

Declaration of Office - Ward 5 By-Election

1. The Town of Newmarket conducted a by-election on October 17, 2016 to fill the vacancy in the office of Ward 5 Councillor on the Council of the Town of Newmarket in accordance with the provisions of the Municipal Elections Act, 1996.

Mr. Andrew Brouwer, Director of Legislative Services/Town Clerk to administer the Declaration of Office to Mr. Bob Kwapis.

Public Notices (if required)

Additions & Corrections to the Agenda

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

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

Approval of Minutes

2. Council Minutes of October 3, 2016. p. 1

Reports by Regional Representatives

Reports of Committees and Staff

3. Committee of the Whole Minutes of October 18, 2016. p. 14
4. Committee of the Whole (Closed Session) Minutes of October 18, 2016.
5. Correspondence dated October 13, 2016 from Mr. Denis Kelly, Regional Clerk and attached report entitled 'Review of Regional Council Governance'. p. 28

(Referred from the Committee of the Whole meeting held on Tuesday, October 18, 2016)

By-laws

2016-51	A By-law to amend By-law 2011-24, as amended, being a By-law to regulate traffic within the Town of Newmarket.	p. 52
2016-52	A By-law for the licensing, regulating and governing of refreshment vehicles.	p. 53
2016-53	A By-law of the Town of Newmarket respecting the regulation, licensing and control of animals in the Town of Newmarket.	p. 67
2016-54	A By-law to Appoint a Deputy Fire Chief for the amalgamated Fire and Emergency Services Department - Central York Fire Services. (Housekeeping Amendment)	p. 80

Notices of Motions

Motions

Announcements & Community Events

New Business

Closed Session (if required)

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

Confirmatory By-law

2016-55	A By-law to confirm the proceedings of Council at its meeting of October 24, 2016.	p. 81
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Addendum (Additions and Corrections)

11. Motion - Deputy Mayor & Regional Councillor Taylor: (Related to Item 5)

THAT the Council of the Town of Newmarket takes the position that no changes be made to the governance structure of York Region until after the 2018 municipal election.

Adjournment

The meeting of the Council was held on Monday, October 3, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Hempen
Councillor Broome
NOTE – Vacant Ward 5 Council seat

Absent: Councillor Kerwin
Councillor Twinney
Councillor Bisanz

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

Open Forum

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

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

Mayor Van Bynen in the Chair.

Public Notices

None.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

None.

Deputations

None.

Approval of Minutes

1. Council Minutes of September 12, 2016.

Moved by: Councillor Hempen

Seconded by: Councillor Vegh

THAT the Council Minutes of September 12, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome

Opposed: (None)

(5 in favour, 0 opposed)

Carried

2. Council (Closed Session) Minutes of September 12, 2016.

Moved by: Councillor Broome

Seconded by: Deputy Mayor & Regional Councillor Taylor

THAT the Council (Closed Session) Minutes of September 12, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome

Opposed: (None)

(5 in favour, 0 opposed)

Carried

Reports by Regional Representatives

- a) Deputy Mayor & Regional Councillor Taylor advised that he attended a Greater Toronto and Hamilton Area Mayors' meeting, where the discussion focused around legislation updates, in particular the Growth Plan, with less emphasis on the Greenbelt Plan, Oak Ridges Moraine Plan and reforms to the Ontario Municipal Board. In particular, there was consensus that the province needs to revisit its growth formulas in order to permit more autonomy so that the provincial goals can be achieved.
- b) Mayor Van Bynen advised that he recently attended an Association of Municipalities of Ontario Board Meeting and that a summary of items discussed would be made available shortly.

Reports of Committees and Staff

- 3. Committee of the Whole Minutes of September 26, 2016.

Moved by: Councillor Hempen

Seconded by: Councillor Broome

THAT the Committee of the Whole Minutes of September 26, 2016 be received and the following recommendations be adopted:

- 4. THAT the PowerPoint Presentation by Mr. Jim Gragtmans, Chair, Newmarket Economic Development Advisory Committee regarding the Economic Development Strategy – 2016 to 2020 be received.
- 5. Community Services - Economic Development Report 2016-26 dated September 14, 2016 regarding the 2016-2020 Economic Development Strategy.
 - a) THAT Community Services - Economic Development Report 2016-26 dated September 14, 2016 regarding the 2016-2020 Economic Development Strategy be received and the following recommendation be adopted:
 - i) THAT Council endorse the 2016-2010 Economic Development Strategy to serve as a road map for the Newmarket Economic Development Advisory Committee (NEDAC) and to support overall Council strategic priorities and initiatives.
- 5. Development and Infrastructure Services Information Report Engineering Services 2016-41 dated September 22, 2016 regarding Solar Powered Pole Mounted, Radar Speed Displays - Pilot Project.

a) THAT Development and Infrastructure Services Information Report Engineering Services 2016-41 dated September 22, 2016 regarding Solar Powered Pole Mounted, Radar Speed Displays - Pilot Project be received and the following recommendations be adopted:

i) THAT staff explore the pilot project initiated by the Town of Aurora regarding solar powered pole mounted radar speed displays;

ii) AND THAT staff follow up with each Ward Councillor with respect to proposed placement of existing speed display boards;

iii) AND THAT a further update report be brought back to a future meeting.

6. Development and Infrastructure Services Report - Engineering Services 2016-38 dated August 22, 2016 regarding Grace Street - Parking Review.

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-38 dated August 22, 2016 regarding Grace Street - Parking Review be received and the following recommendations be adopted:

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

No Parking Anytime on the south side of Grace Street between Roxborough Road easterly to the westerly property line of 736 Grace Street;

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

No Parking Anytime on the south side of Grace Street between Roxborough Road easterly to the east property line of 764 Grace Street;

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

7. Development and Infrastructure Services Report - Engineering Services 2016-42 dated September 26, 2016 regarding Lions Park Drainage Update and Public Consultation Process.

a) THAT Development and Infrastructure Services Report – ES 2016-42 dated September 26, 2016 regarding “Lions Park Drainage Update – Public Consultation Process” be received and the following recommendations be adopted:

i) THAT the Lions Park Drainage Improvement Budget be increased to \$615,000 (from the original \$304,000) with \$171,000 being funded by grants from the LSRCA and Environment Canada, and \$444,000 from the Asset Replacement Fund, as outlined in Engineering Services Report – ES 2016-34, entitled “Ray Twinney LID and Lions Park Drainage Update” dated August 4, 2016;

ii) AND THAT staff be directed to proceed with the project;

iii) AND THAT Staff be authorized and directed to do all things necessary to give effect to the foregoing in advance of the October 3, 2016 Council meeting.

8. Newmarket Public Library Board Minutes of June 22, 2016.

a) THAT the Newmarket Public Library Board Minutes of June 22, 2016 be received.

9. Newmarket Environmental Advisory Committee Minutes of May 4, 2016.

a) THAT the Newmarket Environmental Advisory Committee Minutes of May 4, 2016 be received.

10. Central York Fire Services - Joint Council Committee Minutes and (Closed Session) Minutes of June 7, 2016.

a) THAT Central York Fire Services - Joint Council Committee Minutes and (Closed Session) Minutes of June 7, 2016 be received.

11. Correspondence dated August 8, 2016 from Ms. Ana Nair requesting proclamation of Friday, October 21, 2016 as 'Blue Shirt Day - Stop Bullying Day'.

a) THAT the correspondence from Ms. Ana Nair be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 21, 2016 as 'Blue Shirt Day - Stop Bullying Day';

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

12. Correspondence dated August 1, 2016 from Ms. Sheila Olan-Maclean, President, Ontario Coalition for Better Child Care requesting proclamation of Wednesday, October 26, 2016 as 'Child Care Worker and Early Childhood Educator Appreciation Day' in the Town of Newmarket.

a) THAT the correspondence from Ms. Sheila Olan-Maclean be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim Wednesday, October 26, 2016 as 'Child Care Worker and Early Childhood Educator Appreciation Day';

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

13. Correspondence dated September 14, 2016 from Chief I. Laing, Central York Fire Services requesting that October 9 to 15, 2016 be proclaimed 'Fire Prevention Week' in the Town of Newmarket.

a) THAT the correspondence from Chief Laing be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 9 to 15, 2016 as 'Fire Prevention Week';

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

14. Correspondence from Ms. Jo-anne St. Godard, Executive Director, Recycling Council of Ontario requesting proclamation of October 17 to 23, 2016 as 'Waste Reduction Week'.

a) THAT the correspondence from Ms. Jo-anne St. Godard be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October 17 to 23, 2016 as 'Waste Reduction Week';

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

15. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

16. Correspondence from Mr. Paul Bailey, Shining Hill Homes Collection Inc. dated September 26, 2016 regarding Item 5 of the agenda being Development and Infrastructure Services Report - Planning and Building Services 2016-28 dated August 29, 2016 with respect to the Coordinated Provincial Plans Review.

a) THAT the correspondence from Mr. Paul Bailey, Shining Hill Homes Collection Inc. dated September 26, 2016 regarding Development and Infrastructure Services Report – Planning and Building Services 2016-28 with respect to the Coordinated Provincial Plans Review be received.

17. Development and Infrastructure Services Report - Planning and Building Services 2016-38 dated September 26, 2016 regarding Coordinated Provincial Plans Review - Oak Ridges Moraine Background.

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-38 dated September 26, 2016 regarding Coordinated Provincial Plans Review - Oak Ridges Moraine Background be received for information purposes be received.

18. Development and Infrastructure Services Report - Planning and Building Services Report 2016-28 dated August 29, 2016 regarding Coordinated Provincial Plans Review.

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-28 dated August 29, 2016 regarding the Coordinated Provincial Plans Review be received and the following recommendations be adopted:

i) THAT Council direct staff to submit Report 2016-28 to York Region and the Province of Ontario as the Town of Newmarket's comments on the draft versions of the Provincial Plans, released by the Province as part of the Coordinated Land Use Planning Review with the exception of those comments related to the Oak Ridges Moraine Conservation Plan;

ii) AND THAT staff report back at the October 3, 2016 Council meeting addressing issues including Density Targets around Major Transit Station Areas and General Density Targets in the Regional context.

19. CAO - Human Resources - Community Services - Economic Development Joint Report 2016-23 dated September 6, 2016 regarding Economic Development Human Resourcing.

a) THAT CAO/Community Services Joint Report 2016-23 dated September 6, 2016 regarding Economic Development Human Resourcing be received and the following recommendation be adopted:

i) THAT Council endorse the next steps outlined herein related to the recruitment of a Business Development Officer to support ongoing and future economic development strategies and initiatives.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome
Opposed: (None)
(5 in favour, 0 opposed)

Carried

20. Committee of the Whole (Closed Session) Minutes of September 26, 2016.

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

THAT the Committee of the Whole (Closed Session) Minutes of September 26, 2016 be approved.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome
Opposed: (None)
(5 in favour, 0 opposed)

Carried

21. Corporate Services (Legal Services), Development and Infrastructure Services and Community Services Joint (Closed Session) Report 2016-11 dated September 21, 2016 regarding a proposed or pending acquisition or disposition of land by the municipality in Ward 5 as per Section 239 (2) (c) of the Municipal Act, 2001.

Moved by: Councillor Vegh
Seconded by: Councillor Broome

a) THAT Corporate Services (Legal Services), Development and Infrastructure Services and Community Services Joint (Closed Session) Report 2016-11 dated September 21, 2016 regarding a potential land disposition of land be received;

b) AND THAT staff proceed as directed at the September 26, 2016 Committee of the Whole (Closed Session) meeting.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome
Opposed: (None)
(5 in favour, 0 opposed)

Carried

22. Development and Infrastructure Services Report - Planning and Building Services 2016-41 dated October 3, 2016 regarding Coordinated Provincial Plans Review - Additional Growth Plan Density Comments.

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

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-41 dated October 3, 2016 regarding the Coordinated Provincial Plans Review - Additional Growth Plan Density Comments be received and the following recommendation be adopted:

i) THAT Council direct staff to submit Report 2016-41 to York Region and the Province of Ontario as Town of Newmarket's additional comments on the draft version of the Provincial Growth Plan, released by the Province as part of the Coordinated Land Use Planning Review, in addition to those comments contained in Report 2016-28.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Hempen, Councillor Broome

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

Carried

23. Municipal Council Blanket Support Resolution – Feed-in Tariff (FIT) Program, Version 5.0.

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

THAT WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0;

AND WHEREAS the Province's FIT Program encourages the construction and operation of Rooftop Solar PV generation projects (the "Projects");

AND WHEREAS one or more Projects may be constructed and operated in the Town of Newmarket;

AND WHEREAS pursuant to the FIT Rules, Version 5.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts;

NOW THEREFORE BE IT RESOLVED THAT Council of the Town of Newmarket supports the construction and operation of the Projects anywhere in the Town of Newmarket.

This resolution's sole purpose is to enable the participants in the FIT Program to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects, or for any other purpose. This resolution shall expire twelve (12) months after its adoption by Council.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome
Opposed: (None)
(5 in favour, 0 opposed)

Carried

By-laws

24. By-law 2016-49.

2016-49 A By-Law to amend By-law 1993-62, as amended, being a By-law to regulate parking within the Town of Newmarket. (Grace Street)

Moved by: Councillor Vegh
Seconded by: Councillor Hempen

THAT By-law 2016-49 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome
Opposed: (None)
(5 in favour, 0 opposed)

Carried

Notices of Motions

None.

Motions

None.

Announcements & Community Events

- a) Deputy Mayor & Regional Councillor Taylor advised that the Town, in partnership with the Lake Simcoe Region Conservation Authority, is working on a stormwater improvement project at the Ray Twinney Recreation Complex and further advised that a Public Open House is scheduled for Tuesday, October 11, 2016 from 6:00 p.m. to 8:00 p.m. at the Municipal Offices, 395 Mulock Drive. The stormwater improvement project will use innovative solutions to manage and treat stormwater in the area, aimed at reducing downstream flooding and pollutants and chemicals from going into the Western Creek. Also included is replacement of the asphalt parking lot at the main entrance of the Ray Twinney Recreation Complex with permeable interlocking pavers and the conversion of the parking lot island to a rain garden. For more information, contact Jen Slykhuis at 905-953-5300 ext. 2506.
- b) Deputy Mayor & Regional Councillor Taylor advised Ward 5 residents that the Newmarket Chamber of Commerce is hosting a 'Meet the Candidates Open House' at the Newmarket Theatre, 505 Pickering Crescent on Tuesday, October 4, 2016 beginning at 6:00 p.m. with an Open House, followed by a Question and Answer period at 7:30 p.m.
- c) Councillor Vegh invited Ward 1 residents to drop in for a one-on-one meeting on Tuesday October 4, 2016 from 7:00 p.m. to 9:00 p.m at the Magna Centre, 800 Mulock Drive. Further information is available by calling 905-895-7095 or email to tvegh@newmarket.ca
- d) Councillor Broome advised that a Public Information Centre (PIC) is being held on Wednesday, October 12, 2016 from 6:00 p.m. to 8:00 p.m. at the Municipal Office, 395 Mulock Drive regarding the Municipal Class Environmental Assessment Study initiated by the Town to develop a stormwater management strategy to address flooding concerns in the Wayne Drive/Waratah Avenue area. The PIC will present the purpose and scope of the study, confirm the project need, describe study area conditions and review alternative solutions. A second PIC, planned for the winter of 2017, will present the recommended flooding mitigation strategy. For further information contact Jen Slykhuis at 905-953-5300 ext. 2506.

- e) Councillor Hempen advised that a Committee of the Whole Public Planning Session is scheduled for Tuesday, October 18, 2016 at 7:00 p.m. in the Council Chambers, 395 Mulock Drive to discuss an application for a Zoning By-law Amendment for the lands municipally known as 507 Mulock Drive. The net effect of this application is to permit a 2 storey mixed use medical office, including medical offices, laboratories, medical clinic and retail uses. The applicant proposes to amend the existing Mixed Employment zone to permit the medical clinic, laboratory and retail uses on the subject lands.
- f) Mayor Van Bynen advised of an opportunity to discuss the budget on Wednesday, October 5, 2016 from 6:00 p.m. to 8:00 p.m. at the Old Town Hall, 460 Botsford Street. This is an engagement tool and opportunity to work with other community members to help the Town with its 2017 Budget. Space is limited, so please reserve your spot by calling Kate Porretta at 905-953-5300 ext. 2046. For more information, visit www.newmarket.ca/2017budget
- g) Mayor Van Bynen advised that the Town of Newmarket Offices will be closed on Monday, October 10, 2016 to observe Thanksgiving Day.
- h) Mayor Van Bynen advised that he will be at “Mayor in the Square” at the Newmarket Farmers’ Market on Saturday, October 22, 2016 from 10:00 a.m. until noon.
- i) Mayor Van Bynen advised that the next Council meeting is Monday, October 24, 2016 at 7:00 p.m.

New Business

- a) Deputy Mayor & Regional Councillor Taylor advised residents that although the Council process seems expedient, that considerable debate takes place at Committee of the Whole meeting in advance of Council. Mayor Van Bynen reminded residents that all Council and Committee of the Whole meetings are live streamed and archived on the Town’s website for viewing at any time.

Closed Session

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

Confirmatory By-law

- 25. Confirmatory By-law.

2016-50 A By-law to confirm the proceedings of Council at its meeting of October 3, 2016.

Moved by: Councillor Vegh
Seconded by: Councillor Broome

THAT By-law 2016-50 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome

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

Carried

Adjournment

26. Adjournment.

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

THAT the meeting adjourn.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,
Councillor Vegh, Councillor Hempen, Councillor Broome

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

Carried

There being no further business, the meeting adjourned at 7:16 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

The meeting of the Committee of the Whole was held on Tuesday, October 18, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Broome
Councillor Bisanz
NOTE – Vacant Ward 5 Council seat

Staff Present: R.N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
I. McDougall, Commissioner of Community Services
P. Noehammer, Commissioner of Development and Infrastructure Services
A. Brouwer, Director of Legislative Services/Town Clerk
K. Reynar, Director of Legal Services/Town Solicitor
R. Nethery, Director of Planning and Building Services
J. Unger, Assistant Director of Planning
D. Ruggle, Senior Planner, Community Planning
H. Leznoff, Elections Assistant, Legislative Services
C. Finnerty, Council/Committee Coordinator
L. Moor, Council/Committee Coordinator

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

Mayor Van Bynen in the Chair.

Mayor Van Bynen welcomed Mr. Bob Kwapis, Ward 5 Councillor Elect in the gallery.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the addendum items, being a PowerPoint Presentation regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study, a PowerPoint Presentation by Ms. Sher St. Kitts regarding the Newmarket Jazz Festival Update, the withdrawal of Item 4 being Joint Development

and Infrastructure Services, Corporate Services and Community Services Report 2016-36 dated October 18, 2016 regarding San Michael Homes/Hollingsworth Properties, correspondence from the Association of Municipalities of Ontario requesting support of the resolution entitled 'What's Next Ontario?' and correspondence and a report from the Regional Clerk entitled 'Review of Regional Council Governance'.

Declarations of Pecuniary Interest

None.

Carried

Deputations

1. Ms. Sher St. Kitts addressed the Committee with an update of the 2016 Newmarket Jazz Festival and a request for sponsorship assistance for the 2017 event.

Moved by: Councillor Twinney
Seconded by: Councillor Hempen

THAT the PowerPoint presentation by Ms. Sher St. Kitts regarding the Newmarket Jazz Festival update and a request for sponsorship assistance for the 2017 event be received and referred to staff for consideration within the 2017 budget process.

Carried

Presentations & Recognitions

2. The Senior Planner, Policy introduced Mr. Ian Graham of R.E. Millward and Associates and Mr. Carl Wong of HDR Inc. who provided a PowerPoint Presentation regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study.

Moved by: Councillor Bisanz
Seconded by: Councillor Hempen

THAT Mr. Wong be provided an additional five minutes.

Carried

Moved by: Councillor Vegh
 Seconded by: Councillor Twinney

THAT the PowerPoint Presentation by Mr. Ian Graham of R.E. Millward and Associates and Mr. Carl Wong of HDR Inc. regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study be received.

Carried

3. Development and Infrastructure Services Report - Planning and Building Services 2016-31 dated October 18, 2016 regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study.

An alternate motion was presented and discussion ensued.

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

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-31 dated October 18, 2016 regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study be received and the following recommendations be adopted:

- i) THAT the proposed amendment to comprehensive Zoning By-law 2010-40, the recommended approach for the Urban Centres, specifically including the draft parking rates as described in this report and presented by HDR Inc., be referred to a public meeting;
- ii) AND THAT more detailed information be provided related to minimum and maximum parking standards associated with larger scale dwelling units as well as inclusion of an analysis of minimum and maximum figures for medical facilities;
- iii) ii) AND THAT following the public meeting, any issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, along with more detailed information related to the inclusion of maximum parking requirements in general, and minimum parking standards associated with larger scale dwelling units and medical office facilities be addressed by staff in a comprehensive report to Committee of the Whole.

Carried

Consent Items

Moved by: Councillor Vegh
Seconded by: Councillor Broome

THAT the following items be adopted by consent:

4. Development and Infrastructure Services Report - Engineering Services 2016-39 dated October 4, 2016 regarding Crossland Gate - Parking Review.
 - a) THAT Development and Infrastructure Services Report - Engineering Services 2016-39 dated October 4, 2016 regarding Crossland Gate - Parking Review be received and the following recommendation be adopted:
 - i) THAT the existing parking restrictions remain as they are.
5. Development and Infrastructure Services - Planning and Building Services Report 2016-42 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment - 751 -757 Gorham Street.
 - a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-41 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment - 751 - 757 Gorham Street be received and the following recommendations be adopted:
 - i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 2439107 Ontario Inc. for lands being composed of Part of Lydia Street (Not Open) and Part of Lots 7, 8, and 9 (North side of Gorham Street) and Part of Lot 10, and all of Lots 11, 12, 13, and 14 (south side of Lydia Street) Registered Plan 23, Municipally known as 751 and 757 Gorham Street, Newmarket be referred to a public meeting;
 - ii) 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;
 - iii) AND THAT Mr. Howard Friedman, of HBR Planning Inc., 66 Prospect Street, Unit A, Newmarket, ON L3Y 3S9 be notified of this action.
6. Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 711371 Ontario Corp. (Oxford Homes - 260 Eagle Street)

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, municipally known as 260 Eagle Street be referred to a public meeting;

ii) 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;

iii) AND THAT Ms. Kerrigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19, Vaughan, ON L4K 5K8 be notified of this action.

7. Joint Office of the CAO, Commissioners, Corporate Services Report - Financial Services 2016-43 dated October 6, 2016 regarding the 2017 Budget - Revised Schedule.

a) THAT Joint Office of the CAO, Commissioners, Corporate Services Report - Financial Services 2016-43 dated October 6, 2016 regarding the 2017 Budget - Revised Schedule be received and the following recommendation be adopted:

i) THAT the revised budget schedule with a budget adoption date of February 13, 2017 be approved.

8. Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016.

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

9. Correspondence dated September 13, 2016 from Ms. Colette Prévost, Chief Executive Officer, York Region Children's Aid Society regarding participation in 'Go Purple Day' on October 19, 2016 for Child Abuse Awareness Month.

a) THAT the correspondence from Ms. Colette Prévost, Chief Executive Officer, York Region Children's Aid Society be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October, 2016 as Child Abuse Awareness Month;

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

10. Correspondence dated October 6, 2016 from Association of Municipalities Ontario requesting support of resolution - 'What's Next Ontario?'

WHEREAS recent polling, conducted on behalf of the Association of Municipalities of Ontario indicates 76% of Ontarians are concerned or somewhat concerned property taxes will not cover the cost of infrastructure while maintaining municipal services, and 90% agree maintaining safe infrastructure is an important priority for their communities;

AND WHEREAS infrastructure and transit are identified by Ontarians as the biggest problems facing their municipal government;

AND WHEREAS a ten-year projection (2016-2025) of municipal expenditures against inflationary property tax and user fee increases, shows there to be an unfunded average annual need of \$3.6 billion to fix local infrastructure and provide for municipal operating needs;

AND WHEREAS the \$3.6 billion average annual need would equate to annual increases of 4.6% (including inflation) to province-wide property tax revenue for the next ten years;

AND WHEREAS this gap calculation also presumes all existing and multi-year planned federal and provincial transfers to municipal governments are fulfilled;

AND WHEREAS if future federal and provincial transfers are unfulfilled beyond 2015 levels, it would require annual province-wide property tax revenue increases of up to 8.35% for ten years;

AND WHEREAS Ontarians already pay the highest property taxes in the country;

AND WHEREAS each municipal government in Ontario faces unique issues, the fiscal health and needs are a challenge which unites all municipal governments, regardless of size;

NOW THEREFORE BE IT RESOLVED that this Council supports the Association of Municipalities of Ontario in its work to close the fiscal gap; so that all municipalities can benefit from predictable and sustainable revenue, to finance the pressing infrastructure and municipal service needs faced by all municipal governments.

11. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

The Committee of the Whole recessed at 3:02 p.m.

The Committee of the Whole reconvened at 3:18 p.m.

Carried

12. Development and Infrastructure Services Report - Engineering Services 2016-40 dated September 29, 2016 regarding McCaffrey Road - Traffic Review # 2.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-40 dated September 29, 2016 regarding McCaffrey Road - Traffic Review # 2 be received and the following recommendations be adopted:

i) THAT a 3-way stop sign be installed at the intersection of McCaffrey and Rannie Road;

ii) AND THAT Traffic By-law 2011-24 Schedule 3 - Stop Signs, as amended, be further amended by deleting: Rannie Road at McCaffrey Road 1 way northbound on Rannie Road;

iii) AND THAT Traffic By-law 2011-24 Schedule 3 - Stop Signs, as amended, be further amended by adding: Rannie Road at McCaffrey Road 3 way northbound on Rannie Road, McCaffrey Road at Rannie Road 3 way eastbound on McCaffrey Road, McCaffrey Road at Rannie Road 3 way westbound on McCaffrey Road;

iv) AND THAT other traffic mitigation measures, as identified in the report, be considered for future implementation, if required;

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

Carried

13. Development and Infrastructure Services - Planning and Building Services Report 2016-37 dated October 18, 2016 regarding the Mulock GO Station - Metrolinx Resolution.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Hempen

Seconded by: Deputy Mayor & Regional Councillor Taylor

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-37 dated October 18, 2016 regarding the future Mulock GO Station - Metrolinx Resolution be received and the following recommendations be adopted:

i) THAT Council approve the resolution included as Attachment 2 to this Report regarding the Mulock GO Station, as requested by Metrolinx in their correspondence dated August 4, 2016;

ii) AND THAT Council request the Ministry of Transportation and Metrolinx fully fund construction costs for the new GO station at Mulock as part of the Regional Express Rail 10-Year Program;

iii) AND THAT notification be provided to area residents about the future uses of the site for adjacent property owners to understand that there may be changes to the land use provisions.

Carried

14. Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding Appeal to the Ontario Municipal Board from a Decision of the Committee of Adjustment.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Twinney

a) THAT Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding the appeal to the Ontario Municipal Board by the owner of 84 and 90 Howard Road ('the lands') from a decision of the Committee of Adjustment to deny an application for Minor Variance be received and the following recommendations be adopted:

i) THAT staff be directed to advise the Ontario Municipal Board that Council is in support of the Committee of Adjustment's decision to deny an application for Consent and an application for Minor Variance in connection with the lands;

ii) AND THAT the Town will not be appearing as Party at the OMB hearing in this matter;

iii) AND THAT staff advise the Ontario Municipal Board and the appellant that in the event the OMB grants the appeal, it is requesting conditions as set out on pages 2 and 3 of this report as part of any Order approving the Minor Variance.

Carried

15. Corporate Services Commission Report - Legislative Services 2016-19 dated October 6, 2016 regarding 'Housekeeping Amendments: Refreshment and Catering Vehicles and Animal Control By-laws'.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Bisanz

a) THAT Corporate Services Commission Report - Legislative Services 2016-19 dated October 6, 2016 regarding 'Housekeeping Amendments: Refreshment and Catering Vehicles and Animal Control By-laws' be received and the following recommendations be adopted:

i) THAT Council adopt the recommended housekeeping amendments to the Refreshment Vehicle By-law (2009-55), identified in red text and attached as Appendix 'A' and Animal Control By-law (2008-61), identified in red text and attached as Appendix 'B';

ii) AND THAT consolidated by-laws to regulate refreshment vehicles and animals be brought forward to Council, as amended.

Carried

Action Items

16. Correspondence dated October 13, 2016 from Mr. Denis Kelly, Regional Clerk and attached report entitled 'Review of Regional Council Governance'.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Vegh

a) THAT the correspondence from Mr. Denis Kelly, Regional Clerk, Regional Municipality of York regarding 'Review of Regional Council Governance' be referred to the October 24, 2016 Council meeting.

Carried

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

None.

New Business

- a) Deputy Mayor & Regional Councillor Taylor thanked staff, Rogers and the residents for the success of the Rogers Hometown Hockey event this past weekend.
- b) Councillor Hempen thanked staff for their work on the Ward 5 By-election.
- c) Mayor Van Bynen requested confirmation of who will be attending the public hearing in the evening to ensure quorum as some Members may be attending the OMB Reform Information Session.

Closed Session

Moved by: Councillor Twinney

Seconded by: Councillor Broome

THAT Committee of the Whole enter into a Closed Session for the purpose of discussing personal matters about identifiable individuals, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001 and a proposed or pending acquisition or disposition of land by the municipality in Ward 7 as per Section 239 (2) (c) of the Municipal Act, 2001.

Carried

The Committee of the Whole resolved into Closed Session at 3:54 p.m.

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

The Committee of the Whole resumed into public session at 4:25 p.m.

Moved by: Councillor Hempen
 Seconded by: Councillor Kerwin

THAT Mayor Van Bynen be appointed as the Town's FCM Community Leader.

Carried

The Committee of the Whole recessed at 4:26 p.m.

The Committee of the Whole reconvened at 7:00 p.m. with Deputy Mayor & Regional Councillor Taylor in the Chair.

The Public Hearing was called to order at 7:08 p.m.

Public Hearing Matters

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

The Council/Committee Coordinator advised that the purpose of the meeting was to hear from anyone who has an interest in the the Application for Zoning By-law Amendment related to: the lands located on the north side of Mulock Drive, west of Bayview Avenue, municipally known as 507 Mulock Drive to permit a 2 storey mixed use medical office including medical offices, laboratories, medical clinic and retail uses. Specifically, the applicant proposes to amend the existing Mixed Employment zone to permit the medical clinic, laboratory and retail uses on the subject lands.

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

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

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

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

17. Development and Infrastructure Services Report - Planning and Building Services Report 2016-30 dated August 29, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan Amendment and Zoning By-law Amendment - 507 Mulock Drive.

Mr. Ryan Guetter and Mr. Michael Vani, Weston Consulting provided introductory remarks and an overview of the application, proposed uses, location of the subject lands and current land use provisions.

Members of Council queried Mr. Guetter regarding barrier free parking stalls, parking fees, setbacks from Mulock Drive, lot coverage and floor space index calculations.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT Development and Infrastructure Services Report - Planning and Building Services Report 2016-30 dated August 29, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan Amendment and Zoning By-law Amendment - 507 Mulock Drive and the presentation by Mr. Ryan Guetter, Weston Consulting be received.

Carried

18. Mr. John Richardson, resident, expressed his concerns over inconsistencies in the notice advising of the total square footage of the proposed application, potential impact on the surrounding properties and removal of existing trees. The Director of Planning and Building Services advised that, with respect to the removal of trees, that the municipality requires an arborist's report outlining compensation calculations should the necessity to remove trees be pursued.

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

THAT the deputation by Mr. John Richardson be received.

Carried

19. Ms. Barb Brunson, resident, on behalf of Ms. Eileen Brunson and queried the possible drainage issues that could arise from the proposed development, storm sewer adequacy and tree protection.

Moved by: Councillor Twinney
 Seconded by: Councillor Vegh

THAT the deputation by Ms. Barb Brunson be received.

Carried

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

THAT the deputation by Ms. Barb Runsen be received.

Carried

20. Mr. Mark Huxley, resident, expressed his concerns with respect to an error in the notification letter regarding the proposed square footage associated with the application. He further expressed his opinion that perhaps a condominium development might be better suited for the property given the proximity to the future GO station along with development of surrounding properties.

Moved by: Councillor Twinney
 Seconded by: Councillor Vegh

THAT the deputation by Mr. Mark Huxley be received.

Carried

A suggestion was made to recirculate notification with correct information and advising when the final report would be coming back for consideration.

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

Adjournment

Moved by: Councillor Twinney
 Seconded by: Councillor Vegh

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 7:53 p.m.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



Regional Clerk's Office
Corporate Services Department

October 13, 2016

Mr. Andrew Brouwer
Director of Legislative Services and Town Clerk
Town of Newmarket
395 Mulock Drive, P.O. Box 328
Newmarket, ON L3Y 4X7

Dear Mr. Brouwer:

Re: Review of Regional Council Governance

At today's meeting of the Region's Committee of the Whole, Committee recommended that the attached report regarding "Review of Regional Council Governance" be deferred for consideration at its meeting of November 10, 2016.

Committee also recommended that the report be circulated for consideration and comments from the local municipal councils. Please submit comments to me by November 3 if possible, or in any event, before the November 10 meeting of the Region's Committee of the Whole.

Please contact me at 1-877-464-9675 ext. 71300 if you have any questions with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Denis Kelly", written over a horizontal line.

Denis Kelly
Regional Clerk

/C. Martin
Attachment

The Regional Municipality of York

Committee of the Whole
Finance and Administration
October 13, 2016

Report of the
Regional Chair

Review of Regional Council Governance**1. Recommendations**

It is recommended that Council receive this report for information.

2. Purpose

This report responds to Council's direction on February 18, 2016 that staff undertake a review of Regional governance, including (a) the method of electing the Regional Chair, (b) direct vs double direct election of Members, (c) weighted voting, and (d) Council composition.

3. Background and Previous Council Direction**Regional Council now has 21 members**

In 1970, Council comprised 17 Members. Since then two Members were added to each of Markham and Vaughan to bring Council's size to 21 including the Regional Chair. Nine of these members are the Mayors from the local municipalities. There are four additional members from Markham, three from Vaughan, two from Richmond Hill and one from each of Georgina and Newmarket. This leaves four municipalities – Aurora, East Gwillimbury, King and Whitchurch-Stouffville – with only one member. In each case the member is the Mayor of the municipality.

Review of Regional Council Governance

Regional Council representation and governance have been considered several times in recent years

The matter of representation on Regional Council was considered during the previous term of Council. This resulted in a motion in 2013 to increase the size of Council to add an extra member from Vaughan and then further motions to add an additional member from each of Aurora, East Gwillimbury, King and Whitchurch-Stouffville. The motion relating to Vaughan's additional member carried while the motions relating to the other four municipalities lost.

Regulation 279/13, to permit an additional member for Vaughan, did not meet "triple majority" requirements

At Council's request, the Minister of Municipal Affairs enacted a Regulation 279/13 permitting York Region to add an additional member from Vaughan. However, the associated draft bylaw failed to achieve support from the majority of local Councils as required by the "triple majority" provisions of the *Municipal Act, 2001* ("the Act"). This meant that the size of Council remained at 21, including the Regional Chair. The Regulation is still in effect.

Council implemented the Committee of the Whole system in 2013

In 2013, Council implemented the Committee of the Whole system on a pilot basis, in part to address the concern that the sole members of Council from Aurora, East Gwillimbury, King and Whitchurch-Stouffville, were challenged to prepare for and attend all of the various Standing Committee meetings. The new structure was fully adopted in 2014.

Council has also recently considered the method of electing the Regional Chair

On February 18, 2016 Council considered a motion in support of Private Member's Bill 42, *Municipal Amendment Act (Election of Chair of York Region), 2014*. The Bill sought to amend the *Municipal Act* by requiring the York Region Chair to be directly elected. This motion lost on a 14-5 recorded vote.

Any further consideration of Council's decision within twelve months would require a two-thirds majority vote as per the Region's Procedure Bylaw. Such a motion would also need to be brought forward by a member who voted with the majority on the previous decision.

Bill 42 received Second Reading and was referred to the Province's Standing Committee on the Legislative Assembly on December 4, 2014. The Committee held public hearings on February 24 and March 2, 2016. The Bill was not carried

Review of Regional Council Governance

forward when the last session of the Legislature was prorogued on September 12, 2016.

4. Analysis and Implications

Election of the Regional Chair

Three regional municipalities elect their Regional Chairs at their inaugural meetings

The Regions of Niagara, Peel and York elect their Regional Chairs at their inaugural meetings and each has recently voted to continue in this manner. On June 23, 2016, Peel Regional Council voted to continue to elect its Regional Chair at its inaugural meeting. Peel's decision follows a similar decision by Niagara Regional Council in October 2015 to continue electing its Regional Chair at its inaugural meeting.

Table 1 shows a summary of how the Chairs are elected in each regional municipality.

Table 1
Summary of how Regional Chairs are elected

Chair elected by Council	Chair elected at-large
Niagara	Durham
Peel	Halton
York	Waterloo

Direct versus double-direct elections

There are alternative methods for electing Regional Council members

York Region has always had a "double direct" electoral system which allows elected Regional Councillors to serve simultaneously at both the regional and local levels of government. Durham, Halton and Peel Regions also use the "double direct" system.

Review of Regional Council Governance

A “direct” electoral system would have Regional Councillors serving only at the regional level and not the local level. Currently Niagara and Waterloo use this approach.

The *Municipal Act* provides the option of having Regional Councillors shared between two or more municipalities. “Shared representatives” would be directly elected and only sit at the regional level.

Within York Region, the current Federal/Provincial electoral boundaries, that lend themselves to shared and direct election, do not align with municipal boundaries. Attachment 1 outlines the electoral systems used in York and other Regions.

There is no compelling reason to change the “double-direct” manner of electing Regional Council members at this time.

Council composition

The Province uses representation by population as a general principle for regional councils

In 1970, as the Province was creating York Region, the Minister of Municipal Affairs indicated that, as a general principle, representation on regional councils should be based on the relative size of the population of each local municipality. The Province has consistently cited this principle in subsequent decisions relating to York Region and other Regions. This principle is well-rooted in democratic systems and is often referred to as ‘representation by population’.

There is no formula for calculating the optimal size of Councils

York Region’s Council has 20 elected members plus the Regional Chair. This is less than three other Regions – Peel (24), Durham (28) and Niagara (30) and tied with Halton. It is also far less than the neighbouring municipalities of Simcoe County (32) and Toronto (44, excluding the Mayor).

Table 2 shows a comparison of the number of elected members (not including the Regional Chair), population and population per elected member for the six Regions, Simcoe County and the City of Toronto, based on projected growth figures to 2018, the date of the next municipal election.

Review of Regional Council Governance

Table 2
Population and Representation for Regional Municipalities, Simcoe and Toronto 2018

Region/County	# of elected members	Population	Population per elected member
Simcoe	32	328,237*	10,257
Niagara	30	456,991	15,233
Durham	28	687,562	24,556
Halton	20	593,824	29,691
Waterloo	15	597,835	39,856
York	20	1,223,741	61,187
Peel	24	1,522,107	63,421
Toronto	44	2,954,942	67,158

* Estimated – does not include Barrie and Orillia which are governed separately

York Region's 2018 population per elected member, at 61,187, ranks as the second highest of the regional municipalities. It would become the highest by a significant margin if Peel Regional Council's decision of June 23, 2016 to increase its size to 32 members comes into effect in 2018. York Region's population per elected member is also significantly higher than Simcoe County's, whose population per elected member is around 10,000, but lower than Toronto's which is over 67,000.

The local municipal population represented by each Council member varies in York Region and in other regional municipalities

Table 3 shows York Region's existing Council structure with the projected 2018 populations of each local municipality, the population per elected member, the percentage of the Region's population and the percentage of representation on Regional Council.

Review of Regional Council Governance

Table 3
Council representation by population - 2018

Municipality	# of elected members	Population	Population per elected member	Percentage population	Percentage representation
Aurora	1	61,110	61,110	5%	5%
East Gwillimbury	1	31,147	31,147	3%	5%
Georgina	2	49,251	24,626	4%	10%
King	1	27,214	27,214	2%	5%
Markham	5	366,319	73,264	30%	25%
Newmarket	2	88,781	44,390	7%	10%
Richmond Hill	3	215,919	71,973	18%	15%
Vaughan	4	335,788	83,947	27%	20%
Whitchurch- Stouffville	1	48,212	48,212	4%	5%
Totals	20	1,223,741	61,187*	100%	100%

*Total population of the Region divided by the number of elected members

The Region's population is expected to be about 1,223,741 by the next municipal election in 2018. This means that each member would represent, on average, a population of 61,187. The population represented by each member would range from a low of 24,626 in Georgina to a high of 83,947 in Vaughan.

The other Regions have similar variances in the population represented by each member. Table 4 shows the approximate ranges of local municipal population per member in each of the Regions in 2015.

Review of Regional Council Governance

Table 4
Range of local municipal representation per Council member in regional municipalities - 2015

Municipality	Range of local municipal representation
Durham	6,000 to 40,000 (6,000 to 30,000 if proposed changes are enacted in 2018)
Halton	19,000 to 30,000
Niagara	7,000 to 21,000
Peel	13,000 to 87,000 (13,000 to 56,000 if proposed changes are enacted in 2018)
Waterloo	10,000 to 48,000
York	25,000 to 84,000

Generally, the rural local municipalities in the regions have a lower population per elected representative ratio and the urban municipalities have a higher ratio. It is clear that none of the Regions has achieved statistical equality in representation by population.

Retaining Council's current composition is an option

Each of the regional municipalities has a different number of members and a different range of local municipal representation per member. There is no standard for applying the representation by population principle. Hence, retaining the status quo in York Region is a viable option.

Optional Council Representation - Alternates

Local councils may appoint one member as an alternate to an upper-tier council when a member is unable to act for an extended period

Section 267(1) of the *Act* provides that a local municipality may appoint one of its members as an alternate member of regional council if a regional council member from the local municipality is unable to act as a member of the regional council for more than one month. This section provides some relief to all nine local municipalities, including the local municipalities with just one member, but can only be invoked if the absence is for more than one month. It does not allow for representation when a member is unable, particularly on short notice, to

Review of Regional Council Governance

attend a particular meeting. Consequently it does not adequately address the concerns of the Mayors of Aurora, East Gwillimbury, King and Whitchurch-Stouffville about their inability to represent their municipalities if they are unavailable to attend on a meeting-by-meeting basis.

The ability to appoint an alternate who can represent a municipality on an ad hoc basis requires an amendment to the *Municipal Act*

The *Municipal Act* does not permit the appointment of alternate members who could sit as a member of regional council except in the circumstances detailed above. There would need to be an amendment to the *Act* or specific legislation pertaining to York Region to allow local municipalities to appoint alternates who could represent the elected member on Regional Council whenever the member is unable to attend. Section 200 of The *Local Government Act* in British Columbia is one example where alternate members are permitted to be appointed in advance and serve in the absence of any member of the regional district.

Weighted voting

Weighted voting can address inequities in representation by population without changing Council's composition

A weighted voting approach is based on the concept that members from local municipalities would collectively have a vote that matches their municipality's proportion of the total Regional population. That municipality's collective vote is then allocated to its members.

Simcoe County currently uses weighted voting based on each local municipal population's share of the county as a whole. Each municipality's weighted share is determined on the basis of its population at the beginning of each Council term. Simcoe County uses weighted voting for recorded votes only.

In Peel Region, a 2004 provincial facilitator's report on governance (the Adams Report) recommended a weighted voting approach to address representation by population inequities. Peel Council did not adopt this recommendation.

Weighted voting is not currently used in the Regions of Durham, Halton, Niagara, Peel or Waterloo to address statistical inequities in representation by population.

Review of Regional Council Governance

Weighted voting can provide Council members with the number of votes that most closely reflects their local municipal share of the population

Attachment 2 shows one example of how weighted voting could be used to achieve a more balanced percentage of vote by local municipality in York Region. It sets out a weighted voting scenario with the adjusted number of regional votes for each local municipality at regional council using its current composition, with no additional members, based on 2018 population projections.

In this example the total weighted votes per municipality would correspond to each municipality's share of overall regional population. Numbers have been rounded, where applicable, to provide for an equal number of "weighted" votes per member from each local municipality. In this scenario it is possible for a minority of Council to achieve a majority of the weighted vote .

Regardless of the number of members per municipality, each municipality would always receive the number of votes that closely represents its share of the population. The actual number of weighted votes per local municipality can be set shortly after the 2018 election and subsequent elections based on the most current population numbers.

Council has many options to consider if choosing to establish a weighted voting approach

The *Municipal Act, 2001* allows for a municipality to establish a weighted voting approach, although it does not prescribe its application. A weighted voting approach requires consideration of a number of options and factors, including:

- The number of weighted votes given to Mayors and Regional Councillors
- Whether weighted voting applies solely to recorded votes or also to key votes such as the budget and major planning issues
- Whether a motion must receive the votes of a majority of the members of Council as well as the majority of weighted votes to carry
- The weighted vote to be assigned to the Regional Chair if this position is a) elected by the members at the Inaugural Meeting or b) elected by the electors by general vote

Review of Regional Council Governance

Council composition – impact of additional members

Four local municipalities have only one representative on Regional Council

As detailed in Table 3, four of York Region's municipalities – Aurora, East Gwillimbury, King and Whitchurch-Stouffville – only have one representative on Regional Council. The representative is the Mayor in each case. It has been submitted that:

- this places an additional burden on each of these Mayors to prepare and attend to the heavy workload at Regional Council and Committees as well as the formal and ceremonial duties of being the Mayor and Chief Executive Officer of a local municipality
- these local municipalities are unrepresented in case of a Mayor's absence from Regional Council or Committee of the Whole

Attachment 1 shows that the Regions of Niagara and Waterloo also have local municipalities with only one member.

Council has previously considered increasing its size

Regional Council has previously considered adding one member from Vaughan, as well as one member from each of Aurora, East Gwillimbury, King and Whitchurch-Stouffville.

An additional member for Vaughan increases Council's size to 21 excluding the Regional Chair

Vaughan currently has the largest disparity (7%) between its percentage of population and percentage of representation. Attachment 3 shows how adding an additional member from Vaughan would affect each municipality's share of population and representation in 2018. It brings Vaughan four percentage points closer to achieving an equal percentage of representation and population while taking Markham and Richmond Hill one percentage point further away. This scenario would increase Regional Council from 20 to 21 members, not including the Regional Chair.

An additional member for Vaughan, Aurora, East Gwillimbury, King and Whitchurch-Stouffville increases Council's size to 25 excluding the Regional Chair

Providing for an extra member from Aurora, East Gwillimbury, King and Whitchurch-Stouffville would address those municipalities' concerns about having

Review of Regional Council Governance

only one member. Attachment 4 sets out how adding an additional member from each of Vaughan, Aurora, East Gwillimbury, King and Whitchurch-Stouffville would affect each municipality's share of population and representation in 2018. It shows that Aurora, East Gwillimbury, King and Whitchurch-Stouffville gain a higher percentage of representation than population. Georgina will receive slightly less representation than it has now, although still greater than its percentage of population. Newmarket would just about have an equal percentage of representation and population. Compared to the previous scenario, Vaughan would move four percentage points further away from achieving an equal percentage of representation and population and Markham and Richmond Hill would also move five and three percentage points further away than under the current membership. This scenario would increase Regional Council from 20 to 25 members, not including the Regional Chair.

An additional member for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Markham increases Council's size to 26 excluding the Regional Chair

Attachment 5 sets out how adding an additional member from each of Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Markham would affect each municipality's share of population and representation in 2018. It has the same impact on Aurora, East Gwillimbury, Georgina, King, Newmarket and Whitchurch-Stouffville as in the previous scenario. However, although Markham moves three percentage points closer to achieving an equal percentage of representation and population, Vaughan moves an additional percentage point further away. Richmond Hill is unchanged from the previous scenario. This scenario would increase Regional Council from 20 to 26 members, not including the Regional Chair.

An additional member for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville, Markham and Richmond Hill increases Council's size to 27 excluding the Regional Chair

Attachment 6 sets out how adding an additional member from each of Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville, Markham and Richmond Hill would affect each municipality's share of population and representation in 2018. Aurora, East Gwillimbury, Georgina, King and Whitchurch-Stouffville move one percentage point closer to achieving an equal percentage of representation and population than the previous scenario while Newmarket has about the same share of representation and population. Markham moves one percentage point further away from achieving an equal percentage of representation and population and Vaughan remains unchanged. Richmond Hill's share of representation increases by three percentage points compared to the previous scenario, which takes it to the same as its share of representation. This scenario

Review of Regional Council Governance

would increase Regional Council from 20 to 27 members, not including the Regional Chair.

Summary Table

Attachment 7 summarizes these scenarios and the impact of additional Council members on representation by population.

Process and timing for any potential governance changes

The *Municipal Act, 2001* sets out basic rules for the composition of Regional Council

The *Act* contains provisions about changing the composition of Council. Regional Council is considered an upper-tier council for the purposes of the *Act*. Under section 218(1), any change to the composition of an upper-tier council is subject to the following rules:

- the upper-tier council must have a minimum of five members including the head of council
- each lower-tier municipality must be represented on the upper-tier council
- Council members are elected to the upper-tier or lower-tier council in accordance with the *Municipal Elections Act*
- Council members elected to the upper-tier or lower-tier council may be elected by general vote, wards or combination of both

The *Act* gives Council the authority to change its composition or introduce weighted voting subject to certain rules

Under section 218(2) of the *Act*, Council's power to change its composition includes:

- changing the size of Council
- changing the methods by which members are selected
- allowing a Council member to represent more than one lower-tier municipality

Section 218(3) of the *Act* authorizes Council to change the number of votes given to any member, provided that each member has at least one vote. A weighted voting approach is consistent with this section.

Review of Regional Council Governance

To make any such changes, Council must request and receive a Minister's regulation and achieve the "triple majority" set out in section 219(2) of the *Act* and as described below.

Council must pass a resolution requesting the Minister of Municipal Affairs to make a regulation authorizing Council to change its composition and/or introduce weighted voting

Section 218(5) of the *Act* provides that a regional municipality must not pass a bylaw authorizing a change in the composition of Council or introduce weighted voting until the Minister of Municipal Affairs has made a regulation authorizing it to do so. Section 218(7) of the *Act* provides that the Minister shall not make a regulation until the Minister has received a resolution from the regional municipality requesting the regulation.

Thus Council must first pass a resolution requesting the Minister to make a regulation authorizing Council to change its composition and/or exercise weighted voting, submit the resolution to the Minister and await the Minister's response.

If the Minister makes the regulation, then a bylaw would be developed to authorize the proposed change.

Council must also achieve a "triple majority" before it can enact a bylaw to change its composition or introduce weighted voting

After receiving the Minister's regulation, Council must give public notice of its intention to pass a bylaw changing the composition of Council and/or to introduce weighted voting. Then it must hold at least one public meeting to consider the matter.

Section 219(2) of the *Act* provides that before a bylaw changing the composition of Council and/or introducing weighted voting comes into force, a "triple majority" must be attained as follows:

- a majority of all votes on Regional Council must be cast in its favour
- a majority of Councils from the nine local municipalities must pass resolutions consenting to the bylaw
- the total number of electors, (i.e. eligible voters from the last municipal election), in the local municipalities that have passed resolutions consenting to the bylaw must form a majority of all electors in York Region

Review of Regional Council Governance

A change in Council's composition, or the introduction of weighted voting, must be implemented before December 31, 2017 to be in place for the 2018 election

Any bylaw changing the composition of Council or introducing weighted voting would come into effect on the day a new council is organized. The *Act* requires the requisite steps to be completed by December 31, 2017 to be in effect for the next newly-elected council of December 1, 2018.

It would be prudent for Council to decide on changes by December 2016 in order to allow sufficient time to obtain a Ministerial Regulation, engage in the process relating to the "triple majority" and allow time for any related changes to the membership of local councils prior to December 31, 2017.

Table 5 shows a summary of the key dates for the 2018 municipal elections.

Table 5
Key 2018 municipal election dates

Event	Date
Candidate nomination period begins	May 1, 2018
Candidate nomination period ends	July 27, 2018
Voting day	October 22, 2018

5. Financial Implications

Each additional member of Council would be entitled to the same salary and benefit package as exists for the other member of Council. This is currently \$54,337 per member of Regional Council plus an average benefit cost of 18.5% of base salary. The package totals \$64,389 per member. Members of Regional Council are also entitled to mileage and other expenses related to the exercise of their duties. This averaged \$1,922 per member in 2015.

If the size of Council was to increase, the Council Chambers will need modification to accommodate the additional members. Two additional members could be accommodated at no cost while reconfiguring the Chambers to accommodate up to four additional members will cost in the region of \$200,000 for the required millwork, cabling and equipment costs. Increasing the size of Council by more than four members will likely require reconstruction of the existing horseshoe configuration. Preliminary estimates suggest a cost in the order of \$500,000 for this change.

Review of Regional Council Governance

6. Local Municipal Impact

Any attempt to change Council's composition or the number of votes for each member will require a level of support from local municipal councils as set out in the *Municipal Act*.

Additionally, increasing the size of Regional Council could mean corresponding adjustments to the numerical and geographical representation on one or more local councils.

7. Conclusion

Council has previously considered Regional governance and the composition of Council on several occasions in the past.

It has previously voted not to support Bill 42 which sought to require the Regional Chair to be directly elected. That Bill is no longer on the table following the proroguing of the Legislature's last session.

Regional Council Members have always been elected through the double-direct method of election which results in the sitting on both Regional and local Councils. While there are alternative ways to elect members the double-direct method currently works well for the Region. Consequently there is no need to investigate re-drawing electoral boundaries to facilitate shared or directly elected members.

The *Municipal Act* provides that a local municipality may appoint one of its members as an alternate member of regional council if a regional council member from the local municipality is unable to act as a member of the regional council for more than one month. There needs to be a legislative change in order for local councils to appoint alternates on a more ad hoc basis.

Weighted voting is another option for potentially aligning municipalities' percentage of representation with their percentage of population but also requires further clarification.

Adding another member for Vaughan would address the fact it has the largest disparity between its percentage of population and percentage of representation.

The four municipalities with only one member – Aurora, East Gwillimbury, King and Whitchurch-Stouffville – could benefit from having an extra member each because they would have greater certainty of always having a representative at every Regional meeting.

Review of Regional Council Governance

However, adding an extra Member for each of those municipalities will negatively impact other municipalities' share of representation as it compares to their population. This is most true for Vaughan, as stated above, Markham and Richmond Hill. The surest way to keep those municipalities' percentage of representation as close as possible to their current state is to add an additional Member for each of them. This would result in a Council of 27 Members, plus the Regional Chair.

Any change to Council's composition or voting method requires a Ministerial Regulation and successful completion of the triple majority process. For any such change to be in place for the next term of Council the process must be completed by December 31, 2017. There is already a Ministerial Regulation in effect permitting Council to add an extra member for Vaughan.

Approved for Submission:

Wayne Emmerson
Regional Chair

October 5, 2016

Attachments (7)

#6769110

Accessible formats or communication supports are available upon request

Regional Council Electoral Systems, 2016

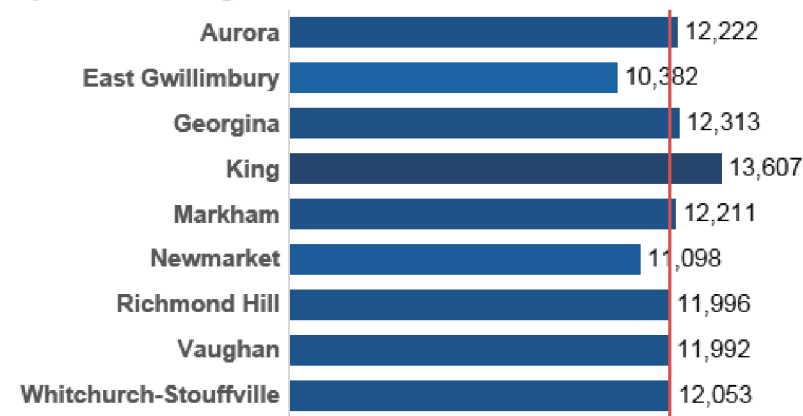
Regional Government	Directly-Elected Members	Double-Directly Elected Members	Number of Representatives for the Least Populous Municipality	Regional Wards within Constituent Municipalities
Durham	No	20 (+8 Mayors + Chair)	2	<u>Ajax, Whitby & Pickering</u> : Yes, Regional Councillors represent groups of local wards. No for other municipalities, including Oshawa, where Local Councillors are elected at large
Halton	No	16 (+4 Mayors + Chair)	3	Yes <u>Burlington</u> : All 6 City Councillors also sit on Regional Council <u>Oakville</u> : Each of 6 wards elects both a Regional Councillor and a Town Councillor <u>Milton & Halton Hills</u> : Groups of local wards
Niagara	18 (+12 Mayors + Chair)	No	1	No
Peel	No	21 (+3 Mayors + Chair)	5	<u>Mississauga</u> : All 10 City Councillors sit on Regional Council <u>Brampton</u> : 2 Local Wards= 1 Regional Ward <u>Caledon</u> : 4 Regional Councillors from 5 wards (wards 3 & 4 jointly elect 1 Regional Councillor)
Waterloo	8 (+7 Mayors + Chair)	No	1	No
York	No	11 (+9 Mayors + Chair)	1	No

A Potential Weighted Voting Scenario

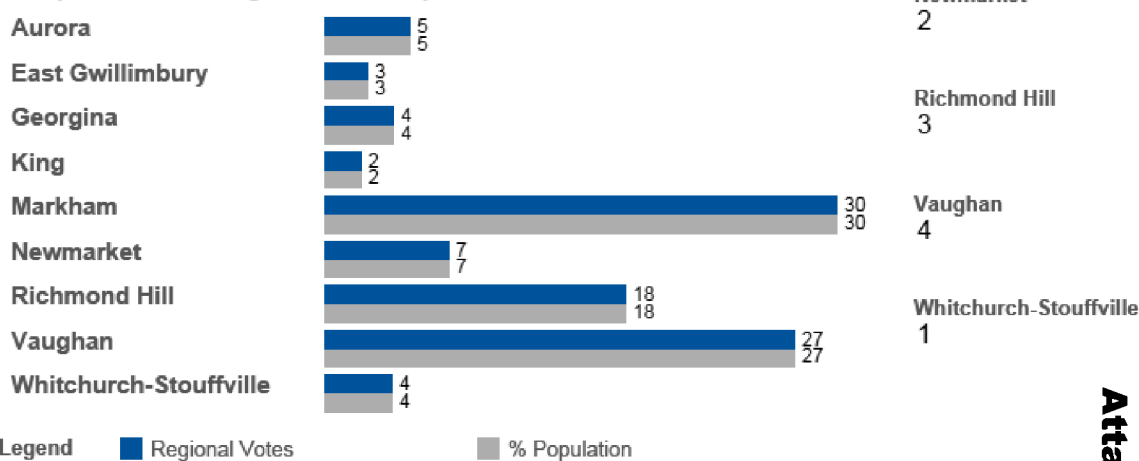
Structure of Regional Council - Weighted Voting Scenario - Population Year 2018

								Year 2018
Municipality	# of Elected Members	Population	% Population	Estimated # of Regional Votes	# of Votes per Elected Member	Adjusted # of Regional Votes	Population Per Regional Vote	
Aurora	1	61,110	5%	5	5	5	12,222	Aurora 1
East Gwillimbury	1	31,147	3%	3	3	3	10,382	East Gwillimbury 1
Georgina	2	49,251	4%	4	2	4	12,313	Georgina 2
King	1	27,214	2%	2	2	2	13,607	King 1
Markham	5	366,319	30%	30	6	30	12,211	Markham 5
Newmarket	2	88,781	7%	7	4	8	11,098	Newmarket 2
Richmond Hill	3	215,919	18%	18	6	18	11,996	Richmond Hill 3
Vaughan	4	335,788	27%	27	7	28	11,992	Vaughan 4
Whitchurch-Stouffville	1	48,212	4%	4	4	4	12,053	Whitchurch-Stouffville 1
Total	20	1,223,741	100%	100				

Population Per Regional Vote



% Population and Regional Vote Representation

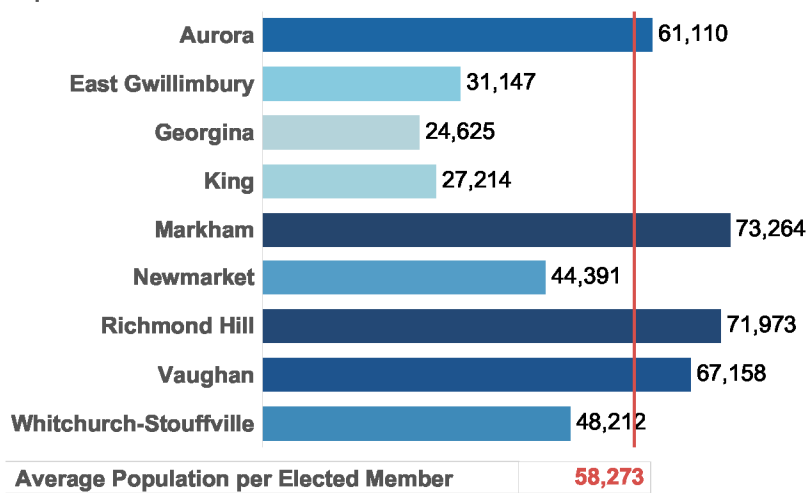


Structure of Regional Council with an additional member for Vaughan in 2018

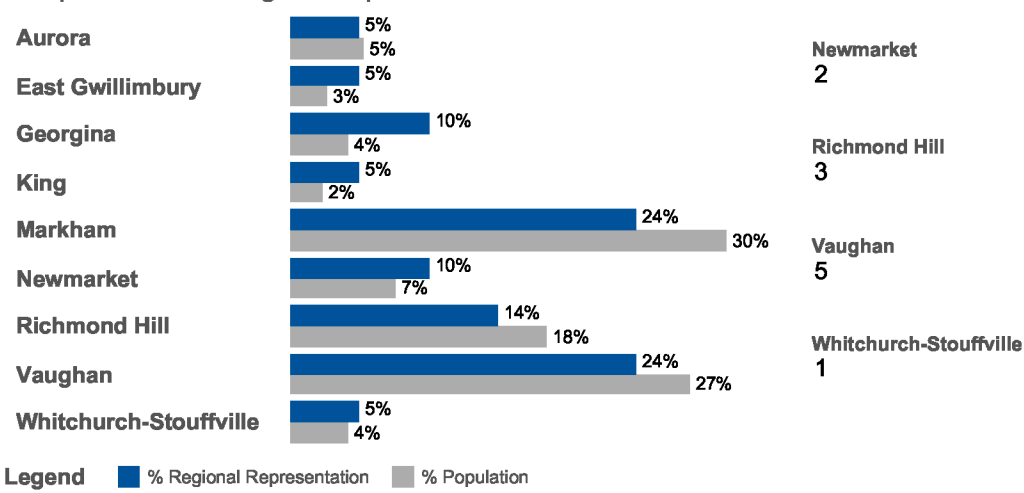
Structure of Regional Council - Representation by Population - Population Year 2018

Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	1	61,110	61,110	5%	5%	Aurora 1
East Gwillimbury	1	31,147	31,147	3%	5%	East Gwillimbury 1
Georgina	2	49,251	24,625	4%	10%	
King	1	27,214	27,214	2%	5%	Georgina 2
Markham	5	366,319	73,264	30%	24%	
Newmarket	2	88,781	44,391	7%	10%	King 1
Richmond Hill	3	215,919	71,973	18%	14%	
Vaughan	5	335,788	67,158	27%	24%	Markham 5
Whitchurch-Stouffville	1	48,212	48,212	4%	5%	
Total	21	1,223,741	58,273	100%	100%	

Population Per Elected Member



% Population and % Regional Representation

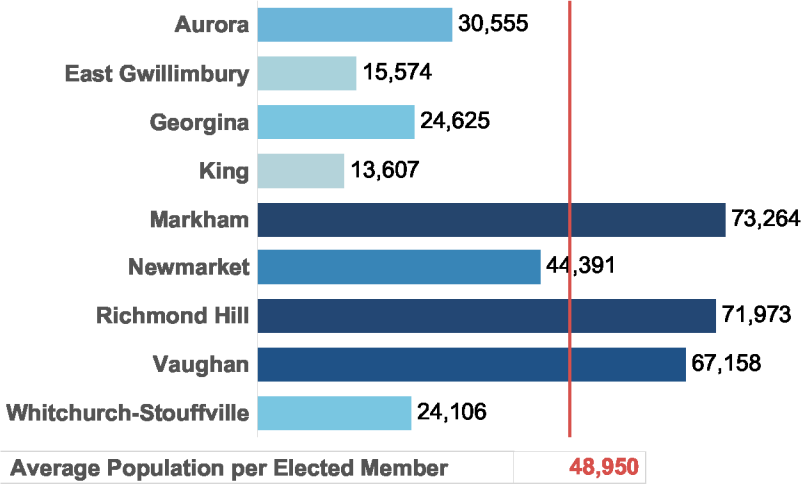


Structure of Regional Council with additional members for Vaughan, Aurora, East Gwillimbury, King and Whitchurch-Stouffville in 2018

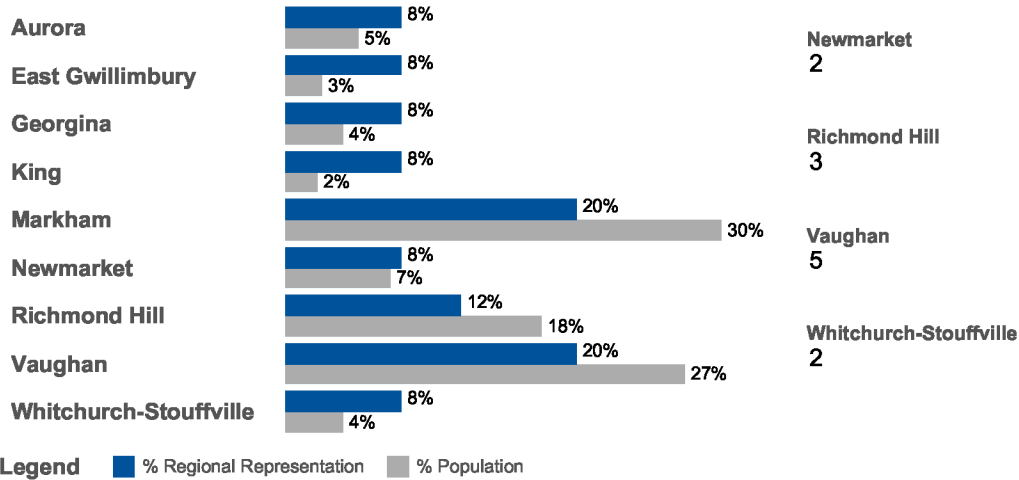
Structure of Regional Council - Representation by Population - Population Year 2018

Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	2	61,110	30,555	5%	8%	Aurora 2
East Gwillimbury	2	31,147	15,574	3%	8%	
Georgina	2	49,251	24,625	4%	8%	East Gwillimbury 2
King	2	27,214	13,607	2%	8%	
Markham	5	366,319	73,264	30%	20%	Georgina 2
Newmarket	2	88,781	44,391	7%	8%	
Richmond Hill	3	215,919	71,973	18%	12%	
Vaughan	5	335,788	67,158	27%	20%	King 2
Whitchurch-Stouffville	2	48,212	24,106	4%	8%	
Total	25	1,223,741	48,950	100%	100%	Markham 5

Population Per Elected Member



% Population and % Regional Representation

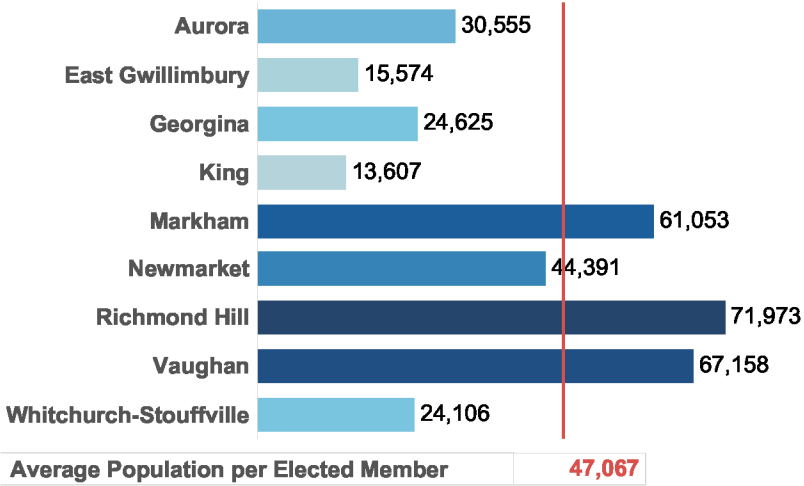


Structure of Regional Council with additional members for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Markham in 2018

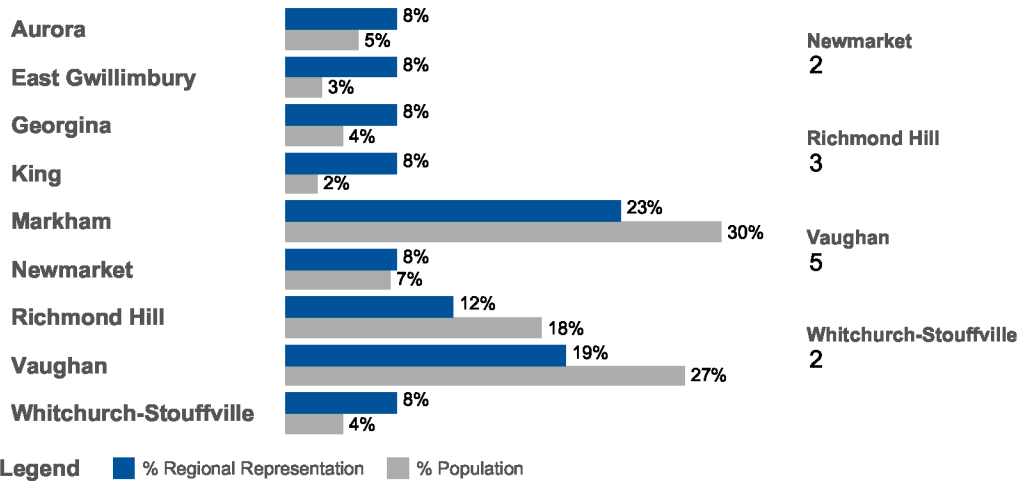
Structure of Regional Council - Representation by Population - Population Year 2018

Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	2	61,110	30,555	5%	8%	Aurora 2
East Gwillimbury	2	31,147	15,574	3%	8%	
Georgina	2	49,251	24,625	4%	8%	East Gwillimbury 2
King	2	27,214	13,607	2%	8%	
Markham	6	366,319	61,053	30%	23%	Georgina 2
Newmarket	2	88,781	44,391	7%	8%	
Richmond Hill	3	215,919	71,973	18%	12%	
Vaughan	5	335,788	67,158	27%	19%	King 2
Whitchurch-Stouffville	2	48,212	24,106	4%	8%	
Total	26	1,223,741	47,067	100%	100%	Markham 6

Population Per Elected Member



% Population and % Regional Representation

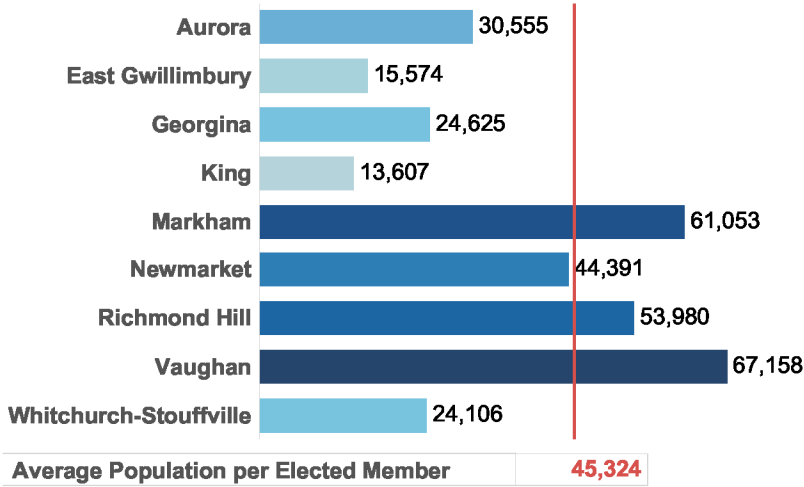


Structure of Regional Council with additional members for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville, Markham and Richmond Hill in 2018

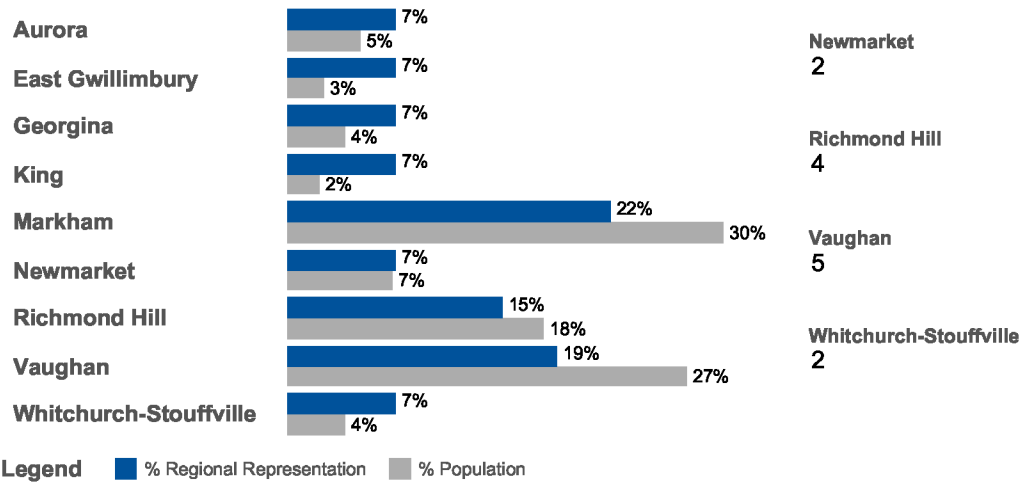
Structure of Regional Council - Representation by Population - Population Year 2018

Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	2	61,110	30,555	5%	7%	Aurora 2
East Gwillimbury	2	31,147	15,574	3%	7%	
Georgina	2	49,251	24,625	4%	7%	East Gwillimbury 2
King	2	27,214	13,607	2%	7%	
Markham	6	366,319	61,053	30%	22%	Georgina 2
Newmarket	2	88,781	44,391	7%	7%	
Richmond Hill	4	215,919	53,980	18%	15%	
Vaughan	5	335,788	67,158	27%	19%	King 2
Whitchurch-Stouffville	2	48,212	24,106	4%	7%	
Total	27	1,223,741	45,324	100%	100%	

Population Per Elected Member



% Population and % Regional Representation



Population and Representation Scenarios

Municipality	# of elected members (20)	Population 2018	Population per elected member	Percentage population	Representation by Population				
					Status Quo (20) Table 3	1 extra member for Vaughan (21) Attachment 3	1 extra member for: Vaughan, Aurora, East Gwillumbury, King & Whitchurch-Stouffville (25) Attachment 4	1 extra member for: Vaughan, Aurora, East Gwillumbury, King, Whitchurch-Stouffville & Markham (26) Attachment 5	1 extra member for: Vaughan, Aurora, East Gwillumbury, King, Whitchurch-Stouffville, Markham & Richmond Hill (27) Attachment 6
Aurora	1	61,110	61,110	5%	5%	5%	8%	8%	7%
East Gwillumbury	1	31,147	31,147	3%	5%	5%	8%	8%	7%
Georgina	2	49,251	24,626	4%	10%	10%	8%	8%	7%
King	1	27,214	27,214	2%	5%	5%	8%	8%	7%
Markham	5	366,319	73,264	30%	25%	24%	20%	23%	22%
Newmarket	2	88,781	44,390	7%	10%	10%	8%	8%	7%
Richmond Hill	3	215,919	71,973	18%	15%	14%	12%	12%	15%
Vaughan	4	355,788	83,947	27%	20%	24%	20%	19%	19%
Whitchurch-Stouffville	1	48,212	48,212	4%	5%	5%	8%	8%	7%
Totals	20	1,223,741	61,187	100%	100%	102%	100%	102%	98%

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Attachment 7



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-51

A BY-LAW TO AMEND BY-LAW 2011-24, AS AMENDED, BEING A BY-LAW TO REGULATE TRAFFIC WITHIN THE TOWN OF NEWMARKET.

(Schedule III – Stop Signs)

WHEREAS it is deemed necessary to amend By-law 2011-24, as amended, being a by-law to regulate traffic on highways within the Town of Newmarket.

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

1. THAT Schedule III (Stop Signs) be further amended by deleting the following:

Rannie Road at McCaffrey Road 1-way northbound on Rannie Road

2. AND THAT Schedule III (Stop Signs) be further amended by adding the following:

Rannie Road at McCaffrey Road	3-way northbound on Rannie Road
McCaffrey Road at Rannie Road	3-way eastbound on McCaffrey Road
McCaffrey Road at Rannie Road	3-way westbound on McCaffrey Road

ENACTED THIS 24TH DAY OF OCTOBER, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-52

A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF REFRESHMENT VEHICLES. (Refreshment Vehicle Licensing By-law)

WHEREAS Section 151 of the *Municipal Act 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may provide for a system of licences with respect to a business;

AND WHEREAS the Council of the Town of Newmarket enacted By-law Number 2002-151, as amended, being a by-law to licence, regulate and govern any business carried on within the Town of Newmarket;

AND WHEREAS it is deemed necessary to repeal Schedule 10 of By-law Number 2002-151 as amended;

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

SECTION 1 – DEFINITIONS

1.1 In this By-law:

- (1) **“APPEALS COMMITTEE”** means a committee that is appointed from time to time by Council for the purpose of hearing appeals regarding the revocation, suspension, cancellation or refusal to issue or renew a licence pursuant to this by-law;
- (2) **“APPLICANT”** means a person applying for a licence to carry on a business, activity or undertaking pursuant to this by-law;
- (3) **“COUNCIL”** means the Council of the Corporation of the Town of Newmarket;
- (4) **“DIRECTOR”** means the Director, Legislative Services of the Town or authorized designate;
- (5) **“FARMERS MARKET”** means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;
- (6) **“FEES AND CHARGES BY-LAW”** means the Licensing Fees and Charges By-law, as amended for the Legislative Services Department;
- (7) **“HE AND HIS”** shall be deemed to include “she and her”;
- (8) **“HIGHWAY”** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

- (9) "LICENCE" means authorization obtained or granted or issued pursuant to this by-law to carry on a business, activity or undertaking.
- (10) "LICENSED" means to have in one's possession a valid and current licence issued pursuant to the by-law;
- (11) "LICENSEE" means any person who is licensed pursuant to this by-law or a licensee applying for renewal of a licence as the context requires;
- (12) "MEDICAL OFFICER OF HEALTH" means the Medical Officer of Health for The Regional Municipality of York;
- (13) "MOTOR VEHICLE" includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- (14) "MUNICIPALITY" means the Corporation of the Town of Newmarket or the geographic area of the Town of Newmarket as the context requires;
- (15) "OWNER" means the owner of a refreshment vehicle and/or a person who is licensed and who is the registered owner of a refreshment plate;
- (16) "OWNER'S LICENCE" means the licence issued under this by-law to the owner of a Refreshment Vehicle;
- (17) "OWNER'S PLATE" means a numbered metal plate issued to an Owner licensed under this By-law;
- (18) "OPERATE" means to manage, work, control, maintain, put or keep in a functional state any business;
- (19) "OPERATOR" means:
 - (1) a person who is the owner of a refreshment vehicle and/or;
 - (2) a person who has the care and control of a refreshment vehicle, under a lease, hourly wage, salary or commission rate of remuneration, or other rental agreement.
- (20) "PARK" means land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise to the Town that is or hereafter may be established, dedicated, set apart, or made available for use as public open space including a natural park area or an environmentally significant area;
- (21) "PERSON" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;
- (22) "PROVINCIAL OFFENCES OFFICER" means a police officer or person designated under the *Provincial Offences Act*;
- (23) "REFRESHMENT" means any food or beverage;
- (24) "REFRESHMENT VEHICLE" means, without a qualifier, a Refreshment Vehicle - Type 1, Type 2 and/or Type 3;

- (25) "REFRESHMENT VEHICLE- TYPE 1" means a motor vehicle that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to vehicles such as catering trucks and ice cream trucks;
- (26) "REFRESHMENT VEHICLE- TYPE 2" means a trailer/cart that is stationary and licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to hot dog carts;
- (27) "REFRESHMENT VEHICLE- TYPE 3" means a muscle powered cart that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to bicycle ice cream carts;
- (28) "REFRESHMENT VEHICLE- TYPE 4 (FOOD TRUCK)" means a large motorized vehicle, equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments;
- (29) "SPECIAL EVENT" shall mean an event which is sponsored, authorized or conducted by the Town of Newmarket, or on behalf of the Town of Newmarket;
- (30) "SPECIAL EVENT ORGANIZER" means the organizer and/or coordinator of a Special Event;
- (31) "SPECIAL EVENT VENDOR" means a person that is licensed as an owner or operator of, Refreshment Cart, Refreshment Cycle or Refreshment Vehicle by the Town of Newmarket;
- (32) "TOWN" means the Town of Newmarket in the Regional Municipality of York;
- (33) "TRAIL" means that part of a park that has been improved with a hard surface either paved or not paved and intended for a variety of uses including pedestrians.

SECTION 2 – GENERAL LICENSING PROVISIONS

- 2.1 Administration of this by-law shall be the responsibility of the Director, who is hereby authorized to issue licences to owners and operators in accordance with the provisions of this by-law.
- 2.2 The Director may revoke, cancel, suspend or refuse to renew or issue a licence pursuant to the provisions of this by-law.
- 2.3 The Director may issue a licence on a temporary basis where it is deemed necessary or advisable to do so.
- 2.4 An application for a new licence, renewal or a transfer of a Refreshment Vehicle shall be completed and submitted to the Director on the forms provided, along with the prescribed licensing fees as set out in the *Fees and Charges By-Law*.
- 2.5 Acceptance of the application and fee shall not represent approval of the application nor shall it obligate the Town to issue a licence.

- 2.6 No person shall promote or carry on business under any name other than the name endorsed upon the licence, except in accordance with the provisions of this by-law.
- 2.7 No person shall act as or be an owner unless he is licensed as an owner pursuant to this by-law.
- 2.8 No person shall act as or be an operator unless he is licensed as an operator pursuant to this by-law.
- 2.9 The term of each licence shall, unless otherwise authorized by this by-law, be valid for a period of (1) one year from the 1st day of April in the year of issuance or renewal up to and including the 31st day of March of the following year, with the option of a (2) year licence with the expiry date of the 31st day of March in the second year unless sooner revoked, amended, cancelled, suspended, or voluntarily relinquished to the Town.
- 2.10 An applicant is entitled to be licensed and a licensee is entitled to have such licence renewed, except where:
- (1) the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
 - (2) the applicant or licensee is carrying on activities that are, or will be if the applicant was licensed, in contravention of this by-law;
 - (3) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicles or facilities in respect of which the licence is required, do not comply with the provisions of this by-law or other applicable law;
 - (4) there are reasonable grounds for belief that an applicant or licensee has provided a false statement or false information for the purpose of obtaining a licence;
 - (5) the applicant or licensee is not in compliance with any Town land use by-laws, any other Town by-laws, and any other requirement under the *Planning Act* or any other *Act*.
- 2.11 An application for renewal of a licence issued pursuant to this by-law shall be delivered along with the prescribed fee in person to the Director, before the expiry date of such licence. If the application is received after the expiry date of the licence, a late fee will be applied as set by Council from time to time.
- 2.12 A licence issued to an owner and/or operator under this by-law is not transferable.
- 2.13 In this by-law, the words "Refreshment Vehicle" refers to "Refreshment Vehicle – Type 1", "Refreshment Vehicle – Type 2," "Refreshment Vehicle – Type 3," and "Refreshment Vehicle Type 4 (Food Truck)."

SECTION 3 - OWNER REGULATIONS

- 3.1 Every applicant for a Refreshment Vehicle owner's licence or for the renewal of such licence, shall submit in person to the Legislative Services Department with the completed application and provide the following original documentation to the Director :
- (1) Canadian citizenship, or

- (2) landed immigrant status, or
 - (3) a valid work permit issued by the Government of Canada, and
 - (4) a current and valid criminal records check issued within sixty (60) days of the application by the Police Service having jurisdiction where he resides, and which is to the satisfaction of the *Director*.
 - (5) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario which states that the applicant or licensee is fit and able to operate a motor vehicle and to work with food; such certificate shall be required every two years or earlier if so required by the Director ; and
 - (6) driver's abstract current within thirty (30) days; and
 - (7) a current valid Class "G" Ontario Driver's licence; and
 - (8) vehicle ownership; and
 - (9) a Safety Standards Certificate for the vehicle that is to be licensed , dated not more than 30 days of application; and
 - (10) a certificate of automobile insurance in the amount of two million dollars (\$2,000,000); and if requested a certificate of general liability insurance in the amount of two million dollars (\$2,000,000);
 - (11) submit a certificate from the Medical Officer of Health indicating that the Refreshment Vehicle complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed by the Town of Newmarket; and
 - (12) the appropriate licence fee as set out in the *Fees and Charges By-Law*.
- 3.2 Subsections (6), (7), (8) and (9) of Section 3.1 do not apply to Refreshment Vehicle - Type 3.
- 3.3 Every owner of a licensed Refreshment Vehicle shall employ only the services of an operator who is licensed under this By-law.
- 3.4 Every owner of a licensed Refreshment Vehicle shall attach the Owner's Plate to the Refreshment Vehicle for which it was issued in a manner and position approved by the Director.

SECTION 4 - OWNER PROHIBITIONS

- 4.1 Every owner licensed under this By-law shall not:
- (1) operate a Refreshment Vehicle which is not licensed under this By-law;
 - (2) operate a Refreshment Vehicle unless it has the licence and the Owner's Plate issued by the Licensing Officer affixed thereto;
 - (3) operate a Refreshment Vehicle from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;

- (4) operate a Refreshment Vehicle on private property without written consent from the property owner or management company. Notwithstanding anything in this section, the owner of a refreshment vehicle – Type 1 which has the sole purpose of travelling from place to place shall not be required to provide letters of permission from the property owner.
 - (5) operate a Refreshment Vehicle on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
 - (6) operate a Refreshment Vehicle which does not comply with the requirements of Region of York Health Department;
 - (7) operate a Refreshment Vehicle which depends upon outside sources of power, electricity or water unless approved by property owner;
 - (8) provide any seating or move any park benches or tables to his location for the purpose of his customers;
 - (9) operate or stop to sell within thirty (30) metres of any intersection;
 - (10) operate or stop to sell within one hundred (100) metres of an entrance to any public park;
 - (11) operate or stop to sell within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any day;
 - (12) operate or be located on an approved site for more than twelve hours in any twenty-four hour period;
 - (13) operate a Refreshment Vehicle, with the exception of Refreshment Vehicle - Type 1 Catering Trucks, between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.
 - (14) operate a Refreshment Vehicle within eight (8) metres of the vehicular entrance to the property or in any location which would obstruct the flow of vehicle traffic;
 - (15) use any amplification of sounds that are contrary to the Town's Noise By-law as may be amended from time to time;
 - (16) operate a Refreshment Vehicle while under the influence of or consume or have in their possession any alcohol or drugs other than drugs prescribed by a duly qualified medical practitioner which do not and may not impair their ability to operate the Refreshment Vehicle while in charge;
 - (17) permit a person not licensed under this By-law as an operator, to assist in the driving or to assist in or engage in the selling of refreshments from the Refreshment Vehicle.
- 4.2 No owner of a Refreshment Vehicle shall permit any Owner's Plate issued to the owner under this By-law to be affixed to any Refreshment Vehicle other than the one for which the Owner's Licence was issued.

SECTION 5 - OPERATOR'S REGULATIONS

- 5.1 Every applicant for a Refreshment Vehicle operator's licence or for the renewal of such licence shall submit in person to the Legislative Services Department with the completed application and provide the following original documentation to the Director:
- (1) Canadian citizenship, or
 - (2) landed immigrant status, or
 - (3) a valid work permit issued by the Government of Canada, and
 - (4) a valid current Class "G" Ontario Driver's Licence, and
 - (5) provide a current and valid criminal records check issued within sixty (60) days of the application by the Police Service having jurisdiction where he resides, and which is to the satisfaction of the *Director, and*
 - (6) a driver's abstract current within thirty (30) days of application; and
 - (7) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario which states that the applicant or licensee is fit and able to operate a motor vehicle and to work with food; such certificate shall be required every two years or earlier if so required by the Clerk or Licensing Officer; and
 - (8) the appropriate licence fee as set out in the *Fees and Charges By-Law*
- 5.2 Subsections (4) and (6) of Section 5.1 do not apply to Refreshment Vehicle - Type 3.
- 5.3 Every Refreshment Vehicle Operator shall at all times while operating a Refreshment Vehicle wear in a prominent place on the outside of clothing his Operator's licence so that it is visible at all times when operating a Refreshment Vehicle.

SECTION 6 - OPERATOR'S PROHIBITIONS

- 6.1 Every operator licensed under this by-law shall not:
- (1) operate a Refreshment Vehicle which is not licensed under this By-law;
 - (2) operate a Refreshment Vehicle unless he is licensed with the Town;
 - (3) operate a Refreshment Vehicle unless the licence and the Owner's Plate issued by the Licensing Officer is affixed thereto;
 - (4) operate a Refreshment Vehicle on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
 - (5) operate a Refreshment Vehicle from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;

- (6) operate a Refreshment Vehicle on private property without written permission from the property owner or management company. Notwithstanding anything in this section the owner of a Refreshment Vehicle – Type 1 which has the sole purpose of travelling from place to place to serve a number of private locations shall not be required to provide letters of permission from the property owner;
- (7) operate a Refreshment Vehicle which does not comply with the requirements of the Region of York Health Department;
- (8) operate a Refreshment Vehicle which depends upon outside sources of power, electricity or water unless approved by the property owner;
- (9) provide any seating or move any park benches or tables to his/her location for the purpose of his customers;
- (10) operate or stop to sell within thirty (30) metres of any intersection;
- (11) operate or stop to sell within one hundred (100) metres of an entrance to any public park;
- (12) operate or stop to sell within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any day;
- (13) operate a Refreshment Vehicle within eight (8) metres of the vehicular entrance to a property or in any location which would obstruct the flow of vehicle traffic;
- (14) operate or be located on an approved site for more than twelve hours in any twenty-four hour period;
- (15) operate a Refreshment Vehicle with the exception of Refreshment Vehicle - Type 1 Catering Trucks, between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day;
- (16) use any amplification of sounds that are contrary to the Town's Noise Control By-law as may be amended from time to time;
- (17) operate a Refreshment Vehicle while under the influence of or consume or have in their possession any alcohol or drugs other than drugs prescribed by a duly qualified medical practitioner which do not and may not impair their ability to operate the Refreshment Vehicle while the Refreshment Vehicle is under his care and control;
- (18) permit a person not licensed under this By-law as an operator to assist in the driving or to assist in or engage in the selling of refreshments from the Refreshment Vehicle;

6.2 No operator of a Refreshment Vehicle shall permit any Owner's Plate issued to the owner under this By-law to be affixed to any Refreshment Vehicle other than the one for which the Owner's Licence was issued.

SECTION 7 – GENERAL REGULATIONS

7.1 Every Owner and Operator licensed under this By-law shall:

- (1) be civil and behave courteously; and

- (2) keep the interior and exterior of the Refreshment Vehicle clean and in good repair; and
- (3) ensure that all equipment used for dispensing refreshments are kept in a clean and sanitary condition; and
- (4) ensure that condiments are only dispensed from containers approved by the Region of York Health Unit; and
- (5) only operate a Refreshment Vehicle for which a licence has been issued; and
- (6) only use single service disposable cups, plates, forks, spoons, serviettes which are individually wrapped or provided in dispensers approved by the Region of York Health Unit; and
- (7) clean up any debris, refuse and garbage resulting from the operation of the Refreshment Vehicle in the immediate vicinity of the serving location of the Refreshment Vehicle.

SECTION 8 - REFRESHMENT VEHICLE INSPECTION

- 8.1 The Director may require an Owner to submit his Refreshment Vehicle for inspection at any time and at an appointed place and time and the Owner/Operator shall submit each Refreshment Vehicle for inspection when required to do so by the Clerk or Licensing Officer or Provincial Offences Officer.
- 8.2 Where following an inspection the Director or Provincial Offences Officer does not approve a Refreshment Vehicle the Owner's Plate shall be removed and the Owner/Operator shall not operate the Refreshment Vehicle until the Owner obtains approval from the Director or Provincial Offences Officer.
- 8.3 Failure to submit a Refreshment Vehicle for inspection as required shall result in the Owner's Plate and/or Operator's licence being suspended by the Director until such time as the vehicle has been inspected and approved.
- 8.4 No person shall obstruct a Provincial Offences Officer from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or thing required for the purpose of the inspection.

SECTION 9 - REFRESHMENT VEHICLE – TYPE 1; DUTIES OF OWNER AND OPERATOR

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

SECTION 10 - TOWN PROPERTY/SPECIAL EVENTS/COMMUNITY EVENTS

10.1 Every owner or operator shall not:

- (1) operate a Refreshment Vehicle from any park or recreation facility without permission and a signed lease agreement from the Director of Recreation and Culture or his designate; and having provided a certificate of general liability insurance in the amount of \$2,000,000 naming the Town of Newmarket as an additional insured;
- (2) operate a Refreshment Vehicle at a Special Event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or his designate;
- (3) operate a Refreshment Vehicle at a Special Event without first completing the York Region Public Health Department's street food vending cart application and after receiving their subsequent approval, file the approval with the Director of Recreation and Culture or his designate;
- (4) operate a Refreshment Vehicle at a Community Event which has been sponsored by a charitable or not for profit organization without first obtaining written permission of the said charitable or not for profit organization;
- (5) operate a Refreshment Vehicle on any trail in the Town.

10.2 An Owner's and/or Operator's Licence for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

10.3 A Special Event Licence is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.

10.4 Every Special Event Organizer shall provide:

- (1) A completed "Application for Special Event Organizer Licence" and the licensing fee as set out in the Fees and Charges by law; and
- (2) The Special Event Organizer must provide for each Special Event Vendor:
 - a) For "Refreshment Vehicle Type 1 and Type 4", Certificate of automobile insurance in the amount of two million dollars (\$2,000,000.00), if the vendor is a motorized vehicle; and
 - b) For "Refreshment Vehicle Types 1, 2, 3 and 4", Certificate of General liability Insurance in the amount of two million dollars (\$2,000,000.00).
- (3) A list of all Refreshment Vehicles that will be operating at the Special Event; and
- (4) Proof that the Special Event Organizer has informed the Health Department of the dates and times of the event.

10.5 A Special Event Organizer Licence for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

SECTION 11 - FARMERS MARKET

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

SECTION 12 - REVOCATION, SUSPENSION, CANCELLATION OR REFUSAL TO RENEW OR ISSUE

- 12.1 The Director may revoke, suspend, cancel or refuse to renew or issue a licence:
- (1) where the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty; and/or
 - (2) where the applicant or licensee has been found by the Director to fail to comply with any provision of this by-law or any other by-law or statute; and/or
 - (3) where the past conduct of the applicant affords reasonable grounds for belief that the issuance of a licence would be adverse to the public interest; and/or
 - (4) where the applicant is in default of any fine or fines which have been imposed by a court as a sentence arising from a conviction for breach of a by-law enacted by the Town, or arising from a conviction for a breach of a law or regulation.
- 12.2 Upon such revocation, suspension, cancellation or refusal to renew or issue, a written notice signed by the Director shall be delivered to the applicant or licensee within seven (7) business days as provided for hereunder:
- (1) such notice shall set out and give reasonable particulars of the grounds for the decision; and
 - (2) shall inform the applicant or licensee of his entitlement to a hearing before the *Appeals Committee*, if he delivers within seven (7) business days after the date of service or the date of mailing of the notice, whichever is later, a written request for a hearing; and
 - (3) if a written request from the applicant or licensee is not received by the Director within the prescribed time, the decision of the Director shall be final and the licensee shall deliver within twenty-four (24) hours of the expiration of the appeal period, the licence or Owner's Plate.
- 12.3 Where a hearing held pursuant to this by-law has taken place and the licence was revoked, suspended, cancelled or refused for renewal, the licensee shall return the licence to the Director within seventy-two (72) hours of receiving the written notice of the decision of the *Appeals Committee* sent pursuant to the provisions of this by-law.

- 12.4 When a person has had his licence revoked, suspended or cancelled under this by-law the Director or Provincial Offences Officer may enter upon the business premise or into the vehicle of the licensee for the purpose of receiving, taking, or removing the said licence or Owner's Plate.
- 12.5 When a person has had his licence revoked, suspended or cancelled under this by-law he shall not refuse to deliver or in any way obstruct or prevent the Director or Provincial Offences Officer from obtaining the said licence or the Owner's Plate.

SECTION 13 - APPEALS COMMITTEE HEARING

- 13.1 Upon receipt of a written request for a hearing from an applicant or licensee, the Director shall advise the *Appeals Committee* and request the *Appeals Committee* to convene a meeting and shall give the applicant or licensee written notice of the date, time and location of such meeting which shall not be less than seven (7) business days after the date of notice.
- 13.2 The Director shall make a recommendation to the *Appeals Committee* with respect to revocation, suspension, cancellation or refusal to renew or issue a licence or recommend that a licence be issued subject to certain terms and conditions.
- 13.3 Before the *Appeals Committee* makes any decision, a written notice advising the applicant or licensee of the recommendations being made by the Director with respect to the licence shall be given to the applicant or licensee by the Director.
- 13.4 The applicant or licensee shall have the right to make a submission in support of an application or renewal or retention of a licence at such hearing and if the applicant or licensee who has been given written notice of the hearing does not attend such hearing, the *Appeals Committee* may proceed with the hearing in the applicant or licensee's absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- 13.5 The decision of the *Appeals Committee* is final and is not subject to an appeal.

SECTION 14 - SERVING OF NOTICE OR ORDER

- 14.1 Any notice or order required to be given pursuant to this by-law by the Director shall be deemed to be sufficiently served if delivered personally or sent by registered mail or by prepaid first class mail addressed to the person to whom service is to be made at the address on the application or the last known address on file in the Legislative Services Department.
- 14.2 Notice served by either registered mail or by prepaid first class mail shall be deemed to have been received on the fifth day following the mailing of the notice.

SECTION 15 - NOTIFICATION OF CHANGE OF INFORMATION

- 15.1 When a licensee who is a natural individual changes their name, address, or any information relating to the licence, the licensee shall notify the Director within seven (7) business days after the change of information relating to the licence and shall if required by the Director return the licence immediately to the Director for amendment.

- 15.2 Where a licensee is a corporation and there is change in the information as set out in the application for licence, such as the names or addresses of the officers or directors, the location of the corporate head office or any change in the ownership of shares, the licensee shall notify the Director of the change within seven (7) business days thereof and shall, if required by the Director, return the licence immediately to the Director for amendment.

SECTION 16 - POWER OF ENTRY

- 16.1 The Town may enter on 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:
- (1) the provisions of this by-law;
 - (2) an order issued under this by-law; or
 - (3) an order made under Section 431 of the *Municipal Act*.
- 16.2 Where an inspection is conducted by the Town, the person conducting the inspection may;
- (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (3) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - (4) 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.
- 16.3 The Town may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.
- 16.4 The Town's power of entry may be exercised by an employee, officer 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.

SECTION 17 – PENALTY

- 17.1 Every person who contravenes a provision of this by-law, including an Order issued under this by-law, is guilty of an offence.
- 17.2 If a person is 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.
- 17.3 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.
- 17.4 Every person who is guilty of an offence under this By-law shall be subject to the following penalties:

- 17.5 Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
- 17.6 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;
- (1) 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;
- (2) 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.
- 17.7 For the purposes of this By-law, 'multiple offence' means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 17.8 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."
- 17.9 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for under *the Provincial Offences Act*.

SECTION 18 - SEVERABILITY

- 18.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.
- 18.2 Where the provisions of this by-law conflict with the provisions of any other by-law or *Act*, the more restrictive provisions shall apply.

SECTION 19 - SHORT TITLE

- 19.1 This By-law may be referred to as the "Refreshment Vehicle Licensing By-law".

SECTION 20 – REPEAL/EFFECTIVE DATE

- 20.1 By-law Number 2009-55, as amended, is hereby repealed and this by-law shall come into force and effect upon its adoption.

ENACTED THIS 19TH DAY OF OCTOBER, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-53

A BY-LAW OF THE TOWN OF NEWMARKET RESPECTING THE REGULATION, LICENSING AND CONTROL OF ANIMALS IN THE TOWN OF NEWMARKET.

(Animal Control By-law)

WHEREAS Section 11 of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended, confers the power to pass by-laws regulating or prohibiting animals to a lower tier municipality;

AND WHEREAS the *Municipal Act 2001* provides that a municipality may provide any service or thing considered necessary or desirable for the public and may pass by-laws respecting animals;

AND WHEREAS Section 105(1) of the *Municipal Act 2001* provides that if a municipality requires the muzzling of dogs under any circumstances that the Council of the municipality shall upon the request of the dog owner, hold a Hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

AND WHEREAS Section 23.1 of the *Municipal Act 2001* permits Council to delegate its powers to hold a hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

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

SECTION 1 – DEFINITIONS

1.1 In this by-law:

“Animal” means any member of the animal kingdom, other than a human;

“Animal Control Officer” means a person designated and authorized by by-law of the Town of Newmarket to enforce the Town of Newmarket Animal Control By-laws;

“Animal Shelter” means such premises and facilities designated as the Town’s Animal Shelter which are used for the purpose of the temporary housing and care of dogs and cats that have been impounded or taken into protective care pursuant to this by-law;

“Appeal Committee” means a Committee that is appointed from time to time by Council for the purpose of hearing appeals regarding muzzle orders, pursuant to this by-law;

“Bite” means piercing or puncturing of the skin as a result of contact with a dog’s or cat’s tooth or teeth and “bitten” has the same meaning;

“Cat” means a male or female small domesticated feline kept as a pet which is over the age of 4 months;

“Director” means the Director of Legislative Services for the Town of Newmarket or his/her designate;

“Dog” means a male or female domesticated canine kept as a pet which is over the age of 4 months;

“*Dog Owners’ Liability Act*” means the *Dog Owner’s Liability Act, R.S.O. 1990, c. D. 16*, as amended;

“Domestic animal” means a dog or cat kept by a person as a pet;

“Dwelling Unit” means a room or suite of rooms operated as a separate housekeeping unit that is used or intended to be used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities;

“Guide Dog” means a dog certified by the Canadian National Institute for the Blind, or Hearing Dogs of Canada, or a trained Special Skills dog for a physically challenged person;

“Issuer of Licences” means the person or persons authorized by the Town of Newmarket to issue dog or cat licences and to collect the required fees;

“Keep” means to have temporary or permanent control or possession of a dog or cat, and keeping has the same meaning;

“Killing traps” means devices designed to capture and kill animals for which they are set, including but not limited to Conibear traps;

“Law Enforcement Dog” means a dog trained to assist law enforcement officers and used by such officers in the execution of their duties;

“Leash” means a rope, chain or other material or restraining device used to restrain a dog or cat;

“Leg-hold traps” means devices, other than killer traps or snares, that are designed to capture an animal for which they are set by the leg or foot;

“Licence” means an identification tag issued by the Town or designate which is to be affixed to the collar of the dog or cat for which it was issued;

“Microchip implant” means an approved ‘Canadian Standards Association’ encoded identification device implanted into a dog or a cat, which contains a unique code that permits or facilitates access to an owner’s name and address, which is stored in a central data base;

“Muzzle” means a humane fastening or covering device that cannot be removed by a dog and is of adequate strength and design and suitable to the breed, that is placed over the mouth of a dog to prevent it from biting, and the words “muzzled” and “muzzling” have a similar meaning;

“Officer” means a police officer or person designated under the *Provincial Offences Act*;

“Order” means a Muzzle Order issued by the Town;

“Owner” means any person who possesses or harbours a dog or cat and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the dog or cat and “owns” has the same meaning;

“Park” means a public area controlled by the Town and set aside for use by the public for rest, recreation, exercise, pleasure, amusement and enjoyment and includes playgrounds, sports fields, wading and swimming areas, public pathways and trails;

“Prohibited Animals” means an animal identified as a “prohibited animal” as identified in Schedule ‘A’ – Prohibited Animals;

“Restrained” means being kept securely confined either inside a building or house or in an outdoor enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog;

“Running at large” means any dog or cat found on any property other than that of the owner and not under the control of any person;

“Service Dog” means a dog that is regularly used as a therapy dog with a recognized organization for that purpose;

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

“Without provocation” means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog or its owner, either in the past or in the present, by the person or domestic animal which has been bitten by the dog.

SECTION 2 – CARE OF DOMESTIC ANIMAL PROVISIONS

Responsibility to Care for Dogs

- 2.1 Every person who keeps a dog within the Town’s boundary shall provide such dog, or cause it to be provided, with a clean and sanitary environment free from an accumulation of fecal matter, with adequate and appropriate care, food, water, shelter, warmth, opportunity for physical activity, attention, veterinary care as may be required, and an environment that is appropriate to meet the physical and behavioural needs of the species.
- 2.2 Where a dog is customarily kept outside, the owner shall at all times provide a structurally sound enclosure that:
 - a) offers shelter and appropriate protection from heat, cold and wet conditions having regard for the dog’s weight and type of coat, and
 - b) such shelter shall be located in accordance with the Town’s Zoning By-law, and
 - c) such shelter shall provide sufficient space to allow the dog the ability to turn about freely and to easily sit, stand and lay in a fully extended position.

Keeping Domestic Animals in Sanitary Conditions

- 2.3 No person shall keep a domestic animal within the Town in an unsanitary condition.
- 2.4 For the purposes of Section 2.3, a domestic animal is considered kept in an unsanitary condition where there is an accumulation of fecal matter, insect infestation or rodent attractions which disturbs or is likely to disturb the enjoyment, comfort, convenience of any person or that endangers or is likely to endanger the health of any person or domestic animal.

Humane Tethers

- 2.5 No person shall keep a domestic animal tethered on a rope, chain or similar restraining device, unless:
 - a) the tether is of appropriate length for the domestic animal tethered, but never less than 3 meters (9.84 ft.);
 - b) the domestic animal has unrestricted movement within the range of such tether; and

- c) the domestic animal cannot suffer injury as a result of tethering.

Protective Care of Domestic Animals

- 2.6 The Town may receive domestic animals into protective care as a result of a domestic animal owner's eviction, incarceration, or as a result of a fire or medical emergency, or for any other situation that the Director deems appropriate.
- 2.7 Domestic animals which are received into protective care by the Town shall only be kept on a temporary basis for up to a maximum of five (5) days.
- 2.8 When the Town receives a domestic animal into protective care, the owner of the domestic animal shall pay all costs incurred on behalf of such domestic animal i.e. shelter fees and veterinary medical fees, prior to redeeming the domestic animal.
- 2.9 If a domestic animal is in protective care at the end of the five-day period and the domestic animal has not been redeemed by the owner, then the Town shall treat such domestic animal as a day-one impound pursuant to this by-law.

SECTION 3 – DOGS

Registration and Licensing

- 3.1 Every owner of a dog, which is four (4) months of age and older shall:
 - a) Licence said dog with the Town and pay a licence fee in accordance with the Town's Licensing Fees By-law, as amended from time to time;
 - b) Until ceasing to be the owner of the dog, obtain and renew such licence no later than the anniversary date of its initial issuance;
 - c) Ensure that the tag issued by the Town or designate is securely affixed on the dog at all times, regardless whether the dog has a microchip identification implant;
 - d) Obtain a replacement licence and pay the fee in accordance with the Town's Licensing Fees By-law, as amended from time to time, in the event that such licence is lost;
 - e) Be exempt from paying the licence fee if the owner can produce evidence to the Municipality showing that the dog is required as a Guide Dog, Service Dog, Trained Personal Service Dog or Law Enforcement Dog;
 - f) Notify the Town in writing if the dog is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership;
 - g) Remain liable for the actions of the dog until formal written notification of sale, gift or transfer to another person is provided as proof to the satisfaction of the Town.
- 3.2 Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.
- 3.3 Every applicant for dog registration and licence shall complete an application for a licence or for the renewal of a licence on the form provided by the Town.
- 3.4 Every owner of a dog under the age of four (4) months which has been impounded pursuant to this by-law shall licence the dog and pay the annual licence fee prior to redeeming the dog.

- 3.5 A new resident of the Town shall not be required to pay a licence fee for a dog if the licence for said dog has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such licence is forfeited to an Issuer of Licences and payment is made for the cost of a replacement tag in accordance with the Town's Licensing Fees By-law, as amended from time to time.
- 3.6 A tag issued by the Town for a dog is not transferable to another dog.
- 3.7 No person shall remove a dog licence from a dog without the consent of the owner thereof.

Responsibility of Owner

- 3.2 Every owner in control of or in apparent control of a dog shall, while the dog is outdoors on the owner's private property, restrain the dog by one of the following means:
- a) On a suitable leash; or
 - b) Tied in a secure and humane manner so as to prevent the dog from leaving the dog owner's property; or
 - c) Contained within an enclosed pen of sufficient dimensions and construction to provide humane shelter for the dog; or
 - d) An enclosed fenced area to prevent the dog from escaping and to prevent entry therein by persons.

Dog Bites and Attacks

- 3.3 No owner of a dog shall permit or encourage his or her dog to attack, with or without provocation, any person or domestic animal, or to fight with another domestic animal.
- 3.4 Law Enforcement Dogs during the course of fulfilling their duties are exempt from the requirements of this section.

Stoop and Scoop

- 3.5 Every owner of a dog shall immediately remove and dispose of excrement left by such dog on any private or public property in the Town, other than on the owner's property. In any prosecution pursuant to a violation of this section of the by-law, proof that the defendant is a person with a physical or visual disability shall constitute a defence to such prosecution.
- 3.6 Every owner of a dog shall remove and dispose of any such excrement on the owner's property in a timely manner, and in a way that does not disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.

Dogs Running at Large

- 3.7 No owner of a dog shall cause or permit the dog to run at large in the Town.
- 3.8 No owner shall permit a dog to be off-leash on any Town park or any other property owned by the Town.
- 3.9 Law Enforcement Dogs or working dogs employed under contract to the Town of Newmarket are exempt from complying with the requirements of this section.

Number of Dogs Restricted

- 3.10 No owner(s) or tenant(s) within any residential, commercial, industrial, or institutional zoned property in the Town shall keep more than three dogs per property (with the exception of property zoned as multi-residential apartment buildings and registered accessory dwelling units). This section does not apply to the following:
- a) An animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinarian Medical Association;
 - b) A pet store;
 - c) An animal pound or shelter;
 - d) An animal day-care or night-care facility.

Muzzling of Dogs

- 3.11 An Officer shall issue a Muzzle Order upon receipt of a signed Declaration Regarding a Dog Bite form, as may be amended from time to time, and attested to by a witness who actually saw the alleged dog bite a person or a domestic animal. The Declaration must identify the dog, the dog owner and the dog owner's address.
- 3.12 The Officer shall, within four (4) business days of the Town's receipt of the said Declaration deliver or send by registered mail a Muzzle Order form, as may be amended from time to time, to the owner of the biting dog requiring that the dog be muzzled and restrained pursuant to the provisions of this by-law.
- 3.13 The Officer shall, within four (4) business days of receiving notice that a dog which has been declared vicious in another municipality is being harboured within the Town, issue a Muzzle Order pursuant to this by-law. All other provisions of this by-law shall apply with respect to the said dog.
- 3.14 No person shall fail to comply with a Muzzle Order.

Methods of Restraining and Identification

- 3.15 When an owner is served with a Muzzle Order, the owner shall:
- a) Keep the dog inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane or within a securely fenced yard where the fence is a minimum height of 1.8 metres (6 ft.) in order to prevent a dog from coming into contact with persons (other than the owner of the dog) or any other domestic animal. The enclosed pen or the fenced yard shall be equipped with a locking device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large;
 - b) While the dog is off the property of the owner, ensure:
 - i. That the dog is securely on a leash with a maximum length of 1.8 metres (6 ft) and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
 - ii. That a muzzle is humanely fastened over the mouth of a dog to prevent the dog from biting or attacking a person or domestic animal;
 - iii. That the dog is under the control of a person sixteen (16) years of age or older.

- c) Within thirty (30) days, have the dog identified with a microchip implantation at the owner's expense and register the said microchip number with the Clerk;
- d) Notify the Clerk within forty-eight (48) hours after the ownership of the dog is transferred to another person or municipality;
- e) Notify the Clerk within forty-eight (48) hours of any changes to the residency of the dog;
- f) Notify the Clerk within forty-eight (48) hours should the dog be destroyed.

Muzzle Order Appeal Hearing

3.16 Where a Muzzle Order has been issued, the owner of the dog may apply for a Hearing to appeal the Order to the Appeal Committee:

- a) A request for a Hearing shall be made in writing and delivered to the Clerk within ten (10) business days after the Muzzle Order has been served;
- b) Upon receipt of the request for a Hearing from an owner of a vicious dog, the Clerk shall convene a meeting of the Appeal Committee, as soon as is practicable, notify the owner of the dog and any victim(s) of the attack of the time, date and location of the Hearing;
- c) Notwithstanding that an owner has applied for a Hearing to appeal the Muzzle Order, the Muzzle Order takes effect when it is served on the person to whom it is directed and remains in effect until the Appeal Committee has made its decision on the appeal;
- d) The owner and any other interested person may appear at the Hearing and present oral or written evidence relating to the dog;
- e) If an owner fails to appear at a Hearing, the Order shall be deemed to be in full force and effect as if no appeal had been filed.

3.17 The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) business days following the date of the Hearing.

3.18 The Appeal Committee has the power to:

- a) Confirm the requirements of the Muzzle Order;
- b) Exempt the owner in whole or part from any requirement set out in the Muzzle Order;
- c) Impose conditions on any exemption granted under subsection b) that the Appeal Committee considers appropriate.

3.19 The decision of the Appeal Committee is final and binding.

3.20 The Notice of the Hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this by-law shall be governed by the *Statutory Powers Procedures Act*.

SECTION 4 – CATS**Registration and Licensing**

- 4.1 Every owner of a cat, which is four (4) months of age and older, shall:
- a) License said cat with the Town and pay a licence fee in accordance with Town's Licensing Fees By-law, as amended from time to time;
 - b) Until ceasing to be the owner of the cat, obtain and renew such annual licence no later than the anniversary date of its initial issuance;
 - c) Ensure that the tag issued by the Town or designate is securely affixed on the cat at all times, regardless whether the cat has received a microchip identification implant;
 - d) Obtain a replacement tag and pay the fee in accordance with the Town's Licensing Fees By-law, as amended from time to time, in the event that such tag is lost;
 - e) Notify the Town in writing if the cat is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership;
 - f) Remain liable for the actions of the cat until formal written notification of sale, gift or transfer to another person is proven to the Town.
- 4.2 An owner who had registered his or her cat as of May 15, 2003, shall be grandfathered with respect to the licensing fee requirements of this by-law.
- 4.3 Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.
- 4.4 Every applicant for cat registration and licence shall complete an application for a licence or for the renewal of a licence on the form provided by the Town.
- 4.5 Every owner of a cat under the age of four (4) months which has been impounded pursuant to this by-law shall register the cat and pay an annual licence fee, if applicable.
- 4.6 A new resident of the Town shall not be required to pay a licence fee for a cat if the licence for said cat has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such licence is forfeited to an Issuer of Licences and payment is made for the cost of a replacement tag in accordance with the Town's Licensing Fees By-law, as amended from time to time.
- 4.7 The licence tag shall expire and become void upon sale, death or other means of disposal of cat.
- 4.8 A tag issued by the Town for a cat is not transferable to another cat.
- 4.9 No person shall remove a cat licence from a cat without the consent of the owner thereof.

Cats Running at Large

- 4.10 No owner of a cat within the area of the Town shall cause or permit his/her cat to run at large or allow such cat to cause damage or create a nuisance or disturbance either to another person, or another person's property, or to public property.

Number of Cats Restricted

- 4.11 No person shall keep more than the maximum number of cats permitted by this by-law.
- 4.12 Any person who owns more than the permitted number of cats on the date this by-law comes into force shall be permitted to keep those cats until they have died or are otherwise disposed of, provided that such cats are registered with the Town.
- 4.13 No owner(s) or tenant(s) within any residential, commercial, industrial, or institutional zoned property in the Town shall keep more than four (4) cats per property (with the exception of property zoned as multi-residential apartment buildings and registered accessory dwelling units). This section does not apply to the following:
- a) An animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinarian Medical Association;
 - b) A pet store;
 - c) An animal pound or shelter;
 - d) An animal day-care or night-care facility.

SECTION 5 - TRAPS

- 5.1 No person shall use, set or maintain a leg-hold trap, a killing trap or a snare within the Town to capture animals.
- 5.2 Notwithstanding subsection 5.1, a person may use a killer trap leg-hold trap or snare where specifically authorized by and under the supervision of the Ontario Ministry of Natural Resources and in accordance with the provisions of the *Fish and Wildlife Conservation Act, 1997*.

SECTION 6 - IMPOUNDMENT

- 6.1 The Animal Control Officer may seize and impound any dog or cat running at large and may cause such dog or cat to be delivered to the Animal Shelter.
- 6.2 A dog or cat which is seized pursuant to this by-law shall be considered impounded at the time and place when it comes under the control of the Animal Control Officer.
- 6.3 The Animal Shelter shall keep an impounded dog or cat, which shall be fed and watered, at the Animal Shelter for a minimum of five (5) business days, exclusive of the day of impoundment, statutory holidays, or days when the Animal Shelter is not open, during which time an owner shall be entitled to redeem the dog or cat.
- 6.4 No attempt may be made by any authority or person to claim or purchase from the Animal Shelter a dog or cat for the purpose of research, and no dogs or cats shall be offered for the purpose of research.
- 6.5 At the discretion of the Animal Shelter staff if a seized and impounded dog or cat is seriously injured or ill it will be euthanized without delay for humane reasons, or for safety of persons.

- 6.6 If a seized dog or cat is injured and the service of a veterinary surgeon is secured, the owner shall not be entitled to redeem the dog or cat unless the charges for such veterinary surgeon's services are paid.
- 6.7 In order to obtain the release of an impounded dog or cat during the redemption period as set out in this by-law the owner shall:
- a) Pay the required Animal Shelter fee;
 - b) Where the dog or cat is unlicensed, obtain and pay for a licence in accordance with the Town's Licensing Fees By-law, as amended from time to time;
 - c) Pay the costs incurred for veterinary care provided while the dog or cat was impounded, if applicable.
- 6.8 Where a pit bull or restricted pit bull is impounded pursuant to the provision of this by-law or is delivered or transferred to the Animal Shelter pursuant to the provision of the *Dog Owners' Liability Act*, the Animal Shelter staff shall comply with the provision of the *Dog Owners' Liability Act* for the purposes of the redemption of the dog by the owner and for transferring or destroying the dog.
- 6.9 An Animal Control Officer and/or the Animal Shelter shall, within twenty-four (24) hours of the impounding of a dog or cat, make every reasonable effort to notify the owner, if known, that the dog or cat is impounded and the conditions whereby custody of the dog or cat may be regained.
- 6.10 Any person shall be entitled to take charge of any dog or cat found running at large and deliver same to an Animal Control Officer or Animal Shelter during normal operating hours.

SECTION 7 – RABIES SUSPECTS

- 7.1 Every owner of a dog or cat which is suspected of having been exposed to rabies, or which has bitten a person, shall, on demand, surrender such dog or cat to the Town to be held by the Town in quarantine without cost to the owner for a period of ten (10) days.
- 7.2 At the discretion of the Medical Officer of Health a dog or cat may be held in quarantine on the premises of the owner.

SECTION 8 – NOISE

- 8.1 No person shall keep, own, or harbour any animal in the Town which makes or causes noises, repetitive barking or howling that disturbs or is likely to disturb the quiet, rest, enjoyment, or comfort of:
- a) Any person in any dwelling, apartment, store or place of business;
 - b) Any person in the vicinity or neighbourhood.

SECTION 9 – KEEPING OF CERTAIN ANIMALS PROHIBITED

- 9.1 No person shall keep, either on a temporary or permanent basis, any "prohibited animal" as listed in Schedule 'A' – Prohibited Animals in the Town, unless permitted to do so by the Town's Zoning By-law.
- 9.2 This section does not apply to:
- a) the premises of an accredited veterinary hospital under the care of a licenced veterinarian;
 - b) premises of the York Regional Police Department;
 - c) schools or education facilities and programs;
 - d) any film or television productions;

- e) any premises holding a licence under any Statute of the Province of Ontario or Dominion of Canada which permits the keeping of animals under stated conditions, including the premises of any wildlife rehabilitation centre; and/or
- f) premises registered as research facilities pursuant to the *Animals for Research Act*; and/or
- g) circuses or other events where animals are kept for performances, exhibits or shows for a temporary period.

SECTION 10 - OFFENCES

- 10.1 The provisions of this by-law may be enforced by the Animal Control Officer and/or Officer.

SECTION 11 – POWER OF ENTRY

- 11.1 The Town may enter on 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 *Municipal Act*.
- 11.2 Where an inspection is conducted by the Town, the person conducting the inspection may;
- a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - c) require information from any person concerning a matter related to the inspection including their name, address, telephone number and identification;
 - 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.
- 11.3 The Town may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act*.
- 11.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well as by any person under his or her direction.

SECTION 12 – PENALTY

- 12.1 If anyone is 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.
- 12.2 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.
- 12.3 Every 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;
 - (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.
- 12.4 For the purpose of this by-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.
- 12.5 For the purpose 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.

SECTION 13 – REPEAL/EFFECTIVE DATE

- 13.1 By-laws 1996-16, 1999-137, 2001-156, 2001-157, 2003-87, 2003-88, 2004-42 and 2004-181 are hereby repealed and this by-law shall come into force and effect upon its adoption.

SECTION 14 - SEVERABILITY

- 14.1 Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary;
- 14.2 Where the provisions of this by-law conflict with the provisions of any other by-law or *Act*, the more restrictive provisions shall apply.

SECTION 15 - SHORT TITLE

- 15.1 This by-law may be referred to as the “Animal Control By-law”.

ENACTED THIS 19TH DAY OF OCTOBER, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Schedule 'A'
Prohibited Animals

CLASS	ORDER	COMMON NAMES
<i>Endangered or Protected animals</i>	All	All animals, native or exotic, whose possession or sale is prohibited pursuant to an international, federal, or provincial law, regulation, rule or agreement.
<i>Mammals</i>	Artiodactyla	Cattle, goats, sheep, pigs, deer, elk
	Carnivora	Panda, otter, wolves, bears, seals, walruses, coyotes, foxes, hybrid wolf dogs Tigers, leopards, cougars, lions, lynx Hyenas' Minks, skunks, weasels, otters, badgers Mongoose, civets, genets Coatimundi, cacomistles, raccoons (except domestic dogs, cats and ferrets)
	Chiroptera	Bats, myotis, flying foxes
	Edentates	Anteaters, sloths, armadillos
	Lagomorpha	Hares, pikas (except domestic rabbits)
	Marsupialia	Koala, kangaroo, possum, wallabies (except sugar glider derived from self-sustaining captive populations)
	Primates	Chimpanzees, gorillas, monkeys, lemurs
	Proboscidea	Elephants, rhinoceros, hippopotamus
<i>Reptiles</i>	Crocodylia	Alligators, crocodiles, gavia, caymans
	Squamata	Lizards that are venomous Lizards that reach an adult length greater than 2 metres (6.56 ft) Snakes that are venomous Snakes that reach an adult length greater than 3 metres (9.84 ft)
<i>Birds</i>	Anseriformes	Ducks, geese, swans, screamers
	Galliformes	Pheasants, grouse, guinea fowls, turkeys, chickens, peafowls
	Struthioniformes	Ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Eagles, hawks, falcons, owls
<i>Other</i>	All	All other venomous or poisonous animals (except for "new world" tarantulas and "emperor scorpions") All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule.



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-54

A BY-LAW TO APPOINT A DEPUTY FIRE CHIEF FOR THE AMALGAMATED FIRE AND EMERGENCY SERVICES DEPARTMENT.

Central York Fire Services.

WHEREAS the Town of Newmarket and the Town of Aurora have approved the establishment of one consolidated Fire and Emergency Service to service both municipalities;

AND WHEREAS Section 6 of the *Fire Protection and Prevention Act, 1997*, states that if a fire department is established for the whole or a part of a municipality or for more than one municipality, the Council of the municipality or the Councils of the municipalities, as the case may be, shall appoint a Fire Chief for the Fire Department;

AND WHEREAS Section 6 of the *Fire Protection and Prevention Act, 1997*, further states that the Fire Chief may delegate his or her powers or duties under Sections 14, 19 and 20 and such other powers and duties as may be prescribed to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation.

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

1. THAT Rocco Volpe be and is hereby appointed Deputy Fire Chief for the Consolidated Fire and Emergency Services for the Town of Aurora and the Town of Newmarket and a "member" of the Fire Services as that term is defined in the *Fire Protection and Prevention Act, 1997*;
2. AND THAT Claude Duval be and is hereby appointed Assistant Deputy Fire Chief for the Consolidated Fire and Emergency Services for the Town of Aurora and the Town of Newmarket and a "member" of the Fire Services as that term is defined in the *Fire Protection and Prevention Act, 1997*;
3. AND THAT Rocco Volpe and Claude Duval are hereby authorized and required to carry out the duties and actions required in relation to the position of Deputy Fire Chief pursuant to the Town of Newmarket by-laws and *Acts* of the Legislature;
4. AND THAT such appointments be retroactive to the date that each assumed their respective roles;
5. AND THAT By-law 2007-33 be repealed.

ENACTED THIS 24TH DAY OF OCTOBER, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-55

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL
– OCTOBER 24, 2016.

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

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

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

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

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

ENACTED THIS 24TH DAY OF OCTOBER, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk