

## **Open Forum**

## **Public Notices (if required)**

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

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

## **Declarations of Pecuniary Interest**

## **Presentations & Recognitions**

1. Ms. Linda Guenther, Vice-President and Mr. Gord Wilkes, President, Newmarket Citizen's Band to present Council with a gift in commemoration of the Old Town Hall re-opening and their involvement (historical to present-day) with the Town of Newmarket. p. 1
2. Mr. Adrian Kawun, Manager, Service Planning, York Region Transit (YRT/Viva) to address Council with a PowerPoint Presentation - 2017 Annual Service Plan. p. 5

## **Deputations**

## **Approval of Minutes**

3. Council Minutes of October 24, 2016. p. 27

## **Reports by Regional Representatives**

## **Reports of Committees and Staff**

4. Special Committee of the Whole Minutes of October 31, 2016. p. 42
5. Committee of the Whole Minutes of November 7, 2016. p. 46
6. Development and Infrastructure Services Information Report - Engineering Services 2016-53 dated November 10, 2016 regarding Updated Site Alteration By-law. p. 57

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Information Report - Engineering Services 2016-53 dated November 10, 2016 regarding 'Updated Site Alteration By-law to repeal current Cut Fill By-law 1998-110' be received.

## **By-laws**

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) (Housekeeping Amendment - inclusion of the words 'except within a designated off leash park area as designated by the Town' in Section 3.14)	p. 60
2016-56	A By-law to exempt certain lands from the Part Lot Control provisions of the Planning Act. (Greenland Ridge Homes Ltd.)	p. 73
2016-57	A By-law to appoint an Acting Town Clerk for the Town of Newmarket. (Esther Armchuk)	p. 75
2016-58	A By-law to prohibit or regulate the placing or dumping of fill, the removal of topsoil and the alteration of the grade of lands within the Town of Newmarket.	p. 76
2016-59	A By-law to amend By-law 2010-40, as amended, being a Zoning By-law, (1166 and 1186 Nicholson Road)	p. 112

## **Notices of Motions**

## **Motions**

## **Announcements & Community Events**

## **New Business**

## **Closed Session (if required)**

## **Confirmatory By-law**

2016-60	A By-law to confirm the proceedings of Council at its meeting of November 14, 2016.	p. 114
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## **Addendum (Additions and Corrections)**

## **Adjournment**

## Deputation and Further Notice Request Form

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

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

Name: Gord Wilkes, President; Linda Guenther, Vice-President	
Organization / Group/ Business represented: Newmarket Citizens' Band	
Address:	Postal Code: --
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: Nov 14, 2016
Is this an item on the Agenda? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): The Newmarket Citizens' Band would like to make a deputation to Council on Monday, November 14, 2016. We would like to make a presentation of a reproduction of an historic band artifact to commemorate the Band's long association with the Town of Newmarket on the occasion of the re-opening of the Old Town Hall.  Due to scheduling challenges for our members, we would like to request that if at all possible, our presentation be first on the Agenda that evening.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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



**Deputation to the Town of Newmarket  
Monday, November 14, 2016 – 7:00 pm**

**SUMMARY**

Since 1872, the Newmarket Citizens' Band has been an integral part of the cultural and social landscape of the Town of Newmarket. We have provided music for a multitude of events over the years, from lawn parties, summer concert series, ceremonial civic events and of course numerous parades.

Today our mandate as a community band is to provide local musicians with opportunities to make music and improve their skills in a supportive and relaxed atmosphere and to participate in activities that support and promote the Town of Newmarket. We very much appreciate the ongoing support that we have received from the Town over our long shared history.

With the re-opening of the Old Town Hall, Newmarket now has a wonderful new performance venue to showcase local talent along with many other artists. It will no doubt enhance the cultural life for Newmarket residents and the band is very excited to be part of those activities going forward. Therefore, we feel that it is appropriate at this juncture in our shared history to commemorate this event.

Consequently, we will be presenting the Town of Newmarket with a reproduction of an iconic photo of the Newmarket Citizens' Band, taken in August 1883, a few short weeks after the original opening of the Town Hall on July 1, 1883. The back story of the photo is explained in the second document included herein.

# NEWMARKET CITIZENS BAND

presents

## Simple Gifts



Join us for an evening of music that will get you into the holiday spirit

Featuring the vocal stylings of special guest  
***Take Note***



Friday, December 2, 2016 - 7:30 pm  
Old Town Hall : 460 Botsford St, Newmarket

Adults \$15 Seniors and Students \$10  
Tickets available at the door



# The Newmarket Era

NORTH YORK INTELLIGENCER AND ADVERTISER.

"GIVE ME THE LIBERTY TO KNOW, TO UTTER, AND TO ARGUE FREELY, ACCORDING TO CONSCIENCE, ABOVE ALL OTHER LIBERTY."

Vol. XXXII—No. 28.

3 Copies 3 Cents Each.

Newmarket, Ont., Friday, August 10, 1883.

Terms, \$1.25 Cash in A  
\$1.50 within 6 Mos.; \$2 at end

## The Firemen's Excursion.

Wednesday, 8th inst., being the Civic Holiday, was taken advantage of by a large number of our citizens, by joining the Firemen's Excursion to the Falls of Niagara. Under the energetic management of Mr. James Allun and others of the Committee, everything was well arranged and successfully carried through. The Annual Excursion of the Fire Brigade is becoming an established and popular institution among us.

The morning was cool and hazy. The sun rose in a mist; and though very few umbrellas were seen, most had faith in a good day. The special train of the Northern Railway was on hand and a start was made at 5.45. A number joined at Aurora and a few at King. A good run was made to Toronto; and from the foot of Yonge Street, where the train paused, the excursionists went at once on board the *Chicora*. The party from Newmarket numbered 250.

Nothing could be more delightful than the trip to Niagra. The *Chicora* is a fine roomy and well-appointed boat. Originally a Blockade-runner, built on the Clyde for speed—iron hull, graceful lines, 600 horse power engine, with upper cabins, etc., added. She is one of the very finest boats on the Lakes.

The Newmarket Band, reinforced by Messrs. Geo. Doan of Sharon, and David Hughes now of Bolton, enlivened the trip by music on the fore-deck; and music is never so pleasing as on the water. We may say that although there were between 300 and 400 on board, there was no crowding, but plenty of room. No wind; just the slightest ripple on the water; and the swift progress of the Steamer was perfectly steady, with just a little pulse felt, that was all. The "City of Toronto" which left the other side of the same wharf a couple of minutes after the *Chicora*, came into Niagara half an hour behind her.



There was something of a delay at Niagara, for which the Committee were in no way responsible—the Michigan Central train being behind time. Last year the trip was to Lewiston, and up the American side. This year from Niagara, on the Canadian side. Many would have preferred the former, as the more pleasant. The "City of Toronto" came in, having an excursion from Brampton on board, with their Band playing, and their Lacrosse Club, (to play the Clifton Club.) We may say in passing, that the game was declared "drawn"; two for each, and no time to play a fifth game.

Niagara town is an exceedingly quiet, home-like place. Once the seat of Government—when there was not much to govern in Upper Canada but Indians and wolves—it

passed into the quiet of a respectable old age, interesting itself in its gardens and peach orchards, with a not altogether unworthy ambition of taking the best prizes for fine grapes—and like many other places and men, lives on its former reputation and importance.

Once started, the party soon made the fourteen miles of up-grade to the Falls. The agricultural prospects of that section were not bright. Like everywhere else, a good crop of hay had been gathered; but other crops, especially potatoes and corn (of which there were many fields,) were poor. from the Station on the high ground in the rear of the Clifton House, the party soon reached the brink of the River, and there broke up in large sections. The Band and many others to Robinson's Dining Rooms; others patronized other houses; many lunched in snug corners here and there, as they found grass and shade to suit them; some rode up and down in cabs; others crossed the Suspension Bridge to the "Park" on the American side; some made an arrangement for an all-round trip, for a dollar, which took in half-a-dozen of the principal "lions" of the place; a few perhaps found something stronger than lemonade at places temptingly open. An East wind sent the spray over a couple of hundred yards of the road, (at and each side of the Museum,) making umbrellas necessary, and the road quite slippery with mud. Beyond this, all was dry and sunny again. The majestic cataract rolled over as ever, with its unceasing thunder and eternal foam; the most sublime natural object on the face of the globe.

A substantial two-barred fence of 1½ inch iron gas-pipe has been put up this year, along the brink of the precipice, from the Railway Bridge to Table Rock—a distance of about 1½ miles. Photographer Bogart was stepping briskly around with a portable Camera, and took half a dozen or more instantaneous views of the Falls, from various points. Four hours were spent in unalloyed enjoyment: the cabmen's extortion was modified by the good-humored experience of the party, and even "cabby" became agreeable and social—the sellers of nick-nacks were content to rattle off the virtues of their wares, without scolding you if you did not buy. The live buffaloes, the posthumous whale, and "varmints" from the far West, were still on exhibition at the Museum. Old Charron, (only there were two of them!) was still ferrying across the Stygian river The Art Gallery, and its now somewhat interesting collection, was still on view; and the Great Show, Nature's unapproachable Exhibition was, with its struggling rainbows, an estate that no man holds in his title deeds, the property of every one who had the sense of beauty; and to those who had not, the Mentor to create it.

Shortly before five the Excursion was aboard for Niagara. The *Chicora* soon appeared, coming down the River from Lewiston. More lunching on board; promenading; old friendships renewed; the "tender tale," &c; improvised cups of tea; glorious sunset; Lake perfectly smooth; beautiful 30 mile North-Westing over the Lake; Yonge Street wharf at 8:30; special train; "a very fine day of it"; vagaries of a certain jolly individual, who would sing, and pound on a long-enduring bass drum; home at nearly 11 o'clock, "all right."

The thanks of the citizens are due to the Fire Brigade for the pleasure enjoyed on Wednesday. We hope they may long exist in their corporate capacity, to provide cold water for Fires, and a cool waterway for our August Holidays!

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Name: <b>Adrian Kawun, Manager, Service Planning</b>	
Organization / Group/ Business represented: <b>York Region Transit (YRT/Viva)</b>	
Address: <b>50 High Tech Road</b>	Postal Code: <b>L4B 4N7</b>
Daytime Phone No: 905-830-4444 extension 75693	Home Phone:
Email: <a href="mailto:adrian.kawun@york.ca">adrian.kawun@york.ca</a>	Date of Meeting: November 14 - 7:00 p.m.
Is this an item on the Agenda? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): YRT/Viva staff will be presenting the 2017 Annual Service Plan initiatives for the Town of Newmarket. The 2017 Annual Service Plan was approved by Regional Council in September and as such, YRT/Viva is meeting with each municipality to present an overview.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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# 2017 Annual Service Plan

Presentation to the  
Town of Newmarket Council

November 14, 2016  
Adrian Kawun

- 1. System Overview**
  - YRT/Viva Services
  - Customer Survey
  - System Performance
- 2. 2016 Accomplishments**
- 3. Transit Planning**
  - 2017 Annual Service Plan
- 4. Next Steps**



## YRT/Viva at a Glance

YRT/Viva serves a region of 1,776 square kilometres, with a population of 1.2 million and 0.6 million jobs. YRT/Viva provides conventional and specialized transit services across nine municipalities, including the Town of Aurora, Town of East Gwillimbury, Town of Georgina, Township of King, City of Markham, Town of Newmarket, Town of Richmond Hill, City of Vaughan, and Town of Whitchurch-Stouffville.

**22.1**

million passenger trips annually



**1.3**

Million hours  
of service annually



**30.2**

Million kilometres  
of service annually

**131**

bus routes



**5,226**

bus stops

30 rapidway  
vibrations

119 curbside  
vibrations

**123**

Viva  
buses

394 conventional  
buses

94 Mobility Plus  
vehicles

MOBILITY PLUS



**381**

thousand  
trips



**10**

thousand  
registrants



**8**

Dial-a-Ride Services



















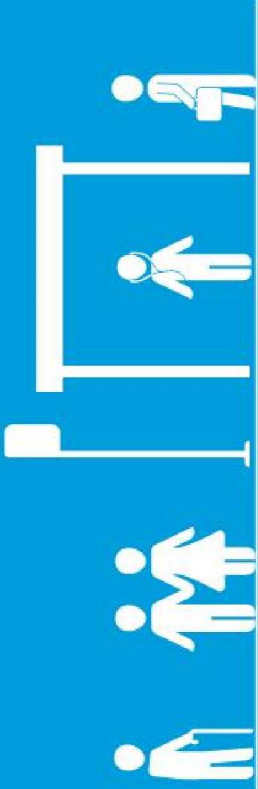
\*Based on 2015 year-end data

**75,876**

passengers on an average weekday

AVERAGE WEEKDAY RIDERSHIP  
ON THE BUSIEST ROUTES:

 <b>VIVA</b>	 <b>VIVA</b>
 <b>VIVA BLUE</b>	 <b>VIVA PURPLE</b>
17,410	7,874
 <b>77</b>	 <b>88</b>
 <b>HIGHWAY 7</b>	 <b>BATHURST</b>
4,787	4,467
 <b>20</b>	 <b>91</b>
 <b>JANE</b>	 <b>BAYVIEW</b>
3,470	3,712
 <b>4</b>	 <b>85</b>
 <b>MAJOR MACKENZIE</b>	 <b>RUTHERFORD</b>
3,411	3,297

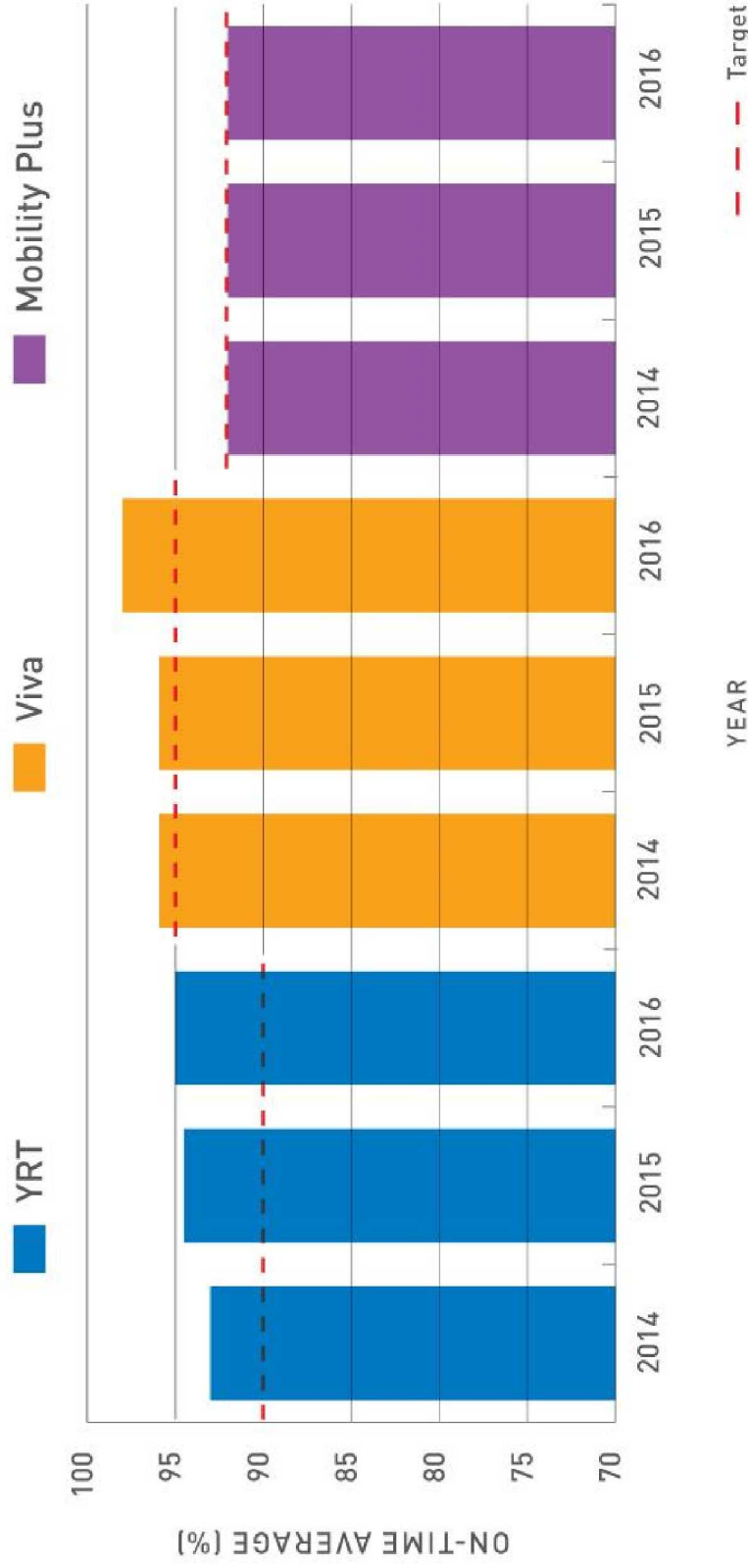


## 2015 Customer Survey

- 86% are under age 39
- 55% are female and 45% male
- 95% speak English
- 65% make \$25,000 or less annually
- 85% use the service for work or school
- 80% use the service 3+ times per week
- 65% do not have a choice in whether to use the service or not
- The top three preferred methods to receive route information are: YRT/Viva Mobile App, yrt.ca and Google Transit

78 per cent of YRT/Viva customers expressed overall satisfaction with the service

