

Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

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

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

1. Keynotes Seniors' Choir. p. 1

Approval of Minutes

2. Council Minutes of February 10, 2014. p. 2

Correspondence & Petitions

Reports by Regional Representatives

Reports of Committees and Staff

3. Council Workshop Record of February 10, 2014. p. 18
4. Special Committee of the Whole Minutes of February 18, 2014. p. 20
5. Committee of the Whole Minutes of February 24, 2014. p. 23
6. Committee of the Whole (Closed Session) Minutes of February 24, 2014.
7. Development and Infrastructure Report 2014-19 regarding Snow Dumping at Ray Twinney Complex. p. 43

The Commissioner of Development & Infrastructure Services and the Director of Public Works Services recommend:

THAT Development and Infrastructure Services Report Public Works Services – PWS 2014-19, dated February 25, 2014 regarding Snow Dumping at Ray Twinney Complex, be received and the following recommendation(s) be adopted:

- a) THAT staff continue to work at the Ray Twinney parking lot site to improve safety measures around the snow piles including additional by-law patrols;
- b) AND THAT staff continue to look for alternatives for future snow dump sites.

By-laws

- | | | |
|---------|--|-------|
| 2014-11 | A By-law to regulate the erection and maintenance of signs and other advertising devices in the Town of Newmarket. | p. 47 |
| 2014-12 | 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.

To facilitate the Canadian Cancer Society's Relay for Life event at Pickering College on June 20, 2014.
(Committee of the Whole of February 24, 2014 - Item #4) | p. 79 |
| 2014-13 | A By-law to amend By-law Numbers 1979-50, 1981-86 and 2010-40, as amended, being Zoning By-laws. (Technical Amendments)
(Committee of the Whole of February 24, 2014 - Item #26) | p. 80 |

Notices of Motions

Motions

11. Regional Councillor Taylor:

WHEREAS climate change is the biggest environmental threat to our planet and a major concern for all Canadians;

AND WHEREAS at exactly 8:30 p.m. on Saturday, March 29, 2014, major cities around the world will turn off their lights and electrical power for one hour to raise awareness about climate change and to symbolize that, working together, the people of the world can make a difference in the fight against global warming;

AND WHEREAS the event, called “Earth Hour”, began in Sydney, Australia in 2007 as 2.2 million people turned off their lights to take a stand against climate change;

AND WHEREAS since then, it has become an annual, globally observed event;

AND WHEREAS participating in Earth Hour sends a powerful message to every citizen and business around the world that it’s possible to take action on climate change and that switching off our lights and electrical power is just one simple action we can take to help make a difference;

AND WHEREAS in the last four years, Newmarket has been a leader in this effort, with one of the highest rates of reduction in electricity consumption in the GTA;

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

- a) THAT at 8:30 p.m. on Saturday, March 29, 2014, the Town of Newmarket will join other cities around the world in literally “turning out the lights” by shutting off all non-essential lighting and power in all of its facilities, where feasible, and without jeopardizing safety, for one full hour;
- b) AND THAT the Town of Newmarket’s participation in Earth Hour will be widely promoted and publicized in order to raise awareness about this important issue and in order to encourage every individual, household and business in town to join in by turning off their lights and electrical power for one hour at 8:30 p.m. on Saturday, March 29, 2014;
- c) AND THAT a copy of this Resolution will be forwarded to every municipality in the GTA, encouraging them to participate in Earth Hour.

Announcements & Community Events

New Business

Closed Session (if required)

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

Confirmatory By-law

2014-13 A By-law to confirm the proceedings of a meeting of Council - p. 82
March 3, 2014.

Addendum

13. Community Services Report - Recreation & Culture 2014-10 regarding Poverty Action for Change Coalition and the 2014 Youth Road Hockey Tournament. p. 83

The Commissioner of Community Services and the Director of Recreation & Culture recommend:

THAT Community Services Report – Recreation & Culture 2014 – 10 dated February 27, 2014 regarding Mr. Tom Pearson's deputation concerning the Poverty Action for Change Coalition's 2014 Youth Road Hockey Tournament be received and the following recommendation(s) be adopted:

- a) THAT in recognition of the 10th Anniversary of the Poverty Action for Change Coalition's Annual Youth Road Hockey Tournament, Council direct staff to provide a Recreation & Culture Community Grant equal to the value of \$243.30, the total of the following fees applicable to the event:
 - i) Facility fees - \$220.70
 - ii) Administration fees - \$5.65
 - iii) RAS Park Booking fee - \$16.95
- b) AND THAT the Youth Road Hockey Tournament organizers be notified of this action.

Adjournment



TOWN OF NEWMARKET
Legislative Services Department
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
clerks@newmarket.ca
905.895.5193

Request for Deputation

Request for deputation and/or any written submissions and background information for consideration by either Council or Committee of the Whole must be submitted to the Legislative Service's Department by the following deadline:

For Council – by 12 noon on the Wednesday immediately prior to the requested meeting.

For Committee of the Whole (for items not on the agenda) – by 12 noon on the Wednesday twelve days prior to the requested meeting.

PLEASE PRINT

COUNCIL/COMMITTEE DATE: MARCH 3

AGENDA ITEM NO. _____ SUBJECT: KEYNOTES SENIORS CHOIR

NAME: KEITH PROFIT

ADDRESS: _____

STREET ADDRESS

NEWMARKET

Town/City

Postal Code

PHONE: HOME: _____ BUSINESS: _____

FAX NO.: _____ E-MAIL ADDRESS: _____

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable)

KEYNOTES SENIORS CHOIR

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

To perform for Council - to help them be aware of
our representing the town at Retirement homes etc

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.

The meeting of the Council was held on Monday, February 10, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

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

Absent: Councillor Hempen

Staff Present: I. McDougall, Acting Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services / Town Clerk
S. Niezen, Records and Projects Coordinator
J. Patel, Project Support Business Analyst
C. Finnerty, Council / Committee Coordinator

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

Moved by: Councillor Emanuel
Seconded by: Councillor Kerwin

THAT the order of the agenda be altered by removing the deputation by Mr. Rick Coffin, Canadian Union of Postal Workers as the matter was withdrawn by the deputant.

Carried

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

1. Presentations regarding the Heritage Community Recognition Program.

Mayor Van Bynen presented the Ontario Cultural Heritage Achievement Award to Mr. Rod Bruton and thanked him for his contribution to the Historical Society and Museum.

Mayor Van Bynen recognized Athol Hart for being awarded the Lieutenant Governor Ontario Heritage award, thanked him for his contribution to heritage conservation and advised that he would receive the award at a formal presentation at Queen's Park this month.

Deputations

2. Ms. Joy Hulton, Chair and Ms. Brenda Northey, Executive Director, Inn from The Cold addressed Council regarding Coldest Night of the Year 2014.

Moved by: Councillor Twinney

Seconded by: Councillor Vegh

THAT the deputation by Ms. Joy Hulton, Chair and Ms. Brenda Northey, Executive Director, Inn from The Cold regarding Coldest Night of the Year 2014 be received.

Carried

Approval of Minutes

4. Council Minutes of January 20, 2014.

Moved by: Councillor Di Muccio

Seconded by: Councillor Emanuel

THAT the Council Minutes of January 20, 2014 be approved.

Carried

Correspondence & Petitions

None.

Reports by Regional Representatives

5.
 - a) Regional Councillor Taylor advised that Waste Diversion Ontario has released their rankings for municipalities in Ontario and that York Region was highly ranked this year with a diversion rate of 57.25 % of waste from landfills.
 - b) Regional Councillor Taylor advised that the York Region Human Services Planning Board was undertaking an initiative to encourage private rental housing. The program is called Make Rental Happen. A challenge has gone out to post-secondary students to innovate solutions for potential rental options. The contest can be followed on Twitter at #MakeRentalHappen.
 - c) Mayor Van Bynen advised of a recent meeting to discuss the economic impact of traffic congestion in the Greater Toronto Area. Matters discussed included funding for transit, the gas tax, and sales tax revenues.

Reports of Committees and Staff

6. Committee of the Whole Minutes of February 3, 2014.

Moved by: Councillor Kerwin
 Seconded by: Councillor Emanuel

THAT the Committee of the Whole Minutes of February 3, 2014 be received and the following recommendations be adopted:

7. THAT the PowerPoint presentation by Mr. Steve Hinder, Chair - Run/Walk Committee - Southlake Regional Health Centre Foundation regarding launch of the Municipal Challenge in support of the event be received.
8. THAT the deputation by Mr. Gary Worters regarding Council attendance records and paid vacation days be received.
9. Correspondence from Ms. Lorraine LeBlanc, Executive Director, Alzheimer Society of Sudbury-Manitoulin requesting endorsement of a National Dementia Strategy.
 - a) THAT the correspondence from Ms. Lorraine LeBlanc, Executive Director, Alzheimer Society of Sudbury-Manitoulin be received and the following recommendations be adopted:

b) THAT the Town of Newmarket endorse a resolution working towards adopting a National Dementia Strategy;

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

10. Correspondence dated January 3, 2014 from Beverly Verwey, Branch Council Chair, Canadian Red Cross requesting proclamation of March, 2014 as "Red Cross Month" in the Town of Newmarket.

a) THAT the correspondence dated January 3, 2014 from Beverly Verwey, Branch Council Chair, Canadian Red Cross be received and the following recommendations be adopted:

b) THAT the Town of Newmarket proclaim March, 2014 as "Red Cross Month";

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

11. Correspondence dated November 27, 2013 from Ms. Natasha Bowes, Fundraising Coordinator, Autism Ontario requesting April 2, 2014 be proclaimed "World Autism Awareness Day" in the Town of Newmarket.

a) THAT the correspondence dated November 27, 2013 from Ms. Natasha Bowes, Fundraising Coordinator, Autism Ontario be received and the following recommendations be adopted:

b) THAT the Town of Newmarket proclaim April 2, 2014 as "World Autism Awareness Day" in the Town of Newmarket;

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

12. Correspondence received January 23, 2014 from Ms. Karima Panjwani, Program and Outreach Coordinator, Epilepsy York Region requesting proclamation of March, 2014 as 'Epilepsy Awareness Month' and March 26, 2014 as 'Purple Day for Epilepsy' in the Town of Newmarket.

a) THAT the correspondence dated January 23, 2014 from Ms. Karima Panjwani, Program and Outreach Coordinator, Epilepsy York Region be received and the following recommendations be adopted:

b) THAT the Town of Newmarket proclaim March, 2014 as 'Epilepsy Awareness Month' and March 26, 2014 as 'Purple Day for Epilepsy' in the Town of Newmarket;

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

13. Newmarket Public Library Board Minutes of November 20 and December 18, 2013.

a) THAT the Newmarket Public Library Board Minutes of November 20 and December 18, 2013 be received.

14. Accessibility Advisory Committee Minutes of October 15, 2013 and April 16, 2013.

a) THAT the Accessibility Advisory Committee Minutes of October 15, 2013 and April 16, 2013 be received.

15. Heritage Newmarket Advisory Committee Minutes of December 17, 2013, December 3, 2013 and November 5, 2013.

a) THAT the Heritage Newmarket Advisory Committee Minutes of December 17, December 2 and November 5, 2013 be received.

16. Item 1 of the Heritage Newmarket Advisory Committee Minutes of December 17, 2013 regarding Clock Tower Development.

THAT the following recommendations be addressed through a follow-up report after the Statutory Public Meeting is held.

a) THAT the three storey structure limit on development projects in the downtown core be upheld according to the Town of Newmarket Official Plan and the Heritage Conservation District Plan;

b) AND THAT the application for the Zoning By-law Amendment as submitted by Main Street Clock Inc., be rejected.

17. Joint NEDAC/Council Workshop Notes of January 16, 2014.

a) THAT the Joint NEDAC/Council Workshop Notes of January 16, 2014 be received for information purposes.

18. Development and Infrastructure Services - Planning and Building Services Report 2014-01 dated January 16, 2014 regarding 2013 Year-End Servicing Allocation Capacity Monitoring Chart.

THAT Development and Infrastructure Services - Planning and Building Services Report 2014-01 dated January 16, 2014 regarding the 2013 Year-End Servicing Allocation Capacity Monitoring Table be received and the following recommendations be adopted:

a) THAT the Servicing Allocation Capacity Monitoring Table attached as Appendix 'A' be adopted;

b) AND THAT Gabrielle Hurst, Community Planning, Planning and Infrastructure Integration, York Region, 17250 Yonge Street, Newmarket, ON L3Y 6Z1 be notified of this action.

19. Development and Infrastructure Services Report - Engineering Services 2014-02 dated January 23, 2014 regarding South-east Newmarket - Parking Restrictions.

THAT Development and Infrastructure Services Report - Engineering Services 2014-02 dated January 23, 2014 regarding South-east Newmarket - Parking Restrictions be received and the following recommendations be adopted:

a) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

Road	Side	Between	Prohibited Times
Shortreed Terrace	North/ West	Bob Gapp Drive to Art Westlake Avenue	Anytime
Art Westlake Avenue	North	Atkins Drive to McCron Crescent	Anytime
McCron Crescent	North/ East	Atkins Drive to cul-de-sac terminus	Anytime
Blencowe Crescent	North/ East/ South (outer)	Memorial Circle to Atkins Drive	Anytime
Bob Gapp Drive	East	Memorial Drive to terminus	Anytime
McTavish Drive	North	Cenotaph Boulevard to Blencowe Crescent	Anytime
Atkins Drive	North	Cenotaph Boulevard to Blencowe Crescent	Anytime
Quick Street	West	Atkins Drive to Stuffles Crescent	Anytime
Stuffles Crescent	South/ East/ North (inner)	Quick Street to Atkins Drive	Anytime
Cenotaph Boulevard	South	Leslie Street to Memorial Circle	Anytime
Sherman Brock Circle	West	Veterans Way to Cenotaph Boulevard	Anytime
Blackhall Crescent	East/ West/ North (inner)	Veterans Way to Veterans Way	Anytime

b) AND THAT the necessary By-law be prepared and submitted to Council for its approval.

20. Development and Infrastructure Services Report - ES 2014-04 dated February 3, 2014 regarding Proposed Sidewalk - Second Street.

THAT Community Services Report - ES 2014-04 dated February 3, 2014 regarding a Proposed Sidewalk on Second Street be received and the following recommendations be adopted:

a) THAT a sidewalk not be constructed on Second Street in accordance with the Town of Newmarket Sidewalk Installation Policy, PWES 1-01.

21. Development and Infrastructure Services Report - Engineering Services 2014-06 dated January 17, 2014 regarding Timothy Street - Temporary Parking Permit.

THAT Development and Infrastructure Services Report - Engineering Services 2014-06 dated January 17, 2014 regarding Timothy Street - Temporary No Parking by Permit Only be received and the following recommendations be adopted:

a) THAT the two westerly on-street parking spaces on Timothy Street west of Main Street be temporarily "No Parking by Permit Only" with the exception of the residents of 216 Market Square;

b) AND THAT the residents of 216 Market Square be issued two (2) parking permits to be displayed in the vehicles to permit parking in these two spaces;

c) AND THAT when legal access to 216 Market Square can be re-instated, the removal of the Temporary No Parking by Permit Only spaces be at the discretion of the Director of Engineering Services.

22. Development and Infrastructure Services - Public Works Services Report 2014-08 dated January 22, 2014 regarding Emerald Ash Borer Long Term Management Plan - Update.

THAT Development and Infrastructure Services - Public Works Services Report 2014-08 dated January 22, 2014 regarding Emerald Ash Borer Long Term Management Plan - Update be received and the following recommendations be adopted:

a) THAT the staff continue to proceed with the proposed recommendations in the Town of Newmarket Emerald Ash Borer Long Term Management Plan;

b) AND THAT staff report back to Council in the fall of 2014 with an annual update on the Emerald Ash Borer Long Term Management Plan;

c) AND THAT annual EAB reports are provided to NEAC for comment.

23. Appointment Committee Minutes of January 21, 2014.

THAT the Appointment Committee Minutes of January 21, 2014 be received.

24. Item 1 of Appointment Committee Minutes of January 21, 2014.

THAT the Appointment Committee recommends that Council maintain consistency with the past practice of not filling vacancies on any boards and committees during the last year of the term unless an appointment is needed to meet the committee's quorum requirements.

25. Correspondence dated January 31, 2014 from Mr. John Blommestein regarding the elimination of user fees charged to sports leagues.
26. Community Services - Recreation and Culture - Community Services - Economic Development Joint Report 2014-01 dated January 6, 2014 regarding Docs on Ice - Follow-Up.

THAT Community Services - Recreation and Culture and Community Services - Economic Development Joint Report 2014-01 dated January 6, 2014 regarding Docs on Ice - Follow Up be received and the following recommendations be adopted:

a) THAT Council decline the original Docs on Ice donation request to waive the fees for the \$16,750.70 ice contract as presented at the September 9, 2013 Council meeting;

b) AND THAT Council direct staff to offer the following to event organizers:

c) The Town invest \$3,500 towards the event through economic development (advertising/positioning opportunity for the town, CreateIT, etc.) in exchange for a Gala Dinner and Player Lounge Sponsorship;

d) The Town reduce the ice contract by \$10,000 subject to an agreement being reached with organizers that \$10,000 from event proceeds be invested back to the Town to be held in a reserve account to financially assist youth at risk to participate in recreation and culture programming with funding criteria to be developed following the completion of the Recreation Master Plan process (Recreation Playbook);

e) The organizers be responsible to pay the remaining balance of the ice contract (\$3,250.70);

f) AND THAT Docs on Ice organizers be contacted to discuss and confirm this action.

27. Development and Infrastructure Services Report - Engineering Services 2014-03 dated February 3, 2014 regarding North-west Newmarket - Parking Restrictions. THAT Development and Infrastructure Services Report - Engineering Services 2014-03 dated February 3, 2014 regarding North-west Newmarket - Parking Restrictions be received and the following recommendations be adopted:

a) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

Road	Side	Between	Prohibited Times
Fred Curran Lane	North/ West	Art West Avenue to terminus	Anytime
Clifford Perry Place	Both	Bathurst Street to Elvidge Trail	Anytime
Clifford Perry Place	South	Elvidge Trail to Lot #73	Anytime
Clifford Perry Place	West/ South (inner)	Lot #73 to Elvidge Trail	Anytime
Elvidge Trail	West	Clifford Perry Place to terminus	Anytime
Prest Way	North/ West	Clifford Perry Place to Elvidge Trail	Anytime
Luck Court	North	Prest Way to terminus	Anytime
Laker Court	North	Prest Way to terminus	Anytime
Gord Clelland Gate	East	Woodspring Avenue to Sloss Court	Anytime
Sloss Court	North/ West	Gord Clelland Gate to south terminus	Anytime

b) AND THAT the necessary By-law be prepared and submitted to Council for its approval.

28. Joint CAO/Commissioner - Corporate Services Report 2014-04 dated January 23, 2014 regarding the Draft Council Code of Conduct.

THAT Joint CAO/Commissioner – Corporate Services Report 2014-04 dated January 23, 2014 regarding the Draft Council Code of Conduct be received and the following recommendation be adopted:

a) THAT the draft Council Code of Conduct be referred to the new term of Council and an Integrity Commissioner be appointed on an as needed basis.

29. List of Outstanding Matters.

THAT the list of Outstanding Matters be received.

30. THAT the motion by Councillor Di Muccio regarding not-for-profit minor sports organizations and a phase out of user fees as per specific criteria be referred to staff to review through the Recreation Master Plan process and the Service Pricing Policy review.

31. Resolution - Ice Storm Cost Recovery – Claim for Assistance under the Ontario Disaster Relief Assistance Program (ODRAP).

THAT the following resolution be forwarded to the Ontario Disaster Relief Assistance Program:

WHEREAS the municipality of the Town of Newmarket recently experienced an ice storm on December 21-22, 2013 and has experienced substantial damage to municipal property and infrastructure, the Council of the Town of Newmarket hereby requests the Minister of Municipal Affairs and Housing to declare the Town of Newmarket a “disaster area” for the purposes of the Ontario Disaster Relief Assistance Program (ODRAP).

32. PowerPoint Presentation by Mr. Chris Bobyk, Forrest Group regarding Application for Zoning By-law Amendment - Main Street Clock Inc.

THAT Mr. Chris Bobyk, Forrest Group and Ms. Sharon Vattay, Heritage Planning Consultant be allotted 15 minutes for their presentation.

THAT Mr. Chris Bobyk, Forrest Group and Ms. Sharon Vattay, Heritage Planning Consultant be allotted an additional 5 minutes for their presentation.

33. THAT Ms. Heather Burling be allotted an additional 5 minutes for her deputation.

34. Public Meeting Notice, Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc.

THAT the presentation, deputations and correspondence related to the Application for Zoning By-law Amendment - Main Street Clock Inc. be received.

Carried

35. Joint Information Report 2014-01 dated January 24, 2014 regarding Post-Secondary Update.

Moved by: Regional Councillor Taylor
Seconded by: Councillor Kerwin

THAT Joint Report Community Services/Economic Development and Chief Administrative Officer 2014-02 dated January 24, 2014 regarding an update on Provincial direction for post-secondary investment and subsequent local response be received for information.

Carried

36. Committee of the Whole (Closed Session) Minutes of February 3, 2014.

Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

THAT the Committee of the Whole (Closed Session) Minutes of February 3, 2014 be approved.

Carried

37. Committee of the Whole (Closed Session) Minutes February 3, 2014 – Item 1 – CAO/Community Services Report –Economic Development and Development and Infrastructure Services – Planning Joint Closed Session Report 2014-06 Post-Secondary Education Property Matter.

Moved by: Councillor Di Muccio
Seconded by: Councillor Emanuel

THAT Council direct the CAO to continue to work on property matters related to potential land acquisition specific to post-secondary education while continuing to provide updates to Council;

AND THAT any land acquisition agreement be subject to Council approval.

Carried

38. Committee of the Whole (Closed Session) Minutes February 3, 2014 – Item 2 – Corporate Services (Legal Services) Closed Session Report 2014-01 – Appeal to the Ontario Municipal Board From a Decision of the Committee of Adjustment

Moved by: Councillor Sponga
 Seconded by: Regional Councillor Taylor

THAT Corporate Services (Legal Services) Closed Session Report 2014-01 dated January 29, 2014 regarding the appeal to the Ontario Municipal Board by the Owner of 235 Park Avenue from a decision of the Committee of Adjustment to deny an application for Minor Variance be received;

AND THAT the recommendations in Corporate Services (Legal Services) Closed Session Report 2014-01 be adopted.

Carried

39. Committee of the Whole (Closed Session) Minutes February 3, 2014 – Item 3 Appointment Committee (Closed Session) Minutes.

Moved by: Councillor Twinney
 Seconded by: Regional Councillor Taylor

THAT the Appointment Committee (Closed Session) Minutes of January 21, 2014 be approved.

Carried

By-laws

40. Bylaws 2014-07, 2014-08, and 2014-09.

Moved by: Councillor Emanuel
 Seconded by: Councillor Sponga

- a) THAT By-laws 2014-07, 2014-08 and 2014-09 be enacted.

- | | |
|---------|--|
| 2014-07 | A By-law to Amend By-law 1993-62, as amended, being a By-law to Regulate Parking within the Town of Newmarket. (Schedule XII - Parking for Restricted Periods). |
| 2014-08 | A By-law to Amend By-law 1993-62, as amended, being a By-law to Regulate Parking within the Town of Newmarket. [Schedule X (No Parking) - North-west Newmarket - Parking Restrictions)]. |
| 2014-09 | A By-law to Amend By-law 1993-62, as amended, being a By-law to Regulate Parking within the Town of Newmarket. [Schedule X (No Parking) - South-east Newmarket - Parking Restrictions)]. |

Carried

Notices of Motions

None.

Announcements & Community Events

41.
 - a) Councillor Emanuel advised the public of the upcoming Ontario Municipal Board hearing regarding the Glenway development. The hearing is scheduled to begin March 17, 2014 at the Best Western Voyageur Place Hotel.
 - b) Councillor Di Muccio invited the public to enjoy Family Day Fun on Monday, February 17, 2014 at the Magna Centre, 800 Mulock Drive. Bring the family and enjoy swimming and skating. Schedules for Family Day are listed on the Town Page of the Era. For further details, please call 905-895-5193.
 - c) Councillor Sponga invited the public to drop-in to a Public Information Centre on Thursday February 13, 2014 from 6:30 – 8:00 p.m. in the Council Chambers of the Municipal Offices at 395 Mulock Drive to discuss the proposed extension of the Tom Taylor Trail along the west side of Fairy Lake from Lorne Avenue to Water Street. Project drawings will be on display and representatives of the Town's Engineering Services Department will be available to answer questions and provide information. Written comments can be submitted at the public meeting or by email by Thursday February 20, 2014. For further information regarding this project, please contact Michael Ashworth at 905-953-5300 extension 2510 or email mashworth@newmarket.ca or jsponga@newmarket.ca.
 - d) Councillor Sponga congratulated the owners of two new businesses on Main Street - Rawlicious and Hungry Brew Hops on successful openings.
 - e) Regional Councillor Taylor advised the public of the annual Chamber of Commerce Economic Luncheon on Tuesday, February 25, 2014 at Cardinal Golf Club and that information can be obtained from the Chamber of Commerce at 905-898-5900.
 - f) Regional Councillor Taylor invited the public to watch Gabby Daleman, a Newmarket resident, Wednesday, February 19, 2014 at 10:00 a.m. as she competes in women's figure skating in the Sochi Olympics.

g) Councillor Twinney advised that children ages 4 to 10 are invited to Toyland at the Museum. Come and enjoy Family Day fun at the Elman W. Campbell Museum, 134 Main Street South, on Monday, February 17, 2014 from 10:00 a.m. to 3:00 p.m. Try old-fashioned wooden toys and activities, see a model train, have your picture taken with the pioneer board and go on a museum scavenger hunt! The cost is \$3.00 per participant plus a donation of a non-perishable food item for the Newmarket Food Pantry. Call 905-953-5314 or email elmanmuseum@rogers.com for more information.

h) Councillor Kerwin advised that on Saturday, February 15, 2014, Saturday, February 22, 2014 and Saturday, March 1, 2014 he will be in the lower level of the Newmarket Public Library at 438 Park Avenue. Ward 2 residents are invited to drop-in for a chat about your community and your Ward.

i) Councillor Vegh invited the public to attend a Public Meeting on February 24, 2014 at 7:00 p.m. in the Council Chambers of the Municipal Offices at 395 Mulock Drive regarding a proposed condominium development on Silken Laumen Drive. The development has 28 units and is similar to the condominiums at the east end of Silken Laumen Drive.

j) Councillor Vegh advised that Tech Time for Kids is a free bi-weekly program on the latest technology for children and their families at the Newmarket Public Library on 438 Park Avenue. The first session called BYOD (bring your own device) is Wednesday, February 12, 2014 from 4:00 - 5:00 p.m. If you need help trying to load e-books onto your Kobo, configuring your smartphone's parental controls, connecting to WiFi on your wireless device, or other similar issues, this is for you. Bring your electronic devices and questions for some one-on-one help and a chance to see other devices in action! Call 905-953-5110 for information on future sessions.

k) Mayor Van Bynen invited the public to stop by the Newmarket Ice Lounge from now until February 23, 2014 to catch all the action at the Winter Games on the outdoor television screen. Mayor Van Bynen invited the public to watch Gabby Daleman on February 19, 2014 and James McNaughton, who is participating in the four men bobsled team on Saturday February 22, 2014 and to join in the conversation at #GoGabbyGo and #GoJamesGo. Don't forget to follow us on Twitter @TownofNewmarket for updates on all happenings in Newmarket, including events, and broadcasting schedules at the Newmarket Ice Lounge.

l) Mayor Van Bynen advised that the Municipal Offices are closed on Monday, February 17, 2014 to observe Family Day.

m) Mayor Van Bynen advised that the next Council meeting is Monday, March 3, 2014 at 7:00 p.m.

New Business

42. a) Councillor Emanuel advised that Federation of Canadian Municipalities would be discussing the end of door to door mail delivery at the March Board meeting.
- b) Councillor Kerwin advised that the snow would be removed along both sides of Gorham Street overnight this week.

Closed Session

None.

Confirmatory By-law

43. Bylaw 2014-10.

Moved by: Councillor Sponga
Seconded by: Councillor Emanuel

- a) THAT By-law 2014-10 be enacted.

2014-10 A By-law to confirm the proceedings of a meeting of Council held on February 10, 2014.

Carried

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Kerwin

THAT the meeting be adjourned.

Carried

There being no further business, the meeting adjourned at 7:42 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Monday, February 10, 2014 at 10:00 AM
Council Chambers

For consideration by Council
on March 03, 2014

The Council Workshop was held on Monday, February 10, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel (10:08 a.m. – 12:04 p.m.)
Councillor Kerwin
Councillor Sponga
Councillor Twinney (10:14 a.m. – 12:04 p.m.)
Councillor Vegh

Absent: Councillor Hempen

Staff Present: I. McDougall, Acting Chief Administrative Officer
R. Prentice, Commissioner of Development and Infrastructure Services
E. Armchuk, Director of Legal Services
A. Brouwer, Director of Legislative Services / Town Clerk
C. Kallio, Economic Development Officer
R. Nethery, Director of Planning & Building Services
M. Plaunt, Senior Planner, Policy
J. Unger, Assistant Director of Planning
C. Finnerty, Council / Committee Coordinator
L. Moor, Council/Committee Coordinator

Mayor Van Bynen convened the workshop at 10:05 a.m.

Mayor Van Bynen in the Chair.

Notice

Mayor Van Bynen advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding matters related to the Newmarket Urban Centres Secondary Plan and Active Transportation Network.

Declarations of Pecuniary Interest

None.

Items

1. The Director of Planning and Building Services introduced staff and Mr. Jason Thorne of planningAlliance and provided a brief overview of the proposed Official Plan Amendment.

The Senior Planner, Policy addressed those present with the 'Newmarket Urban Centres Secondary Plan and Active Transportation Network' PowerPoint presentation and discussed various aspects in respect to the development of the secondary plan, such as the process, timelines and a summary of the comments received.

Mr. Thorne of planningAlliance explained amendments to heights and densities in the proposed plan. He also outlined proposed bonusing and angular plane policies.

The presentation was paused to accommodate a question and answer/comment period.

There was consensus to hold a Special Committee of the Whole meeting on February 18, 2014 to receive the balance of the PowerPoint presentation and to permit Council to provide direction and make recommendations on the proposed plan.

Next steps include a Special Committee of the Whole to be held on February 18, 2014 and a subsequent report to Committee of the Whole on February 24, 2014.

Adjournment

There being no further business the meeting adjourned at 12:04 p.m.

Date

Tony Van Bynen, Mayor

Tuesday, February 18, 2014 at 1:30 PM
Council Chambers

For consideration by Council
on March 3, 2014

The meeting of the Special Committee of the Whole was held on Tuesday, February 18, 2014 in Council Chambers , 395 Mulock Drive, Newmarket.

- Members Present:**
- Mayor Van Bynen
 - Regional Councillor Taylor
 - Councillor Di Muccio (1:53 to 4:32 p.m.)
 - Councillor Emanuel
 - Councillor Hempen
 - Councillor Kerwin
 - Councillor Sponga
 - Councillor Twinney
 - Councillor Vegh
- Staff Present:**
- R. N. Shelton, Chief Administrative Officer
 - R. Prentice, Commissioner of Development & Infrastructure Services
 - A. Moore, Commissioner of Corporate Services
 - I. McDougall, Commissioner of Community Services
 - R. Nethery, Director of Planning and Building Services
 - E. Armchuk, Director of Legal Services/Municipal Solicitor
 - M. Plaunt, Senior Planner – Policy
 - A. Brouwer, Director of Legislative Services/Town Clerk
 - C. Finnerty, Council/Committee Coordinator
 - L. Moor, Council/Committee Coordinator
 - J. Patel, Project Support Business Analyst
- Guest:**
- J. Thorne, planningAlliance

Mayor Van Bynen in the Chair.

The meeting was called to order at 1:34 p.m.

Declarations of Interests

None.

Presentation

1. Continuation of PowerPoint presentation held at the Council Workshop on February 10, 2014 by Mr. Jason Thorne of planningAlliance and Ms. Marion Plaunt, Senior Planner - Policy regarding the Newmarket Urban Centres Secondary Plan and Active Transportation Network.

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Emanuel

THAT staff bring back a report examining Queen Street from Prospect Street to Roxborough Road; Watson Drive interface and any other applicable areas directly abutting existing residential and that such report provide alternative options that may exclude such areas from the secondary plan process; and/or reduction of heights and densities in order to be more compatible with neighbouring uses.

Carried

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Vegh

THAT staff bring back a report analyzing Options 1, 2 and 2A with respect to the Options for Consideration related to heights, density and bonsuing policies to a future Committee of the Whole meeting.

Carried

Moved by: Regional Councillor Taylor
 Seconded by: Councillor Sponga

THAT staff obtain a cost estimate for external legal counsel to provide a review of the draft secondary plan document and language associated with policies and potential litigation.

Carried

Adjournment

Moved by: Councillor Emanuel

Seconded by: Councillor Sponga

THAT the meeting adjourn at 4:32 p.m.

Carried

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

The meeting of the Committee of the Whole was held on Monday, February 24, 2014 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present:

Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio
Councillor Emanuel
Councillor Hempen
Councillor Kerwin
Councillor Sponga (2:31 to 5:55 p.m.)
Councillor Twinney
Councillor Vegh

Staff Present:

R.N. Shelton, Chief Administrative Officer
R. Prentice, Commissioner of Development & Infrastructure Services
A. Moore, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
E. Armchuk, Director of Legal Services
R. Nethery, Director of Planning and Building Services
D. Ruggle, Senior Planner – Community Planning
L. Traviss, Senior Planner - Development
L. Lyons, Deputy Clerk
A. Brouwer, Director of Legislative Services/Town Clerk
L. Moor, Council/Committee Coordinator
S. Niezen, Records and Projects Coordinator
C. Finnerty, Council/Committee Coordinator
J. Patel, Project Support Business Analyst

Mayor Van Bynen in the Chair.

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

Additions & Corrections to the Agenda

Moved by: Councillor Di Muccio
Seconded by: Councillor Hempen

THAT Additions and Corrections to the Agenda and the additional Closed Session matter being advice subject to solicitor/client privilege related to the public hearing portion with respect to 292145 Ontario Ltd. be adopted.

Carried by 2/3 majority

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

None.

Deputations

1. Mr. Gary Worters addressed the Committee regarding restructuring of Council to provide for 4 full time Councillors.

Moved by: Councillor Twinney
Seconded by: Regional Councillor Taylor

THAT the deputation by Mr. Gary Worters regarding restructuring of Council to provide for 4 full time Councillors be received;

AND THAT the matter be referred to the next term of Council for general governance review and that such review be undertaken within the first twelve months of the term.

Carried

2. Mr. Tom Pearson addressed the Committee to request waiving of fees associated with use of the municipal offices at 395 Mulock Drive for a youth road hockey event scheduled for March 15, 2014.

Moved by: Councillor Emanuel
 Seconded by: Councillor Twinney

THAT the deputation by Mr. Tom Pearson regarding the waiving of fees associated with the use of the municipal offices at 395 Mulock Drive for a youth road hockey event scheduled for March 15, 2014 be received;

AND THAT staff report back at the March 3, 2014 Council meeting with possible community grant and/or sponsorship options associated with the fees in order for the event to proceed.

Carried

Consent Items

Moved by: Councillor Emanuel
 Seconded by: Councillor Vegh

THAT the following items be adopted on consent:

3. Correspondence dated January 30, 2014 from Ms. Tracey Nesbitt, Manager, Ontario Association of Social Workers, Central Ontario Branch requesting proclamation of March 3 to 9, 2014 as 'Social Work Week' in the Town of Newmarket.

THAT the correspondence dated January 30, 2014 from Ms. Tracey Nesbitt, Manager, Ontario Association of Social Workers, Central Ontario Branch be received and the following recommendations be adopted:

a) THAT the Town of Newmarket proclaim March 3 to 9, 2014 as 'Social Work Week' in the Town of Newmarket;

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

4. Correspondence dated January 22, 2014 from Ms. Karen Beaulieu, Fundraising Coordinator, Canadian Cancer Society requesting an exemption from the Noise By-law for the 2014 Relay for Life event scheduled for June 20, 2014 from 7:00 p.m. to June 21, 2014 at 7:00 a.m.

a) THAT the correspondence dated January 22, 2014 from Ms. Karen Beaulieu, Fundraising Coordinator, Canadian Cancer Society, Holland River Unit, requesting an exemption from the Noise By-law for the 2014 Relay for Life event at Pickering College from June 20, 2014 at 7:00 p.m. to June 21, 2014 at 7:00 a.m. be received and approved subject to notification being provided to area residents;

b) AND THAT Ms. Beaulieu be notified in this regard.

5. Proclamation of International Day for the Elimination of Racial Discrimination - March 21, 2014.

THAT March 21, 2014 be proclaimed 'International Day for the Elimination of Racial Discrimination' in the Town of Newmarket;

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

6. Correspondence dated February 5, 2014 from Mr. Steve Board, Board of Director, Canadian Institute of Plumbing and Heating requesting that March 11, 2014 be proclaimed 'World Plumbing Day' in the Town of Newmarket.

THAT the correspondence dated February 5, 2014 requesting proclamation of 'World Plumbing Day' in the Town of Newmarket be received and the following recommendations be adopted:

a) THAT the Town of Newmarket proclaim March 11, 2014 as 'World Plumbing Day';

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

7. Correspondence dated February 8, 2014 from Mr. Michael Dukart, Tournament Chair, 48th Annual Newmarket House League Hockey Tournament requesting that March 12 to March 15, 2014 be proclaimed 'House League Hockey Week' in the Town of Newmarket.

THAT the correspondence dated February 8, 2014 from Mr. Michael Dukart, Tournament Chair, 48th Annual Newmarket House League Hockey Tournament be received and the following recommendations be adopted:

a) THAT the Town of Newmarket proclaim March 12 to 15, 2014 as 'House League Hockey Week';

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

8. Central York Fire Services Joint Council Committee Minutes and (Closed Session) Minutes of December 3, 2013.

THAT the Central York Fire Services Joint Council Committee Minutes and (Closed Session) Minutes of December 3, 2013 be received.

9. Corporate Services (Legal Services) Report 2014-03 dated January 21, 2014 regarding Delegation By-law - 2013 Report Summarizing Delegated Matters to Staff.

THAT Corporate Services (Legal Services) Report 2014-03 dated January 21, 2014 regarding Delegation By-law 2007-114 and a summary of the matters delegated to staff from October 1, 2012 to September 30, 2013 be received.

10. Development and Infrastructure Services Report - Planning and Building Services 2014-05 dated February 11, 2014 regarding Secondary Plan and Corridor Streetscape Study Budgets.

THAT Development and Infrastructure Services Report - Planning and Building Services Report 2014-05 dated February 11, 2014 regarding the Secondary Plan and Corridor Streetscape Study Budgets be received and the following recommendations be adopted:

a) THAT Finance transfer \$100,000 from the 2013 Community Improvement Plan for Urban Centres and Brownfield Developments Budget to a new budget for the Corridor Streetscape Master Plan;

b) AND THAT Finance transfer \$50,000 from the 2013 Community Improvement Plan for Urban Centres and Brownfield Developments Budget into the existing Secondary Plan Study Budget.

11. Development and Infrastructure Services Report - Planning and Building Services 2014-06 dated February 13, 2014 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision.

THAT Development and Infrastructure Services Report - Planning and Building Services 2014-06 dated February 13, 2014 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

a) THAT the Application for Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by Sundial Homes (Davis) Limited for lands being composed of Part of Lot 96, Concession 1, WYS be referred to a public meeting;

b) AND THAT following the public meeting, issues identified in this Report, together with comments of 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;

c) AND THAT Chris Matson, McConnell Ltd., 2430A Bloor Street West, Toronto, ON M6S 1P9 be notified of this action.

12. Development and Infrastructure Services Report - Planning and Building Services 2014-08 dated January 13, 2014 regarding the Municipal Register of Non-Designated Heritage Properties.

THAT Development and Infrastructure Services Report - Planning and Building Services 2014-08 dated January 13, 2014 regarding the Municipal Register of Non-Designated Heritage Properties be received and the following recommendations be adopted:

a) THAT the Municipal Register of Non-Designated Heritage Properties dated January 13, 2014 be received by Council;

b) AND THAT owners of property on the Municipal Register of Non-Designated Heritage Properties be invited to a Public Information Centre on the Municipal Registry and non-designated properties of cultural heritage value;

c) AND THAT after the Public Information Centre, the Municipal Register of Non-Designated properties be brought forward to Council for approval.

13. Correspondence dated February 11, 2014 from Mr. Nick Michael, Associate, R.G. Richards & Associates regarding the Draft Urban Centres Secondary Plan (Yonge-Kingston Centre).

THAT the correspondence dated February 11, 2014 from Mr. Nick Michael, Associate, R.G. Richards & Associates regarding the Draft Urban Centres Secondary Plan (Yonge-Kingston Centre) be received.

14. List of Outstanding Matters.

THAT the List of Outstanding Matters be received.

Carried

Consideration of Items Requiring Separate Discussion

15. Development and Infrastructure Services Report – Public Works Services 2014-09 dated February 12, 2014 regarding Garbage and Recycling Services Level Update.

Moved by: Regional Councillor Taylor

Seconded by: Councillor Emanuel

THAT Development and Infrastructure Services Report - Public Works Services 2014-09 dated February 12, 2014 regarding Garbage and Recycling Services Level Update be received and the following recommendations be adopted:

a) THAT staff continue to work with the Contractor (GFL) and the other municipal partners in good faith to resolve all issues and improve the Level of Services for curbside collection;

b) AND THAT staff proceed with Liquidated Damages under the Contract for Non-Performance for late collections in December 2013 and January 2014 and any other future applicable instances.

Carried

16. Development and Infrastructure Services Report – Planning and Building Services 2014-07 dated February 13, 2014 regarding cash in lieu of parking.

Recommendation b) was amended by replacing the date of June 30, 2014 for implementation to 'immediately upon Council approval'.

Moved by: Councillor Twinney

Seconded by: Councillor Emanuel

THAT Development and Infrastructure Services Report - Planning and Building Services 2014-07 dated February 13, 2014 regarding cash in lieu of parking be received and the following recommendations, as amended, be adopted:

a) THAT cash in lieu of parking be set in accordance with Appendix A forming part of this report;

b) AND THAT the Cash In Lieu of Parking policy identified as Appendix A be implemented immediately upon Council approval;

c) AND THAT current Planning Act applications that may benefit from cash in lieu of parking, be grandfathered at the current cash in lieu of parking rate.

Carried

17. Joint Development and Infrastructure Services and Community Services Report 2014-07 dated February 11, 2014 regarding Neighbourhood Community Gardens.

Moved by: Regional Councillor Taylor

Seconded by: Councillor Twinney

THAT Joint Development and Infrastructure Services and Community Services Report 2014 07 dated February 11, 2014 regarding Neighbourhood Community Gardens be received and the following recommendations be adopted:

a) THAT Town of Newmarket staff seek public input regarding interest in establishing Neighbourhood Community Gardens in additional locations in the municipality;

b) AND THAT staff consult with the Newmarket Environmental Advisory Committee and report back to Council regarding the input received in time for the 2015 budget considerations.

Carried

Councillor Sponga arrived at 2:31 p.m.

18. Corporate Services Report - Legislative Services 2014-04 dated February 10, 2014 regarding a review of the decision of the Fence and Sign Variance Committee - 270 Doak Lane.

Correspondence received February 21, 2014 from Mr. Raymond Nunn regarding Corporate Services Report – Legislative Services 2014-04 dated February 10, 2014 with respect to 270 Doak Lane.

Moved by: Councillor Kerwin

Seconded by: Councillor Sponga

THAT Corporate Services Report – Legislative Services 2014-04 dated February 10, 2014 regarding a review of the decision of the Fence and Sign Variance Committee – 270 Doak Lane be received and the following recommendation be adopted:

a) THAT the decision of the Fence and Sign Variance Committee to approve the application for a variance from the Sign By-law (2009-79) at 270 Doak Lane be upheld.

Carried

The Committee recessed at 3:03 p.m.

The Committee reconvened at 3:17 p.m.

Closed Session

19. Moved by: Councillor Di Muccio
Seconded by: Councillor Emanuel

THAT the Committee of Whole resolve into a Closed Session for the purpose of discussing a proposed or pending disposition of land by the municipality or local board, a litigation matter before the Ontario Municipal Board and advice that is subject to solicitor/client privilege.

Carried

The Committee resolved into Closed Session at 3:18 p.m.

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

The Committee resumed into Public Session at 5:15 p.m.

The Committee recessed at 5:16 p.m.

The Committee reconvened at 5:20 p.m.

20. Moved by: Councillor Di Muccio
Seconded by: Councillor Sponga

THAT Items 20 and 27 of the Committee of the Whole agenda of February 24, 2014 regarding Councillor Di Muccio's Motion related to Newmarket Soccer Club be deferred to the Committee of the Whole meeting scheduled for March 17, 2014.

Carried

21. Moved by: Regional Councillor Taylor
Seconded by: Councillor Sponga

THAT Item 16 of the Committee of the Whole agenda of February 24, 2014 regarding Development and Infrastructure Services Report – Planning and Building Services 2014-09 with respect to Official Plan Amendment # 1 – Town of Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan be deferred to the Committee of the Whole meeting scheduled for March 17, 2014.

Carried

22. Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

THAT Item 18 of the Committee of the Whole agenda of February 24, 2014 regarding Corporate Services Commission – Procurement Services Development and Infrastructure Services Commission – Facility Services Joint Report 2014-05 with respect to Ice Resurfacing Machines be deferred to the Committee of the Whole meeting scheduled for March 17, 2014.

Carried

Action Items

None.

Correspondence & Petitions

None.

Notices of Motion

Regional Councillor Taylor provided notice that he would be bringing forward a motion to the next scheduled Council meeting regarding proclamation and participation in Earth Hour on March 29, 2014.

23. Moved by: Councillor Sponga
Seconded by: Councillor Hempen

THAT the Committee of the Whole resolve into a Closed Session for the purpose of discussing employee negotiations.

Carried

The Committee of the Whole resolved back into Closed Session at 5:25 p.m.

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

The Committee resumed into Public Session at 5:50 p.m.

24. Moved by: Councillor Sponga
Seconded by: Councillor Di Muccio

THAT a Special Committee of the Whole meeting with a Closed Session be scheduled on March 3, 2014 beginning at 12:00 noon for the purpose of discussing a confidential employee negotiations matter.

Carried

Reports by Regional Representatives

None.

Motions

None.

New Business

25. Moved by: Councillor Emanuel
Seconded by: Councillor Sponga

a) THAT staff review alternatives for the dumping of snow at the Ray Twinney Recreational Complex;

b) AND THAT the site be fully fenced and secured at the earliest opportunity;

c) AND THAT snow not be dumped at the location after 4:00 p.m.

Carried

The Committee recessed at 5:55 p.m.

The Committee reconvened at 7:00 p.m.

The continuation of the Committee of the Whole meeting was called to order at 7:00 p.m.

Public Hearing Matters

Mayor Van Bynen welcomed the public to the Committee of the Whole meeting. He advised that the *Planning Act* requires the Town to hold at least one Public Meeting on any proposed Official Plan, Zoning By-law Amendment and Plan of Subdivision or Condominium Application.

Mayor Van Bynen advised that the purpose of the meeting was to hear from anyone who has an interest in the following applications:

- 1) An Application for Draft Plan of Subdivision, Draft Plan of Condominium, Official Plan and Zoning By-law Amendment for lands located at the terminus of Silken Laumann Drive; and
- 2) Proposed amendments to Zoning By-laws 1979-50, 1981-96 and 2010-40 to propose revisions to the by-laws to recognize deficiencies as a result of expropriations by public authorities.

The Committee of Whole will not be making a decision regarding the proposed applications, but will refer all written and verbal comments to Planning Staff to consider in a report that will be brought forth to a future meeting of the Committee of the Whole or Council.

Mayor Van Bynen advised that in accordance with the *Planning Act*, if a person or public body does not make oral submissions at a public meeting or make written submission to the Town of Newmarket in respect of a proposed Official Plan, Zoning By-law Amendment and Plan of Subdivision or Condominium Application, the person or public body is not entitled to appeal the decision of Town Council to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Mayor Van Bynen further advised that it is very important that the Town receive the correct names and addresses of individuals having an interest in these Planning Applications. Therefore, if members of the public want to be notified of any further Committee or Council meetings concerning the applications being considered to please complete the "Interested Parties Form" available at reception.

Mayor Van Bynen requested that residents keep their remarks to less than 5 minutes, and representatives of groups or organizations may speak for up to 10 minutes. When coming forward to speak, state your name and address for the Clerk's record. While everyone is entitled to address Council, it is not necessary to repeat comments already stated.

Mayor Van Bynen further advised that if residents are not comfortable providing oral comments, they can provide written comments to the Clerk's staff. If they have already written in to the Town, their comments have been received and they are on record and will be considered in the final report.

Mayor Van Bynen requested that residents be respectful of everyone in the room, turn mobile devices off or to silent mode and remain quiet while others are speaking.

Mayor Van Bynen described the format for the meeting as follows:

- The Applicant will make a presentation on the application before Council;
- Council members will have an opportunity to ask questions of clarification of the applicant;
- The members of the public who have formally made a deputation request will be heard;
- Following these presentations, members of the public will be invited to offer their comments or questions respecting the proposal;
- The Applicant or Staff will be invited to respond to the public comments or questions in addition to any questions or clarification requested by Council;
- Next Steps: Council will not deal with the proposals tonight but will refer the matter back to staff for a report and any people who have requested further notification in writing to the Clerk will be notified when this matter comes forward;
- Adjournment of meeting

Mayor Van Bynen thanked everyone for their participation and interest in the meeting.

26. Notice regarding Amendment to Zoning By-laws 1979-50, 1981-96 and 2010-40. (Proposed Amendments to Zoning By-laws to recognize deficiencies as a result of expropriations).

A PowerPoint presentation was made by the Senior Planner – Development regarding Amendment to Zoning By-laws 1979-50, 1981-96 and 2010-40.

Moved by: Councillor Kerwin
 Seconded by: Councillor Emanuel

THAT the presentation by the Senior Planner – Development regarding Amendment to Zoning By-laws 1979-50, 1981-96 and 2010-40 being proposed amendments to Zoning By-laws to recognize deficiencies as a result of expropriations be received.

Carried

27. Mr. Robert Miller, of Reuter, Scargall, Bennet LLP on behalf of Viva Rapid Transit addressed the Committee in support of the Amendment to Zoning By-laws 1979-50, 1981-96 and 2010-40.

Moved by: Councillor Vegh
 Seconded by: Councillor Twinney

THAT the deputation by Mr. Robert Miller of Reuter, Scargall, Bennet LLP on behalf of Viva Rapid Transit be received.

Carried

28. Public Meeting Notice, Development and Infrastructure Services Report - Planning and Building Services 2013-59 and related Council Extract - Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision – 292145 Ontario Limited.

A PowerPoint presentation by Mr. Gary Templeton, Templeton Planning Ltd. regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision – 292145 Ontario Limited.

Moved by: Councillor Vegh
 Seconded by: Councillor Di Muccio

THAT the PowerPoint presentation by Mr. Gary Templeton, Templeton Planning Ltd. regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision – 292145 Ontario Limited be received.

Carried

29. Correspondence received February 11, 2014 from Ms. Shauna Marques and family regarding Development and Infrastructure Services Report - Planning and Building Services 2013-59 - Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited.
30. Mayor Van Bynen advised that the Newmarket Environmental Advisory Committee had submitted comments electronically regarding Development and Infrastructure Services Report – Planning and Building Services 2013-59 – Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision – 292145 Ontario Limited.
31. Councillor Vegh introduced additional correspondence items related to Development and Infrastructure Services Report – Planning and Building Services 2013-59 – Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision – 292145 Ontario Limited to be included in the record.

Moved by: Councillor Vegh
 Seconded by: Councillor Twinney

THAT the Newmarket Environmental Advisory Committee comments and all correspondence items received related to Development and Infrastructure Services Report – Planning and Building Services 2013-59 with respect to Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision – 292145 Ontario Limited be received.

Carried

Deputations

32. Mr. Wasim Jarrah, resident, addressed the Committee in opposition to the proposed development known as 292145 Ontario Limited. He addressed matters of environmental concern and increased urban density.

Moved by: Councillor Emanuel
 Seconded by: Councillor Hempen

THAT the deputation by Mr. Wasim Jarrah be received.

Carried

33. Ms. Marlene Hart, resident, addressed the Committee in opposition to the proposed development known as 292145 Ontario Limited. She expressed concern relating to the loss of recreational use of the lands and disturbance to local wildlife.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the deputation by Ms. Marlene Hart be received.

Carried

34. Mr. David Copsey, resident, addressed the Committee regarding the proposed extension of Silken Laumann Drive. He expressed concern regarding increased traffic, access by emergency services, snow removal and garbage collection.

Moved by: Councillor Di Muccio
Seconded by: Councillor Emanuel

THAT the deputation by Mr. David Copsey be received.

Carried

35. Ms. Monica Ahrens, resident, addressed the Committee in opposition to the proposed development on Silken Laumann Drive. She expressed concern regarding the environmental impact of the development.

Moved by: Councillor Emanuel
Seconded by: Councillor Hempen

THAT the deputation by Ms. Monica Ahrens be received.

Carried

36. Mr. Simon Prine, resident, addressed the Committee regarding the preservation of nature from development.

Moved by: Councillor Emanuel
Seconded by: Councillor Twinney

THAT the deputation by Mr. Simon Prine be received.

Carried

37. Mr. Bryan Milley, resident, addressed the Committee regarding the proposed extension of Silken Laumann Drive. He expressed concern regarding the potential loss of wildlife habitat should the development occur.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the deputation by Mr. Bryan Milley be received.

Carried

38. Mr. Shanto Ghosh, resident, addressed the Committee in opposition to the proposed extension of Silken Laumann Drive. He expressed concern regarding protecting open and green space in Newmarket.

Moved by: Councillor Vegh
Seconded by: Councillor Twinney

THAT the deputation by Mr. Shanto Ghosh be received.

Carried

39. Ms. Shauna Marques, resident, addressed the Committee regarding the impact on the environment and community if Silken Laumann Drive is extended and houses built on protected open space.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the deputation by Ms. Shauna Marques be received.

Carried

40. Mr. Les Suter, resident, addressed the Committee regarding the potential loss of wildlife, recreational greenspace and linkage to the Tom Taylor Trail.

Moved by: Councillor Di Muccio
Seconded by: Councillor Emanuel

THAT the deputation by Mr. Les Suter be received.

Carried

41. Ms. Val Nystrom, resident, addressed the Committee regarding concerns about the completed environmental study and the potential loss of greenspace.

Moved by: Regional Councillor Taylor

Seconded by: Councillor Twinney

THAT the deputation by Ms. Val Nystrom be received.

Carried

42. Ms. Vivian Parmenter, resident, addressed the Committee regarding the potential loss of greenspace.

Moved by: Councillor Emanuel

Seconded by: Councillor Di Muccio

THAT the deputation by Ms. Vivian Parmenter be received.

Carried

43. Ms. Kim Cummings, resident, addressed the Committee regarding concerns about potential increased traffic in the neighbourhood.

Moved by: Councillor Emanuel

Seconded by: Councillor Hempen

THAT the deputation by Ms. Kim Cummings be received.

Carried

44. Mr. Andrew Beaton, resident, addressed the Committee regarding the potential loss of greenspace, increased traffic, and construction equipment in the neighbourhood.

Moved by: Councillor Twinney

Seconded by: Councillor Kerwin

THAT the deputation by Mr. Andrew Beaton be received.

Carried

45. Mr. John Hector, resident, addressed the Committee in opposition to the proposed Silken Laumann Drive expansion.

Moved by: Councillor Twinney
 Seconded by: Councillor Emanuel

THAT the deputation by Mr. John Hector be received.

Carried

46. Mr. Jal Jarrah, resident, addressed the Committee regarding the potential loss of greenspace and wildlife.

Moved by: Councillor Hempen
 Seconded by: Regional Councillor Taylor

THAT the deputation by Mr. Jal Jarrah be received.

Carried

47. Ms. Nagwa Mounir, resident, addressed the Committee regarding the potential loss of greenspace, and various safety concerns with proposed construction, proximity to hydro transmission lines and railroad tracks.

Moved by: Councillor Twinney
 Seconded by: Councillor Emanuel

THAT the deputation by Ms. Nagwa Mounir be received.

Carried

48. Mr. Joseph Carpino, resident, addressed the Committee regarding the proposed Silken Laumann Drive expansion, the proximity of the railroad tracks and the potential flooding from stormwater management ponds.

Moved by: Councillor Emanuel
 Seconded by: Councillor Vegh

THAT the deputation by Mr. Joseph Carpino be received.

Carried

49. Mr. Tim Yull, resident, addressed the Committee regarding the proposed Silken Laumann Drive expansion.

Moved by: Councillor Emanuel
 Seconded by: Councillor Di Muccio

THAT the deputation by Mr. Tim Yull be received.

Carried

50. Ms. Cathy McLeod, resident, addressed the Committee regarding the proposed Silken Laumann Drive expansion and health concerns.

Moved by: Councillor Vegh
 Seconded by: Councillor Twinney

THAT the deputation by Ms. Cathy McLeod be received.

Carried

51. Mr. Lars Kensit, resident, addressed the Committee regarding the proposed Silken Laumann Drive expansion and the notice requirements to residents.

Moved by: Councillor Vegh
 Seconded by: Councillor Sponga

THAT the deputation by Mr. Lars Kensit be received.

Carried

Adjournment

Moved by: Councillor Vegh
 Seconded by: Councillor Twinney

THAT the meeting adjourn.

Carried

The meeting adjourned at 9:22 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



DEVELOPMENT & INFRASTRUCTURE SERVICES – PUBLIC WORKS SERVICES
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February 25, 2014

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
PUBLIC WORKS SERVICES 2014-19**

TO: Council
SUBJECT: Snow Dumping at Ray Twinney Complex
ORIGIN: Director, Public Works Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report Public Works Services – PWS 2014-19, dated February 25, 2014 regarding Snow Dumping at Ray Twinney Complex, be received and the following recommendation(s) be adopted:

- 1. THAT staff continue to work at the Ray Twinney parking lot site to improve safety measures around the snow piles including additional by-law patrols and;**
- 2. THAT staff continue to look for alternatives for future snow dump sites.**

BACKGROUND

This report has been prepared as a follow up to a Council request on February 24th with respect to finding alternatives to snow dumping at the Ray Twinney Complex.

The 2013/2014 winter season has been extreme with respect to the amount of accumulation, cold and lack of thaw days, because of this, there is a substantial amount of material on the roads and sidewalks to be cleared. In certain areas and streets in the downtown core; certain parking lots; nearly 400 courts and wide elbows with limited storage area; and most curbface sidewalks, there is no room to push the snow and ice material. Due to this lack of space, staff undertake “lifts” by physically removing the material from the site and taking it to another location where it can be piled and eventually melted in a safe and environmentally conscience manner.

The Ministry of the Environment (MOE) created Guidelines on Snow Disposal Operations in Ontario with a latest revision date of February, 2011. Within those Guidelines (not Regulations) there are six variables to consider when selecting a snow disposal site; these include Accessibility, Noise, Alternative Use of the Site, Visual Considerations, Drainage Factors and Sub-Surface Drainage. Taking these variables into consideration along with other environmental factors such as an on-site oil/grit separator and land ownership, the Ray Twinney Complex was selected as the most suitable site for snow disposal.

There are no other municipally owned sites in Town that can hold the amount of material required and has viable access on an impermeable surface with proper drainage. The snow piles also have trees adjacent to the berm creating a visual barrier from the neighbouring properties of approximately 10-12 homes. The snow is first placed on the outlying area of the parking lot to create a buffer for the neighbouring properties, yet maximizing the amount of useable space in the remainder of the parking lot for visitors to the Complex.

From 2004 until the start of this season there have only been two complaints that have come into Customer Services with respect to snow dumping at Ray Twinney; the first in 2007 with respect to clearing of the parking lot itself and the second in 2009 inquiring about environmental aspects of the site for snow disposal. This does not include any contacts directly with other staff or members of Council.

COMMENTS

Due to the density of Newmarket and the lack of municipally owned land that is suitable for snow dumping, the Ray Twinney Complex has been utilized for over 15 years as a snow dump site without incident. Arena site snow piling is a common practice throughout the Region, Province and Country as these sites are often the most viable due to access, drainage and impermeable surfaces, especially in an urban environment where appropriate land is at a premium. Snow melters are used in some municipalities to reduce the site requirements; however, this equipment is hundreds of thousands of dollars and the operating costs are typically tens of thousands of dollars due to fuel and maintenance costs. A melter is not recommended at this time as this winter is an exception and produced an extreme amount of sustained accumulation not typically experienced. Under normal circumstances the snow piles are not as large and the Complex is utilized on an as needed basis.

Works at the Complex have usually been restricted to working hours; however there are rare occasions when night work was required. Snow lifts are most efficiently done during the night when cars are off the road and traffic disruption is at a minimum. The same work during the day with vehicles and pedestrians can take up to four times as long and is slow, resource intensive work. Staff have been trying to be conscientious of the properties backing onto the Complex parking lot and have tried to limit works to before 4:00 pm, only four nights this season where dumping occurred between 7 pm and 11 pm.

Public Works Services continue to increase the fencing and warning signs around the site and the By-law division has increased patrols in the area and York Regional Police have been notified of the situation. Staff will continue to examine other ways of minimizing disruption and maximizing safety in the area.

Staff have also been in contact with MOE representatives to discuss the site and any improvements or alternatives that may be appropriate.

Over the past two years the Region of York has been inquiring about new cooperative snow dump sites that may be utilized in the future. To date there have been no new sites developed;

however, as opportunities arise Newmarket staff will enquire about possible joint use of appropriate MOE approved sites outside of Town boundaries.

Another option for consideration may also be the use of private land. The Town may have the potential to rent appropriate land for snow storage and disposal. This option would require rental costs, insurance coverage, and agreement for Town staff and equipment to be used on site. A Request for Quotation could be released with the MOE Guidelines as stipulation factors in assessing the most appropriate area for snow disposal. Proper accessibility, noise and visual attenuation and drainage factors would be considered along with MOE approval. Clean up and repair of any damage would also be included as a cost in the RFQ. At this time, it is not recommended to move to this solution as previous years have not been an issue at the Ray Twinney Complex, however if winter seasons continue to produce the amount of accumulation and difficult situations where a large snow dump is often required, this may be a more feasible alternative.

PUBLIC CONSULTATION

Two letters have previously been sent out to neighbouring properties of the Complex explaining the need for use of the parking lot area for snow storage.

Additional fencing and safety signage will be implemented to physically and visually deter anyone from entering the site. Police and By-law patrols will also be increased for additional dissuasion of anyone entering the area.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

To provide efficient, effective and environmentally sound maintenance services to an appropriate level that achieves Council and/or Provincially mandated services levels, which meet public health and safety requirements and enhances quality of life while ensuring that system capital assets retain their value and are managed and funded according to sustainable, lifecycle based principles and practices.

HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

Current costs for the snow dump at the Ray Twinney Complex are included in the 2014 winter maintenance budget.

Capital Budget

No impact to the Capital Budget.

CONTACT

For more information on this report, please contact Christopher Kalimootoo at extension 2551; ckalimootoo@newmarket.ca.

Prepared by:



C. Kalimootoo, BA, P.Eng, MPA, PMP
Director, Public Works Services



R. Prentice, BA
Commissioner, Development &
Infrastructure Services



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-11

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

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

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

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

AND WHEREAS the Municipal Council of the *Town* enacted By-law 2014-02 on January 20, 2014;

AND WHEREAS it is deemed necessary to repeal by-law 2014-02

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

1.0 DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“ELECTION SIGN” means a *sign* advertising or promoting the election of a

political party or a candidate for public office in a federal, provincial or municipal election;

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

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

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

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

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

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

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

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

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

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

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

"INFLATABLE SIGN" means a *sign* or *advertising device* designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include

balloons and any other *inflatable* devices. Classification of *Inflatable Sign* shall not relieve it from any other *sign* classification of this By-law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

shapes, the *sign face* shall mean the area enclosing the letters, numerals, or shapes;

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

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

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

“STREET” means any highway;

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

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

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

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

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

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

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

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

2.0 ADMINISTRATION:

2.1 Interpretation:

- a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- b) The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of

the metric measurements. The metric or Standard International measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.

- 2.2 This By-law shall be administered by the *Director* of the *Town*.
- 2.3 The *Building Code* shall be administered by the *Chief Building Official* as appointed by Council.
- 2.4 Where any *sign* proposed to be erected may be considered as more than one form of *sign* permitted by this By-law or as a combination of forms of *signs* 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.

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

		Illumination not permitted
	<i>Residential Zone</i>	Not exceeding 0.2m ² (2.15 sq. ft.) Illumination not permitted
<i>Address Sign</i>	<i>All Zones</i>	Not exceeding 0.2 m ² (2.15 sq. ft.) in <i>sign area</i> Shall be located on private property
Flag of corporations, educational, religious, or charitable organizations	<i>All 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)
<i>Home Occupation Sign</i>	<i>Residential Zone</i>	Maximum <i>sign area</i> of 0.2 m ² (2.15 sq. ft.) 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, Window Sign or Ground Sign</i> . Illumination not permitted.
<i>Real Estate Sign</i> located, erected or displayed for the notification that a <i>premises</i> or part thereof is available for or offered for sale, rent or lease.	<i>All Zones</i>	Maximum <i>sign area</i> of 1.0m ² (10.7 sq. ft.) in a <i>Residential zone</i> . For all other <i>zones</i> a maximum area of 4.0m ² (43 sq. ft.) One (1) <i>sign</i> per <i>street line</i> of the property on which the <i>sign</i> is erected.
<i>Garage Sale Sign</i>	<i>All Zones</i>	Must be removed 72 hours after posting Shall not be located on the center median of a roadway.
<i>Open House Sign</i>	<i>All Zones</i>	Must be removed 72 hours after posting

		Shall not be located on the center median of a roadway.
Residential Contractor Advertising Sign	All Zones	Must be erected no more than seven (7) days prior to the commencement of the project and removed from the property immediately after the project is completed. Shall be located on private <i>property</i> .
Entrance Gate Sign- located at the entrance to a subdivision/apartment or condominium complex	<i>Residential Zone and Urban Centre Zone</i>	One (1) <i>sign</i> per frontage Maximum <i>sign</i> area 2.32m ² (25.0 sq. ft.) Minimum ground clearance 0.91m (3.0 ft.) Maximum height 7.5m (24.6 ft.)
Menu Board Sign	<i>Urban Centre Zone and Commercial Zone</i>	Maximum <i>Sign</i> Area 4m ² (43.06 sq. ft.)
Public transit or any <i>street</i> furniture/fixture advertising	All Zones	As approved by the <i>Town</i> or Region
Window Sign	All Zones	Shall be non-flashing

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

6.0 **SIGN PERMIT APPLICATIONS:**

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

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

6.3 *Sign Permit* Information

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

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

- a) The Lake Simcoe Region Conservation Authority, pursuant to the Conservation Authorities Act, R.S.O. 1990, c. C.27;
- b) The Chief Building Official pursuant to the *Building Code Act, 1992*;
- c) The Regional Municipality of York, pursuant to any other applicable regional by-laws;
- d) Newmarket Hydro; and
- e) Any other applicable governmental authority.

- 6.5 No *sign permit* shall be issued by the *Director* unless the application meets all the requirements of this By-law and any other applicable laws or unless a variance has been granted pursuant to **Section 33.0**.
- 6.6 No more than four (4) *sign permits* per *sign* type shall be issued to a single *business* on the *premises* on which the *sign* is to be displayed, in a calendar year.
- 6.7 No *applicant* shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a *sign permit*, detail of construction or revision thereto.
- 6.8 The *applicant* shall be responsible to comply with this By-law and the approved plans, drawings and specifications and to ensure that each set of plans, drawings, and specifications approved by the *Town* is identical in every respect. Failure to do so shall not relieve the *applicant* of the responsibility for complying with every requirement of the By-law, should any discrepancies between the plans, drawings, or specifications and the erected sign become apparent to the *Town*.
- 6.9 Revisions may be made to the application or approved documents provided they do not require significant additional work by the *Town*. An administration fee as set out in the *Fees and Charges By-law* will be charged for all revisions.
- 6.10 An application for a *sign permit* shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a *sign permit* has been issued.

7.0 EXPIRATION OF PERMIT:

- 7.1 Every *sign permit* issued by the *Town* for the erection, display or alteration of a *sign* expires and is null and void where the *business*, product, activity or service to which the *sign* relates ceases to operate or is no longer available at the *premises* where the *sign* is located.
- 7.2 Notwithstanding **Subsection 7.1**, the following expiration periods apply:
- a) *Sign permits* for *Inflatable Signs*, and *Mobile Signs* shall expire twenty-one (21) days from the date of issuance;
 - b) *Sign permits* for *Portable Signs* shall expire one (1) calendar year from the date of issuance;

- c) *Sign permits for Billboard Signs* shall expire five (5) years from the date of issuance.

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

8.0 TRANSFER OF PERMIT:

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

9.0 REVOCATION OF PERMIT:

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

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

10.0 MAINTENANCE:

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

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

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

11.0 LOCATION:

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

12.0 STRENGTH OF BUILDINGS:

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

13.0 SIGN MATERIALS:

- 13.1 Every *sign* attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wire ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of *signs* attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for *signs*. No *sign* shall be supported in any manner by an unbraced parapet wall, except as provided for in **Subsection 11.3 b)** of this By-law.
- 13.2 Notwithstanding **Subsections 13.3, 13.4 and 13.5**, all *Ground Signs*, *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	1	Less than 243.84m (800 ft.)	27.87m ² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with Subsections 14.1 and 14.2
	Employment	2	243.84m (800 ft.) or more	46.45m ² (500 sq. ft.)	10.67m (35.0 ft.)		
Class B <i>1, 2, 3</i>	Downtown Urban Centre	1		2.32m ² (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		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class D ^{1, 2}	Open Space	1		13.94m ² (150 sq. ft.)			Not Permitted
	Golf Course						
Menu Board Sign	Commercial	1 Menu Board		4.0m ² (43 sq. ft.)	2.5 m (6.5 ft)		Permitted in accordance with Subsections 14.1 and 14.2
	Urban Centre	1 Pre-Menu Board		2.0m ² (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 Ground Signs which are located in the Downtown Urban Centre and Historic Downtown Urban Centre Zones may be constructed in whole or in part of combustible materials, provided that such signs do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such sign, to the highest point thereof.							
* 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 <i>1, 2</i>	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
	Employment						
	Urban						

	Centre*	2	300.0m (984.0ft) or more	Per Sign Face			25.0 as applicable
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 <i>Historic Downtown Urban Centre Zone</i> shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building.						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						
** excluding <i>residential zones</i>						
*** <i>Mural signs must form part of the overall area of the Mural</i>						

18.0 PROJECTING SIGNS:

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

19.0 **MOBILE SIGNS AND PORTABLE SIGNS**

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

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

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	<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	21 days

Portable Signs ^{5,6,7,8,9,10} Class A	<i>Commercial Employment</i>	0.3-60.96m 6 (1.0- 200.0 ft.)	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height	Not permitted	One (1) Calendar Year
	<i>Urban Centre*</i>	.6126-152.4 m 9 (201.0 - 500.0 ft.)		(4.0ft.) in width		
		152.7-304.8 m 12 (501.0 - 1000.0 ft.)				
		304.8 m + 15 (1001.0 ft. +)				
Class B	<i>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
	<i>Historic Downtown Urban Centre</i>					
¹ <i>Mobile Signs</i> shall display the name and telephone number of the <i>Sign Owner</i> in a visible location on the <i>sign</i> .						
² <i>Mobile Signs</i> shall only advertise the business to which the <i>Sign Permit</i> was issued.						
³ <i>Mobile Signs</i> shall be comprised of a black background, within a black frame and all letters or other writings or markings shall be white.						
⁴ <i>Mobile Signs</i> shall not be located on the same property as a <i>Billboard Sign</i>						
⁵ <i>Sign permits</i> for <i>Mobile Signs</i> and <i>Portable Signs</i> 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 m ² (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:***Construction Information Signs***

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

Hoarding Signs

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

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

22.0 **NEW HOME DEVELOPMENT SIGNS:**

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

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

22.2 No person shall place or locate a *New Home Development Sign* on a street before 7:00 p.m. on a Friday and all such signs shall be removed no later than 6:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.

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

- 22.4 Where a *Builder* has erected a sales office or a model home(s) within a *new home development*, such *builder* may place one *New Home Development Sign* or one (1) *Ground Sign*, not exceeding 1.12 m² (12.0 sq. ft.), on each *residential* lot or proposed *residential* lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such *New Home Development Sign* or *Ground Sign* may be located on any lands which are to be conveyed to the *Town* or which may form part of a municipal road allowance.

		Maximum Number	Maximum Sign Area	Maximum Height	Location
New Home Development Sign		Each <i>builder</i> limited to ten (10) <i>New Home Development Signs</i> per project	No more than two (2) <i>sign faces</i> each <i>sign face</i> with a maximum area of 1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.)	May be placed on a <i>street</i> subject to the requirements of Section 22.0
Development Sign¹		One (1)	10.0m ² (107.64 sq. ft.)	7.62m (25.0 ft.)	Shall be located within the development that the <i>sign</i> advertises
Ground Sign or New Home Development Sign	Model Home/Sales Centre	One (1) per residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located.	1.12m ² (12 sq. ft.)		
New Home Development Signs shall be limited to two (2) corners of a <i>street</i> intersection and a maximum of five (5) in total for each corner of the two (2) corners of the <i>street</i> intersection.					
Each <i>builder</i> shall be limited to two (2) <i>signs</i> in total for each <i>street</i> intersection					
¹ <i>Development Signs</i> shall be removed when one hundred percent (100%) of the units being advertised have been sold					
² No such <i>New Home Development Sign</i> or <i>Ground Sign</i> may be located on any lands which are to be conveyed to the <i>Town</i> or which may form part of a municipal road allowance.					

23.0 **INFLATABLE SIGNS:**

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

- a) within 3.0 m (9.8 ft.) of any property line;
- b) within 3.0 m (9.8 ft.) of any driveway entrance and exit;

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

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

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

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

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

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

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

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

24.0 **TEMPORARY SIGNS:**

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

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

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

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

- 25.2 For the purposes of this section, *Urban Centre Zone* shall not include the Historic Downtown *Urban Centre Zone* or the Downtown *Urban Centre Zone*.
- 25.3 Where a *sign* is permitted to display *Electronic Changeable Copy* or *Mechanical Copy*:
- a) the sign must comply with **Section 25.0** of this By-law;
 - b) the sign must be located a minimum of 30.48 metres (100.0 feet) away from a residential zone;
 - c) the transition effects shall ensure a near instantaneous change between messages and shall not include effects that have the appearance of moving text or images;
 - d) the sign must not be within 15.24 metres (50.0 feet) of another sign displaying *Electronic Changeable Copy* or *Mechanical Copy*;
 - e) the sign shall not be located within 22.86 metres (75.0 feet) of a street intersection or traffic light;
 - f) the sign shall be erected in a manner so as not to be visible from a contiguous residential zone; and
 - g) the brightness level must be lowered in accordance with ambient light conditions between the hours of 12:00 a.m. and 5:00 a.m.
- 25.4 *Signs* displaying *Electronic Changeable Copy* shall have a maximum transition time of one (1) second between static image displays and the changing of the *sign copy* shall not occur at intervals of less than six (6) seconds.
- 25.5 Where *signs* display scrolling *Electronic Changeable Copy* or *Mechanical Copy*, the *sign copy* shall not revolve at a rate faster than eight (8) revolutions per minute.
- 25.6 All *signs* displaying *Electronic Changeable Copy* shall come equipped with automatic dimming technology which automatically adjusts the *sign's* brightness in direct correlation with ambient light conditions.
- 25.7 Electric illumination only is permitted in accordance with **Subsection 14.1** and **14.2** and shall be installed in accordance with the requirements of Newmarket Hydro.
- 26.0 NON-PROFIT SIGNS:**
- 26.1 A *Non-Profit Sign* shall only be located, erected or displayed on private property save and except for the public property as set out in **Subsection 26.2**
- 26.2 Subject to approval of the *Director*, a *Non-Profit Sign* may be located, erected, or displayed on the property of *Town* facilities or property owned and controlled by the *Town* provided that the *Non-Profit Sign* does not in any way interfere with any *signs* or other notices posted by the Corporation.
- 26.3 A *sign permit* for a *Non-Profit Sign* shall be issued and valid for a maximum of twenty-one (21) days prior to the fundraising event or charitable activity.

26.4 A *Non-Profit Sign* shall:

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

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

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

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

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

27.0 ELECTION SIGNS:

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

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

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

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

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

- c) in a location where such *sign* obstructs the visibility of any traffic sign or device;
- d) on a municipal boulevard;
- e) on a tree, utility pole or light standard;
- f) on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held;
- g) in or on a vehicle that is parked on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held, if the sign is visible;
- h) in any public park or on any road allowance abutting *Town* owned land or facility or any local board; or
- i) unless the property owner has consented to the placement of the sign.

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

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

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

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

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

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

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

28.0 **EXEMPTIONS:**

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

29.0 FEES:

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

30.0 POWER OF ENTRY:

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

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

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

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

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

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

31.0 REMOVAL OF SIGNS AND ENFORCEMENT:

31.1 When a *sign* is erected, displayed, *altered*, repaired, or is not maintained, in

contravention of the provisions of this By-law, such *sign* may be removed immediately, by the *Town*, without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the *Town* at the expense of the *sign owner*, and under Section 446 of the *Act*, the *Town* may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.

- 31.2 Where a *sign* not requiring a *sign permit* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, the Director may notify or order the owner to repair, remove or to bring the sign into compliance with the provisions of this By-law. Where such *sign owner* fails to bring the *sign* into compliance, the *Director* may remove the *sign* and charge the *sign owner* a fee as set out in the *Fees and Charges By-law*.
- 31.3 When a *sign* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, The *Director* may issue an order to any *person* who:
- a) has erected, displayed, *altered* or caused or permitted to be erected, displayed or altered, a *sign* on private property for which a *sign permit* has not been obtained where such *sign permit* is required under the provisions of this By-law; or
 - b) having obtained a *sign permit*, has erected or *altered*, or caused or permitted to be erected or altered, a sign on private property contrary to the *sign permit* issued.
- 31.4 The order shall require the *sign* to be brought into compliance with this By-law within fourteen (14) days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the sign must be brought into compliance with the By-law.
- 31.5 The order shall be served personally or posted at the address of the *business* to which the *sign* relates and/or the address supplied on the *sign permit* application.
- 31.6 Where an order has been issued and the *sign* has not been brought into compliance with this By-law within fourteen (14) days of the issuance of the order, the *Director* or *Inspector* may remove or cause to be removed, the *sign* or any part thereof and/or may take any action necessary to prevent the *sign* from being displayed in a manner that is contrary to this By-law. The *Town* may recover the cost of the removal or necessary action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.7 Where a *sign* has been removed by the *Town* such *sign* shall be stored for a period of thirty (30) days and the *Sign Owner* may redeem the *sign* upon payment of the storage and removal fees prescribed in the *Fees and Charges By-law*. Where a *sign* has not been redeemed within the thirty (30) day period, such *sign* may be forthwith destroyed or otherwise disposed of by the *Town* without notice or compensation and the *Sign Owner* shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.

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

32.0 PENALTY PROVISION:

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

- c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 32.5 For the purposes of this By-law, "multiple offences" means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 32.6 For the purposes of this By-law, an offence is a "second or subsequent offence" if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 33.0 VARIANCES:**
- 33.1 Any person may apply for a variance from the provisions of this by-law
- 33.2 An application for a variance shall be made on the form prescribed by the *Town* and shall be accompanied by the non-refundable variance application fee in the *Fees and Charges By-law*.
- 33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed *sign*:
- a) is warranted based on physical circumstances applicable to the property or premises;
 - b) is consistent with the architecture of the building or development of the property;
 - c) is consistent with buildings and other features of properties or premises within 120.0 metres (393ft) of the proposed sign;
 - d) will not alter the essential character of the area;
 - e) will not adversely affect adjacent properties;
 - f) will not adversely affect public safety;
 - g) is in the opinion of the decision maker, not contrary to the public interest; and
 - h) is not expressly prohibited by this by-law
- 33.4 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 *Variance Review Committee* of the *Town*. The *Variance Review Committee* may authorize *sign* variances from the provisions of this By-law, provided that in the opinion of the *Variance Review Committee* it is established that the requirements in **Subsection 33.3** are met.
- 33.8 A decision of the *Variance Review 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 2014-02 of the *Town* is hereby repealed.

ENACTED THIS 3RD DAY OF MARCH , 2014

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-12

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.

WHEREAS Section 129 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass a by-law to prohibit and regulate noise in the municipality;

AND WHEREAS Council enacted By-law 2004-94, being a By-law to Prohibit and Regulate Unusual Noises or Noises Likely to Disturb the Inhabitants of the Town of Newmarket, on July 19, 2004;

AND WHEREAS Council amended Schedule "A" to By-law 2004-94 with the enactment of By-law 2005-158 on November 28, 2005;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to provide an exemption to By-law 2004-94, as amended, to facilitate the Canadian Cancer Society, Holland River Unit, Relay for Life event at Pickering College.

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

THAT the Canadian Cancer Society, Holland River Unit be exempted from the Noise By-law 2004-94, as amended, from 7:00 p.m. on June 20, 2014 to 7:00 a.m. on June 21, 2014 to permit their 2014 Relay for Life event at Pickering College, subject to notification being provided to area residents.

ENACTED THIS 3RD DAY OF MARCH, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-13

A BY-LAW TO AMEND BY-LAW NUMBERS 1979-50, 1981-86 AND 2010-40, AS AMENDED, BEING ZONING BY-LAWS. (Technical Amendments)

WHEREAS it is deemed advisable to amend By-Law Numbers 1979-50, 1981-96 and 2010-40 as amended;

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

THAT By-law Numbers 1979-50, 1981-96 and 2010-40 as amended, be and the same is hereby further amended as follows:

1. Deleting Section 6.21 Lots Having Less Frontage and/or Area of By-law Number 1979-50 in its entirety and replacing with the following:

Public Land Acquisition

" Notwithstanding any other provision of this By-law, where, as a result of acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to the minimum lot frontage, minimum lot depth, minimum lot area, minimum floor space index, maximum lot coverage, reduced building setbacks, minimum required number of parking spaces, minimum size of parking spaces, minimum width of landscape buffers, minimum width of a driveway, location of parking spaces and/or driveways or minimum required setbacks and/or yards for driveways and/or parking spaces, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized. A building or structure may be erected, altered or repaired with the lot coverage as would have been allowed for the lot as it existed prior to such public acquisition or conveyance."

2. Deleting Section 6.19 Lots Having Less Frontage and/or Area of By-law Number 1981-96 in its entirety and replacing with the following:

Public Land Acquisition

" Notwithstanding any other provision of this By-law, where, as a result of acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to the minimum lot frontage, minimum lot depth, minimum lot area, minimum floor space index, maximum lot coverage, reduced building setbacks, minimum required number of parking spaces, minimum size of parking spaces, minimum width of landscape buffers, minimum width of a driveway, location of parking spaces and/or driveways or minimum required setbacks and/or yards for driveways and/or parking spaces, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized. A building or structure may be erected, altered or repaired with the lot coverage as would have been allowed for the lot as it existed prior to such public acquisition or conveyance."

3. Deleting Section 4.11 Reduction of Lot Area Due to Public Acquisition or Conveyance of By-law Number 2010-40 in its entirety and replacing with the following:

Public Land Acquisition

“ Notwithstanding any other provision of this By-law, where, as a result of acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to the minimum lot frontage, minimum lot depth, minimum lot area, minimum floor space index, maximum lot coverage, reduced building setbacks, minimum required number of parking spaces, minimum size of parking spaces, minimum width of landscape buffers, minimum width of a driveway, location of parking spaces and/or driveways or minimum required setbacks and/or yards for driveways and/or parking spaces, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized. A building or structure may be erected, altered or repaired with the lot coverage and floor space index as would have been allowed for the lot as it existed prior to such public acquisition or conveyance.”

ENACTED THIS 3RD DAY OF MARCH, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2014-14

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– MARCH 3RD, 2014.

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

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

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

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

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

ENACTED THIS 3RD DAY OF MARCH, 2014.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk


COMMUNITY SERVICES – RECREATION & CULTURE
TOWN OF NEWMARKET

395 Mulock Drive

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905.895.5193

February 27, 2014

COMMUNITY SERVICES REPORT – RECREATION & CULTURE 2014 - 10

TO: Committee of the Whole

SUBJECT: Poverty Action for Change Coalition and the 2014 Youth Road Hockey Tournament

ORIGIN: Community Services – Recreation & Culture

RECOMMENDATIONS

THAT Community Services Report – Recreation & Culture 2014 – 10 dated February 27, 2014 regarding Mr. Tom Pearson's deputation concerning the Poverty Action for Change Coalition's 2014 Youth Road Hockey Tournament be received and the following recommendation(s) be adopted:

- 1. AND THAT in recognition of the 10th Anniversary of the Poverty Action for Change Coalition's Annual Youth Road Hockey Tournament, Council direct staff to provide a Recreation & Culture Community Grant equal to the value of \$243.30, the total of the following fees applicable to the event:**

- i. Facility fees - \$220.70**
- ii. Administration fees - \$5.65**
- iii. RAS Park Booking fee - \$16.95**

- 2. AND THAT the Youth Road Hockey Tournament organizers be notified of this action.**

BACKGROUND

Poverty Action for Change Coalition (PACC) has been running Youth Road Hockey, an annual ball hockey tournament, at various sites in Newmarket since 2004. Some tournaments were held in the parking lots that are now the site of Riverwalk Commons and some have been held on or in the immediate vicinity of Main Street.

On two separate occasions, in 2008 and 2011, PACC received grants from the Newmarket Downtown Development Subcommittee (NDDS) towards the events. The NDDS grants are designed to support events, festivals or other promotional activities which support downtown economic development enhance the identity of downtown Newmarket and contribute to a higher level of awareness of Main Street.

In the past, the Town has also provided the tournaments with supports such as staff led site tours and consultations, barricades and other infrastructure, and promotional assistance. The Mayor, members of Council and staff have also participated on challenge teams including other N6 municipalities.

COMMENTS

Park Use Permit Contract # 172710 dated February 13, 2014, was calculated using not-for-profit youth activity criteria to realize the lowest possible fees for the permit.

As directed by Council, staff has reviewed the fees contained in Contract 172710. Of the charges, staff can recommend that the Administration fee, RAS Park Booking fee and the Facility fee for use of the parking lot be provided through a grant from the Recreation & Culture Community Grants Program. This represents \$243.30 of a total permit charge of \$758.71. The remaining charges are direct expenses to the Town of Newmarket including additional Security Staff for the day (\$120.00) and insurance provided by a third party (\$395.41). Should Council approve this recommendation, PACC would be required to pay a total of \$515.41 to the Town of Newmarket.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well Balanced

- Events that help shape identity and contribute to community spirit

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report

BUDGET IMPACT

Operating Budget



The amount of \$243.30 would be transferred between the appropriate line accounts.

Capital Budget

Not applicable to this report

CONTACT

For more information on this report, contact Colin Service, Director, Recreation & Culture at cservice@newmarket.ca or extension 2601.

Colin Service
Director, Recreation & Culture

Ian McDougall
Commissioner of Community Services

CS/CL:cl