 3.36 meters (11.0 feet) in height
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

20.0 **BANNERS:**

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

21.0 **SIGNS INCIDENTAL TO CONSTRUCTION:**

Commercial Construction Information Signs

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

Hoarding Signs

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

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
Commercial Construction Information Signs^{1,2, 3} Class A	Commercial Employment Institutional Urban Centre*		27.87m² (300 sq. ft.)	7.5m (24.6ft)	Minimum separation distance between <i>Commercial Construction Information Signs</i> 100.0m (328.08ft)

Class B ^{1,2,3}	Downtown Urban Centre		10.0m ² (107.64 sq. ft.)		
	Historic Downtown Urban Centre				
Hoarding Signs ^{4,5,6,7}	All zones			Combined height of hoarding and signage 3.08m (10.0ft)	

¹A *Commercial Construction Information Sign* shall not be erected until the development being advertised has been draft approved by Town planning staff.

²A *Commercial Construction Information Sign* shall be located within the development that it advertises.

³Any person may erect one non-illuminated *Commercial Construction Information Sign*, for a period not exceeding three (3) months or until the permanent *Ground Sign* is erected, whichever shall first occur.

⁴*Hoarding Signs* shall only be permitted where the *Owner* has entered into an agreement with the *Town* which authorizes the hoarding and where the *Owner* has obtained a *sign permit*

⁵A maximum of sixty percent (60%) of the hoarding area shall be permitted to display signage and advertising materials.

⁶*Hoarding Signs* shall only be composed of signage and advertising material specific to the development of the site and not the *Owner's* or *Developer's business* in general

⁷*Hoarding Signs* shall not incorporate any *Electronic Changeable Copy* or *Mechanical Copy*.

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

22.0 NEW HOME DEVELOPMENT SIGNS:

- 22.1 No person shall place or locate a *New Home Development Sign*:
- a) within a sight triangle, on a median or any other location on a street that obstructs a sight line or otherwise interferes with street maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
 - b) closer than 10.0 metres (32.8 feet) to a transit stop;
 - c) closer than 5.0 metres (16.4 feet) to a driveway intersection with a street line; or
 - d) within 1.0 metre (3.2 feet) of any municipal sidewalk.
- 22.2 No person shall place or locate a *New Home Development Sign* on a street before 7:00 p.m. on a Friday and all such signs shall be removed no later than 6:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.
- 22.3 Prior to a *sign permit* being issued for a *New Home Development Sign*, the applicant shall provide a certificate confirming to the *Town* that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the *Town* is named as an additional insured.
- 22.4 Where a *Builder* has erected a sales office or a model home(s) within a *new home development*, such *builder* may place one *Model Home Ground Sign*, not exceeding 1.12 m² (12.0 sq. ft.), on each *residential* lot or proposed *residential* lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such *Model Home Ground Sign* may be located on any lands which are to be conveyed to the *Town* or which may form part of a municipal road allowance.

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
New Home Development Sign		Each <i>builder</i> limited to ten (10) <i>New Home Development Signs</i> per project	No more than two (2) <i>sign faces</i> each <i>sign face</i> with a maximum area of 1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.)	May be placed on a <i>street</i> subject to the requirements of Section 22.0
Subdivision Development Sign^{1, 3}	Residential Zone	Three (3)	20.0m ² (215 sq. ft.)	7.5m 24.6ft	Shall be located within the development that the <i>sign</i> advertises; Minimum separation distance between each <i>Subdivision Development Sign</i> of 300m (984.3ft)
Model Home Ground Sign²	Model Home/Sales Centre	One (1) per residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located.	1.12m ² (12 sq. ft.)		
New Home Development Signs shall be limited to two (2) corners of a <i>street</i> intersection and a maximum of five (5) in total for each corner of the two (2) corners of the <i>street</i> intersection.					
Each <i>builder</i> shall be limited to two (2) <i>signs</i> in total for each <i>street</i> intersection					
¹ <i>Subdivision Development Signs</i> shall be removed when one hundred percent (100%) of the units being advertised have been sold					
² No such <i>Model Home Ground Signs</i> may be located on any lands which are to be conveyed to the <i>Town</i> or which may form part of a municipal road allowance.					
³ A <i>Subdivision Development Sign</i> shall not be erected until the development being advertised has been draft approved by Town planning staff.					

23.0 **INFLATABLE SIGNS:**

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

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

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

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

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

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

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

	Required Zoning	Maximum Number	Maximum Sign Area	Dimensions	Minimum Frontage	Permit Length
Inflatable Signs	Commercial	One (1) <i>sign per premises</i>	42.0 m² (451.85 sq. ft.)	Maximum Height: 7.0 m (22.96 ft.)	15.0m (49.0 ft.)	21 days
	Employment					
	Institutional			Maximum Width: 6.0m (19.68 ft.)		
	Urban Centre					
<i>Inflatable Signs</i> shall only advertise the business to which the <i>Sign Permit</i> was issued.						

24.0 **TEMPORARY SIGNS:**

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

- have a maximum sign face area of 0.37 square meters (4 sq. ft.) per sign face, if used as a *Non-profit sign*; and,
- only be permitted for use as a *Non-Profit Signs, Election Signs, and Open House Signs* as set out in **Section 5.0, Section 26.0 and, Section 27.0** respectively.

25.0 **ELECTRONIC CHANGEABLE COPY AND MECHANICAL COPY:**

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

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

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

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

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

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

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

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

26.0 NON-PROFIT SIGNS:

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

26.2

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

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

26.4 A *Non-Profit Sign* shall:

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

26.5 Before being issued a *sign permit* for a *Non-Profit Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$3,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured if the sign is to be located on *Town Property*.

26.6 A non-profit organization shall be permitted to erect or display up to fifty (50) *Temporary Signs* or ten (10) *Portable* or 5 Mobile Signs on private property within the *Town*. Such *Temporary Signs* or *Portable signs* or Mobile Signs shall be displayed in a manner that is consistent with the provisions of this by-law.

26.7 Prior to issuing a *sign permit* the *Director* may request appropriate documentation confirming the status of a non-profit organization or charitable organization.

26.8 The *sign permit* fee as set out in the *Fees and Charges By-law* shall be waived for *Non-Profit Signs*.

27.0 ELECTION SIGNS:

27.1 No candidate shall erect, display, or permit to be erected or displayed, an *Election Sign* in the *Town* unless the *Election Sign Deposit* specified in the *Fees and Charges By-law* has been deposited with the *Director* by the *Candidate* or the *Candidate's* authorized agent.

27.2 An *Election Sign* erected or displayed shall be located a minimum of 1.83 metres (6.0 feet) away from the face of the curb or edge of pavement of a roadway and where there is a sidewalk, not within 0.6 metres (1.97 feet) of such sidewalk.

27.3 **Subsection 27.2** does not apply when the sidewalk is less than 0.6m (1.97 feet) from the main wall of the building, in which case the *sign* shall be placed at the furthest distance possible from the sidewalk or from the face of the curb or edge of pavement.

27.4 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be affixed, erected or otherwise displayed:

- a) within a sight triangle;
- b) in a location where such *sign* creates an *unsafe* obstruction or visual impairment for pedestrian or vehicle traffic;

- c) in a location where such *sign* obstructs the visibility of any traffic sign or device;
- d) on a municipal boulevard;
- e) on a tree, utility pole or light standard;
- f) on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held;
- g) in or on a vehicle that is parked on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held, if the sign is visible;
- h) in any public park or on any road allowance abutting *Town* owned land or facility or any local board; or
- i) unless the property owner has consented to the placement of the sign.
- j) unless the property has more than one (1) abutting street line. The number of election signs, per candidate, can be no more than the number of abutting street lines on the property which the sign will be located.

27.5 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or thirty (30) days immediately preceding the day of a municipal election.

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

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

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

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

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

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

28.0 **EXEMPTIONS:**

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

This *By-law* also does not apply to signs within a building except for *Window signs*.

29.0 **FEES:**

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

30.0 POWER OF ENTRY:

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

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

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

- (a) require the production of documents or relevant items for inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

30.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the *Act*.

30.4 The *Town's* power of entry may be exercised by an employee, *inspector* or agent of the *Town* or by a member of a police force with jurisdiction, as well by any *person* under his or her direction.

31.0 REMOVAL OF SIGNS AND ENFORCEMENT:

31.1 When a *sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* may be removed immediately, by the *Town*, without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the *Town* at the expense of the *sign owner*, and under Section 446 of the *Act*, the *Town* may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.

31.2 Where a *sign* not requiring a *sign permit* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, the Director may notify or order the owner to repair, remove or to bring the sign into compliance with the provisions of this By-law. Where such *sign owner* fails to bring the *sign* into compliance, the *Director* may remove the *sign* and charge the *sign owner* a fee as set out in the *Fees and Charges By-law*.

31.3 When a *sign* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, The *Director* may issue an order to any *person* who:

- a) has erected, displayed, *altered* or caused or permitted to be erected, displayed or altered, a *sign* on private property for which a *sign permit* has not been obtained where such *sign permit* is required under the provisions of this By-law; or
- b) having obtained a *sign permit*, has erected or *altered*, or caused or permitted to be erected or altered, a sign on private property contrary to the *sign permit* issued.

- 31.4 The order shall require the *sign* to be brought into compliance with this By-law within a timeframe of not less than fourteen (14) days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the sign must be brought into compliance with the By-law.
- 31.5 The order shall be served personally on the sign owner, or posted at the address of the *business* to which the *sign* relates and/or the address supplied on the *sign permit* application, or sent by registered mail to the last known address of the sign owner, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- 31.6 Where an order has been issued and the *sign* has not been brought into compliance with this By-law within fourteen (14) days of the issuance of the order, the *Director* or *Inspector* may remove or cause to be removed, the *sign* or any part thereof and/or may take any action necessary to prevent the *sign* from being displayed in a manner that is contrary to this By-law. The *Town* may recover the cost of the removal or necessary action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.7 Where a *sign* has been removed by the *Town* such *sign* shall be stored for a period of thirty (30) days and the *Sign Owner* may redeem the *sign* upon payment of the removal fees prescribed in the *Fees and Charges By-law*. Where a *sign* has not been redeemed within the thirty (30) day period, such *sign* may be forthwith destroyed or otherwise disposed of by the *Town* without notice or compensation and the *Sign Owner* shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.8 Notwithstanding **Section 31.7**, upon removal, signs under 1.0m² (10 sq ft.) will be destroyed or otherwise disposed of by the *Town* without notice as the *Director* deems fit.
- 31.9 **Subsections 31.2, 31.3, 31.4, 31.5 and 31.6** do not apply to *Temporary Signs, Portable Signs* or *Mobile Signs*.
- 31.10 Where a *Temporary Signs, Portable Sign* or *Mobile Sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* may be removed at the direction of the *Town* without notice, at the expense of the *Sign Owner*.
- 31.11 Where the number of *Portable Signs* or *Mobile Signs* erected or displayed on any *premises* exceeds the restrictions for those premises, the excess *signs* may be removed at the expense of the *Sign Owner*.

Where an *Election Sign* is removed pursuant to this By-law, any costs associated with its removal shall be deducted from the *Election Sign Deposit* in accordance with the sign removal fee prescribed in the *Fees and Charges By-law*. Any costs incurred in excess of the *Election Sign Deposit* shall be invoiced to the registered candidate. Unpaid invoices may be collected by action or the amount may be added to the tax roll and collected in the same manner as taxes, or under Section 99 of the Act, the *Town* may utilize the provisions of the *Repair and Storage Liens Act*.

32.0 PENALTY PROVISION:

- 32.1 Any *person* who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
- 32.2 If a *sign* has been constructed, erected, installed, *altered*, posted, displayed or maintained in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 32.3 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.

- 32.4 Any *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 32.5 For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 32.6 For the purposes of this By-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 32.7 Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 33.0 VARIANCES:**
- 33.1 Any person may apply for a variance from the provisions of this by-law
- 33.2 An application for a variance shall be made on the form prescribed by the *Town* and shall be accompanied by the non-refundable variance application fee in the *Fees and Charges By-law*.
- 33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed *sign*:
- a) is warranted based on physical circumstances applicable to the property or premises;
 - b) is consistent with the architecture of the building or development of the property;
 - c) is consistent with buildings and other features of properties or premises within 120.0 metres (393ft) of the proposed sign;
 - d) will not alter the essential character of the area;
 - e) will not adversely affect adjacent properties;
 - f) will not adversely affect public safety;
 - g) is in the opinion of the decision maker, not contrary to the public interest; and
 - h) is not expressly prohibited by this by-law
- 33.4 The Director shall circulate the application to the owners of all abutting properties and/or the owners of any properties within 60 metres of the subject property at the Director’s discretion, prior to the consideration of the variance
- 33.5 Upon receiving an application for a variance from this By-law to permit the erection and display of a *sign* other than a *Billboard Sign*, the *Director* may:
- a) grant a Variance;
 - b) grant a Variance with Conditions; or
 - c) refuse to Grant a Variance

- 33.6 An applicant may request a review of the variance application decision of the *Director* within thirty (30) days of the decision.
- 33.7 The request for review is made by filing a written request for review, on a form approved by the *Director*, to the *Appeal Committee*. The *Appeal Committee* may authorize *sign* variances from the provisions of this By-law, provided that in the opinion of the *Appeal Committee* it is established that the requirements in **Subsection 33.3** are met.
- 33.8 A decision of the *Appeal Committee* is final and binding.
- 33.9 Upon receiving an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, the *Director* shall refer the application to the Committee of the Whole.
- 33.10 The Director shall circulate the application to all property owners within 200 metres of the subject property prior to consideration of the application by Committee of the Whole.
- 33.11 The Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council in respect of the application for a variance from this By-law to permit the erection and display of a *Billboard Sign*.
- 33.12 Upon receiving the recommendation of the Committee of the Whole in respect of an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, Council shall:
- a) Grant a Variance;
 - b) Grant a Variance with Conditions; or
 - c) Refuse to Grant a Variance.
- 33.13 The decision of Council is final and binding.

34.0 LIABILITY:

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

35.0 SEVERABILITY:

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

36.0 SHORT TITLE:

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

AND THAT By-law 2014-11 is hereby repealed.

ENACTED THIS 7TH DAY OF JUNE, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Schedule “A”
List of Intersections where Signs are Not Permitted

Davis Drive (YR 31) and Barbara Road/130 Davis Drive [the entrance to the Newmarket Plaza]
 Davis Drive (YR 31) and Bayview Parkway
 Davis Drive (YR 31) and Charles Street
 Davis Drive (YR 31) and George Street
 Davis Drive (YR 31) and Hill Street
 Davis Drive (YR 31) and Longford Drive
 Davis Drive (YR 31) and Lorne Avenue
 Davis Drive (YR 31) and Lundy’s Lane/Prospect Street
 Davis Drive (YR 31) and Main Street North/Main Street South
 Davis Drive (YR 31) and Niagara Street/Vincent Street
 Davis Drive (YR 31) and Parkside Drive
 Davis Drive (YR 31) and Superior Street
 Davis Drive (YR 31) and 465 Davis Drive [the entrance to The Tannery Mall]
 Davis Drive (YR 31) and Wilstead Drive
 Davis Drive West (YR 31) and Eagle Street West
 Leslie Street (YR 12) and Davis Drive (YR 31)
 Prospect Street (YR 34) and Gorham Street/Water Street
 Prospect Street (YR 34) and Grace Street
 Prospect Street (YR 34) and Lydia Street
 Prospect Street (YR 34) and Poplar Lane
 Prospect Street (YR 34) and Timothy Street
 Yonge Street (YR 1) and the entrance to 17250 Yonge Street [the entrance to the Administrative Centre]
 Yonge Street (YR 1) and Davis Drive (YR 31)/Davis Drive West (YR 31)
 Yonge Street (YR 1) and Eagle Street/Eagle Street West
 Yonge Street (YR 1) and Millard Avenue/Millard Avenue West
 Yonge Street (YR 1) and Mulock Drive (YR 74)
 Yonge Street (YR 1) and William Roe Boulevard/Clearmeadow Boulevard
 Yonge Street (YR 1) and 17480 Yonge Street [the entrance to the Yonge-Davis Centre]



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-29

A BY-LAW FOR THE LICENSING AND REGULATING OUTDOOR SERVING AREAS (Outdoor Serving Area By-law)

WHEREAS of the *Municipal Act, 2001*, S.O. 2001c. 25 (the "Act") Section 11 (3) permits a council of a local municipality to enact by-laws respecting business licensing;

AND WHEREAS Section 151(1) of the Act authorizes a council to license, regulate and govern any business wholly or partly carried on with the municipality even if the business wholly or partly carried on with the municipality even if the business is being carried on from location outside the municipality;

1. **DEFINITIONS**

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

"AMPLIFIED" noise shall mean any sound which is enhanced electronically or by other means;

"APPEAL COMMITTEE" means the Appeal Committee established by the Town;

"APPLICANT" means a person applying for a license, under this by-law;

"DIRECTOR" means the Director, Legislative Services of the Town or authorized designate;

"LICENCE" means authorization under this By-law to carry on the trade or business specified therein;

"LICENCEE" means a *Person* licensed under this By-law;

"OUTDOOR SERVING AREA" means any area on private property which is licensed to serve alcohol and is used by a business for the serving or consumption of food, beverages or refreshments which is not enclosed within a building structure or is exposed to the outdoors;

"OPAQUE BARRIER" shall mean a barrier which does not permit the transmission of light through its structure;

"OWNER" means a person who alone or with others has the right to possess or occupy an *Outdoor Serving Area* and includes a lessee of an *Outdoor Serving Area* or a premises on which an *Outdoor Serving Area* is located;

"OPERATOR" means a person who alone or with others operates, manages, supervises, runs or controls an *Outdoor Serving Area*;

"PERSON" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

"TRANSLUCENT" barrier shall mean a barrier which will permit the transmission of light through its structure.

"TOWN" means the Corporation of the Town of Newmarket in the Regional Municipality of York.

2. GENERAL

- 2.1 No *person* shall own or operate an *Outdoor Serving Area* in the Town without obtaining a *Licence* each year in accordance with the provisions of this By-law.
- 2.2 Any *Licence* issued under this By-law shall expire on December 31 in the year it is issued, with the exception of those licences issued in Section 6.
- 2.3 No *Person* shall enjoy a vested right in the continuance of a *Licence* and the value of a *Licence* shall be the property of the Town and shall remain so irrespective of the issue, renewal or evocation thereof.
- 2.4 No *Licence* shall be transferred and if an owner sells, leases or otherwise disposes of his or her *Outdoor Serving Area* or the premises or part thereof upon or in which the *Outdoor Serving Area* is operated, to any *Person*, his or her *Licence* in respect of such *Outdoor Serving Area* shall, notwithstanding any other provision of this By-law, be revoked.

3. APPLICATION

- 3.1 Every *Applicant* for a *Licence* to operate an *Outdoor Serving Area* shall complete the application prescribed and shall furnish such information as the *Director* may prescribe.
- 3.2 Prior to obtaining a *Licence* for an *Outdoor Serving Area*, every *Applicant* shall submit the application fee outlined in the Town's Fees and Charges By-law.
- 3.3 The *Applicant* shall provide to the *Director* at the time of application, a copy of the Liquor Licence issued to the *Applicant* by the Alcohol and Gaming Commission.
- 3.4 Without limiting the generality of any other provisions of the By-law, every application for a *Licence* for an *Outdoor Serving Area* may be submitted to, the Alcohol and Gaming Control Commission, the Fire Department, the Planning Department, the Building Department, the Operations Department and any other government official or functionary for a report and where any such report is negative or unfavourable to the *Applicant* and, in the opinion of the *Director*, shows adequate reason why a license should not be granted, the *Applicant* shall be furnished with a copy of such report and shall have the right to appear before the *Appeal Committee* to show cause why his or her application should be granted.
- 3.5 Every *person* applying for an *Outdoor Serving Area Licence* shall file with the *Director*, documentation satisfactory to the *Director* demonstrating the *Applicant's* right to possess or occupy the premises to be used by him as an *Outdoor Serving Area*, and if such person is not the registered *owner* of the property on which the *Outdoor Serving Area* is to be located, the *Applicant* shall file with the *Director* a copy of his or her lease, if any, and a copy of any other document constituting or affecting the legal relationship between said *Applicant* and the registered *owner* and a letter from the registered owner granting permission for the application for an *Outdoor Serving Area* license.

4. OPERATING REGULATIONS

- 4.1 No *Person* who is the owner or operator of an *Outdoor Serving Area* shall permit the *Outdoor Serving Area* to operate without a *Licence*.

- 4.2 No *Owner* or *Operator* shall operate or permit the occupancy of any *Outdoor Serving Area* on any property, which is located within 200 feet of any lands zoned to permit residential use between the hours of 1:00 am and 11:00 am on the following day.
- 4.3 Every owner and operator shall at all times post in all *Outdoor Serving Areas* in a location which is visible to all patrons a notice provided by the *Town* outlining all the municipal regulations with respect to the operation of *Outdoor Serving Areas* and notifying the patrons of the provisions of the noise By-law which come into effect at 11:00 pm.

5. OUTDOOR SERVING AREA REQUIREMENTS

- 5.1 Subject to Section 6 of this By-law, no person shall operate an *Outdoor Serving Area* which is located within 40 feet of the property line of an adjacent residential property or road allowance unless the *Outdoor Serving Area* is separated from the adjacent residential property or road allowance by a solid translucent or *Opaque Barrier* of a minimum of six feet in height along its perimeter for the purpose of noise reduction and security.
- 5.2 Any person who owns or operates an *Outdoor Serving Area* which is illuminated and is in an area adjacent to a residential or multi-residential (RM) zone or a residential use, shall arrange, design and install the lighting fixtures to deflect the light down and away from adjacent residential buildings, lots and streets.

6. OUTDOOR SERVING AREA – MAIN STREET

- 6.1 No person shall operate or maintain an *Outdoor Serving Area* on municipal property on Main Street between Millard Ave and Water Street without first having obtained a *Licence* to do so.
- 6.2 All *Applicants* for an *Outdoor Serving Area* in this Section of the By-law must comply with all application requirements and conditions.
- 6.4 *Licences* issued in this Section of the By-law shall be issued between the months of April through to the month of October with specific dates to be identified in the Applications.

7. GROUNDS FOR REFUSAL TO ISSUE A LICENCE OR TO REVOKE

- 7.1 The *Director* shall refuse to issue a *Licence* where the *Applicant* would not be entitled to a *Licence* for reasons set out in this By-law.
- 7.2 An *Applicant* is entitled to be licensed except where:
- a) The past conduct of the *Applicant* affords reasonable grounds for the belief that the *Applicant* will not carry on the activity for which he is to be licensed in accordance with the law and with integrity and honesty; or
 - b) The *Applicant* is carrying on activities that are or will be, in contravention of this By-law and any other municipal by-law or other applicable law; or
 - c) The past or present conduct of the *Applicant*, or of any partner, in the case of an applicant which is a partnership, or of any director or officer of the corporation, if the applicant is a corporation, affords reasonable grounds to believe that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty, or
 - d) The *Applicant* has failed to pay a fine or fines imposed by a court as a sentence arising from convictions for breach of a by-law enacted by the Town; or

- e) There are reasonable grounds to believe that the equipment, vehicles and other personal property used in connection with the carrying on of or engaging in the business licensed hereunder is dangerous or unsafe; or
- f) The fee payable in respect of the license applied for has not been paid.

8. POWER TO REVOKE OR SUSPEND A LICENCE

- 8.1 The *Director* may revoke or suspend a *Licence* where this *Licensee* fails to comply with any of the provisions of this By-law.
- 8.2 A *Licence* may be revoked or suspended when:
 - a) the *Applicant* has been convicted of an offence under this By-law;
 - b) in the opinion of the *Director* the conduct of the *Applicant*, during the period in which the *Licence* is effective affords reasonable grounds for belief that the *Applicant* has not, is not, or will not carry on the operation of the *Outdoor Serving Area* in accordance with this By-law and any other applicable law;
 - c) the *Applicant* has provided false or misleading information in respect of the *Licence* application; or
 - d) in the opinion of the *Director*, the premise in which the *Applicant* intends to operate an *Outdoor Serving Area*
 - e) does not comply with provisions of this By-law or any other applicable law.

9. PROCEDURE WHEN LICENCE REVOKED, SUSPENDED OR REFUSE TO ISSUE

- 9.1 When, for any of the grounds set out in the applicable section of this By-law, an *Applicant* or *Licensee* is not entitled to be licensed or a *Licence* may be subject to revocation, the *Director* shall refuse to issue the *Licence*, suspend or revoke the *Licence*, or issue a *Licence* subject to terms and conditions.
- 9.2 The *Director* shall provide written notice to be given to the *Applicant*;
 - a) setting out the grounds for the revocation, refusal to issue, suspension or the terms and conditions of a *Licence*;
 - b) give reasonable particulars of the grounds;
 - c) be signed by the *Director*;
 - d) inform the *Applicant* or *Licensee* of his/her right to a hearing before an *Appeal Committee* appointed by *Council* if he delivers a written request for such a hearing within seven (7) days following the date of service.
- 9.3 On receipt of a written request for a hearing from an *Applicant* or a *Licensee*, the *Director* shall schedule the hearing and shall give the *Applicant* or *Licensee* reasonable written notice of the date, time and place of the hearing.

- 9.4 The *Director* shall make a recommendation to the *Appeal Committee* with respect to revocation, suspension, cancellation or refusal or issue a *Licence* or recommend that a *Licence* be issued subject to terms and conditions.
- 9.5 When an *Applicant* or *Licensee* who has been given written notice of the hearing does not attend at the appointed time and place, the *Appeal Committee* may proceed with the hearing in their absence and the *Applicant* or *Licensee* shall not be entitled to any further notice of the proceedings.
- 9.6 Upon final decision of the *Appeal Committee* the *Director* shall send by either personal delivery or registered mail, a written notice of the *Appeals Committee* decision.
- 9.7 The decision of the *Appeal Committee* is final binding.
- 9.8 A *Licensee* who's *Licence* has been revoked or suspended shall return the *Licence* and documentation issued by the *Director* within twenty-four (24) hours of the service of notice of revocation. An Inspector may enter upon the business premises of the *Licensee* for the purpose of receiving, taking or removing the said *Licence*.
- 9.9 No *Person* who's *Licence* has been revoked or suspended shall refuse to deliver the *Licence* to the *Director* in any way obstruct or prevent the *Director* from receiving or taking the same.
- 9.10 Notwithstanding any decision of or statement by *Appeal Committee* respecting the granting of a *Licence* or application therefore, no *Person* shall be deemed to be licensed until the *Applicant* has paid the required fee and has received the physical *Licence*.

10. **NOTIFICATION OF CHANGE OF INFORMATION**

- 10.1 When a *Licensee* changes his name, address, or any information relating to the *Licence*, the *Licensee* shall notify the *Director* within seven (7) business days after the change, of information relating to the *Licence* and shall if required by the *Director* return the *Licence* immediately to the *Director* for amendment.

11. **ORDER**

- 11.1 Where the *Town* is satisfied that a contravention of this By-law has occurred, the *Town* may make an order requiring the *Owner* to do work to correct the contravention.
- 11.2 An order under Section 11 of this By-law shall set out:
- a) reasonable particulars to identify the contravention, the location of the contravention and the date by which the *Licensee* must be brought into compliance with this By-law;
 - b) that the *Licensee* shall comply with all contraventions identified on the order within forty-eight (48) hours of the order being served;
 - c) an order under Section 11 may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force; and

- d) any *Person* who contravenes an order under Section 11 of this By-law is guilty of an offence.

12. **SERVE OF NOTICES OR ORDERS**

- 12.1 Any notices or orders required to be given pursuant to this By-law by the *Director* shall be deemed to be sufficiently served if delivered personally or sent by registered mail or by prepaid first class mail addressed to the *Person* to whom service is to be made at the address on the application or the last known address on file in the Legislative Services Department.
- 12.2 Any notices or orders served by either registered mail or by prepaid first class mail shall be deemed to have been received on the fifth (5) day following the mailing of the notice or order.

13. **INSPECTIONS AND POWER OF ENTRY**

- 13.1 No *Person* shall hinder or obstruct, or attempt to hinder or obstruct, any *Officer* who is exercising a power or performing a duty under this By-law.
- 13.2 An *Officer* may enter on Land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with this By-law:
 - a) the provisions of this By-law;
 - b) an order issued under this By-law; or
 - c) an order made under section 431 of the Act.
- 13.3 Where an inspection is conducted by an *Officer*, the person conducting the inspection may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any *Person* concerning a matter related to the inspection; and
 - d) alone or in conjunction with a *Person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 13.4 The Town may undertake an inspection pursuant to an order issued under Section 438 of the Act.
- 13.5 The *Town's* power of entry may be exercised by an *Officer* as well by any *Person* under his or her direction.

14. **OFFENCE**

- 14.1 Every *Person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*.
- 14.2 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be designated as a continuing offence for each day or part of a day that the contravention remains uncorrected.

- 14.3 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day or part of a day that the order is not complied with.
- 14.4 For purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is designated as a multiple offence.
- 14.5 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.

15. PENALTY

- 15.1 Every *Person* who is guilty of an offence under this By-law on conviction is liable to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or any subsequent conviction, the minimum fine shall be \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction for a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

17. LIABILITY

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

18. SEVERABILITY

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

19. **SHORT TITLE**

This By-law shall be referred to as the “Outdoor Serving Area By-law”;
AND THAT Schedule 16 of By-law 2001-156 be hereby repealed.

ENACTED THIS 7TH DAY OF JUNE , 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-30

A BY-LAW TO APPOINT INDIVIDUALS TO TOWN OF NEWMARKET BOARDS AND COMMITTEES FOR THE 2014-2018 TERM OF COUNCIL OR UNTIL SUCCESSORS ARE APPOINTED.

WHEREAS the Town has established various boards and committees;

AND WHEREAS a recruitment was undertaken in accordance with the Town's Committee Public Appointment Policy CORP.3-01;

AND WHEREAS Council had determined the individuals to be appointed and referred such appointments to the June 7, 2016 Council meeting;

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

1. THAT the listed individuals be appointed to the following boards and committees for the 2014-2018 term of Council or until successors are appointed.

Accessibility Advisory Committee

Ms. Sharron Cooke
Mr. Stephen McKenzie

Newmarket Environmental Advisory Committee

Ms. Stephanie Sales

ENACTED THIS 7TH DAY OF JUNE, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-31

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– JUNE 7, 2016.

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 7TH DAY OF JUNE, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Deputation and Further Notice Request Form

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

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

Name: Nagwa Mounir	
Organization / Group/ Business represented:	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: June 7, 2016
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 4 - Item 30 of the Minutes.
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To address Council with respect to downtown parking opportunities, specifically at Fairy Lake as reported in the Newmarket Era article "Newmarket seeks downtown parking solutions" published on June 2, 2016 and discussed by Council on May 30, 2016.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

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

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

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