# On-Time Performance



Continued improvement, reliability and quality service is YRT/Viva's focus

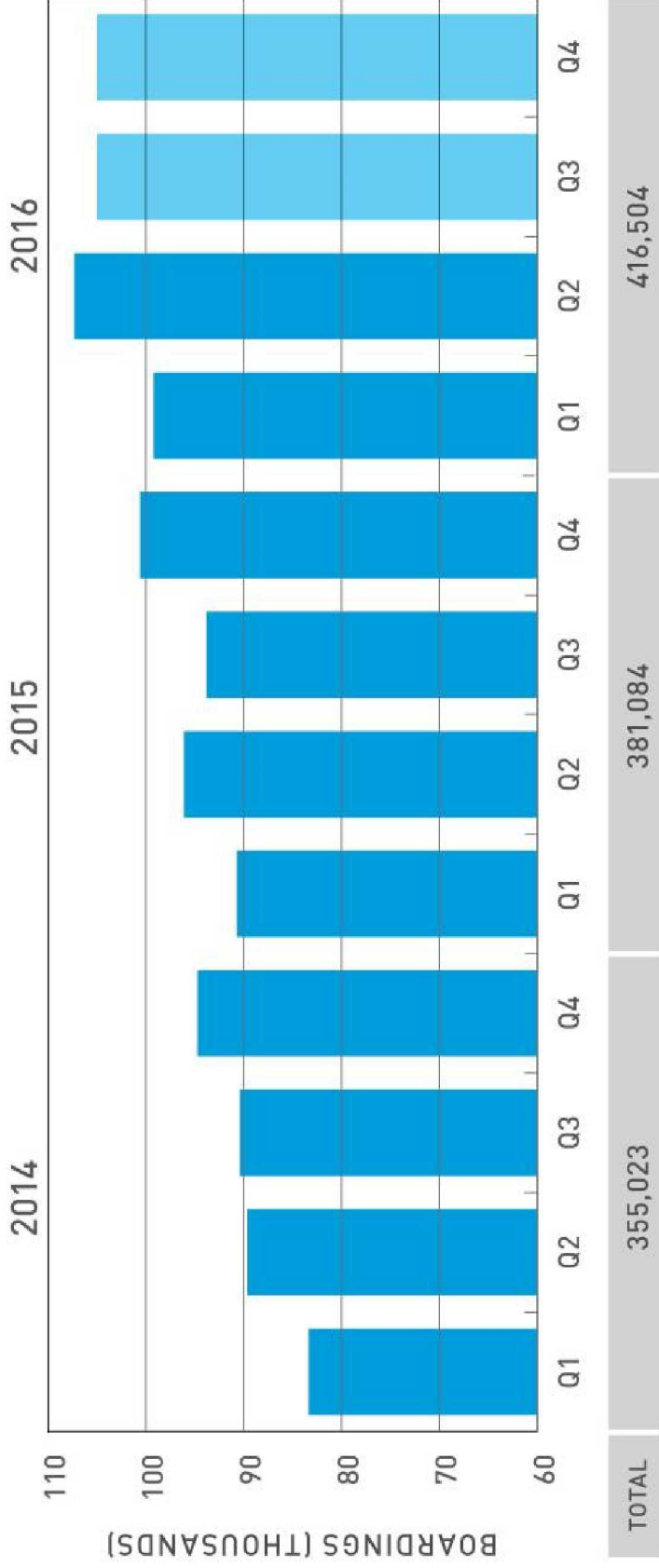
# Revenue Ridership



Ridership is expected to increase by two per cent in 2016

# Mobility Plus Ridership

Actual Forecast

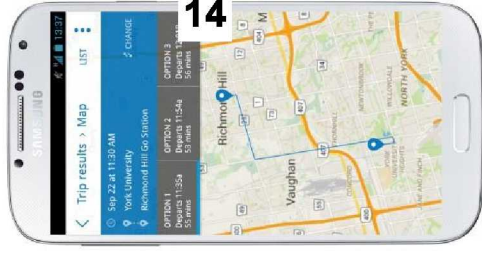


Ridership is expected to increase by nine per cent in 2016

## 2016 Projects and Accomplishments

# 2016 Accomplishments

- Implement the 2016 Annual Service Plan
- Develop the 2017 Annual Service Plan
- Facility Management Strategy Implementation
- Expansion of Mobility Plus on-demand service delivery model
- Launched Dial-a-Ride North
- Launched Mobility Plus TapRide mobility app pilot project
- Prepare for Mobile Payment System



# 2016 Accomplishments

- Prepare for the launch of the Spadina Subway Extension
- Prepare for opening of the Cornell Terminal
- Implemented new contracts with Miller Transit and TOK Transit
- Prepare for hosting the 2017 CUTA Fall conference
- Developing the Greening Strategy
- Developed the Fare Strategy
- Developing the Ridership Growth Strategy



# 2016 Fare Policy Review

1. Fare concessions
2. Full PRESTO implementation
3. Special purpose passes
4. Low-income program
5. Non-fare revenue options



**The proposed fare structure will support ridership growth, customers ability to pay and financial sustainability**

The strategy will review:

- Direction of transit in York Region
- Impact of transit infrastructure and services on ridership
- Relationship between service implementation, land development and ridership growth
- Affects of transit service on economic growth
- Emerging issues and future trends
- Impact of technology and innovation
- Policy and regulation requirements

**YRT/Viva contributes to achieving the objectives of the Region's Official Plan and Transportation Master Plan**

# 2017 Annual Service Plan for the Town of Newmarket

## Proposed Service Changes

### Route 22A – King City

#### Proposed Changes

- Implement an earlier morning trip on Route 22A during weekday service

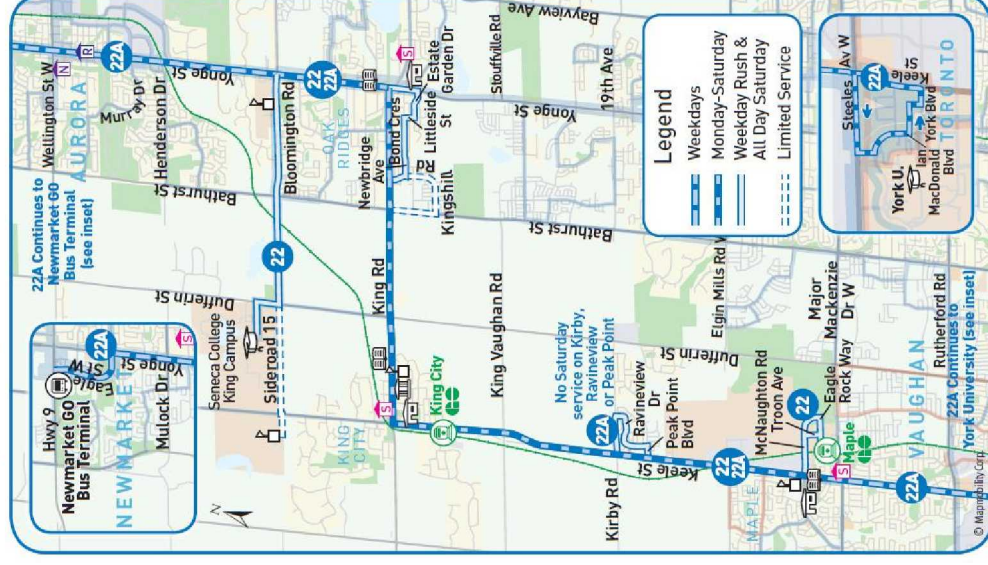
#### Impacts/Improvements

- Provide an additional trip option for customers
- 44 passengers on first northbound trip
- 22 passengers on first southbound trip

#### Implementation Date

- June 2017

#### Existing Routing



Housing Facilities

- Nursing Home
- Retirement Home
- Social Housing

## Proposed Service Changes

## Route 50 – Queensway

## Proposed Changes

- **Conduct analysis on potential service adjustments between Sutton and Pefferlaw**

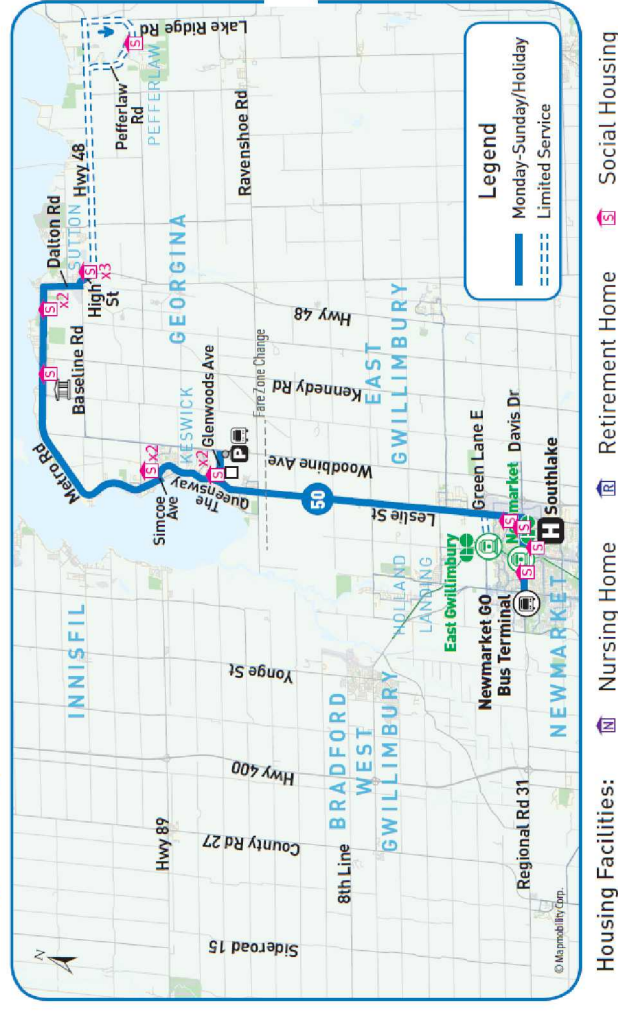
## Impacts/Improvements

- Approximately one passenger per trip between Sutton and Pefferlaw
- Review provision of service

### **Implementation Date**

- January 2017

## Existing Routing



## Proposed Service Changes

### Route 58 – Mount Albert

## Proposed Changes

- Restructure route to provide service to new residential development in Mount Albert and Sharon
- Maintain existing Dial-a-Ride services (i.e. during weekday evenings and Saturdays)

### Impacts/Improvements

- Up to 300 metre walk for 15 customers in Mount Albert
- Alternative transit options:  
Route 50 – Queensway in Sharon

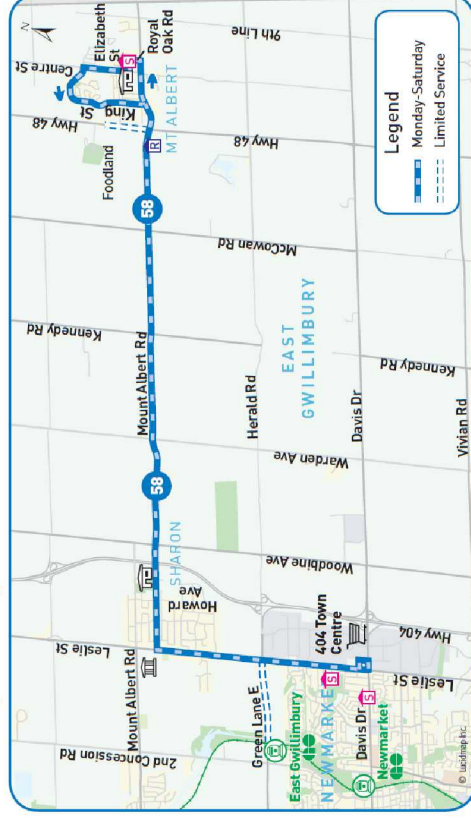
## Frequency Adjustment

- Morning and afternoon rush hour: from every 64 minutes to every 76 minutes
- Midday: every 64 minutes to every 68 minutes

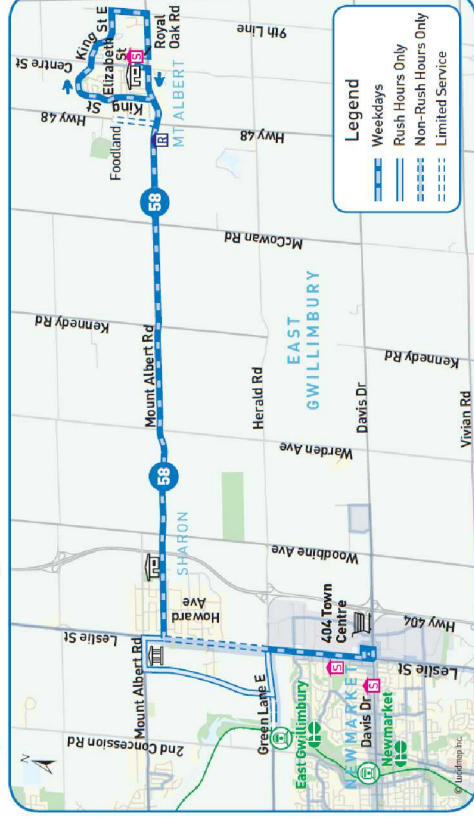
### Implementation Date

- June 2017

## Existing Routing



## Proposed Routing



**Housing Facilities:**



Nursing Home



Retirement Home



Social Housing

## Proposed Service Changes

### Route 222 – Newmarket-Aurora GO Shuttle

#### Proposed Changes

- Discontinue service north of Stonehaven Avenue due to low ridership
- Extend service to William Graham Drive

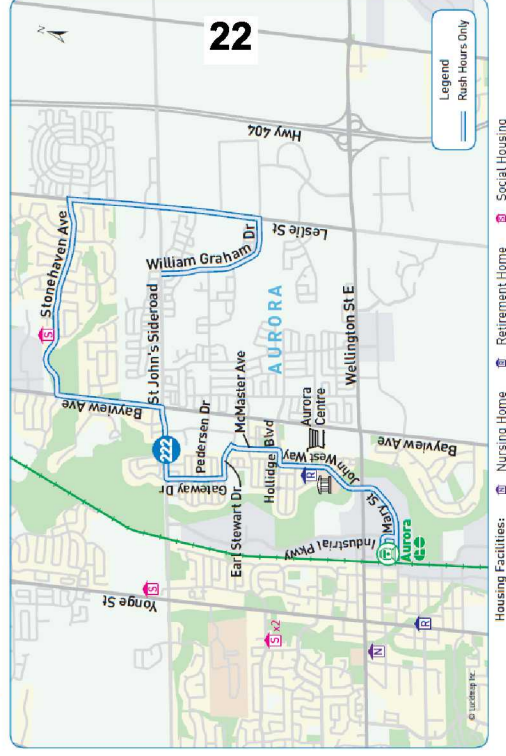
#### Impacts/Improvements

- Approximately seven passengers affected on weekdays
- Alternative transit options include Viva yellow and Routes 57/57A - Mulock, 54 - Bayview, and 55/55B - Davis Drive

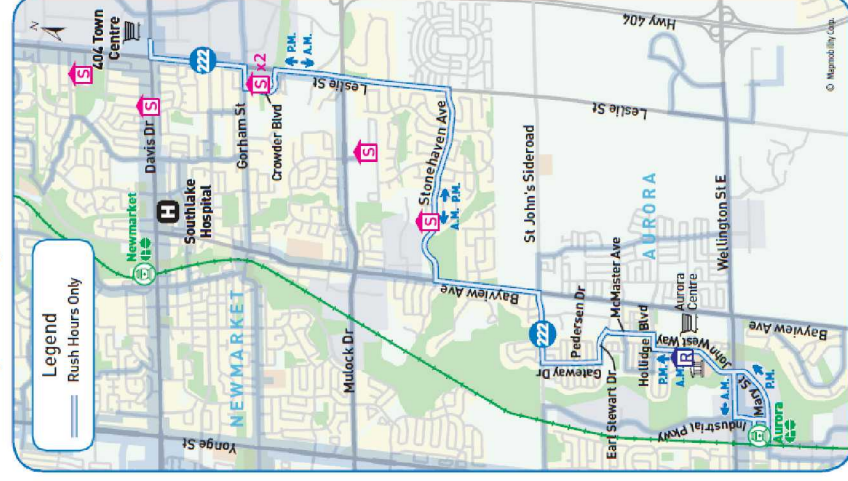
#### Implementation Date

- June 2017

Proposed Routing



Existing Routing



## Proposed Service Changes

### Route 421 – Newmarket School Special Route 427 – Sacred Heart School Special

#### Proposed Changes

- Replace the current Route 421 – Newmarket School Special with restructured Route 427 – Sacred Heart School Special service during the afternoon
- Extend service to Copper Hills area

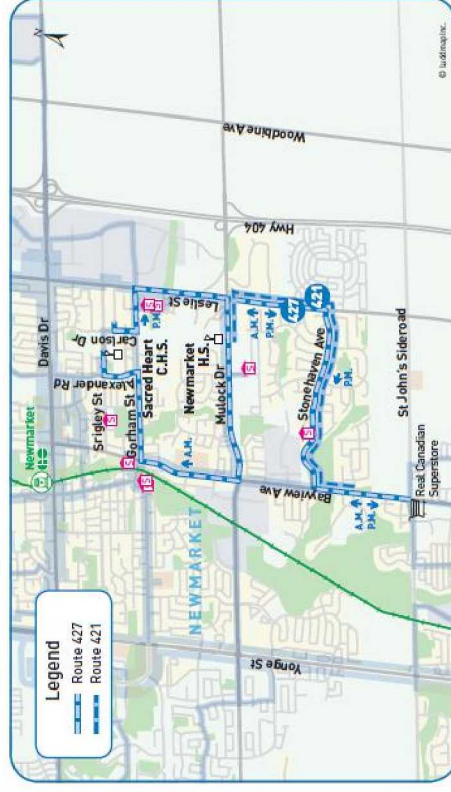
#### Impacts/Improvements

- Service to Newmarket High School will continue to be provided by Route 427
- Departure time from Sacred Heart High School shifted approximately six minutes later in the afternoon
- Reduced walking distance for customers in the Copper Hills area

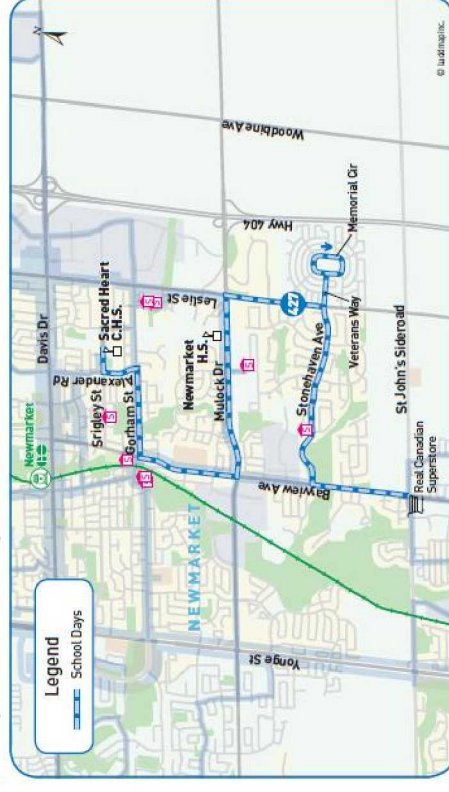
#### Implementation Date

- September 2016

Existing Routing



Proposed Routing



Housing Facilities:

Nursing Home

Retirement Home

Social Housing

## Proposed Service Changes

### All Routes

#### Proposed Changes

- Review routes operating below cost effectiveness targets (net cost per passenger)

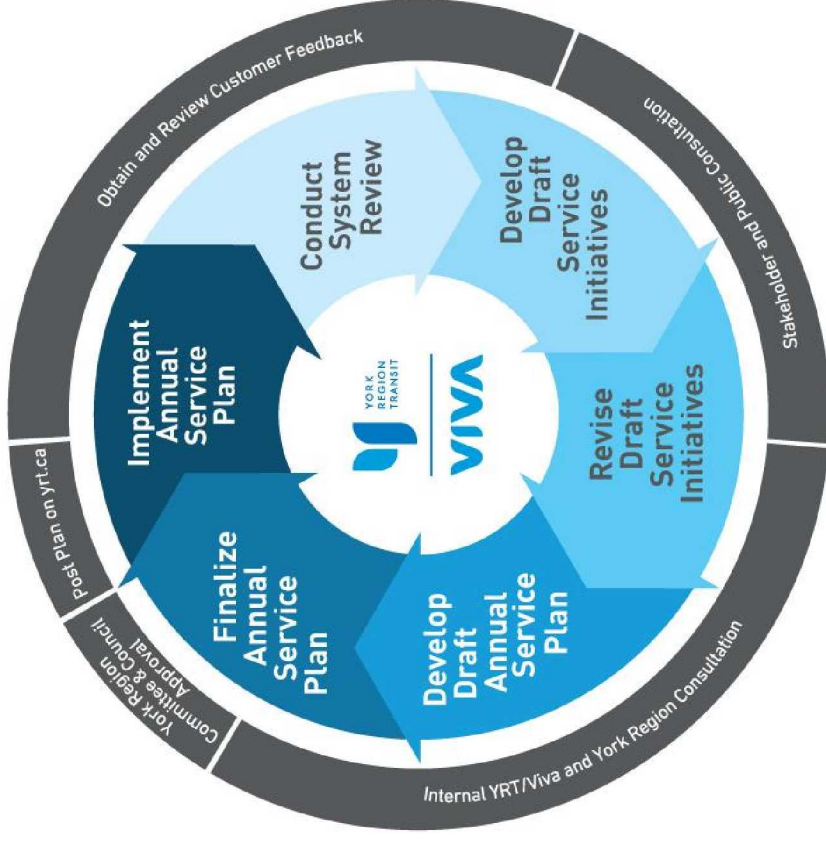
#### Impacts/Improvements

- Services with a high net cost per passenger may be considered for conversion to on-demand delivery model



## Next Steps

- Funding for new transit service initiatives to be reviewed as part of 2017 budget approval process
- Present the approved 2017 Annual Service Plan to local Councils
- Communicate 2017 service changes to customers and residents
- Implement 2017 service changes
- Begin the 2018 Annual Service Plan process
- Develop a Ridership Growth Strategy



**Thank you**

The meeting of the Council was held on Monday, October 24, 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 Kwapis  
Councillor Broome  
Councillor Bisanz

**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  
I. Laing, Fire Chief  
C. Finnerty, Council/Committee Coordinator  
J. Patel, Business Support Analyst

### **Declaration of Office - Ward 5 By-Election**

The meeting opened with a Call to Rise by Mr. Scott Fortnum, Town Crier, followed by the singing of the National Anthem by Mr. Rick Koury, Coordinator, Newmarket Theatre.

Mayor Van Bynen congratulated Councillor Kwapis on his election to the Office of Ward 5 Councillor, provided opening remarks and introduced Members of Council. The Chief Administrative Officer introduced staff in attendance.

The Director of Legislative Services/Town Clerk administered the Oath of Office to Councillor Kwapis, after which Councillor Kwapis addressed Council and those in attendance with thanks for their support throughout the by-election.

The meeting was called to order at 7:13 p.m.

Mayor Van Bynen in the Chair.

## Public Notices

None.

## Additions & Corrections to the Agenda

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

The Chief Administrative Officer advised of the addendum item, being a motion by the Deputy Mayor & Regional Councillor Taylor related to Item 5 of the agenda, being correspondence from Mr. Denis Kelly, Regional Clerk regarding Review of Regional Council Governance.

Moved by: Councillor Vegh

Seconded by: Councillor Twinney

THAT the addendum item be included in the agenda.

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

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

**Carried**

## Declarations of Pecuniary Interest

- a) Deputy Mayor & Regional Councillor Taylor declared an interest in Item 6 of the Committee of the Whole Minutes of October 18, 2016 being 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) as he owns property in the development application circulation area.

## Presentations & Recognitions

None.

## Deputations

None.

## Approval of Minutes

### 2. Council Minutes of October 3, 2016.

Moved by: Councillor Hempen

Seconded by: Councillor Broome

THAT the Council Minutes of October 3, 2016 be approved.

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

Opposed: (None)

(9 in favour, 0 opposed)

**Carried**

## Reports by Regional Representatives

- a) Deputy Mayor & Regional Councillor Taylor advised that Regional Council recently received a report with respect to waste diversion targets and provided statistics related to current diversion rates and recycling quantities.
- b) Deputy Mayor & Regional Councillor Taylor advised that York Region has awarded construction of the York Region Administrative Centre Annex to Ellis Don. Construction will begin on the eight-storey, 422,000 square-foot facility in 2017 with completion expected in 2020. The Annex will consolidate community, health and courts services into one central, fully-accessible, modern facility next to the existing Regional offices on Yonge Street. In accordance with York Regional Council's direction, the Annex is designed to achieve a LEED (Leadership in Energy Efficient Design) Silver designation.
- c) Mayor Van Bynen advised that Regional Council has committed to provide support and funding to the Smart Commute Workplace Program which encourages those living and working in the area to choose more efficient transportation options.
- d) Councillor Bisanz advised of an upcoming Public Information Centre regarding the Regional Annex, Newmarket's Secondary Plan and the Yonge Street Rapid Transit Corridor, to be held on November 29, 2016 from 7:00 to 9:00 p.m. at the Administrative Centre Great Hall at 17250 Yonge Street.

## Reports of Committees and Staff

3. Committee of the Whole Minutes of October 18, 2016.

Moved by: Councillor Vegh

Seconded by: Councillor Bisanz

THAT the Committee of the Whole Minutes of October 18, 2016 be received and the following recommendations be adopted:

4. 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.
5. 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.
6. 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.
  - 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) 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.

7. 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.

8. 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.

9. 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.

10. 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](http://www.newmarket.ca)

11. 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.

12. List of Outstanding Matters.
  - a) THAT the list of Outstanding Matters be received.
13. Development and Infrastructure Services Report - Engineering Services 2016-40 dated September 29, 2016 regarding McCaffrey Road - Traffic Review # 2.
  - 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.
14. Development and Infrastructure Services - Planning and Building Services Report 2016-37 dated October 18, 2016 regarding the Mulock GO Station - Metrolinx Resolution.
  - 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.

15. 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.

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.

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

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.

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

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.

18. THAT Mayor Van Bynen be appointed as the Town's FCM Community Leader.
19. 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.
20. THAT the deputation by Mr. John Richardson be received.
21. THAT the deputation by Ms. Barb Brunson be received.
22. THAT the deputation by Mr. Mark Huxley be received.

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

Opposed: (None)

(9 in favour, 0 opposed)

### **Carried**

23. 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.

Moved by: Councillor Kerwin

Seconded by: Deputy Mayor & Regional Councillor Taylor

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.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz  
 Opposed: (None)  
 (9 in favour, 0 opposed)

### **Carried**

24. 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)

Moved by: Councillor Twinney  
 Seconded by: Councillor Hempen

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.

In Favour: Mayor Van Bynen, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

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

### **Carried**

Deputy Mayor & Regional Councillor Taylor did not take part in the discussion or voting of the foregoing matter.

25. Committee of the Whole (Closed Session) Minutes of October 18, 2016.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kwapis

THAT the Committee of the Whole (Closed Session) Minutes of October 18, 2016 be approved.

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

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

### **Carried**

26. 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 Kerwin

THAT the Council of the Town of Newmarket takes the position that no changes be considered related to the governance structure of York Region until after the 2018 municipal election with the exception of Council's recorded position in support of an elected Regional Chair.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz  
 Opposed: Councillor Hempen  
 (8 in favour, 1 opposed)

**Carried**

## **By-laws**

27. By-laws 2016-51, 2016-52, 2016-53 and 2016-54.

- |         |   |
|---------|---|
| 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.  |
| 2016-52 | A By-law for the licensing, regulating and governing of refreshment vehicles.   |
| 2016-53 | A By-law of the Town of Newmarket respecting the regulation, licensing and control of animals in the Town of Newmarket.                                   |
| 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) |

Moved by: Councillor Twinney  
 Seconded by: Councillor Kerwin

THAT By-laws 2016-51, 2016-52, 2016-53 and 2016-54 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz  
 Opposed: (None)  
 (9 in favour, 0 opposed)

**Carried**

## **Notices of Motions**

None.

## **Motions**

None.

## Announcements & Community Events

- a) Councillor Vegh reminded residents that winter parking restrictions will be in effect as of November 1. It is strictly prohibited to park a vehicle on any roadway that interferes with the clearing of snow between the hours of 2:00 a.m. and 6:00 a.m. from November 1 to April 15, for more than three consecutive hours except between 7:00 p.m. and 11:00 p.m. or in front of or within two feet of a driveway or laneway. Further information is available on the Town's website at [www.newmarket.ca](http://www.newmarket.ca) or 905-895-5193.
- b) Councillor Vegh advised residents of the upcoming Ward 1 Drop-in meeting on Tuesday, November 1, 2016 from 7:00 p.m. to 9:00 p.m. on the main floor of the Magna Centre, 800 Mulock Drive.
- c) Councillor Kerwin advised that the Newmarket Historical Society is presenting an Interactive Trench Exhibit on Monday through Saturday, November 5 to 19 from 12:00 to 8:00 p.m. at Old Town Hall, 460 Botsford Street.
- d) Councillor Kerwin advised of the upcoming Newmarket Historical Society Pot Luck dinner on Wednesday, November 16, 2016 at the Community Centre & Lions Hall, 200 Doug Duncan Drive beginning at 5:30 p.m.
- e) Councillor Twinney advised that Curbside Giveaway Day is Saturday, October 29, 2016. Residents are encouraged to put any unwanted household items curbside in order to reduce the amount of trash in landfill and to provide an opportunity for someone else to find a new item. For more information, contact York Region at 1-877-464-9675 ext. 75147.
- f) Deputy Mayor & Regional Councillor Taylor thanked Upper Canada Mall, Artex Environmental and the Newmarket Environmental Advisory Committee for their work at the Electronic Waste Event held on Saturday, October 22, 2016.
- g) Councillor Hempen advised that a Public Information Centre is being held on Wednesday, November 2, 2016 from 7:00 to 9:00 p.m. at Dr. John M. Denison Secondary School, 135 Bristol Road inside the cafeteria. The purpose of the PIC is to obtain community feedback regarding an artificial turf sports field at Dr. John M. Denison Secondary School to open in the fall of 2017. This drop-in style public information centre will feature proposed drawings and displays on the artificial turf field. For more information, call 905-895-5193 or email [info@newmarket.ca](mailto:info@newmarket.ca)

- h) Councillor Kwapis advised that the Royal Canadian Legion, Milton Wesley Branch 426 is holding a Remembrance Day Parade and Service on Sunday, November 6, 2016, beginning at 1:30 p.m. at Water Street and Doug Duncan Drive. The service will be held at 2:00 p.m. at Veterans' Memorial Park located at D'Arcy Street and Church Street.
- i) Councillor Broome advised of three new inductees to the Newmarket Sports Hall of Fame. On November 13, 2016, swimming coach Alan Swanston, handball champion, the late Harold McClean and the Newmarket Smoke Rings junior hockey team will be inducted into the Hall.
- j) Councillor Bisanz advised that the Town is holding a Public Information Centre on Wednesday, November 9, 2016 from 7:00 to 9:00 p.m. in the Council Chambers, 395 Mulock Drive. The purpose is to provide residents with an opportunity to learn about the need to connect our communities with cycling facilities. Information will be on display and Town staff will be present to answer questions on the proposed options. For questions or further information, contact Mark Kryzanowski, Manager, Transportation Services at 905-895-5193.
- k) Mayor Van Bynen advised that the Newmarket Veterans' Association invites members of the public to attend its annual Remembrance Day Service at Newmarket Cemetery on Friday, November 11, 2016. As parking is limited, anyone planning to attend is advised to arrive by 10:30 a.m. A reception will be held after the service at the Newmarket Veterans' Association Hall.
- l) Mayor Van Bynen advised that the next Council meeting is Monday, November 14, 2016 at 7:00 p.m.

## **New Business**

- a) Councillor Kerwin advised that he has received complaints with respect to traffic volume and speed on Queen Street, in particular between Roxborough Road and Alexander Road. He requested that the Commissioner of Development and Infrastructure Services review potential speed mitigation measures for the area.

## **Closed Session**

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

## **Confirmatory By-law**

- 28. Confirmatory By-law.

2016-55      A By-law to confirm the proceedings of Council at its meeting of October 24, 2016.

Moved by:      Councillor Kwapis  
Seconded by: Councillor Bisanz

THAT By-law 2016-55 be enacted.

In Favour:            Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,  
                             Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor  
                             Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz  
Opposed:            (None)  
(9 in favour, 0 opposed)

**Carried**

## **Adjournment**

29.      Adjournment.

Moved by:      Councillor Kerwin  
Seconded by: Councillor Vegh

THAT the meeting adjourn.

In Favour:            Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor,  
                             Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor  
                             Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz  
Opposed:            (None)  
(9 in favour, 0 opposed)

**Carried**

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk

Monday, October 31, 2016 at 9:00 AM  
Council Chambers

For consideration by Council  
on November 14, 2016

The meeting of the Special Committee of the Whole was held on Monday, October 31, 2016 in Council Chambers at 395 Mulock Drive, Newmarket.

**Members Present:** Mayor Van Bynen  
Deputy Mayor & Regional Councillor Taylor  
Councillor Vegh  
Councillor Kerwin  
Councillor Twinney (9:00 to 10:11 a.m., 11:33 to 11:46 a.m.)  
Councillor Hempen  
Councillor Kwapis  
Councillor Broome (9:12 to 11:46 a.m.)  
Councillor Bisanz

**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  
M. Mayes, Director of Financial Services/Treasurer  
J. Unger, Assistant Director of Planning  
K. Yaraskavitch, Financial Business Analyst  
L. Moor, Council/Committee Coordinator

**Guests:** C. Hui, Streetscape Program Manager, Region of York  
D. Broderick, IBI Group  
T. McIntyre, IBI Group

The meeting was called to order at 9:00 a.m.

Mayor Van Bynen in the Chair.

### **Declarations of Interests**

None.

## **Presentations**

1. PowerPoint Presentation by Mr. Trevor McIntyre and Ms. Darlene Broderick, IBI Group and Ms. Carmen Hui, Streetscape Program Manager, Region of York regarding the Streetscape Master Plan.

Moved by: Councillor Vegh

Seconded by: Councillor Twinney

THAT the PowerPoint Presentation by Mr. Trevor McIntyre, IBI Group, Ms. Darlene Broderick, IBI Group and Ms. Carmen Hui, Region of York regarding the Streetscape Master Plan be received.

**Carried**

## **Items**

2. Development and Infrastructure Services Report - Planning and Building Services 2016-40 dated October 31, 2016 regarding the Yonge Street and Davis Drive Streetscape Master Plan Study.

Moved by: Councillor Kerwin

Seconded by: Councillor Broome

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-40 dated October 31, 2016 regarding the Yonge Street and Davis Drive Streetscape Master Plan Study be received and the following recommendations be adopted:

i) THAT the Yonge Street and Davis Drive Streetscape Master Plan Study be adopted;

ii) AND THAT subject to future budget approvals, any future improvements to Yonge Street and Davis Drive outside of the vivaNext rapidway be carried out in accordance with the Streetscape Master Plan vision.

**Carried**

The Special Committee of the Whole recessed at 10:11 a.m.

The Special Committee of the Whole reconvened at 10:26 a.m.

3. PowerPoint Presentation by the Financial Business Analyst regarding Implementation of a Stormwater Charge.

Moved by: Councillor Hempen

Seconded by: Councillor Kerwin

THAT the PowerPoint Presentation by the Financial Business Analyst regarding Implementation of a Stormwater Charge be received.

**Carried**

4. Joint Corporate Services/Development and Infrastructure Services - Financial Services Report 2016-40 dated October 20, 2016 regarding Implementation of a Stormwater Charge.

An alternate motion was presented and discussion ensued. A suggestion was made have an interim information report produced and distributed prior to reconsideration of the matter on November 28, 2016.

Moved by: Councillor Hempen

Seconded by: Councillor Kerwin

a) THAT Corporate Services Report - Financial Services 2016-40 dated October 25, 2016 regarding Implementation of a Stormwater Charge be received and deferred to the Committee of the Whole meeting scheduled for November 28, 2016.

**Carried**

5. Development and Infrastructure Services Report - Planning and Building Services 2016-41 dated October 31, 2016 regarding the 2016 Six-Month Servicing Allocation Review.

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-41 dated October 31, 2016 regarding the 2016 Six-Month Servicing Allocation Review be received and the following recommendations be adopted:

i) THAT allocation be granted to the following developments:

345-351 Davis Drive (40 stacked townhouse units/106 people) from the urban centres reserve, subject to the Owner meeting all terms and conditions of the Town's Servicing Allocation Policy, as amended;

955/995 Mulock Drive (73 townhouse units/192 people)

ii) AND THAT the Town continue to hold the balance of its unassigned and uncommitted servicing capacity (1353 people total, with a minimum of 455 people to be directed to the Centres and Corridors) in a strategic reserve.

**Carried**

### **Adjournment**

Moved by: Councillor Broome

Seconded by: Councillor Kerwin

THAT the meeting adjourn.

**Carried**

There being no further business, the meeting adjourned at 11:46 a.m.

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk

The meeting of the Committee of the Whole was held on Monday, November 7, 2016 in Council Chambers, 395 Mulock Drive, Newmarket.

**Members Present:** Mayor Van Bynen  
Deputy Mayor & Regional Councillor Taylor (1:30 to 5:05 p.m.)  
Councillor Kerwin  
Councillor Twinney (1:30 to 5:05 p.m.)  
Councillor Hempen (1:30 to 4:00 p.m., 7:00 to 7:22 p.m.)  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

**Absent:** Councillor Vegh

**Staff Present:** P. Noehammer, Acting Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
I. McDougall, Commissioner of Community Services  
A. Brouwer, Director of Legislative Services/Town Clerk  
R. Nethery, Director of Planning and Building Services  
R. Prudhomme, Director of Engineering Services  
J. Unger, Assistant Director of Planning  
D. Ruggle, Senior Planner, Community Planning  
C. Finnerty, Council/Committee Coordinator  
L. Moor, Council/Committee Coordinator  
S. Niezen, Records & Project Coordinator

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

Mayor Van Bynen in the Chair.

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

The Acting Chief Administrative Officer advised of the addendum items, being Community Services Report – Recreation and Culture 2016-28 regarding Old Town Hall Public Art Installation, Appointment of Members of Council to Committees: Main Street District Business Improvement Area Board of Management – Councillor Kwapis; Newmarket Environmental Advisory Committee – Councillor Vegh, in addition an administrative correction has been made to Item 7 of the agenda being the Heritage Newmarket Advisory Committee Minutes of June 28, 2016, specifically Item 9 of the

Minutes as they relate to delegated authority for the issuance of heritage permits. The minute has been amended.

Moved by: Councillor Twinney  
Seconded by: Councillor Broome

THAT the addendum items be included in the agenda.

**Carried**

## **Declarations of Pecuniary Interest**

a) Deputy Mayor & Regional Councillor Taylor declared an interest in Item 18 being the Public Hearing Matter related to Development and Infrastructure Services – Planning and Building Services Report 2016-43 dated October 18, 2016 regarding Application for Official Plan and Zoning By-law Amendment – 711371 Ontario Corp. - 260 Eagle Street as he owns property in close proximity to the subject lands.

## **Presentations & Recognitions**

1. Ms. Mary-Frances Turner, President, York Region Rapid Transit addressed the Committee with a PowerPoint presentation regarding the vivaNext Project - Yonge Street and Davis Drive Update.

Members of Council queried Ms. Turner regarding traffic infiltration on streets that run parallel to Yonge Street, proposed bike lane surface treatments and information sharing communication methods.

Moved by: Councillor Hempen  
Seconded by: Councillor Broome

THAT the PowerPoint Presentation by Ms. Mary-Frances Turner, President, York Region Rapid Transit regarding the Yonge Street/Davis Drive Update be received.

**Carried**

2. Mr. Mike Rabeau, Director, Capital Planning and Delivery and Mr. Shu He, Manager of Engineering, Regional Municipality of York addressed the Committee regarding an update on the Upper York Sewage Servicing Project.

Moved by: Councillor Kerwin  
Seconded by: Councillor Twinney

THAT Mr. Rabeau and Mr. He be provided a twenty minute time allotment for their presentation.

**Carried**

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

THAT the PowerPoint Presentation by Mr. Mike Rabeau, Director, Capital Planning and Delivery and Mr. Shu He, Manager of Engineering, Regional Municipality of York regarding an update on the Upper York Sewage Servicing Project be received;

AND THAT a communication plan and project updates be brought back to Committee of the Whole in a timely manner.

**Carried**

**Deputations**

3. Mr. Chris Howie addressed the Committee of the Whole with a verbal commentary regarding the protection of trees and a request for Council's review and consideration of implementation of a private property tree preservation by-law.

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

THAT the matter of tree preservation and protection be referred to staff to report back within a 90 day time frame on the previous review of tree preservation and measures undertaken to sustain the tree canopy and available options related to the Region of York's forestry management initiative.

**Carried**

**Consent Items**

Moved by: Councillor Kwapis  
Seconded by: Councillor Hempen

THAT the following items be adopted on consent.

4. Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016.

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016 be received.

5. New Business Item e) of the Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016.

The Operational Leadership Team recommends:

a) THAT the following matter be referred to staff.

THAT the Main Street District Business Improvement Area Board of Management requests space allocation to house material and supplies at the Operations Centre located on Maple Hill Court or in a pod in the P3 parking area.

6. Central York Fire Services - Joint Council Committee Minutes of September 6, 2016.

a) THAT the Central York Fire Services - Joint Council Committee Minutes of September 6, 2016 be received.

7. Correspondence dated October 21, 2016 from Mr. Darian Hang, Social Work Practicum Student, National Eating Disorder Information Centre and correspondence dated October 19, 2016 from Ms. Natalia Tvoronovitch, Administrative Coordinator, Eating Disorders of York Region requesting proclamation of February 1 to 7, 2017 as 'Eating Disorders Awareness Week'.

a) THAT the Town of Newmarket proclaim February 1 to 7, 2017 as 'Eating Disorders Awareness Week';

i) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

8. Correspondence dated September 21, 2016 from Mr. Guy Misener regarding Intensive Therapy for Autism Request for Support of Resolution.

a) THAT the correspondence from Mr. Guy Misener be received and the following recommendation be adopted:

i) THAT the Town of Shelburne Resolution regarding Intensive Therapy for Autism be received and endorsed.

9. Correspondence from Mr. George Habib, President and CEO, The Lung Association - Ontario requesting November, 2016 be proclaimed 'Lung Month' in the Town of Newmarket.

a) THAT the correspondence from Mr. George Habib be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim November, 2016 as 'Lung Month';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

10. Item 8 a) i) of the Heritage Newmarket Advisory Committee Minutes of June 28, 2016.

a) THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 379 Botsford Street under Part IV of the Ontario Heritage Act.

11. Item 8 a) ii) of the Heritage Newmarket Advisory Committee Minutes of June 28, 2016.

a) THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 411 Millard Avenue under Part IV of the Ontario Heritage Act.

12. Item 8 a) iii) of the Heritage Newmarket Advisory Committee Minutes of June 28, 2016.

a) THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 17030 Yonge Street under Part IV of the Ontario Heritage Act.

13. Appointment of Members of Council to Committees.

a) THAT Council appoint the following Members of Council to Committees:

i) Main Street District Business Improvement Area Board of Management – Councillor Kwapis

ii) Newmarket Environmental Advisory Committee – Councillor Vegh

### **Carried**

The Committee of the Whole recessed at 3:32 p.m.

The Committee of the Whole reconvened at 3:50 p.m.

14. Development and Infrastructure Services - Planning and Building Services Report 2016-29 dated November 7, 2016 regarding Official Plan Amendment Application and Zoning By-law Amendment Application - 1166 and 1186 Nicholson Road, Newmarket.

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional Councillor Taylor

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-29 dated November 7, 2016 regarding Official Plan Amendment Application and Zoning By-law Amendment Application - 1166 and 1186 Nicholson Road, Newmarket be received and the following recommendations be adopted:

i) THAT Official Plan Amendment # 14 as contained in Attachment 1 be adopted by Council;

ii) AND THAT Council amend Zoning By-law 2010-40 for the lands at 1166 and 1186 Nicholson Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to this report.

### **Carried**

Councillor Hempen left the meeting at 4:00 p.m.

15. Development and Infrastructure Services - Engineering Services 2016-44 dated October 10, 2016 regarding Site Alteration By-law to repeal current Cut Fill By-law 1998-110.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kwapis

a) THAT Development and Infrastructure Services - Engineering Services 2016-44 dated October 10, 2016 entitled 'Site Alteration By-law' be received and the following recommendations be adopted:

i) THAT the Site Alteration By-law be adopted by Council in principle with wording amendments to the draft By-law to be considered directly by Council on November 14, 2016;

ii) AND THAT the current Cut Fill By-law 1998-110 be hereby repealed;

iii) AND THAT the application fee under the Site Alteration By-law be increased to \$250.00 (from \$189.23) for 'Owner Occupied Residential' applications, and to \$500.00 (from \$378.40) for 'All Other Property Types';

iv) AND THAT the Fees and Charges By-law be updated to reflect the change in fees.

**Carried**

16. Development and Infrastructure Services Report - Engineering Services 2016-45 dated October 20, 2016 regarding Public Consultation and Support Plan - Transportation Services.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Bisanz

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-45 dated October 20, 2016 entitled 'Public Consultation and Support Plan - Transportation Services' be received and the matter be referred to staff for a revised report to be brought back to the next Committee of the Whole meeting incorporating the deliberated suggested language changes and process flow improvements.

**Carried**

17. Heritage Newmarket Advisory Committee Minutes of June 28, 2016 and October 11, 2016.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kwapis

a) THAT the Heritage Newmarket Advisory Committee Minutes of June 28, 2016 and October 11, 2016 be received.

**Carried**

18. Community Services Report – Recreation and Culture 2016-28 dated November 2, 2016 regarding Old Town Hall Public Art Installation.

An alternate motion was presented and discussion ensued.

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Kerwin

a) THAT Community Services Report - Recreation and Culture 2016-28 dated November 2, 2016 regarding a Public Art Piece Installation at Old Town Hall be received and the following recommendation be adopted:

i) THAT Council authorize the installation of a Public Art Piece at Old Town Hall under the conditions set forth within this report with the following exceptions:

- Heading = Project Theme: 'Time' – replace the words 'would contain' with 'could contain'
- Jury Composition = three staff members, two professional artists and two community members (exclude the reference to community member living in close proximity to the location of installation)

#### **Carried**

19. List of Outstanding Matters.

a) THAT the list of Outstanding Matters be received.

Moved by: Councillor Kerwin  
Seconded by: Councillor Kwapis

a) THAT the list of Outstanding Matters be received.

#### **Carried**

#### **Action Items**

None.

#### **Notices of Motion**

None.

#### **Reports by Regional Representatives**

None.

#### **Motions**

None.

## **New Business**

- a) Councillor Kwapis requested that staff investigate the feasibility of providing Wi-Fi to area public spaces and parks. The Commissioner of Community Services advised staff will report back on this matter within a 30 day time frame.
- b) Deputy Mayor & Regional Councillor Taylor requested staff arrange a meeting within a 30 day time frame with the owner of the property known as the Bogart House to initiate a plan of repairs to the residence to ensure longevity can be secured for what is identified as the 'oldest house in Newmarket'.

## **Closed Session**

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

The Committee of the Whole recessed at 5:05 p.m.

The Committee of the Whole reconvened at 7:00 p.m. with Mayor Van Bynen in the Chair.

The Public Hearing was called to order at 7:01 p.m.

## **Public Hearing Matters**

The Council/Committee Coordinator welcomed the public to the Committee of the Whole meeting.

The Council/Committee Coordinator advised that the purpose of the meeting was to hear from anyone who has an interest in the revised Applications for Official Plan Amendment and Zoning By-law Amendment related to: the land located on the southeast corner of Eagle Street and Cawthra Boulevard, municipally known as 260 Eagle Street. The net effect of this application is to permit 27 three storey condominium townhouses on the subject lands. Specifically, the applicant proposed a re-designation from the Commercial and Stable Residential to Emerging Residential and a zoning change from Residential Detached Dwelling 15m (RD-1) zone to the Townhouse Condominium Plan Dwelling (R4-CP) zone.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed application, 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.

20. Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan and Zoning By-law Amendment - 711371 Ontario Corp. (Oxford Homes - 260 Eagle Street)

Mr. Brad Rogers, Groundswell Urban Planners provided introductory remarks and presented the application details and plan specifics.

21. Mr. Mike Roberts, resident, expressed concerns related to the Official Plan designation being stable residential and queried the reason for re-classification, as well as the proposed three storey townhouses will tower over the current neighbourhood of one and a half storeys. He further queried the potential traffic issues and the feasibility of traffic signals in the future.

Moved by: Councillor Kwapis  
Seconded by: Councillor Bisanz

THAT the presentation by Mr. Brad Rogers of Groundswell Urban Planners and the deputation by Mr. Mike Roberts be received.

### **Carried**

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

### **Adjournment**

Moved by: Councillor Broome  
Seconded by: Councillor Hempen

THAT the meeting adjourn.

### **Carried**

There being no further business, the meeting adjourned at 7:22 p.m.

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk

November 10th, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES INFORMATION REPORT  
ENGINEERING SERVICES 2016-53**

TO: Council

SUBJECT: Updated Site Alteration Bylaw, to repeal current Cut Fill Bylaw 1998-110

ORIGIN: Director, Engineering Services

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**RECOMMENDATION**

**THAT Development and Infrastructure Services Report – Engineering Services 2016-53, dated November 10, 2016 entitled “Updated Site Alteration Bylaw, to repeal current Cut Fill Bylaw 1998-110” be received.**

**BACKGROUND / COMMENTS**

On November 7<sup>th</sup>, 2016, the Committee of the Whole considered Development and Infrastructure Services Report – Engineering Services 2016-44, dated October 10, 2016, entitled “Site Alteration Bylaw”. The Committee directed staff to make certain amendments to the wording in some sections of the bylaw and to present the amended bylaw for adoption at the Council meeting of November 14<sup>th</sup>, 2016.

Further to the above, the Committee of the Whole inquired as to how many residential properties in the Town have a surface area of more than 0.5 hectares. Staff has looked into this and has concluded that the information is not readily available and would require a considerable amount of resources to obtain. The concern expressed by the Committee was that owners of residential properties that are greater than 0.5 hectares in surface area may need to obtain a site alteration permit for minor property changes, such as installing a garden. However, Section 5.6 of the proposed Bylaw alleviates this concern by providing a permit exemption for the placing of topsoil and the creation of gardens, regardless of property size, as long as sediment run-off is controlled, no more than 100 mm of soil is placed, and no changes are made to any watercourses or drainage installations. Furthermore, the 0.5 hectare threshold is consistent with other guidelines and policies in the watershed, such as the Lake Simcoe Stormwater Submission Guidelines, as well as site alteration bylaws in other municipalities. Should Council still require the number of properties that are under 0.5 hectares, staff can proceed to conduct the work and report back under separate cover in the form of an information report to Council members.

This report outlines the changes that were made as directed by the Committee, including the bylaw section number, as well as the previous wording and updated text for comparison. Wording that was changed is underlined. The changes are summarized below:

### 1. Section 5.4:

#### Previous wording:

*No Person shall carry out any Site Alteration Adjacent to or within thirty (30) metres of Wetlands, Fish Habitat, significant valley lands, significant woodlands, significant wildlife habitat, habitats of Rare, Threatened, Endangered or Species at Risk, Areas of Natural or Scientific Interest and permanent or intermittent streams without having been issued a Permit under this By-law by the Municipality and/or without having obtained written permission from the LSRCA, where applicable;*

#### Updated wording:

*No Person shall carry out any Site Alteration Adjacent to or within thirty (30) metres of Wetlands, Fish Habitat, significant valley lands, significant woodlands, significant wildlife habitat, habitats of Rare, Threatened, Endangered or Species at Risk, Areas of Natural or Scientific Interest and permanent or intermittent streams without having been issued a Permit under this By-law by the Municipality and also, where applicable, without having obtained written permission from the LSRCA;*

### 2. Section 5.7:

#### Previous wording:

*No Permit shall be issued if, and no Person shall permit or cause to be permitted, any Site Alteration activities that result in:*

#### Updated wording:

*No Permit shall be issued if, and no Owner shall permit or cause to be permitted, any Site Alteration activities that result in:*

### 3. Section 5.7, Subsection (h):

#### Previous wording:

*A negative impact on any Environmental Protection Areas or Areas of Natural or Scientific Interest, Wetlands or wetland complex as identified by the LSRCA, MNRF, the Town; and the Town's Official Plan or Zoning By-law, as each may be amended or replaced from time to time;*

**Updated wording:**

*A net negative impact on any Environmental Protection Areas or Areas of Natural or Scientific Interest, Wetlands or wetland complex as identified by the LSRCA, MNRF, the Town; and the Town's Official Plan or Zoning By-law, as each may be amended or replaced from time to time;*

**4. Section 5.7, Subsection (j):****Previous wording:**

*An adverse effect to archaeological or historically significant features.*

**Updated wording:**

*An adverse effect to archaeological or historically significant features, subject to Section 7.2 (h).*

All changes above are reflected in the updated Final Bylaw.

**CONTACT**

For more information on this report, please contact: Jen Slykhuis, M.Sc., Senior Environmental Coordinator – Climate Change Adaptation, by phone at 905-953-5300, press "2", then extension 2506; or via e-mail at [jslykhuis@newmarket.ca](mailto:jslykhuis@newmarket.ca).



Rachel Prudhomme, M.Sc., P.Eng.  
Director, Engineering Services



Peter Noehammer, P.Eng.,  
Commissioner, Development and Infrastructure Services



## 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

- 3.8 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

- 3.9 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.
- 3.10 Law Enforcement Dogs during the course of fulfilling their duties are exempt from the requirements of this section.

#### Stoop and Scoop

- 3.11 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.
- 3.12 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

- 3.13 No owner of a dog shall cause or permit the dog to run at large in the Town.
- 3.14 No owner shall permit a dog to be off-leash on any Town park or any other property owned by the Town except within a designated off leash park area as designated by the Town.
- 3.15 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

- 3.16 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

- 3.17 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.
- 3.18 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.
- 3.19 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.
- 3.20 No person shall fail to comply with a Muzzle Order.

### Methods of Restraining and Identification

- 3.21 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

3.22 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.

3.23 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.

3.24 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.

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

3.26 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 14TH DAY OF NOVEMBER, 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 2016-56**

### **A BY-LAW TO EXEMPT CERTAIN LANDS FROM THE PART LOT CONTROL PROVISIONS OF THE PLANNING ACT.**

(Greenland Ridge Homes Ltd. - Block 195, Plan 65M-4438)

WHEREAS it is deemed advisable to exempt certain lands from the provisions of Section 50(5) of the Planning Act, R.S.O. 1990, c.P.13;

AND WHEREAS the land use to be accommodated by the exemption, the parcel to be created, and any remaining parcel, are in conformity with the governing Official Plan and are permitted and in conformity with the Zoning By-law in effect for the area in question;

AND WHEREAS Plan 65M-4438 was registered on January 9, 2015 and the construction of the units have now advanced to a point where it is appropriate to enact the required by-law;

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

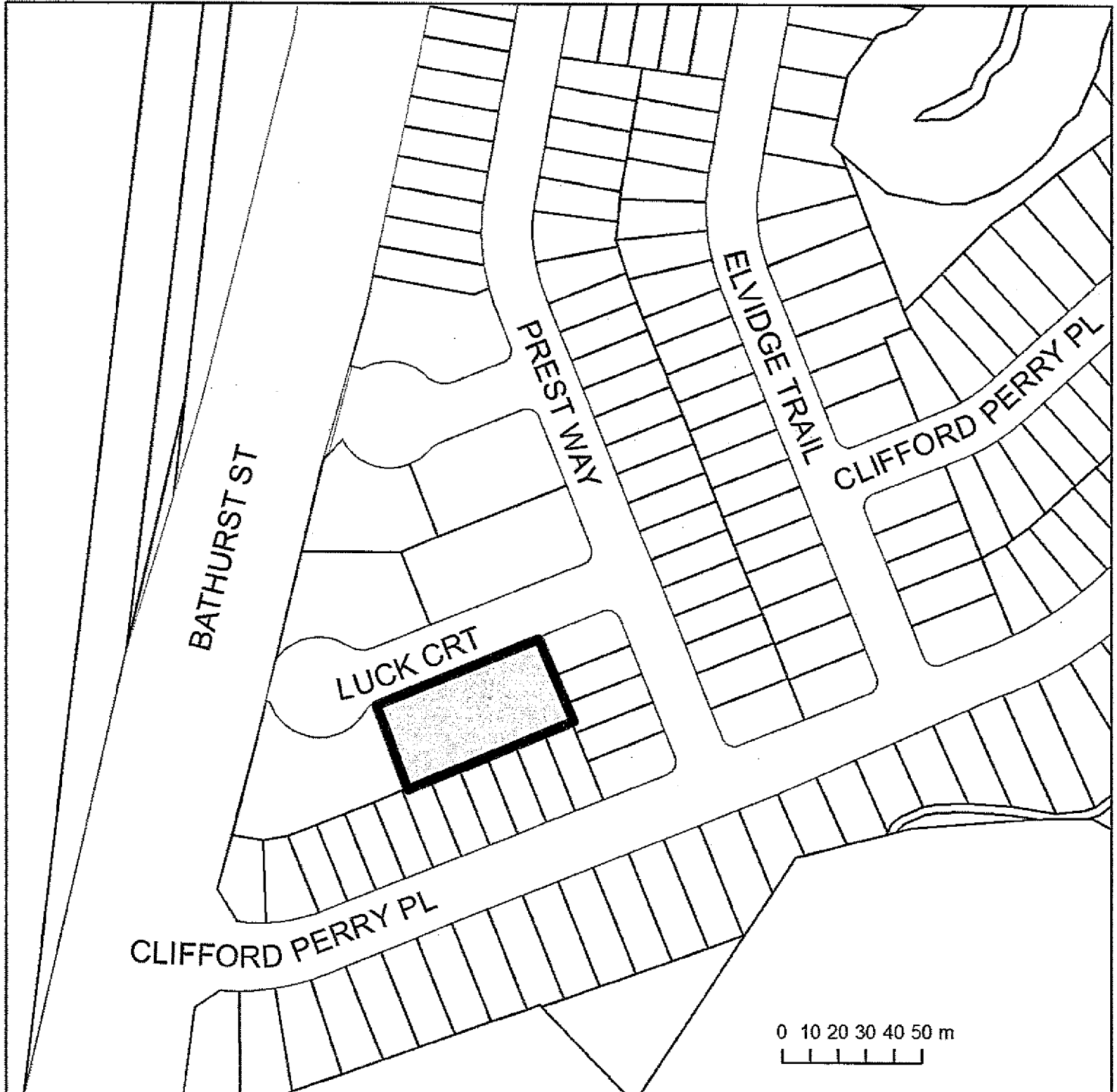
1. The provisions of Section 50(5) of the Planning Act, R.S.O. 1990, c.P. 13 do not apply to the lands described as Block 195 Registered Plan 65M-4438 and further described as Parts 1 through 16 inclusive, Plan 65R-36659 Town of Newmarket, Regional Municipality of York;
2. AND THAT the Municipal Solicitor or her designate be authorized and directed to electronically sign and register this by-law on title;
3. This By-law will lapse after a period of 2 years from the date of enactment.

ENACTED THIS 14TH DAY OF NOVEMBER, 2016.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

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**LOCATION MAP**  
**Block 195 Plan 65M-4438**  
**Luck Court**  
**East side of Bathurst Street north of Davis Drive**  
**Lowton Phase 7**



 Subject Lands

**TOWN OF NEWMARKET PLANNING DEPARTMENT**

**For information purposes only - does not form part of By-law 2016-56**

Designed & Produced by Information Technology - GIS Printed: November, 2016. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2015. Zoning - Town of Newmarket, 2015. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

T:\DI Services\Planning\Waves\Files related documentation\Metus Phase 7\by-law\location map lowton 7 PLCE bylaw block 195.mxd



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2016-57

**A BY-LAW TO APPOINT AN ACTING TOWN CLERK FOR THE TOWN OF NEWMARKET. (Esther Armchuk)**

WHEREAS Section 228(1) of the *Municipal Act* provides that a municipality shall appoint a Clerk whose duty it is to:

- a) record, without note or comment, all resolutions, decisions and other proceedings of the council;
- b) if required by any member present at a vote, record the name and vote of every member voting on any matter or question;
- c) keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- d) perform the other duties required under this Act or under any other Act; and
- e) perform such other duties as are assigned by the municipality.

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

1. THAT Esther Armchuk be appointed as Acting Town Clerk for the Town of Newmarket effective November 30, 2016;
2. AND THAT By-law 2012-12 be repealed effective November 30, 2016.

ENACTED THIS 14TH DAY OF NOVEMBER, 2016.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk



## **CORPORATION OF THE TOWN OF NEWMARKET**

### **BY-LAW NUMBER 2016-58**

#### **A BY-LAW TO PROHIBIT OR REGULATE THE PLACING OR DUMPING OF FILL, THE REMOVAL OF TOPSOIL AND THE ALTERATION OF THE GRADE OF LANDS WITHIN THE TOWN OF NEWMARKET**

WHEREAS Section 142 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act) permits the enactment of a by-law by the Council of The Corporation of the Town of Newmarket to prohibit or regulate the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of land in the Town of Newmarket;

AND WHEREAS Section 142 of the Municipal Act, 2001 as amended further authorizes local municipalities to require that a permit be obtained for the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land, and to impose conditions to such permits;

AND WHEREAS Section 11(2) of the Municipal Act, as amended, authorizes municipalities to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS Section 398 of the Municipal Act, authorizes a municipality to add fees and charges to the tax roll for a property and collect them in the same manner as municipal taxes;

AND WHEREAS Section 444 of the Municipal Act, authorizes that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Section 445 of the Municipal Act, authorizes that where the municipality is satisfied that a contravention of the by-law has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS Section 446 of the Municipal Act, authorizes a municipality to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS the Council may require that a permit be obtained for the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of land in the Town of Newmarket and prescribe the fees for the permit and the circumstances under which a permit may be issued and the conditions to such a permit;

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

## **1. DEFINITIONS**

1.1 In this By-law:

**“Adjacent”** means abutting or contiguous to;

**“Agricultural Lands”** includes all lands that are cultivated and/or used for the raising of livestock;

**“Agricultural Uses”** means:

- a) Growing crops, including nursery and horticultural crops;
- b) Raising livestock and other animals, including poultry and fish, for food and fur;
- c) Aquaculture; and
- d) Agro-forestry and syrup production.

**“Applicant”** means the Owner of the Site, where such Owner is an individual, or means any Person, authorized in writing by the Owner, to apply for a Permit on the Owner’s behalf;

**“Application”** means an application for a Site Alteration Permit in the form prescribed by the Director;

**“Area of Natural and Scientific Interest (ANSI)”** means an area that has been:

- a) Identified as having earth science/life science values related to protection, scientific study or education; and
- b) Further identified by the Ministry of Natural Resources and Forestry (MNRF) as such using evaluation procedures established by the Ministry, as they may be amended from time to time;

**“Authorized Agent”** means a Person acting on behalf of the Owner as designated on the application;

**“Best Management Practices”** means applicable erosion and sediment control measures identified in an Erosion and Sediment Control Plan, which are used to mitigate the amount of pollution leaving a site. May include silt fence barrier,

turbidity barrier, vehicle tracking pad (mud mat), rock check dam, sediment pond, and can be used singularly or in combination as a multi-barrier approach.

**“Body of Water”** includes any body of flowing or standing water whether naturally or artificially created;

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

**“Continuous Offence”** means an uninterrupted offence of the By-law;

**“Council”** means the Council of the Corporation;

**“Director”** means the Director of the Engineering Department of the Town or designate;

**“Development”** means the construction of buildings or structures and above or underground services such as roads, parking lots, paved storage areas, water mains, storm and sanitary sewers, general grading works and similar facilities on any Site in the Town of Newmarket;

**“Drainage”** means the movement of water to a Body of Water, whether by way of natural characteristics of the ground surface or by an artificial method;

**“Dumped/Dumping”** means the depositing of imported Fill in a location on the Site or the movement and depositing of Fill from one location on a Site to another location on the same Site;

**“Endangered Species”** means any native species, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed, as listed in the regulations under the Endangered Species Act, 2007, S.O. 2007, c.6 or its successor, as be amended;

**“Enforcement Officer”** means a Person authorized by the Town to carry out observations and inspections and take samples as prescribed by this By-law and has been duly appointed by the Town to enforce this By-law. It shall also include Persons duly appointed as Municipal Law Enforcement Officers by the Town for the purposes of legal action;

**“Environmental Protection Areas”** as defined by the Town’s Official Plan as it may be amended from time to time;

**“Environmentally Sensitive Area”** means environmentally sensitive lands or other designation for similar purposes that is compatible with the conservation of biodiversity, ecological features, and functions of the site as designated in the applicable municipal, regional, provincial and federal Plans, Acts statutes and regulations;

**“Erosion”** means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity;

**“Existing Grade”** means the elevation of the existing ground surface of the Site upon which Site Alteration is proposed and of Adjacent ground surface up to three (3) metres wide surrounding such Site, except that where Site Alteration has occurred in contravention of this By-law, Existing Grade shall mean the ground surface of the Site as it existed prior to Site Alteration;

**“Fill”** means any type of imported or relocated material deposited or placed on the Site and includes soil, stone, concrete, sod or turf either singly or in combination;

**“Finished Grade”** means the approved elevation of ground surface of the Site upon which Fill has been placed or grade of land has been altered in accordance with this By-law;

**“Fish Habitat”** means the spawning ground and any other areas including nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as defined in the Federal Fisheries Act, R.S.C. 1985, c. F-14, as it may be amended from time to time;

**“Habitat of Endangered, Rare and Threatened Species”** means land that:

- a) Is an area where individuals of an endangered species, a rare species, or a threatened species lives or has the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- b) Has been further identified by the Ministry of Natural Resources and Forestry (MNRF) or by any other Person, as such according to evaluation procedures established by the MNRF, as they may be amended from time to time;

**“Land Disturbance”** means any man-made change of the land surface including removing vegetative cover, and/or excavating, and/or filling, and/or grading;

**“Municipal Act”** means the Municipal Act, 2001, S.O. 2001, c.25, or its successor as amended;

**“Owner”** means the registered Owner of the Site, or a person authorized, in writing, to act as an agent for the registered owner, or a person in lawful control of the Site.

**“Permit”** means permission or authorization given in writing by the Director to perform work regulated by this By-law or part thereof and shall include all

information contained within the approved Site Alteration Plan and any special conditions identified by the Director;

**“Permit Holder”** means the Owner or the person in possession of and includes a lessee, a mortgagee in possession of a Person in charge of the Site;

**“Person”** includes any individual, corporation, partnership, company, association, or party and the heirs, executors, administrators, or other legal representatives of such person, to whom the context can apply according to the law;

**“Placing”** means the distribution of Fill on the Site to establish a Finished Grade higher or lower than Existing Grade;

**“Planning Act”** means the Planning Act, R.S.O. 1990, c.13, or its successor as amended;

**“Ponding”** means the accumulation of surface water in the area not having Drainage from where the lack of Drainage is caused by the Placing or Dumping of Fill or altering the grade of land;

**“Proposed Grade”** means the proposed elevation of ground surface of land upon which Fill is proposed to be placed or altering the grade of land is proposed;

**“Previously Developed Site”** means a Site that has been altered by paving, construction, and/or land use that would typically have required regulatory permitting to have been initiated (alterations may exist now or in the past);

**“Qualified Person”** means a person who holds a license, under the Professional Engineers Act, R.S.O. 1990, C .P. 28 as amended, or other, as approved by the Director, which possesses expert or special knowledge in regards to matters contained within this By-law;

**“Rare Species”** means a native species that is not currently at risk of becoming threatened, but because of its limited distribution, small population, or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases, in certain types of human activity;

**“Removal”** means excavation or extraction of any Fill which lowers the Existing Grade, and includes Soil Stripping;

**“Retaining Wall”** means a concrete or concrete product wall or other material approved by the Director designed to contain and support Fill which has a Finished Grade higher than that of Adjacent lands;

**“Security Deposit”** means a certified cheque, cash or a financial institution letter of credit for the securities set out in Schedule A of the By-law;

**“Site”** means a property/lot/or a parcel of land described in a deed or other document legally capable of conveying land, or shown as a block on a registered plan of subdivision;

**“Site Alteration”** means activities such as Removal of Topsoil from the Site, the Placing or Dumping of Fill at the Site, the alteration of the Existing Grade of land at the Site or excavation by any means including, but not limited to the removal of vegetative cover, the compaction of Fill or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the Site, but does not include:

- a) The construction of facilities for transportation, infrastructure and utility uses by a public body; or
- b) The reconstruction, repair or maintenance of a drain approved under the Drainage Act, R.S.O. 1990, c. D.17, or its successor, as amended; or
- c) The carrying out of Agricultural Uses;

**“Site Alteration Area”** means the total area of the Site that Site Alteration will occur on;

**“Site Alteration Plan”** means a plan prepared by a Qualified Person on behalf of an Owner in connection with a Site Alteration Permit pursuant to this By-law and shall include general requirements, Erosion and Sediment Control (ESC) plans and Fill management plans;

**“Soil”** means any material commonly known as earth, Topsoil, loam, subsoil, clay, sand, or gravel;

**“Soil Management Plan”** means a plan which includes such information including, but not limited to, the volume of soil required at receiving site, Grading Plan, location/address of source material, number of soil samples collected, number of soil samples analysed, rationale for the selection of chemical parameters, rationale for the selection of site condition standard and results of analyses including a comparison of the results to the applicable site condition standard for each contaminant analysed.

**“Soil Stripping”** means the Removal of Soil or Topsoil;

**“Source Material”** means soil used to alter the grade of the land;

**“Source Material Site”** means property from which source material originates;

**“Swale”** means a depression in the ground surface sloping for the purpose of conveying surface Drainage;

**“Topsoil”** means those horizons in a Soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;

**“Town”** means the Corporation of the Town of Newmarket, and including but not limited to, Town of Newmarket employees, Enforcement Officers, Director or designate and appointed individuals for the purpose;

**“Threatened Species”** means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

**“Valleyland”** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

**“Watercourse”** means a natural or man-made channel or Swale in which water flows, either continuously or intermittently with some degree of regularity;

**“Wetland”** means land such as a swamp, marsh, bog or fen (not including land that is being used for Agricultural Uses and no longer exhibits wetland characteristics) that:

- a) Is seasonally or permanently covered by shallow water or has the water table close to or at the surface;
- b) Has hydric soils and vegetation dominated by hydrophilic or water tolerant plants; and
- c) Has been further identified by the MNRF, or by any other Person, as such according to evaluation procedures established by the MNRF as amended;

**“Wildlife Habitat”** means land that:

- a) Is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where species concentrate at a vulnerable point in its annual or life cycle and an area that is important to migratory or non-migratory species; and
- b) Has been further identified by the MNRF, or by any other Person, according to evaluation procedures established by the MNRF, as they may be amended from time to time;

**“Woodland”** means a treed area, woodlot, or forested area, other than a cultivated fruit or nut orchard or a plantation established for producing Christmas trees.

## **2. PURPOSE**

- 2.1 The goal of the By-law is to prohibit or regulate the placing or dumping of fill, the removal of soil and the alteration of the grade of lands within the Town of Newmarket and to establish regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, public and private property, and natural resources from construction site erosion and post-construction stormwater runoff.

## **3. SEVERABILITY**

- 3.1 If a court or tribunal of competent jurisdiction declares any provision or part of a provision of this By-law to be illegal or unenforceable for any reason whatsoever, then that particular provision or part of the provision shall be severed and the remainder of this By-law shall continue to remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

## **4. APPLICABILITY**

- 4.1 No Person shall carry out any Site Alteration activity within the Town of Newmarket, without first obtaining a Permit, unless otherwise exempt as set forth in this By-law
- 4.2 The issuance of a Permit by the Municipality does not relieve the Applicant of the responsibilities of obtaining all other approvals, which may be required by the applicable Municipality, or any level of government and agencies thereof, or from the compliance with any other By-law, legislation or regulation.
- 4.3 In the case of provisions in this By-law and requirements of other agencies that overlap or conflict, the most restrictive provisions shall apply to site activities
- 4.4 The provisions of this By-law are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this By-law imposes greater restrictions the provisions of this By-law will prevail.
- 4.5 The By-law is designed to be consistent with, and complementary to, the laws and regulations administered by other regulatory authorities such as but not limited to:
- a) Ontario Ministry of the Environment and Climate Change (MOECC)
  - b) Ontario Ministry of Natural Resources and Forestry (MNR)
  - c) Lake Simcoe Region Conservation Authority (LSRCA)
  - d) Department of Fisheries and Oceans (DFO)

## **5. PROHIBITIONS**

- 5.1 No Person shall permit or cause to be permitted any Site Alteration activities for storage purposes, unless the storage of such Fill on the Site is permitted by this By-law and the applicable Zoning By-law of the Municipality;
- 5.2 No Person shall permit or cause to be permitted any Site Alteration activities unless:
- a) It is done at the request of or with consent of the Owner of the Site where the Fill is to be placed, dumped or removed;
  - b) All non-native or imported Fill to be placed is clean and free of trash, rubbish, glass, liquid or toxic chemicals and meets the standards set out in the Soil, Groundwater, and Sediment Standards referenced in O. Reg. 153/04, as may be amended from time to time, with respect to all contaminants in the Fill;
  - c) The Drainage system for the Site is provided in accordance with this By-law and all other applicable Town By-laws and the Town is satisfied that the provision has been made where such Drainage is not provided by natural gradients or a Swale; and
  - d) Erosion and Sediment Control (ESC) requirements are met as required by the By-law;
- 5.3 No Person shall carry out any Site Alteration on any Site during any period in which a wind warning for the area has been issued by Environment Canada, except for mitigation measures designed to prevent adverse impacts on Adjacent sites and the environment.
- 5.4 No Person shall carry out any Site Alteration Adjacent to or within thirty (30) metres of Wetlands, Fish Habitat, significant valley lands, significant woodlands, significant wildlife habitat, habitats of Rare, Threatened, Endangered or Species at Risk, Areas of Natural or Scientific Interest and permanent or intermittent streams without having been issued a Permit under this By-law by the Municipality and also, where applicable, without having obtained written permission from the LSRCA.
- 5.5 No person who has obtained a Site Alteration Permit under this By-law shall place or Dump Fill, remove Soil or alter any grade of land except in accordance with the plans, documents and any other information submitted to the Town by the applicant as part of the approved Application.
- 5.6 No Site Alteration shall occur on any lands zoned for Agricultural Uses unless the Owner provides a certificate, signed by a Qualified Person,

confirming that the Site Alteration will result in maintaining or improving the overall fertility of the Agricultural Lands.

- 5.7 No Permit shall be issued if, and no Owner shall permit or cause to be permitted, any Site Alteration activities that result in:
- a) soil erosion;
  - b) Blockage of a storm drainage system;
  - c) Blockage of a natural Drainage system or Watercourse;
  - d) Siltation or pollution in a Watercourse;
  - e) Flooding or Ponding caused by a Watercourse overflowing its banks;
  - f) Unreasonable hindrance of the orderly Development of lands within the Municipality;
  - g) Flooding or Ponding on a neighbouring property or adverse effects on the amenities Adjacent to the Site to which the Permit relates;
  - h) A net negative impact on any Environmental Protection Areas or Areas of Natural or Scientific Interest, Wetlands or wetland complex as identified by the LSRCA, MNRF, the Town; and the Town's Official Plan or Zoning By-law, as each may be amended or replaced from time to time;
  - i) The contamination of Soil or groundwater; and
  - j) An adverse effect to archaeological or historically significant features, subject to Section 8.2.

## **6. EXEMPTIONS AND EXCEPTIONS**

This By-law does not apply to:

- 6.1 Emergency work necessary to protect life, limb, or property;
- 6.2 Routine agricultural activity such as tilling, planting, harvesting and associated activities. Other agricultural activities are not exempt including activities such as construction of structures;
- 6.3 Sites less than 0.5 hectares in size shall be exempted from the requirements to obtain a Permit provided that:
  - a) Such Site is not Adjacent to an Environmentally Protected Area and meets the criteria set out Section 5.7
  - b) The Site Alteration does not in any way affect the land Drainage or slope stability of the abutting sites.
- 6.4 Despite the permit exemption, sites less than 0.5 hectares in size remain subject to, and shall comply with, all other relevant provisions of this By-law, and other applicable By-laws, legislation or regulation of any level of government.

- 6.5 Sites which have received a Site Plan Agreement or Subdivision Agreement from the Town are exempt from obtaining a Permit. Despite the permit exemption, these Sites remain subject to, and shall comply with, all other relevant provisions of this By-law.
- 6.6 Silvicultural activities (forestry management);
- 6.7 Where no more than 100mm of soil in depth is placed on sites for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that:
- a) There is no change in the location, direction or elevation of any natural or artificial Watercourse, open channel, Swale or ditch flow rate used to drain land; and
  - b) There is control of any sediment run-off.
- 6.8 Site Alteration requirements imposed after December 31, 2002 as a condition of the approval of a Site plan, plan of subdivision or consent under Sections 41, 51, 53 respectively, of the Planning Act or as a requirement of a Site plan agreement or subdivision agreement entered into under those sections;
- 6.9 Site Alteration requirements imposed after December 31, 2002 as a condition to a Development permit authorized by regulation made under Section 70.2 of the Planning Act or as a requirement of an agreement entered into under the regulation;
- 6.10 Site Alteration requirements undertaken by a transmitter or distributor, as those terms defined in Section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system;
- 6.11 Site Alteration undertaken as an incidental part of the drain construction under the Drainage Act, Tile Drainage Act, or the Municipal Act, 2001;
- 6.12 Removal of Topsoil as an incidental part of normal agricultural practices, sod-farming, greenhouse operations and nurseries for horticultural products. This exception does not include the Removal of Topsoil for sale, exchange or other deposition;
- 6.13 Site Alteration requirements undertaken on Sites as described in a license for a pit or quarry or a Permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act, 2009;
- 6.14 Site Alteration requirements undertaken on Sites in order to lawfully establish and operate or enlarge any pit or quarry;

- a) That land has not been designated under the Aggregate Resources Act, 2009 or a predecessor of that Act; and
  - b) On land on which a pit or quarry is a permitted land use under a By-law passed under Section 34 of the Planning Act.
- 6.15 If a regulation is made under Section 28 of the Conservation Authorities Act, respecting the Site Alteration in any area of the Municipality;
- 6.16 Removal or addition of soil where the quantity of soil removed or added in any one Site does not exceed five (5) cubic metres and does not contravene Section 5.7 of this By-law; or
- 6.17 Fill that is Placed or Dumped in an excavation to the elevation of Existing Grade following the demolition or Removal of a building or structure.
- 6.18 The excavation of swimming pools on residential properties regulated by other Town By-laws, including but not limited to the Pool Enclosure By-law, Town of Newmarket By-law Number 2008-18, as amended from time to time.

## **7. PERMIT ISSUANCE AND REVIEW PROCESS**

- 7.1 All Permit applications must be completed in full, including all required supporting documentation provided, prior to the issuance of a Permit. The Applicant's failure to prepare a complete Stormwater Management Plan (SWMP) as required by the Town and/or ESC Plan as required by the Town will result in the decline of the permit application.
- 7.2 The following information and materials shall be submitted as part of an Application for a Site Alteration Permit:
- a) A completed application for a Site Alteration Permit, duly signed by the Applicant, prescribed by the Director as amended;
  - b) The application Permit fees as set out in the Town's Fees and Charges By-law as it may be amended from time to time;
  - c) Securities as per **Schedule "A"** of this By-law;
  - d) Proof of Insurance from an Insurer licenced in the Province of Ontario in the amounts required through the Town's Site Plan Approval Process or as required by the Director or designate;
  - e) A Site Alteration Plan, certified by a Qualified Person, meeting the standards set out in **Schedule "B"** of this By-law, containing the Site Design Guidelines as set out in **Schedule "C"** of this By-law;
  - f) A Stormwater Management Plan (SWMP) and Erosion and Sediment Control (ESC) Plan must be completed, and submitted as

an application package for review, and approved by the Town to receive the necessary permit for the site.

- g) Confirmation that the Applicant complies or will comply with the Permit Conditions as specified in **Schedule “D”** of this By-law as it may be amended from time to time to the satisfaction of the Director;
- h) Confirmation that the appropriate archaeological assessments on the Sites deemed to have moderate to high potentials for the discovery of archaeological resources have been completed to the satisfaction of the Ontario Ministry of Culture; and
- i) A signed authorization by the Owner of the Site upon which the work is to be performed, or by a person authorized, in writing, to act as agent for the Owner, certifying the correctness of all the information in the Application;
- j) Where the Site is within the boundaries of the Oak Ridges Moraine Protection Plan or the Greenbelt Plan, the Application shall include any and all documents, reports or studies required by such plans to demonstrate compliance with the provisions of the plan;
- k) When requested by the Town, written confirmation from the LSRCA or any provincial or federal authority having jurisdiction that the Site Alteration Area, is under the jurisdiction of the LSRCA, provincial or federal authority;
- l) When requested by the Town, written confirmation from LSRCA or any provincial or federal authority that all conditions of the other authorities have been satisfied;
- m) In the event that there is more than one Source Material Site for the required volume of soil needed to complete earthworks, a Soil Management Plan shall be prepared and submitted for each Source Material Site;
- n) Any requirements as outlined in the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy 2008;
- o) Any additional information as required, in writing, by the Director.

7.3 The Director shall review all Applications and may issue a Permit upon the fulfillment of all of the following:

- a) the Director is satisfied that the Site Alteration Area which is the subject of an Application is not within an area regulated by the LSRCA or any provincial or federal authority having jurisdiction, or if the Site Alteration Area is within such an area, that all conditions of the other authority have been satisfied;
- b) the applicant has submitted a complete Application and met all of the requirements of this By-law;

- c) the Director is satisfied that the proposed activities are all in accordance with proper engineering and environmental practices, laws and regulations;
- d) the Director is satisfied that the work proposed under the Application will not result in the spread or migration of contamination in Soil, groundwater, sediment, or air to other areas of the site or to abutting sites, municipal infrastructure, roads and sidewalks;
- e) in the 12 months prior to the Application there have been no orders, notices or charges under this By-law against the Applicant with respect to any other Site owned by the Applicant for which the Applicant had authority to apply for a permit under which the said orders, notices or charges arose;
- f) the Director is satisfied that the Soil Management Plan is complete and acceptable to the Town; and
- g) any other concerns of the Director have been satisfied.

## **8. EXPIRY, RENEWAL, TRANSFER, REVOCATION AND REFUSAL OF PERMITS**

- 8.1 A Permit issued pursuant to the By-law shall be valid for a period of one (1) year from the date of issuance, after which the permit will expire.
- 8.2 Notwithstanding Section 8.1, Permits issued under this By-law shall expire (90) days after the date of issuance of the permit if Site Alteration activities have not commenced.
- 8.3 A Permit which is no longer valid or which has expired pursuant to this By-law must be renewed upon making a written application to the Town accompanied by payment of applicable fees, failing which, the Town may remedy any deficiencies outstanding at the expiration date pursuant to the provisions of this By-law at the Owner's expense.
- 8.4 The Applicant must amend an approved Permit to include additional requirements such as additional or modified site and SWM plans designed to correct problems whenever:
  - a) There is a change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface water or underground water;
  - b) Inspections or investigations indicate the plans are not effective in eliminating or significantly minimizing the discharge of pollutants to

surface water or underground water or that the discharges are causing receiving water quality concerns;

- 8.5 If the title of the Site for which a Permit has been issued is transferred while the Permit remains in effect, the Permit shall be cancelled unless the new Owner of the Site, within thirty (30) days prior to the transfer, advises the Town of such transfer and provides the Town with an undertaking to comply with all the conditions under which the existing Permit was issued, including providing proof of insurances as required under Section 7.2 (d) and also provides a Security Deposit in accordance with the requirements of **Schedule "A"** of this By-law.
- 8.6 A Permit may be revoked by the Municipality under any of the following circumstances:
- a) It was issued in error;
  - b) The Owner or Permit Holder requests, in writing, that it be revoked;
  - c) The conditions of the Permit under this By-law have not been complied with;
  - d) Work authorized under the Permit has not been commenced prior to its expiry date as set out in Section 8.2 above, or
  - e) The Owner fails to comply with Subsection 8.4 and 8.5 of this By-law.
  - f) The Town is required to draw upon the Security Deposit for any other of the Applicant's Sites within the Town's jurisdiction for which a Permit for Site Alteration has been issued, as set out in Section 1.2(a) of Schedule A of this By-law.
- 8.7 In the event that a Permit is revoked, the Owner and/or the Permit Holder shall ensure that all work that was the subject of the revoked Permit ceases.
- 8.8 If a Permit has expired, been cancelled or revoked after the work has commenced and prior to the completion of Site Alteration, the Person, the Owner and the Permit Holders shall each be jointly responsible for the restoration of the Site to its original condition or stabilize the Site to the satisfaction of the Town in a manner that will prevent adverse impacts on the adjacent properties and the environment.
- 8.9 Where the Town refuses to issue a Permit, the Applicant shall be informed in writing of the refusal.

## **9. INSPECTIONS**

- 9.1 In accordance with s. 436(1) of the *Municipal Act, 2001*, the Town may enter on the Site 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) a condition of a Site Alteration Permit issued under this By-law;
- c) an order of the Town made under this By-law; or
- d) an order made under s. 431 of the *Municipal Act, 2001*

9.2 For the purposes of conducting an inspection pursuant to Section 8.1 of this By-law, the Town may, in accordance with the provisions in section 436(2) of the *Municipal Act, 2001*:

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

9.3 The Director may delegate any of his/her duties under this By-law;

## **10. ENFORCEMENT**

10.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Enforcement Officer who is exercising a power or performing a duty under this By-law;

10.2 This By-law shall apply to all Site Alteration on all Sites within the Town.

10.3 Enforcement Officers shall reserve the right to issue stop work orders when cooperation on inspections is withheld or when a violation has been identified that needs immediate attention to protect human health and/or the environment.

10.4 If an Enforcement Officer has reasonable and probable grounds to believe that a contravention of this By-law has occurred, the Enforcement Officer may make an order requiring work to be done to correct the contravention.

10.5 If an Enforcement Officer has reasonable and probable grounds to believe that a contravention of this By-law has occurred, the Enforcement Officer may make an order requiring the owner of the land and Person who caused or permitted to be caused the Site Alteration to discontinue all activities on the Site.

- 10.6 An order issued under Section 10.4 and 10.5 shall set out:
- a) The reasonable particulars of the contravention;
  - b) What the Owner must do to rectify the contravention;
  - c) The date and time by which the order must be complied with;
  - d) A statement that if the work is not done in compliance with the order within the specified time period, the Town may have the work done at the expense of the Owner and any applicable charges that may be laid;
  - e) Information regarding the Town's contact person; and
  - f) The name of the Owner, the municipal address and the legal description of the Site that is the subject of the contravention.

## **11. PRESUMPTION**

Where a Site Alteration has occurred in contravention of any of the provisions of the By-law, the Owner of the Site Alteration Area shall be presumed to have been the person who altered the Site, or caused or permitted the Site Alteration in contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

## **12. SERVICE OF ORDERS**

Orders issued by an Enforcement Officer under Section 10.3, 10.4 and 10.5 shall be served by prepaid registered mail to the address which was provided on the Application. If served by registered mail, the document shall be deemed received by the Owner 5 working days after mailing.

## **13. OFFENCE AND PENALTY**

- 13.1 If a person fails to do a matter or thing after being directed or required by the Town to do a matter or thing under this By-law (the "Work") then the Town may, undertake the Work at the person's expense. The Town may recover the costs of the Work from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes or by drawing on the Security Deposit provided as part of the Application. If the costs for Work are greater than the remaining Security Deposit and the Town is not reimbursed within thirty (30) days of written demand thereof, the Director of Finance may add the costs, including interest, to the tax roll for the Site and collect them in the same manner as municipal taxes.
- 13.2 Every Person who contravenes any provision of this By-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5000.00 exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, shall apply to said fine;

- 13.3 Every Person who contravenes the provisions of any section of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by the said corporation, is guilty of an offence under the provisions of the Municipal Act, 2001;
- 13.4 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be designated as a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 13.5 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day or part of a day that the order is not complied with.
- 13.6 For purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is designated as a multiple offence.
- 13.7 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.
- 13.8 Every Person who contravenes the provisions of any section of this By-law and every director or officer of a corporation, who concurs in the contravention by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001;
- 13.9 For the purpose of Continuous Offences, every Person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a By-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001;
- a) Notwithstanding Section 13.8, the total of all daily fines for the offence is not limited to \$100,000
- 13.10 For the purpose of Multiple Offences, every Person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a By-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding

\$100,000, exclusive of costs under the provisions of the Municipal Act, 2001;

#### **14. SHORT TITLE**

This By-law shall have the short title "The Site Alteration By-law".

#### **15. REPEALING SECTION**

By-law Number 1998-110 is hereby repealed.

#### **16. FORCE AND EFFECT**

This By-law shall come into force and have effect immediately upon the final passing thereof.

#### **SCHEDULES**

Schedule "A" Security Deposit  
Schedule "B" Standards for Site Alteration Plans  
Schedule "C" Site Design Guidelines  
Schedule "D" Permit Conditions  
Schedule "E" Application for Site Alteration Permit

### **SCHEDULE A: SECURITY DEPOSIT AND FEE**

- 1.1 The Town will require a Security Deposit in such amount as determined by the Director in his or her sole discretion, which may be drawn upon by the Town to remedy any deficiency in any work or to correct any works completed under the Permit issued under this By-law, including but not limited to the following works:
  - a) Damages to roads such as mud tracking and dust control;
  - b) Site restoration;
  - c) Installation and/or replacement of ESC measures;
  - d) Installation and/or replacement of stormwater management measures;
  - e) Installation and/or replacement of measures to protect the safety of the public;
  - f) Damages as a result of failure of ESC and/or stormwater management measures.
  
- 1.2 If at any time during the course of the work the Town is required to draw upon the Security Deposit to remedy any deficiency in any work or correct any works under the Permit issued under this By-law, the Municipality may:
  - a) Revoke the Permit issued by the Town to the Applicant for the Site in question;
  - b) Require the Applicant to execute Subdivision Agreement or Site Plan Agreement before works can continue.
  
- 1.3 The Security Deposit must remain in effect for the full duration of the permit (the "Permit Term") and the Permit Holder agrees that any interest accruing on the Security Deposit shall belong to the Town and not the Permit Holder. Any Security Deposit in the form of a letter of credit and its subsequent renewal forms shall contain a clause stating that thirty (30) days written notice must be given to the Municipality prior to its expiry or cancellation; and
  
- 1.4 In the event that the Town receives notice that the said letter of credit is expiring and will not be renewed, or, if further or additional securities are not provided to the Town by the Permit Holder within the said thirty (30) days, the Town may draw on the said letter of credit at the discretion of the Director to render the letter of credit security into a cash deposit security.
  
- 1.5 It is the responsibility of the Permit Holder:

- a) To provide proof satisfactory to the Town that the Site has been adequately reinstated and stabilized in accordance with the requirements of this By-law and the Site Alteration Plan accompanying the Permit; and
  - b) To request in writing at least fourteen (14) days prior to the expiry of the permit that the Town carry out a final inspection to confirm that all relevant terms of this By-law have been complied with;
- 1.6 The Security Deposit shall not be released by the Town until written certification has been provided by the Permit Holder that the Site Alteration meets the applicable site condition standard, as determined by a Qualified Person;
- 1.7 If circumstances exist such that noncompliance within this By-law poses an immediate danger to the public health, safety and welfare, as determined by the Town, the Town may take emergency preventative action. The Town shall also use the information provided on the permit application to contact the Applicant and direct the Applicant to take any necessary action. Any cost to the Municipality may be recovered from the Security Deposit and/or added to the tax roll and collected in the same manner as property taxes;

## **SCHEDULE B: STANDARDS FOR SITE ALTERATIONS PLANS**

The Owner shall ensure that the information required for Site Alteration Plans are provided by a Qualified Person Two (2) hard copies and one (1) digital copy on CD or USB of the Site Alteration Plan are required to be submitted to the Director of Engineering Services. All plans are to be in metric units and printed from the original drawings with all information provided legible and clear.

### **1. GENERAL REQUIREMENTS**

The Site Alteration Plan shall be at a scale of 1:500 and shall include the following requirements:

- 1.1 The use of the Site and the location of all existing and proposed buildings and other structures;
- 1.2 The location of driveways and municipal road allowances;
- 1.3 The location of the Regional storm flood line and the LSRCA Fill regulation lines shall be shown within the Site boundary;
- 1.4 The location of any existing septic systems and private wells and/or existing municipal services;
- 1.5 The location and species types of existing vegetative cover, including the species and size of all trees;
- 1.6 The location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within thirty (30) metres beyond the Site boundary;
- 1.7 Description of any existing easements on the Site;
- 1.8 The identification of the proposed Finished Grade elevations of the Site;
- 1.9 The location and dimensions of all proposed Site Alteration activities;
- 1.10 The location and dimensions of all proposed temporary stockpiles for Fill, Soil and other materials;
- 1.11 The location and dimension of all proposed access routes;
- 1.12 The location and dimensions of all proposed staging areas for equipment;

- 1.13 An indication on the drawing of the directions of overland flow and overland flow routes;
- 1.14 Provisions for the maintenance of the Site and control measures and a schedule for monitoring procedures during construction, including a mud tracking prevention program. This shall describe the procedure for mud tracking prevention and road clean up and designate a contact Person for such a program throughout each land disturbing and land developing activity;
- 1.15 A maintenance plan that includes, but is not limited to, who will conduct the maintenance, type of maintenance needed, maintenance intervals and demonstrating that at the time of final stabilization that the stormwater facilities conform to design specifications;
- 1.16 A schedule of the anticipated start and completion dates of each land disturbing or land developing activity including the installation of ECS measures needed at the Site to meet the requirements of the By-law
- 1.17 Details of the Site rehabilitation including the type and location of all interim and permanent stabilization measures;
- 1.18 A key map showing the location of the Site, Site boundaries, number of hectares of the Site, the Site Alteration Area, the Site address or Site number, plan numbers, bearing distance over perimeter, the nearest major intersection, a legend and a north arrow;
- 1.19 A field survey of the existing Site topography at a contour interval not to exceed one half of one metre determined in accordance with the Canadian Geodetic Datum and to extend a minimum of thirty (30) metres beyond the Site boundary with spot elevations along the property line at 0.5-1.0 metre intervals to clearly show the existing Drainage patterns on the Site and the Adjacent Sites;
- 1.20 The location, dimensions, design details and design calculations of all Site control measures, including plan and profile drawings of ESC and SWM devices, necessary to meet the requirements of this By-law;
- 1.21 A certificate on the drawings, executed by a Qualified Person in the following form:  
 "I have reviewed the plans for the construction of \_\_\_\_\_ located at \_\_\_\_\_ and have prepared this plan to indicate the compatibility of the proposal to existing adjacent properties and municipal services. It is my belief that adherence to the proposed grades as shown will produce adequate surface drainage and proper

facility of municipal services without any detrimental effect to the existing drainage patterns or adjacent properties.”

Such other information with respect to the Site may be required by the Municipality.

## **2. STORMWATER MANAGEMENT PLAN**

2.1 A Stormwater Management (SWM) Plan will be required, prior to any proposed land development activity that meets any of the criteria in a) through e) below:

- a) Any land development activity or site alteration that may ultimately result in the disturbance of 5000 sq. meters (0.5 hectares) or more of land within any one year period, including smaller individual sites that are part of a common plan of development that may be constructed at different times;
- b) Any land development activity or site alteration within 120 metres of a key natural heritage feature (e.g. wetland, woodland), a key hydrologic feature (e.g. water course) or the significant habitat of endangered and threatened species as defined in the Lake Simcoe Protection Plan;
- c) A plan of subdivision, condominium, or site plan;
- d) The construction of any new private road;
- e) Any land development activity or site alteration, that the Town determines is likely to cause an adverse impact to an Environmentally Sensitive Area or other property, or as required by the Town.

### **Stormwater Management Plan Requirements:**

2.2 The SWMP shall include, but not limited, to the following requirements:

#### **General:**

- a) A SWMP must be stamped and signed by a Qualified Person and shall be completed as submitted as part of the Site Alteration Plan prior to the Site Alteration activities.
- b) A description of the Site Alteration activities: The description must be a combination of narrative, plan sheets, and (if appropriate) standard detail sheets that address the foreseeable conditions, at any stage in the construction or post construction activities.
- c) The SWMP must include any stormwater mitigation measures approved as part of an environmental review, endangered species review, archaeological or other required review conducted for the project. For the purposes of this permit provision, mitigation measures means actions necessary to avoid, minimize, or rectify) e.g, repairing, rehabilitating, restoring), reducing, eliminating or compensating for

impacts related to: (1) stormwater discharges associated with the project's construction activity; and (2) erosion prevention, sediment control and the Permanent SWM System for the project;

- d) The SWMP must identify additional or different measures necessary (e.g., impervious liner in pond bottom) to assure compliance with source water and groundwater protection plans in karst areas and to ensure protection of drinking water source areas;
- e) The SWMP must identify and address additional or different standards such as wellhead protection areas and make protection zones to ensure protection of Municipal drinking water supplies;

#### **Site Maps:**

- a) A site map with existing and final grades, including dividing lines and direction of flow for all pre- and post-construction stormwater runoff drainage areas located within the project limits must be included. The site map must indicate the areas of steep slopes.
- b) The site map must also include impervious surfaces, soil types adhere to Lake Simcoe watershed Soil Classification mapping, and locations of potential pollutant-generating activities such as the storage, handling, and disposal of Site Alteration activities, materials, and wastes, fuelling and maintenance of equipment or vehicles, vehicle and equipment washing, and concrete and other washout waste.
- c) Buffer zones must be described and identified on plan sheets or project maps in the SWMP
- d) Location of areas where construction will be phased to minimize duration of exposed soil areas must be described
- e) The SWMP must include a map of all surface water, existing wetlands, and stormwater ponds or basins which can be identified within one kilometre (aerial radius measurement) from the project boundaries and specify if they will receive stormwater from the construction site, during or after construction. Where surface waters receiving stormwater associated with construction activity will not fit on the plan sheet, they must be identified with an arrow, indicating both direction and distance to the surface water.

#### **Erosion and Sediment Control:**

- a) The SWMP must identify the potential for discharge of sediment and/or other potential pollutants from the site that would have a negative impact on surface and ground water. The SWMP must contain erosion prevention and sediment control BMPs to control the discharge of sediment and/or other potential pollutants from the site;
- b) As part of the SWMP, the Owner must identify a person qualified in the application of erosion prevention and sediment control BMPs who will oversee the implementation of the SWMP, and the installation, inspection and maintenance of the erosion prevention and sediment

control BMPs before and during construction. The Owner must identify in the SWMP who will have the responsibility for long-term operation and maintenance of the Permanent SWM System. The Owner shall include in the SWMP a chain of responsibility with all operators on the Site, or if not known, the title or position of the responsible party, to ensure that the SWMP will be implemented and stay in effect until the construction project is complete and the entire Site has undergone Final Stabilization.

- c) The SWMP must incorporate the requirements of the By-law and include a narrative describing the timing for installation of all erosion prevention and sediment control BMPs and permanent SWM systems must also be included.
- d) The SWMP requirements must be incorporated into the project's final plans and specifications and/or project documentation, as appropriate, and must include:
  - i. Location and type of all temporary and permanent erosion prevention and sediment control BMPs along with procedures to be used to establish additional temporary BMPs as necessary for the site conditions during construction. Standard details and/or specifications for the BMPs used on the project must be included in the final plans and specifications for the project;
  - ii. Estimated preliminary quantities tabulation anticipated at the start of the project for the life of the project must be included for all erosion prevention and sediment control BMPs in the SWMP (e.g., linear metres of silt fence or square metres of erosion control blanket);
  - iii. The number of hectares of impervious surface for both pre- and post-construction must be specified.
- e) Any specific chemicals and the chemical treatment systems that may be used for enhancing the sedimentation process on the Site and how compliance will be achieved must be described;

**Design Calculations:**

- a) The SWMP must account for the following factors (i to iii) in designing the temporary erosion prevention and sediment control BMPs, considering (at minimum) the 1 in 2 year, Type II SCS, 24 hour duration design storm:
  - i. The expected amount, frequency, intensity, and duration of precipitation;
  - ii. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces and site drainage features;
  - iii. If any stormwater flow will be channelized at the site, the Applicant must design BMPs to control both peak flow rates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and stream bank erosion.

- b) When the facility discharges to a coldwater stream, the Permanent Stormwater Management System shall be designed such that the discharge from the project will minimize any increase in the temperature of coldwater stream receiving waters resulting from the 1 in 2 year, Type II SCS, 24 hour duration design storm. Projects which discharge to coldwater streams must minimize the impact using one more or more of the following measures, in order of preference:
- i. Minimize new impervious surfaces;
  - ii. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls;
  - iii. Infiltration or other volume reduction practices to reduce runoff in excess of pre-project conditions (up to the 1 in 2 year, Type II SCS, 24 hour duration design storm);
  - iv. If ponding is used, the design must include an appropriate combination of measures such as shading, filtered bottom withdrawal, vegetated swale discharges or constructed wetland treatment cells that will limit temperature increase. The pond should be designed to draw down in 24-48 hours;
  - v. Other methods that will minimize any increase in the temperature of the coldwater stream.

**Final Stabilization:**

- a) Methods to be used for Final Stabilization of all exposed soil areas must be described. Final stabilization is not complete until all requirements (i to v) outlined in this section below are complete:
- i. All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform perennial vegetative cover with a density of 70 percent of its expected final growth density over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions;
  - ii. The permanent SWM system is constructed and is operating as designed. Temporary or permanent sedimentation basins that are to be used as permanent water quality management basins have been cleaned of any accumulated sediment. All sediment has been removed from conveyance systems and ditches are stabilized with permanent cover;
  - iii. All temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) have been removed on the portions of the site for which the Applicant is responsible. BMPs designed to decompose on site (such as some compost logs) may be left in place;
  - iv. For residential construction only, individual lots are considered finally stabilized if the structure(s) are finished and temporary erosion

- protection and down-gradient perimeter control has been completed and the residence has been sold to the homeowner;
- v. For construction projects on agricultural land (e.g., pipelines across crop, field pasture or range land) the disturbed land has been returned to its preconstruction agricultural use.
  - vi. For projects that include permanent stormwater treatment systems, the SWMP must include a maintenance and monitoring plan identifying who will be performing future maintenance and monitoring of the system;

### **3. EROSION AND SEDIMENT CONTROL PLAN**

- 3.1 An ESC Plan shall be required prior to any proposed land disturbing activity, unless otherwise exempted in this By-law;
- 3.2 An ESC Plan shall be completed and submitted as part of the Site Alteration activities, when applicable. An ESC Plan shall include, but may or may not be limited to the following requirements:
  - a) Project description including the nature and purpose of land disturbing activity, the legal description of the Site, and a reference to Adjacent Sites and landmarks;
  - b) Condition of the existing Site including Site use, Site topography, Soils, vegetation, Drainage systems, and receiving waters;
  - c) Protection of receiving water bodies, wetlands, and storm sewer inlets;
  - d) Description of areas within the Development Site that have potential for serious erosion or sediment transportation problems;
  - e) A delineation and description of the measures to be undertaken to prevent erosion and to retain sediment on the Site, including, but not limited to, the designs and specifications for swales, dikes, drains, sediment control ponds, and a schedule for their maintenance and upkeep;
  - f) A delineation and description of the vegetative measures to be used, including, but not limited to, mulches, types of seeds and fertilizers and their application rates, the type, location and extent of pre-existing and undisturbed vegetation types and a schedule for maintenance and upkeep;
  - g) Description of any new ESC techniques and effective measures provided such techniques are proven to be as or more effective than the equivalent ESC;
  - h) Record keeping procedure including sample inspection and maintenance forms. Maintenance record keeping procedure including reporting and on-Site documentation system.
- 3.3 Significant effort shown to minimize the following:

- a) Disturbance of natural soil cover and vegetation, including vegetated buffers along watercourses;
- b) Exposed soil and unstable soil conditions;
- c) Off-site sediment transport on trucks and equipment;
- d) Work in and adjacent to water bodies and wetlands;
- e) Compaction of site soils; and
- f) Dust from construction activities.

3.4 The ESC Plan must be stamped, dated and signed by a Qualified Person.

## **SCHEDULE C: SITE DESIGN GUIDELINES**

### **1. SITE EROSION AND SEDIMENT CONTROL PRACTICES**

- 1.1 The Site Alteration Plan should consider the following types of stabilization practices for soil ESC controls;
- a) Vegetative stabilization practices such as temporary seeding, sod stabilization, permanent seeding and planting, maintenance of buffer zone, and preservation of natural vegetation;
  - b) Non-vegetative stabilization practices such as mulching, geo-textiles, Soil-retaining measures and stream bank stabilization; and
  - c) In-stream stabilization practices such as temporary stream crossings, cofferdams, dry flumes, sediment curtains, by-passes or full diversions, and de-watering.
  - d) Runoff velocity dissipation measures, which slow down the runoff flowing across the Site by using measures such as check dams, surface roughening and gradient terraces;
  - e) Stormwater runoff controls, which prevent runoff from flowing across disturbed areas by using measures such as earth dikes, Drainage Swales and drains;
  - f) BMPs such as construction phasing, horizontal slope grading, delineation of areas not to be disturbed (e.g., with flags, stakes, signs, etc.), and terracing on steep slopes;
  - g) All storm drain inlets shall be protected with appropriate sediment barriers so as not to admit sediment-laden runoff from the disturbed areas. The control measures chosen must meet the standards and specifications accepted by the Director of Engineering;
  - h) Structural practices such as temporary sediment control ponds, which hold stormwater runoff in a controlled fashion and remove sediments in the storage device; and
  - i) In the event that a sediment control pond cannot be constructed to service the entire Site (i.e., capture all runoff from the Site), the reasons must be documented and alternative control measures must be implemented. Other sediment control measures, which remove sediments from runoff before it leaves the Site, include silt fences, sediment traps, storm drain inlet protection, and filter fabrics.

#### **Temporary sediment control pond**

- 1.2 For Sites with more than two (2) hectares disturbed at a time, or in a staggered manner, all of which are served by a common discharge location, a series of Sediment Control Ponds shall be provided. The Applicant is encouraged, but not required to install temporary sediment

basins where appropriate in areas with steep slopes or highly erodible soils, even if less than two (2) hectares drains to one area.

1.3 Sediment Control Pond Design should be as follows:

- a) The Sediment Control Pond shall be constructed prior to topsoil stripping or fill placement;
- b) The Sediment Control Pond and conveyance channels shall be located in such a way that the runoff will be captured and conveyed from as much of the Site Alteration Area to the pond as possible;
- c) Sediment Control Ponds should have two components:
  - i. Active Storage Volume, which should be designed with a minimum of 125 cubic metres/hectare contributing drainage area with a minimum 48 hour drawdown time (minimum 75mm diameter orifice), and a minimum 4:1 L:W ratio of the pond;
  - ii. Permanent Pool Volume, with a minimum 125 cubic metres/hectare contributing drainage area, or minimum 185 cubic metres/hectare contributing drainage area if L:W ratio is less than 4:1, or the drawdown time for active storage is less than 48 hours
- d) Sediment Control Pond outlets must be designed to prevent short-circuiting and the discharge of floating debris. The basin must be designed with the ability to allow complete basin drawdown for maintenance activities, and must include a stabilized emergency overflow to prevent failure of pond integrity. The outlet structure must be designed to withdraw water from either the surface and/or bottom draw, to provide operational flexibility in order to minimize the discharge of pollutants. The use of a surface withdrawal mechanism for discharge of the basin may be temporarily suspended during frozen conditions;
- e) Sediment Control Ponds must be situated outside of surface waters and any buffer zone, and must be designed to avoid draining water from wetlands;
- f) The length to width ratio should be three (3) or greater, but less than six (6) (ideally 4:1). Interior side slopes should be 3:1. Basin depth should be a minimum of 1.0 metres to avoid re-suspension of previously settled out sediment and less than 2.5 metres;
- g) The Site Alteration Plan shall provide the maintenance schedule. The sediment control pond must be cleaned once the designed permanent pool volume has been reduced by 50%. To verify sediment accumulation, the Sediment Control Pond should be measured at least on a monthly basis from the start of land disturbance. Material that is dredged from a pond shall be stored on the lot in a suitable location; and
- h) Where a temporary sediment basin meeting the requirements of this part is infeasible, equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures are required for all

down-slope boundaries of the construction area and for side-slope boundaries as dictated by individual site conditions.

## **2. LAND DISTURBING ACTIVITIES THAT RESULT IN RUNOFF LEAVING THE SITE**

- 2.1 All the activities on the property shall be conducted in a phased manner subject to the satisfaction of the Municipality to minimize the area of bare soil exposed at any one time;
- 2.2 Concentrated runoff from adjacent areas passing through the Site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected by cut-off swales and/or silt fences being placed along channel edges to avoid sediment from disturbed areas reaching the channel;
- 2.3 Stabilization works of all exposed soil areas (including stockpiles) must be initiated immediately whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 15 calendar days. Stabilization works must be completed no later than 15 calendar days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles), and the constructed base components of roads, parking lots and similar surfaced are exempt from this requirement;
- 2.4 If using stormwater conveyance channels, channels must be designed to route water around unstable areas on the site and to reduce erosion. The Applicant must use erosion controls and velocity dissipation devices, such as check dams, sediment traps, riprap, or grouted riprap at outlets within and along the length of any constructed stormwater conveyance channel, and at any outlet.
- 2.5 Unless infeasible due to lack of pervious or vegetated areas, discharges from BMPs must be directed to vegetated areas of the Site (including any natural buffers) in order to increase sediment removal and maximize stormwater infiltration. The Applicant must use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas;
- 2.6 All Topsoil stockpiled, prior to the passing of the By-law shall be subject to the provisions of this By-law;
- 2.7 For Sites adjacent to existing residential areas, a fence and cut-off swale/channel may be required around the entire perimeter of the Site to prevent Drainage onto private lands. A three (3) metre wide buffer strip and/or sediment control fence shall be provided along the perimeter of the down-slope boundaries of the Site;

- 2.8 The Erosion & Sediment Control Guideline for Urban Construction prepared by the Greater Golden Horseshoe Area Conservation Authorities, the MNRF for the Province of Ontario, are to be followed;
- 2.7 For Sites with extensive Fill requirements, the Director of Engineering Services may waive the requirements for stabilization of disturbed areas after fifteen (15) days of inactivity provided that the sediment control measures have been implemented to the satisfaction of the Director of Engineering Services;
- 2.8 All waste and unused building materials (including garbage, cleaning wastes, wastewater or any hazardous materials) shall be properly disposed of and not allowed to be mixed with soil and carried by runoff from the Site into a receiving watercourse or storm sewer system;
- 2.9 Precautions shall be taken to ensure that mud will not be tracked offsite by any vehicle exiting the Site;
- 2.10 Stabilization shall take the form of the Town Engineering Design Standards and Criteria.

### **3. SITE DEWATERING**

- 3.1 Dewatering operations may be conducted provided that water is not permitted to discharge directly into the receiving Body of Water and meets federal, provincial and municipal water quality requirements set forth through legislation;
  - a) If water is demonstrated through laboratory analysis to meet the requirements set forth in the Municipality's Sewer Use By-law and a permit to dewater has been obtained from the Municipality both from the upper and lower tier as appropriate, then dewatering operations may be conducted provided water is not permitted to discharge directly into a receiving Body of Water;
- 3.2 Water pumped from the Site shall be treated by structural devices such as Sediment Control Ponds, grit chambers, filter bags, sand filters, up-flow chambers, swirl concentrators or other appropriate controls. The Applicant may discharge from the temporary or permanent structural device to surface waters if the discharging water has been visually checked to ensure adequate treatment has been obtained and that nuisance conditions will not result from the discharge. Monitoring expectations, along with the development of an appropriate contingency plan, need to be clarified during mandatory pre-application meeting with Municipality and other relevant agencies (e.g., LSRCA);
- 3.3 The Applicant must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting, or other accepted energy dissipation measures;
- 3.4 Where a Permit to Take Water from the MOECC is required for the Site, the Applicant is still required to obtain a written approval from the

Municipality by way of a discharge agreement to discharge water through the Municipality's Sewer Use By-law as may be amended or replaced from time to time;

- a) If site alteration requires dewatering in excess of 50,000 litres/day (requires a Permit to Take Water) in a wellhead protection area and/or within two (2) kilometres of a municipal well, a dewatering plan may be required to the satisfaction of York Region;

- 3.5 Where a SWM effluent discharge is required for the Site, the Applicant is required to obtain a written approval from the Municipality by way of a discharge agreement to discharge in accordance with the Regional Municipality of York Sewer Use By-law 2011-56 as may be amended or replaced from time to time;

**SCHEDULE D: PERMIT CONDITIONS**

- 1.1 All Permit Holders under this By-law shall:
- a) Notify the Town within 48 hours following commencement of any Site Alteration activity;
  - b) Notify all residents, within a 500 metre radius of the Site, three (3) weeks before the commencement of Site Alteration;
  - c) Notify the Town of the completion of any ESC measures, within 48 hours after installation;
  - d) Notify the Town of the removal of any ESC measures, within 48 hours after decommissioning;
  - e) Obtain permission in writing from the Town prior to modifying the Site Alteration Plan;
  - f) Install all ESC measures, as identified in the approved Site Alteration Plan, prior to Soil Stripping;
  - g) Maintain all road Drainage systems, stormwater Drainage systems, control measures and other facilities identified in the approved Site Alteration Plan;
  - h) Repair any erosion or sediment damage to adjoining surfaces and Watercourses resulting from Site Alteration activities immediately and not later than within 24 hours;
  - i) Inspect the ESC measures at least once per week and after each rainfall and provide written inspection reports to the Town. Complete any repairs within 24 hours to the satisfaction of the Director;
  - j) Allow employees of the Town and/or any other Person(s) working on behalf of the Town, to enter the Site for the purpose of inspecting for compliance with the approved Site Alteration Plan or for performing any work necessary to bring the Site into compliance with the approved Site Alteration Plan;
  - k) Maintain a current approved copy of the Site Alteration Plan and the Permit on the Site, as well as, copies of all inspection reports, at all times;
  - l) Be responsible for the activities of agents, servants, employees, contractors and subcontractors who may create a situation of non-compliance of the Permit;
  - m) Construct additional ESC measures, not identified in the Site Alteration Plan, as deemed necessary by the Director of Engineering Services to ensure no erosion and sediment damage to the Adjacent Sites; and
  - n) Not remove any vegetation designated as environmentally significant or otherwise to be protected unless permission is obtained from the Town;

1.2 The Town may:

- a) Upon failure by the Permit Holder to complete all or part of the works in the time stipulated in the approved Site Alteration Plan or work required by an order under Section 10.4 and 10.5 of this By-law is not done within the specified period, draw the appropriate amount from the Security Deposit and use those funds to arrange for the completion of the said works, or any part thereof;
- b) Upon failure by the Permit Holder to install, repair, maintain or decommission a specific ESC as requested by the Town, and in the time requested, authorize the use of all or part of the Security Deposit to pay for the associated costs incurred, at the Director of Engineering Services discretion as deemed necessary at any time; or
- c) In the case of emergency repairs or clean-up, undertake the necessary works at the expense of the Permit Holder and reimburse itself out of Security Deposit; and
- d) Inform the Applicant, where necessary, that additional information is required to ensure that erosion and sediment damage does not occur to Adjacent Sites from the activities on the Site.



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-59

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW (1166 and 1186 Nicholson Road)

WHEREAS it is deemed advisable to amend By-Law Number 2010-40 as amended;

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

THAT By-law Number 2010-40 be is hereby further amended by:

- 1. Deleting from Schedule "A", the General Employment Exception 11 (EG-11) Zone on 1166 and 1186 Nicholson Road on all lands within 30 metres from the stable top-of-bank of the subject lands in the area under the jurisdiction of the Lake Simcoe Region Conservation Authority and substituting therefore Open Space Zone (OS-1) as shown more particularly on Schedule "A" attached hereto, and forming part of this By-law.
- 2. Adding the following regulations relating to the Mixed Employment Exception 11 (EG-11) Zone on 1166 and 1186 Nicholson Road to Section 8.1.1 List of Exceptions:

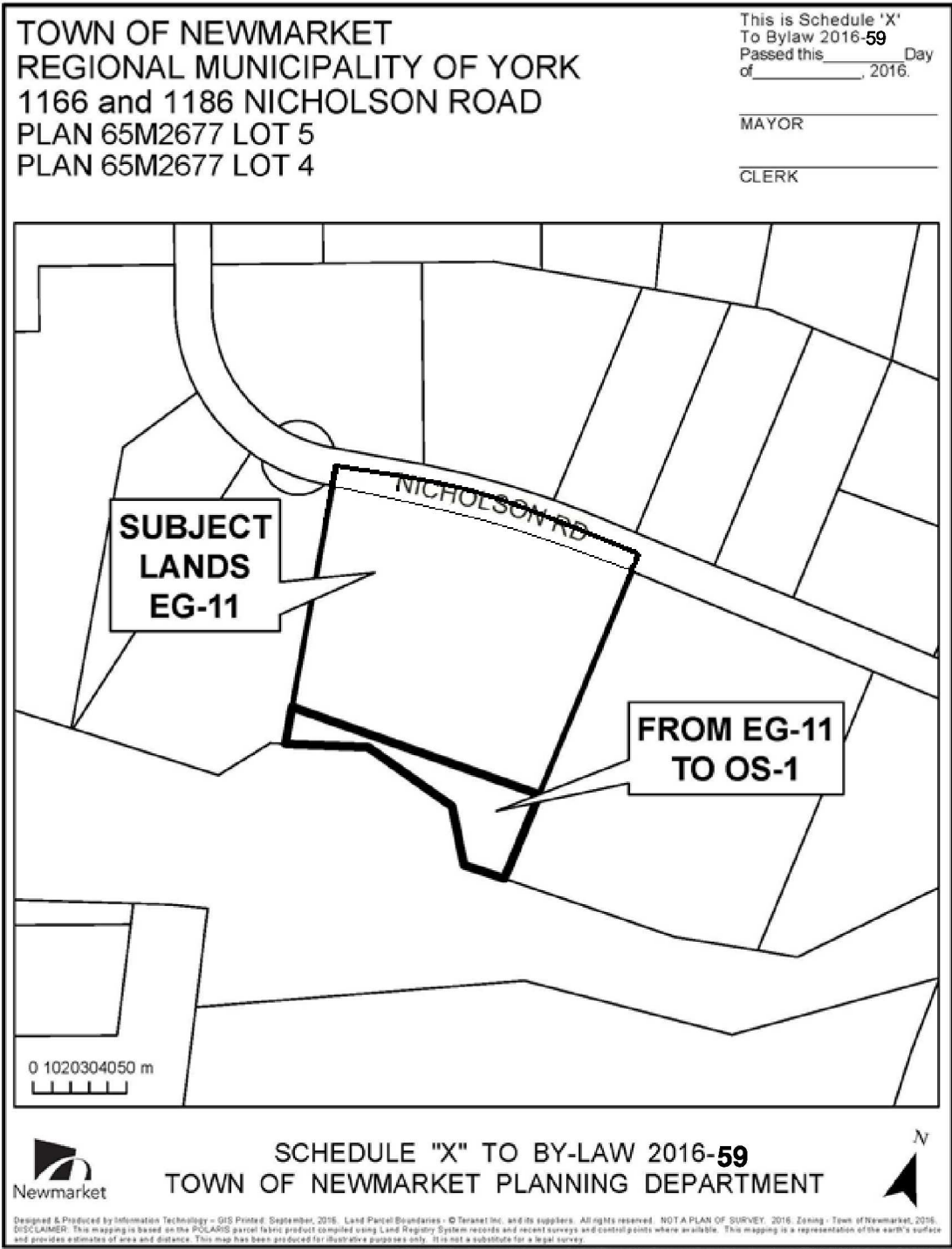
Exception 11	Zoning EG-11	Map 15	By-Law Reference 2016-59	File Reference D14-NP-16-03
i) Location: 1166 and 1186 Nicholson Road				
ii) Development standards:				
a. Setback – A minimum 12.0 m rear yard shall be required, except that no buildings shall be located closer to or nearer than 30 m from the top of bank of Bogart Creek or such lesser setback as approved by the Lake Simcoe Region Conservation Authority.				
b. Southwest corner – For greater certainty, only a paved parking surface is permitted in the area zoned EG-11 on these lands that lie within the 30m erosional setback. No structures or additional net loading (surcharge) is permitted.				
iii) Permitted uses:				
a. <i>Accessory Outdoor storage</i> shall also be permitted. Outdoor storage shall not exceed 30% of the <i>lot area</i> and shall not be visible from a street.				

ENACTED THIS 14TH DAY OF NOVEMBER, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Schedule “A”





## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2016-60

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL  
– NOVEMBER 14, 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 14TH DAY OF NOVEMBER, 2016.

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk