



# Town of Newmarket

## Agenda

### Committee of the Whole

Date: Monday, October 21, 2024  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

#### 1. Notice

This meeting will be streamed live at [newmarket.ca/meetings](https://newmarket.ca/meetings).

#### Public Input

Individuals who wish to submit input to Council in relation to an item on this agenda have the following options available.

1. Email your correspondence to [clerks@newmarket.ca](mailto:clerks@newmarket.ca) by end of day on October 16, 2024. Written correspondence received by this date will form part of the public record; or,
2. You are strongly encouraged to pre-register if you would like to make a deputation at the meeting. For more information regarding the options available, email your request and contact information to [clerks@newmarket.ca](mailto:clerks@newmarket.ca).

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

**Note:** Additional items are marked by an asterisk\*.

#### 3. Conflict of Interest Declarations

#### 4. Public Hearing Matter(s)

There are no public hearing matters.

#### 5. Presentations & Recognitions

- 5.1 2025 Preliminary Draft Capital and Rate-Supported Operating Budgets

**Note:** Andrea Tang, Director of Financial Services/Treasurer will provide a presentation on this matter.

1. That the presentation provided by Andrea Tang, Director of Finance/Treasurer regarding 2025 Preliminary Draft Capital and Rate-Supported Operating Budgets be received.

## 5.2 Newmarket Residential Parking Study

**Note:** Brent Sears, Senior Project Manager, WSP Canada will provide a presentation on this matter.

1. That the presentation provided by Brent Sears, WSP Canada regarding Residential Parking Study be received.

## 6. Deputations

### \*6.1 Animal Control By-law Amendments

**Note:** Kristen Martyn will provide a deputation on this matter.

1. That the deputation provided by Kristen Martyn regarding Animal Control By-law Amendments be received.

## 7. Consent Items

### 7.1 2025 Preliminary Draft Capital and Rate-Supported Operating Budgets

1. That the report entitled 2025 Preliminary Draft Capital and Rate-Supported Operating Budgets dated October 21, 2024 be received; and,
2. That subject to any additional direction from Committee, the proposed Capital Budget be incorporated into the Draft Budgets to be presented to Committee of the Whole on December 2, 2024; and,
3. That the proposed list of Capital Projects be included in the Capital Program for 2025, subject to changes that may be made by Council during the year; and,
4. That subject to any additional direction from Committee, the proposed Rate-Supported Operating Budgets be incorporated into the Draft Budgets to be presented to Committee of the Whole on December 2, 2024; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### 7.2 Animal Control By-law Amendments

1. That the report entitled "Animal Control By-law Amendments" dated October

21, 2024 be received; and,

2. That Council approve the proposed amendments to Animal Control By-law 2020-30; and,
3. That Council approve the proposed amendments to AMPS By-law 2024-16; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

\*7.2.1 Correspondence - Emily Bonia - Animal Control By-law Amendments

1. That the correspondence provided by Emily Bonia regarding Animal Control By-law Amendments be received.

7.3 Zoning By-law Amendment Application - 17255 Yonge Street - Canadian Mental Health Association York Region South Simcoe

1. That the report entitled Zoning By-law Amendment Application – 17255 Yonge Street – Canadian Mental Health Association York Region South Simcoe dated October 21, 2024 be received; and,
2. That the Zoning By-law Amendment, as submitted by Canadian Mental Health Association York Region South Simcoe, be approved; and,
3. That Canadian Mental Health Association York Region South Simcoe be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.4 Non-Competitive Renewal of Oracle Licensing

1. That the report entitled “Non-Competitive Renewal of Oracle Licensing” dated October 21, 2024 be received; and,
2. That Oracle Canada ULC (“**Oracle**”) software licensing, along with related support and maintenance continue to be acquired on a non-competitive basis for the next five (5) years from October 2024 to October 2029, at an approximate cost of \$200,000 plus HST per year; and,
3. That the Director of Information Technology and the Manager, Procurement Services be authorized to execute any agreements or documents that are necessary; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.5 Central York Fire Services - Joint Council Committee Meeting Minutes of September

10, 2024

1. That the Central York Fire Services Joint Council Committee meeting minutes of September 10, 2024 be received.

#### 7.5.1 Cost Recovery Program Enhancement

**Note:** Central York Fire Services - Joint Council Committee recommended the following motion at its September 10, 2024 meeting for Council's consideration:

1. That Fire Services Report CL-JCC-2024-03 dated September 10, 2024, entitled Cost Recovery Program Enhancement be received; and,
2. That a cost recovery program to recover firefighting costs on behalf of Central York Fire Services for incidents pertaining to property damage on a percentage basis as further described in this report be approved; and,
3. That a by-law to authorize cost recovery with respect to fire department specific response be established; and,
4. That the fees for cost recovery through Fire Marque Inc. be established through the Fees and Charges By-law 2023-76 as amended.

#### 7.6 Newmarket Economic Development Advisory Committee meeting minutes of February 13, 2024

1. That the Newmarket Economic Development Advisory Committee meeting minutes of February 13, 2024 be received.

#### 7.7 Elman W. Campbell Museum Board meeting minutes of June 26, 2024

1. That the Elman W. Campbell Museum Board meeting minutes of June 26, 2024 be approved.

#### 7.8 Main Street District Business Improvement Area Board of Management meeting minutes of September 4, 2024

1. That the Main Street District Business Improvement Area Board of Management meeting minutes of September 4, 2024 be received.

### 8. Action Items

### 9. Notices of Motion

### 10. Motions Where Notice has Already been Provided

\*10.1 Parking Review on Journey's End Circle

**Note:** Councillor Twinney provided notice of the below motion at the October 7, 2024 Council meeting.

1. That Staff be directed to assess the parking situation on Journey's End Circle and recommend a parking restriction strategy to ensure that the roadway is safely passable and not blocked by large trucks and busses.

**11. New Business**

**12. Closed Session**

\*12.1 NT Power

Personal matters about an identifiable individual including municipal employees, as per Section 239 2(b) of the Municipal Act, 2001.

**13. Adjournment**





# 2025 Preliminary Draft Capital and Rate-Supported Operating Budgets



Presenter: Andrea Tang | October 21, 2024

# Agenda

1. Capital Budget
2. Multi-Year Capital Plan
3. Rate-Supported Operating Budgets
4. Next Steps



# 1. Capital Budget Definitions

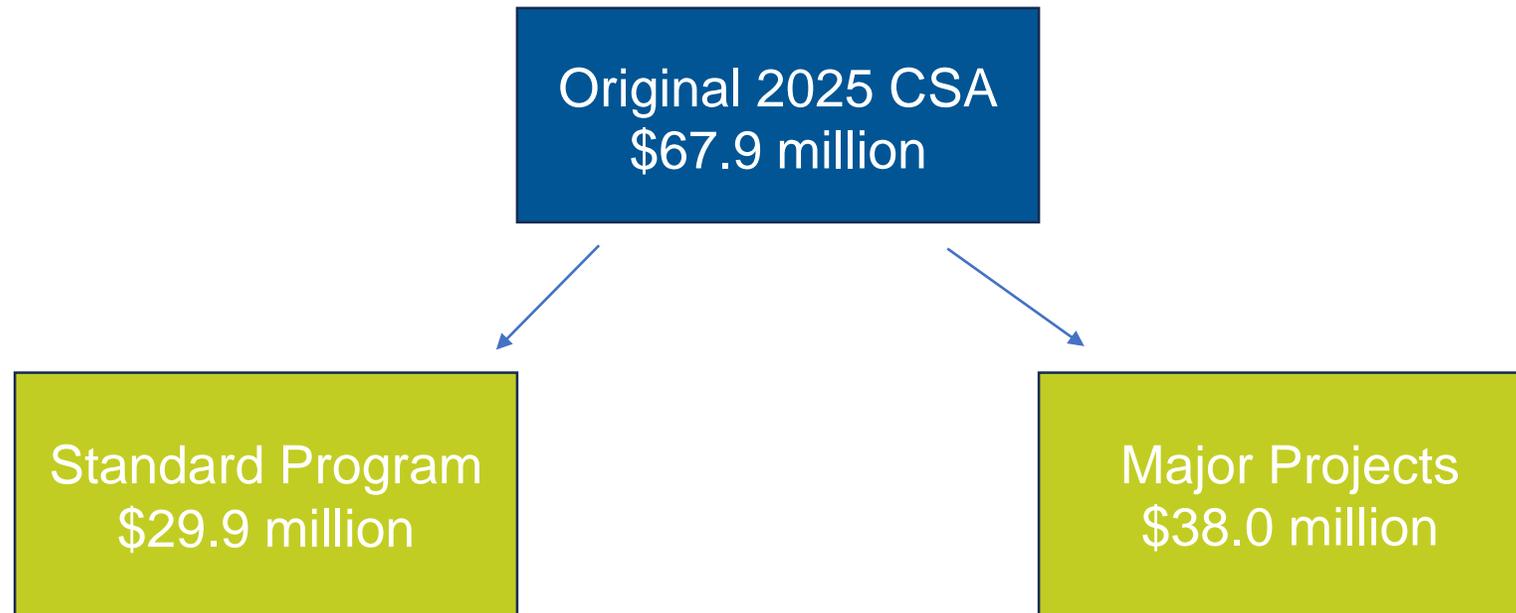
- Capital Budget - approved funding for the purchase, construction and financing of capital assets
- There are two capacity tests:
  - Resource – that the projects can be delivered
  - Financial – that funding is limited to availability of each individual source
- Capital Program - list of projects contained within the Capital Budget
- Capital Spending Authority - total of all approved capital expenditures for current and future years to complete the project



# 1. Capital Budget

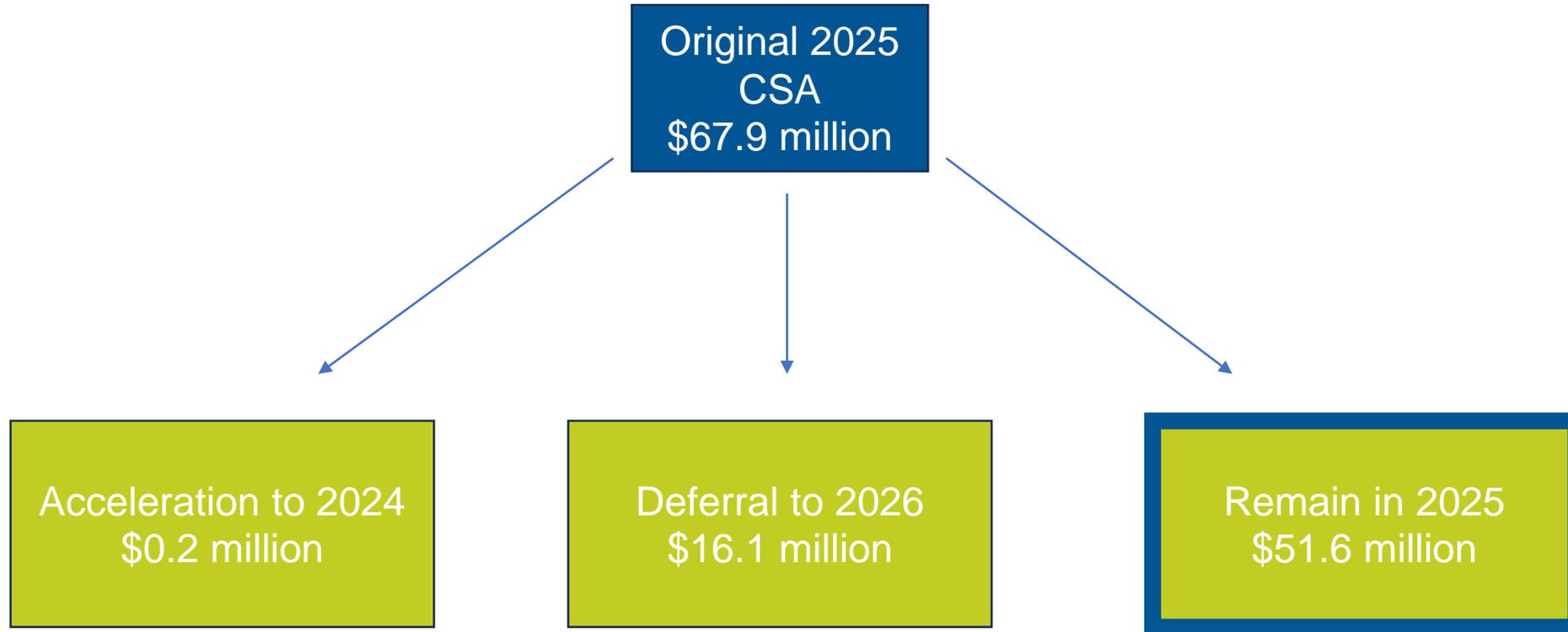
## 2025 Capital Spending Authority

- 2025 Capital Spending Authority (CSA) - 2024 approved projects that will continue in future years with approved future funding to complete the projects

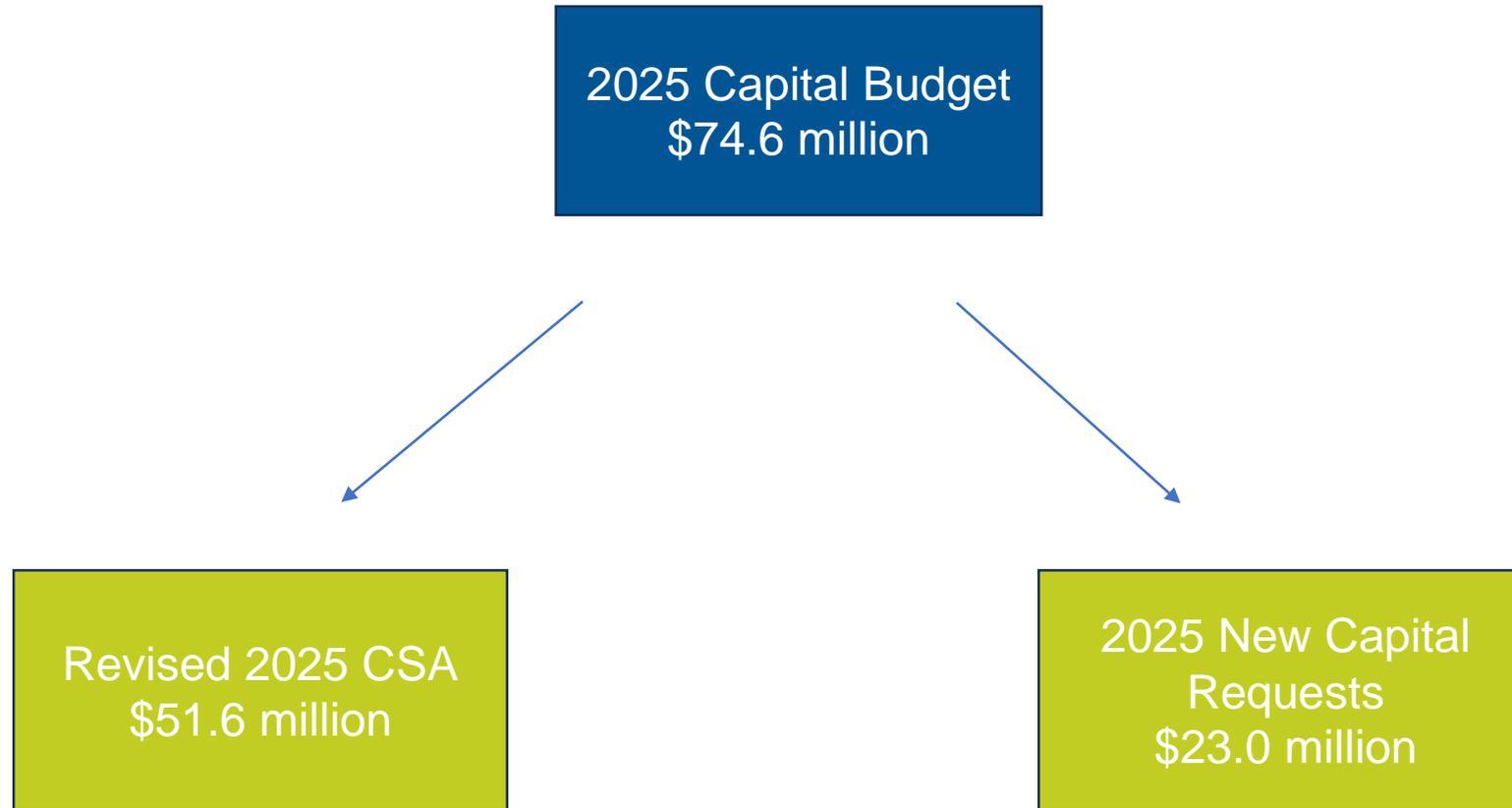


# 1. Capital Budget

## Changes to 2025 Capital Spending Authority



# 1. Capital Budget



# 1. Capital Budget

## 2025 Capital Budget and Capital Spending Authority

Category (\$ in millions)	2025 Budget	2026 CSA*	2027 CSA*	2028 CSA*
Standard Program	30.1	32.4	3.4	0.3
Major Projects	44.5	21.8	3.9	0.0
<b>Total</b>	<b>74.6</b>	<b>54.2</b>	<b>7.3</b>	<b>0.3</b>

- Capital Spending Authority (CSA) - 2025 approved projects that will continue in future years, and will require future funding to complete the projects

\* CSA – Capital Spending Authority



# Highlights



Mulock Park



Mulock Multi-use Path



New Tennis Facility



Northwest Quadrant  
Multi- use path



New Pickleball Facility



New Nature Path and  
Picnic area

# 1. Capital Budget 2025 Budget By Funding

\$ in millions	Asset Management Funds	Development Charges	Reserve and Reserve Funds	Grants and Other External Funds	Total
<b>Replacement</b>	19.9	0.0	0.6	6.2	<b>26.7</b>
<b>Growth</b>	0.0	26.8	9.1	0.8	<b>36.7</b>
<b>Other</b>	0.0	0.0	10.1	1.1	<b>11.2</b>
<b>Total</b>	<b>19.9</b>	<b>26.8</b>	<b>19.8</b>	<b>8.1</b>	<b>74.6</b>



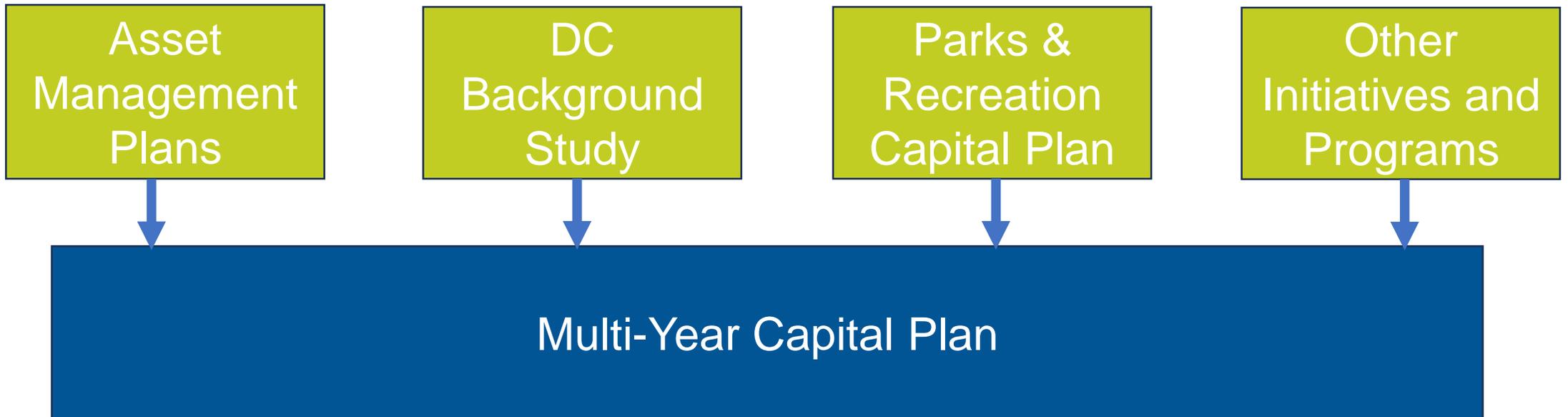
# 1. Capital Budget

## 2025 Capital Budget By Department

Department (\$ in millions)	Standard Program	Major Projects	Total
CAO's Office	0.2	0.0	0.2
CYFS	1.9	4.8	6.7
Engineering	17.6	37.9	55.5
Facilities	4.7	0.0	4.7
IT	1.7	1.8	3.5
Parks	0.6	0.0	0.6
Planning	0.3	0.0	0.3
PWS	3.1	0.0	3.1
<b>Total</b>	<b>30.1</b>	<b>44.5</b>	<b>74.6</b>



## 2. Multi-Year Capital Plan



## 2. Multi-Year Capital Plan

\$ in millions	2025	2026	2027	2028	2029
<b>Total</b>	<b>74.6</b>	<b>60.2</b>	<b>52.8</b>	<b>50.6</b>	<b>40.5</b>
<b><u>Funding Sources</u></b>					
Asset Management Fund	19.9	22.6	34.10	32.0	25.0
Development Charges	26.8	9.9	10.0	11.3	3.4
Reserve & Reserve Funds	19.8	11.5	1.6	1.1	6.6
Grants and Other External Funds	8.1	16.2	7.2	6.2	5.5
<b>Total</b>	<b>74.6</b>	<b>60.2</b>	<b>52.8</b>	<b>50.6</b>	<b>40.5</b>



# 3. Rate-Supported Operating Budgets Water & Wastewater

- Proposed increase of 3.5% as per the 10-Year Water & Wastewater Financial Plans
- Accounts for:
  - Region's increase of 3.3%
  - Inflation to support day-to-day operations
  - Contribution to Asset Management Fund



# 3. Rate-Supported Operating Budgets Water & Wastewater

\$ in millions	Water	Wastewater	Total
<b>Revenues</b>	<b>\$22.9</b>	<b>\$26.8</b>	<b>\$49.7</b>
<b>Expenditures</b>			
Regional Costs	11.4	17.5	28.9
Expenditures	5.5	1.7	7.2
Support Costs	1.4	1.3	2.7
AMF	4.0	5.0	9.0
Reserves	0.6	1.3	1.9
<b>Total Expenditures</b>	<b>\$22.9</b>	<b>\$26.8</b>	<b>\$49.7</b>
<b>Net</b>	<b>-</b>	<b>-</b>	<b>-</b>

Annual increase is \$49 based on annual consumption of 200m<sup>3</sup>.



# 3. Rate-Supported Operating Budgets Stormwater

- Increase by 3.8%
- Accounts for:
  - Inflation to support day-to-day operations
  - Contribution to Asset Management Fund



# 3. Rate-Supported Operating Budgets Stormwater

\$ in millions	Stormwater
<b>Revenues</b>	<b>\$9.9</b>
<b>Expenditures</b>	
Expenditures	1.6
Support Costs	0.2
AMF	8.0
Reserves	0.1
<b>Total Expenditures</b>	<b>\$9.9</b>
<b>Net</b>	<b>-</b>

Annual increase is \$7 based on a 465 square metre lot.



# 3. Rate-Supported Operating Budgets Building, Planning and Development Engineering

\$ in millions	Building	Planning	Development Engineering
<b>Revenues</b>	<b>\$2.4</b>	<b>\$1.8</b>	<b>\$0.6</b>
<b>Expenditures</b>			
Expenditures	2.5	1.6	0.3
Support Costs	0.7	0.6	0.1
Reserves	(0.8)	(0.4)	0.2
<b>Total Expenditures</b>	<b>\$2.4</b>	<b>\$1.8</b>	<b>\$0.6</b>
<b>Net</b>	<b>-</b>	<b>-</b>	<b>-</b>

- A report on 2025 Fees & Charges will be brought forward to the November 11<sup>th</sup> Committee of the Whole (CoW) meeting.



# 4. Next Steps

Date	Meeting	Item
November 11	CoW *	Tax-supported operating budget Fees and charges
December 2	CoW *	Presentation of the draft budgets
December 9	Council	Approval of the 2025 budget



\* CoW – Committee of the Whole

# Newmarket Residential Parking Study

Committee of the Whole

October 21, 2024



# About the Residential Parking Study

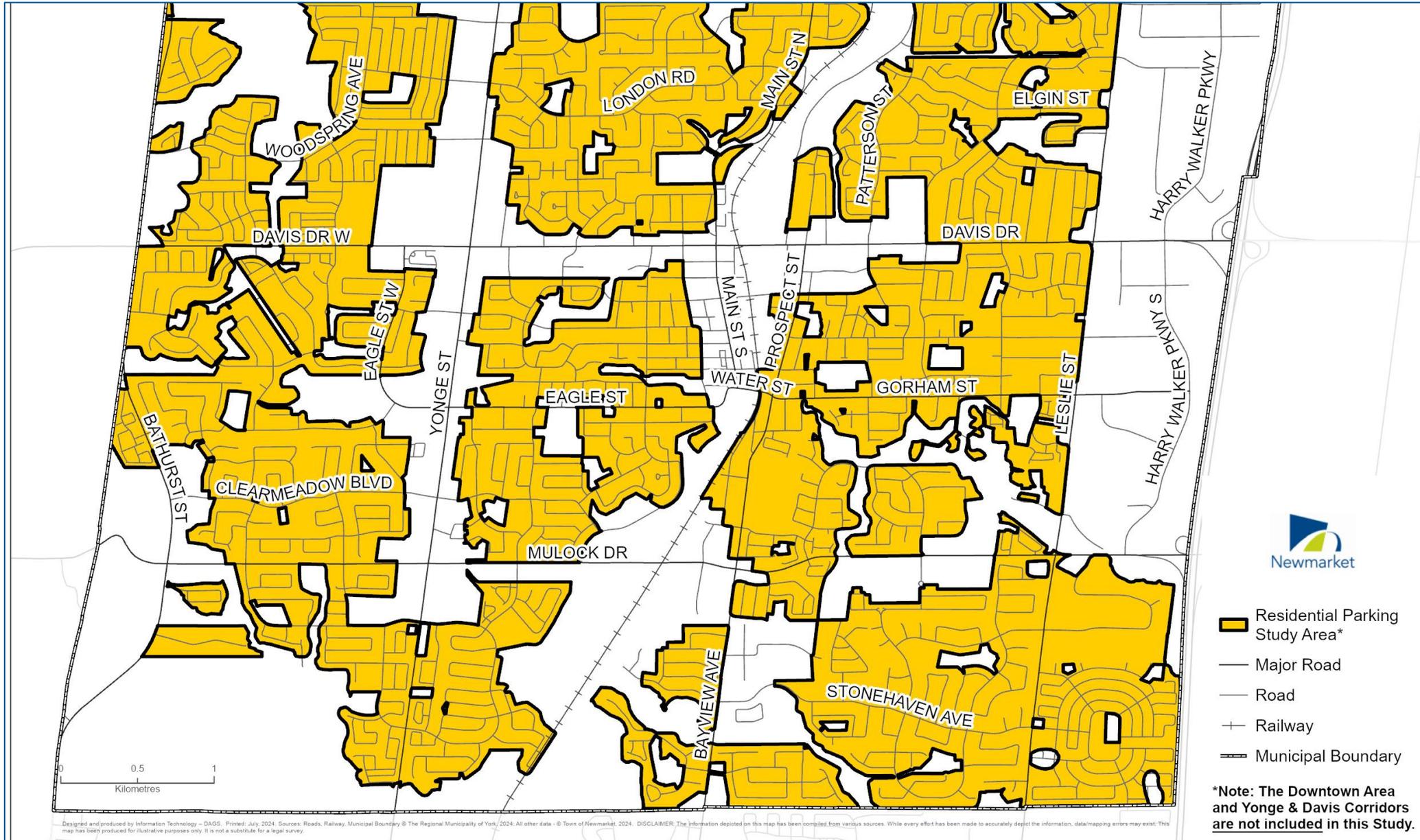
The purpose of the Residential Parking Study is to:

- Think about the role parking plays as Newmarket's population grows.
- Develop a strategy to meet residential parking demands while accommodating alternative forms of transportation.
- Explore recommendations for parking standards for residential areas, condominium roads, and driveways.
- Understand the value of residential parking and the trade-offs that may be necessary when considering how to plan for future parking needs.



# Study Area

The Residential Parking Study focuses on residential areas outside the Urban Centres and the Historic Downtown, shaded in orange in the map.



# Study Scope (1/2)

## Analysis – Phase 1

Background Review	Parking Data Analysis	Demographic Analysis	Jurisdictional Scan	Post-Covid Work Patterns
<ul style="list-style-type: none"><li>• Review parking standards and By-laws.</li><li>• Review relevant provincial, regional, and Town direction.</li></ul>	<ul style="list-style-type: none"><li>• Analyze parking utilization in residential neighbourhoods.</li><li>• Analyze parking violations.</li><li>• Analyze Zoning By-law amendments and minor variance applications.</li></ul>	<ul style="list-style-type: none"><li>• Examine current demographics and household composition.</li><li>• Analyse household trends and associated impacts on residential parking demand.</li></ul>	<ul style="list-style-type: none"><li>• Identify parking requirements and policies in other municipalities, and compare to those in Newmarket.</li></ul>	<ul style="list-style-type: none"><li>• Examine remote work/hybrid work patterns and impact on residential parking.</li><li>• Identify effects and make recommendations to address them.</li></ul>



# Study Scope (2/2)

## Recommendations (Phases 2 to 4)

### Parking Requirements

- Parking requirements for uses permitted in residential areas.
- Design options for bike lanes and on-street parking.
- Recommendations to update the parking by-law.
- Exploring front yard parking, rentable driveway spaces, on-street parking permissions, off-site parking, centralized parking areas for common element condominiums, TDM, and innovative solutions.
- Financial & human resource analysis of recommendations.
- Effects of Connected Vehicles/ Automated Vehicles.

### Private Road Design Standards

- Width recommendations.
- Alternate design scenarios.

### Residential Driveway Standards

- Location.
- Dimensions.
- Materials.
- Width in relation to frontage.
- Front yard landscaping.

# Study Schedule

We are here!

Q2 2024 – Q4 2024

## Phase 1

Background Research and Analysis

Q4 2024 – Q2 2025

## Phase 2

Draft Study Report

Q2 2025 – Q3 2025

## Phase 3

Revised Draft Study Report

Q4 2025

## Phase 4

Final Study Report

Engaging the Community

Project Webpage, Social Media

Community Pop-Ups; Industry Interviews; Focus Group Meetings; Online Engagement and Survey; Committee of the Whole presentation

Public Open House; Council workshop

Public Open House; Committee of the Whole presentation

Committee of the Whole and Council presentation



# Where Newmarket is Going

**Provincial**, **Regional** and **Town** policies, plans, and guidelines provide standards related to parking and overall aspirations for developing a sustainable transportation network.



- **Provincial** plans direct Newmarket to prioritize transit and minimize the number of vehicle trips.
- **Regional** and **Town Official Plans** highlight goals related to promoting sustainable transportation.
- The Town's ongoing Official Plan Review is examining, pending Council approval:
  - A more connected community through transit-oriented development.
  - Enhanced mobility choice: bike-friendly, walkable areas with public transportation.

The Residential Parking Study will help implement the emerging vision and guiding principles from the Official Plan Review (OPR) and inform policy directions within the OPR.



# Summary of Phase 1 Engagement

Phase 1 Engagement took place between July and October 2024 and involved online tools and in-person engagement events. Outcomes of the engagement events will be presented in the forthcoming Phase 1 Engagement Summary.

Key engagement activities included:

- 2 Community Pop-ups
- 3 Knowledge Exchange interviews with Developers
- Online Survey - 880 survey respondents (726 who live in Newmarket, 135 who regularly visit or work in Newmarket, and 19 with other connections to the Town)
- Equity Diversity and Inclusion Focus Group



# What We've Done So Far

We have:

- ✓ Reviewed relevant background policy documents, by-laws, standards, and guidelines.
- ✓ Collected data through site visits and conducted data analysis, including analyzing on-street parking utilization and by-law violations, as well as demographic trends.
- ✓ Completed a jurisdictional scan of parking standards and policies in similar municipalities.
- ✓ Consulted with over 900 people and the developer community in Newmarket.

Based on this analysis, we identified **5 key observations** for parking in residential areas in Newmarket.



# Off-Street Parking Observations



# Key Observation 1: Off-Street Parking Demand

**Key Observation 1: Many Newmarket residents park on their driveway rather than in a garage.**

## What We Heard

- While most Newmarket residents have a private garage, **78%** of survey respondents said they regularly park only on their driveway.
  - Respondents who park on their driveway do so either because their garage is too small (**34%** of respondents), they use it for permanent storage (**39%** of respondents), or they use it for seasonal storage of ATVs, boats, and so forth (**19%**).
  - In contrast, developers interviewed by the study team told us they have not heard of issues with garages being too small. They also noted that electric vehicles are more likely to be stored in garages to charge.
- As a result, Newmarket residents told us they have expanded (or are thinking about expanding) the width of their driveway to accommodate more vehicles.
  - Some of these residents live in multi-generational households (**6%** of Newmarket households are multi-generational) and own many cars. Driveway expansion is allowed only up to a certain width (6 m for single-detached dwellings).

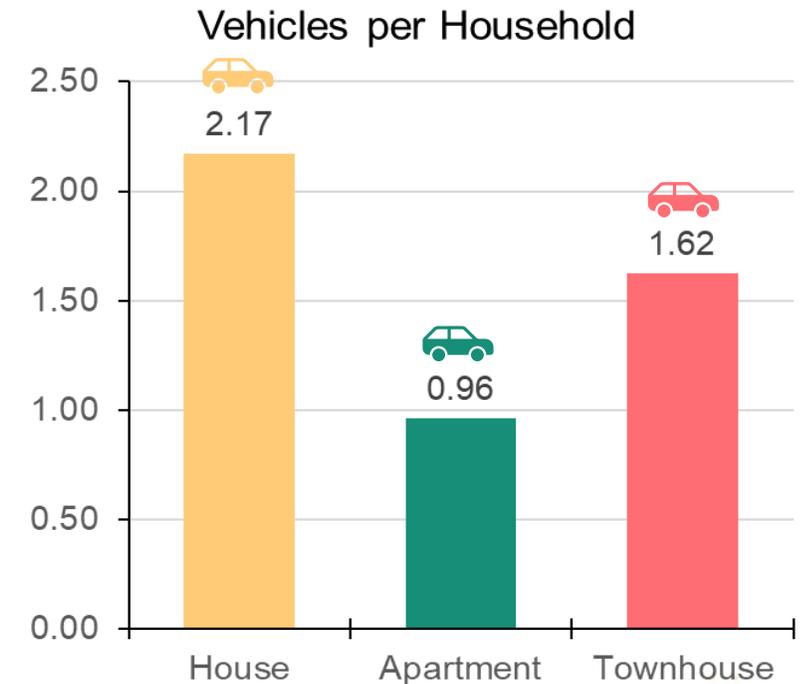


# Key Observation 2: Minimum Parking Requirements

**Key Observation 2: For some development types, Newmarket's minimum parking requirements are not in line with other municipalities or with the number of cars owned by residents.**

## Analysis

- WSP examined Newmarket's parking requirements and compared these with vehicle ownership data and requirements in other municipalities.
- Apartment residents have **1 car**, less than the 1.5 required off-street parking spaces.
- Townhouse residents have **1.6 cars**, less than the 2 required off-street parking spaces on a public road, but slightly more than the 1.5 required along private roads.
- Single/semi-detached residents have **2.2 cars**, slightly more than the 2 required off-street parking spaces.



Based on the Transportation Tomorrow Survey (TTS). The TTS does not differentiate between public and private street townhouses.



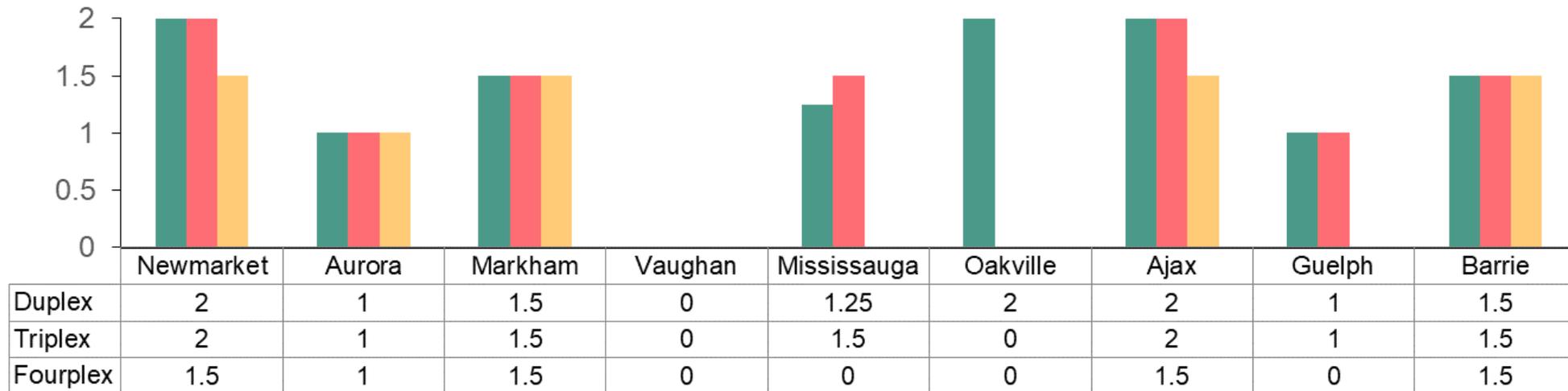
# Key Observation 2: Minimum Parking Requirements

**Key Observation 2: For some development types, Newmarket's minimum parking requirements are not in line with other municipalities or with the number of cars owned by residents.**

## Analysis

- Newmarket's parking requirements are generally similar to other municipalities, but are higher for duplexes and triplexes than other jurisdictions.

**Parking Minimums for Duplexes, Triplexes, and Fourplexes**



■ Duplex ■ Triplex ■ Fourplex



# On-Street Parking Observations



# Key Observation 3: On-Street Parking Hot Spots (1/3)

**Key Observation 3: There are residential areas in the Town near paid parking lots with high on-street parking utilization.**

## What We Heard

- Most survey respondents did not have issues finding on-street parking near their home for themselves (**84%**) or for visitors (**66%**).
- Residents noted concerns with many people parking on residential streets to avoid paid parking: **18%** of survey respondents that live near a paid parking lot noted their street is often or always negatively impacted by parked cars.



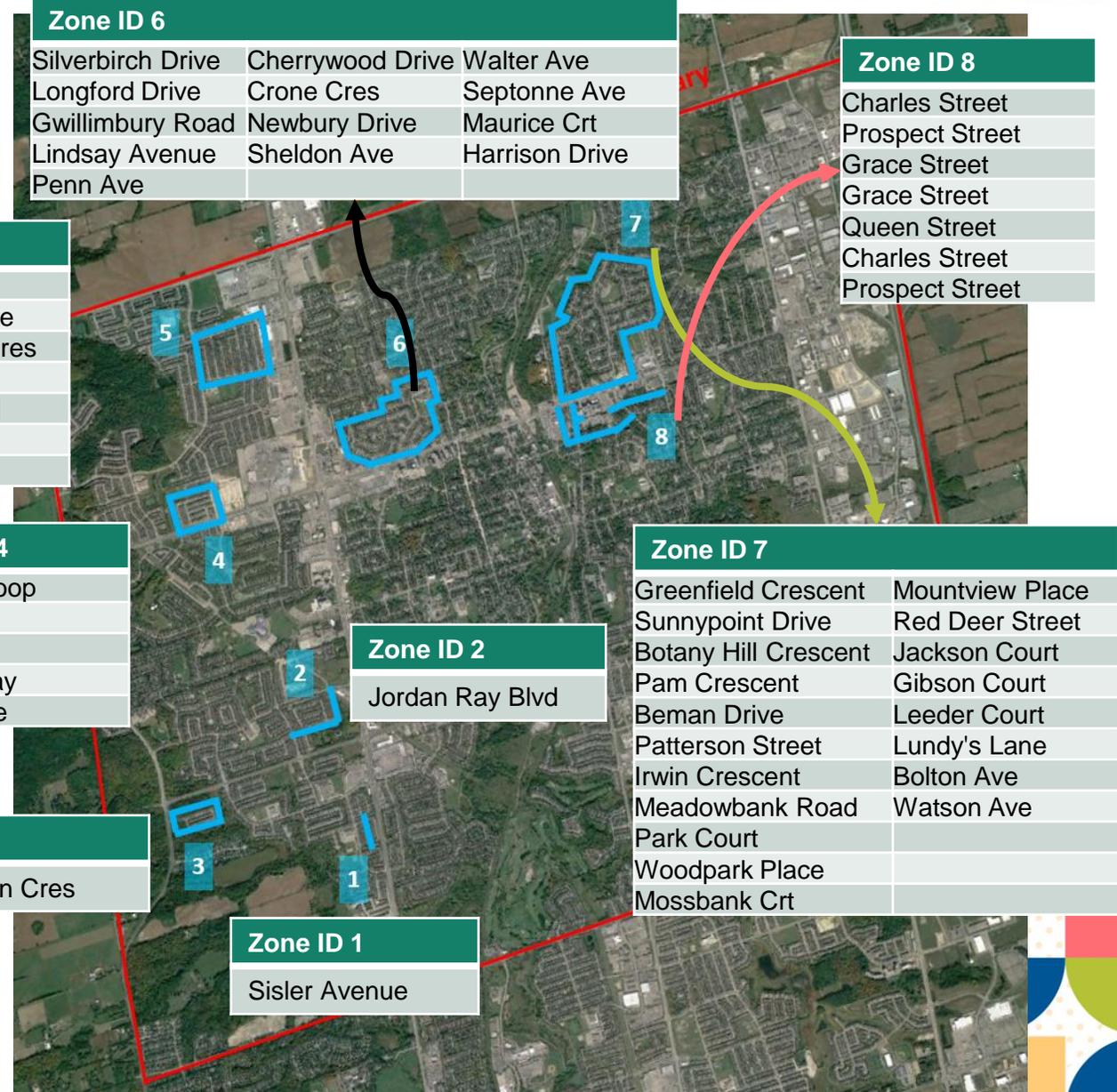
# Key Observation 3: On-Street Parking Hot Spots (2/3)

**Key Observation 3: There are residential areas in the Town near paid parking lots with high on-street parking utilization.**

## Analysis



- WSP analyzed on-street parking utilization in 8 areas across Newmarket using dashcam footage on the following 6 days:
  - Wednesday November 8, 15, 22, 2023** from 5:30 PM to 8:30 PM
  - Saturday November 4, 11, 25, 2023** from 12:00 PM to 3:00 PM



# Key Observation 3: On-Street Parking Hot Spots (3/3)

**Key Observation 3: There are residential areas in the Town near paid parking lots with high on-street parking utilization.**

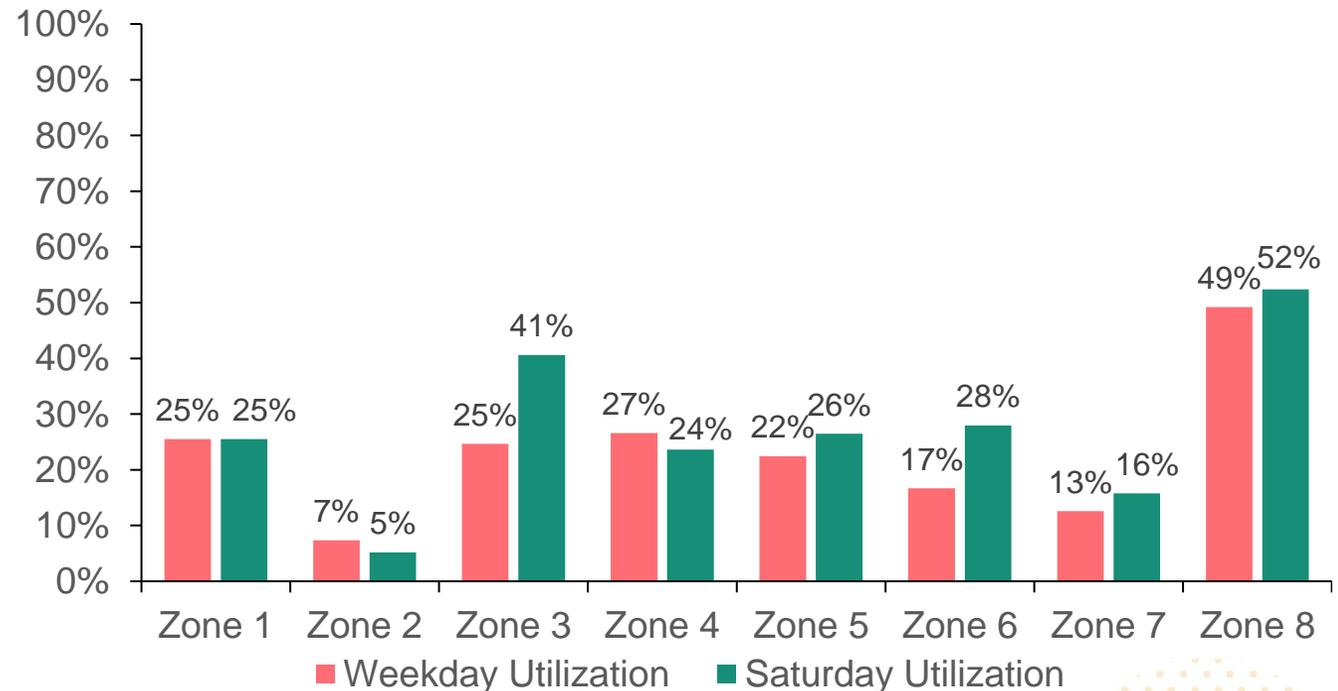
## Analysis

- Analysis found that there is sufficient on-street parking supply to meet current and future 2051 demand in most residential areas in the Town.
- More people use on-street parking **near areas with paid parking** to avoid paying, such as near the South Lake Regional Health Centre (Zone 8). These are considered **high utilization areas**.

On average, 17% of on-street parking spaces are used on weekday evenings\* while 23% of on-street parking spaces are used on Saturday afternoons.

\*data collected on Wednesdays

Percentage of parking spaces utilized on weekdays and Saturdays



# Key Observation 4: Overnight Parking

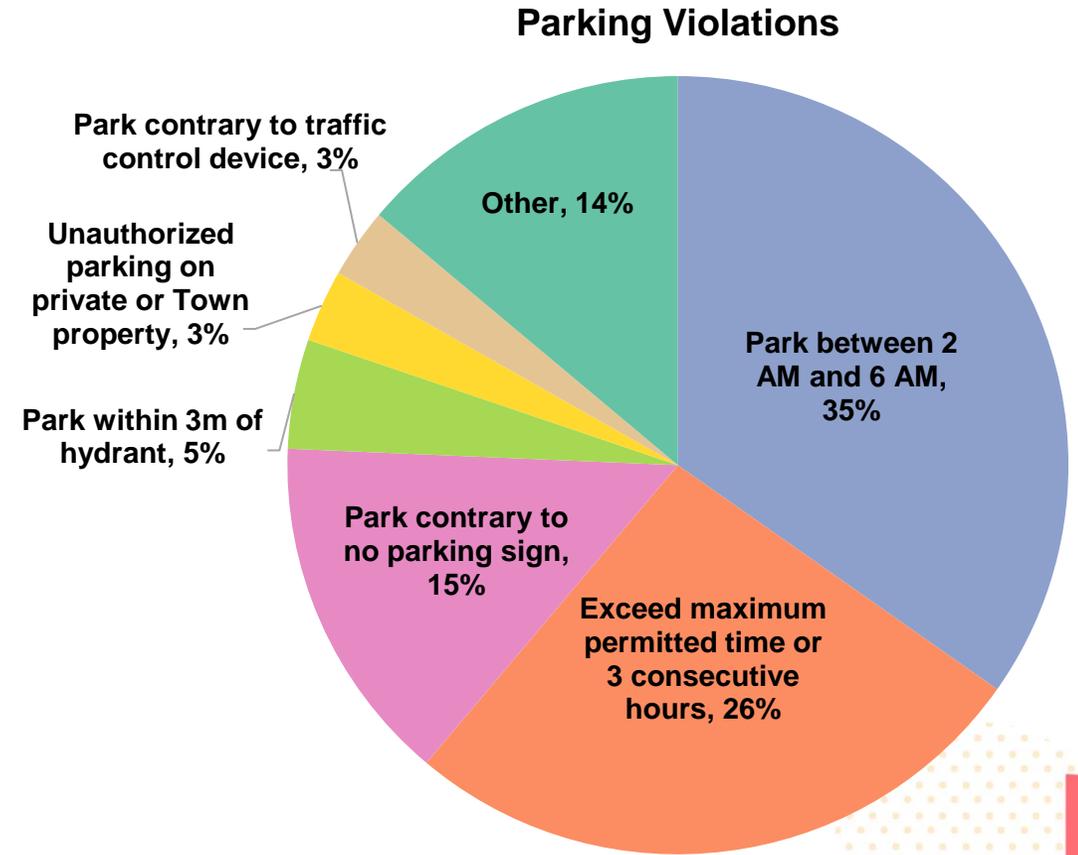
**Key Observation 4: A large share of parking violations in the Town relate to overnight parking.**

## Analysis

- WSP analyzed on-street parking by-law violations in 8 areas across Newmarket from 2020 through 2023.
- 35% of violations are related to parking overnight. This suggests that many violations could be related to **residents storing their car on the street overnight** instead of in their garage or driveway.

## What We Heard

- 54% of survey respondents find that parking by-laws are too restrictive.



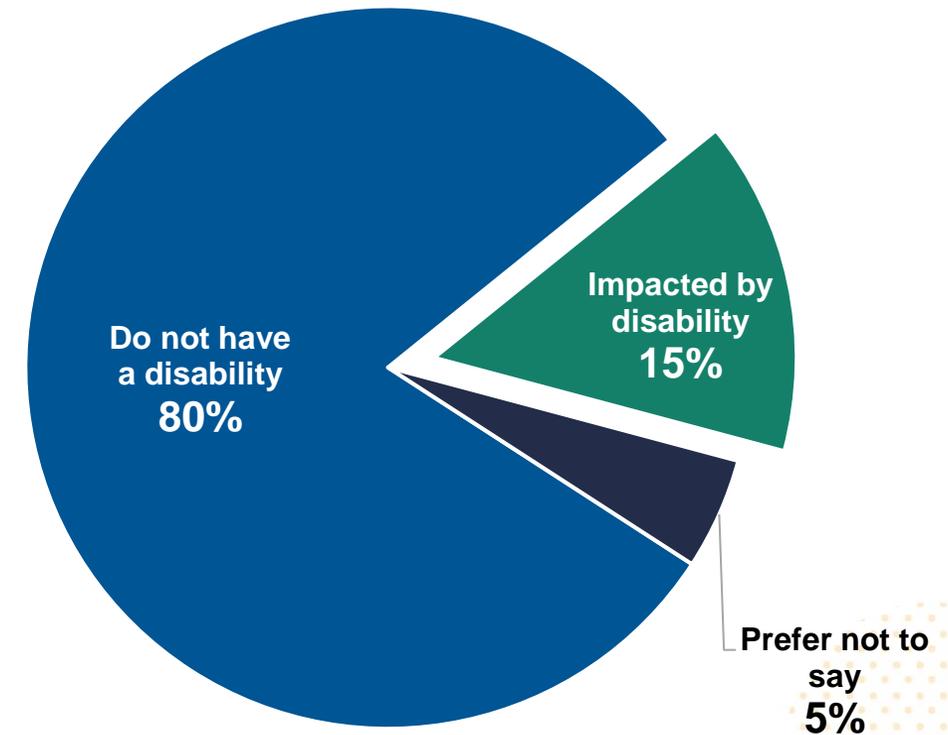
# Key Observation 5: Parking Accessibility

**Key Observation 5: Some Newmarket residents experience challenges with parking accessibility.**

## What We Heard

- **18%** of all respondents to the survey noted there are not enough accessible/barrier-free parking spaces in areas they are visiting.
- Among respondents with accessibility needs, making up **15%** of all survey participants, over half (59%) indicated that the location and size of accessible parking spots could be improved to better accommodate their requirements. **13%** had concerns with illegal parking in barrier-free spaces.
- **15%** of all respondents noted that parking costs related to permits and fines pose a moderate to significant effect on their household finances.

Survey Respondents Impacted by a Disability



15% of respondents noted that they were impacted by a disability.



# What We've Heard On The Future of Parking

Through the public survey, Newmarket residents, visitors, and employees expressed how they see the future of residential parking in the Town:

- **56%** of respondents see a future in which there is **more demand for electric vehicle charging stations**.
- **47%** of respondents see a future in which there are **more green initiatives**, such as green roofs over parking areas.
- **35%** of respondents see a future that is **more walkable**, with **less reliance on personal automobiles**, **reducing the need for surface parking**.
- **30%** of respondents see a future that provides **more public transportation opportunities**, **allowing green spaces to be prioritized over surface parking**.

Recommendations to support these future vision elements will be explored in the next phase of the Study. This may include potential Zoning By-law amendments, recommendations for parking-related policy directions that will inform the Official Plan, updates to driveway and private road design standards, recommendations related to parking permit systems, and opportunities to implement new technologies and innovative parking solutions.



# Next Steps

We will:

- Develop recommendations for each of the key observations throughout the Fall and Winter.
- Consult on the initial recommendations with Newmarket residents, visitors, and employees in the next phase of engagement in Winter 2025.
- Hold a workshop with Council in Spring 2025, reporting on the recommendations and consultations.

The Study is expected to be substantially completed by the end of 2025.





# Appendix



# Survey Questions (1/3)

Q1 What is your connection to Newmarket?

Q2 Please provide your postal code.

Q3 When do you park on the street in Newmarket's residential areas?

Q4 What type of dwelling do you live in?

Q5 Do you own a vehicle?

Q6 Do you have a garage in your home?

Q7 If you own a vehicle, where do you usually park in relation to your home?

Q8 Where do other members of your household normally park?

Q9 Not counting you or someone from your household, on average how often do cars park on your street?

Q10 If you or someone in your household predominately park on your driveway, why do you do so?

Q11 If you or someone in your household predominately park in your driveway, what can the Town do to assist so that you can park in your garage?

Q12 What are the biggest challenges you experience when finding on-street parking your neighbourhood?

Q13 What are the biggest challenges you experience when parking in residential areas in the neighbourhood you are visiting?

Q14 When do you typically park on the street in Newmarket's residential areas?

Q15 How long do you typically park on the street in Newmarket's residential areas?



# Survey Questions (2/3)

Q16 Are you or your family members impacted by disabilities that affect parking accessibility?

Q17 To what extent do current parking arrangements meet your needs or the needs of people with disabilities in accessing residential areas?

Q18 Please provide any specific suggestions or descriptions of how parking accessibility could be improved in your area?

Q19 What is one effective way to improve residential parking accessibility for people with disabilities, families with children, and seniors?

Q20 How do the costs associated with parking (such as permits, meters, and fines) affect your household budget?

Q21 If parking costs are a burden, what changes or solutions would you suggest to make parking more affordable for you and others in similar financial situations?

Q22 When addressing parking challenges in the Town, it's an important to strike a balance between hard surface areas and increasing the Town's green spaces. What are your priorities regarding converting under-used parking spaces to other uses.

Q23 Is there a parking lot with paid parking near your home?

Q24 If you answered yes to the question above, does the paid parking lot impact on-street parking on your street?



# Survey Questions (3/3)

Q25 What is your preferred method of travel?

Q26 On a scale of 1-5, how important are the approaches listed below to supporting parking solutions in Newmarket's residential areas?

Q27 How do you envision parking evolving in residential areas in the next 30 years?

Q28 What parking improvements (if any) do you hope to see in Newmarket's residential areas the near future (5-10 years)?

Q29 Do you have any other comments or suggestions regarding parking in residential areas in Newmarket not covered in the survey?







Town of Newmarket Deputation

Kristen Martyn

# North America has Lost Almost 3 Billion Birds in the Last 50 Years (3BillionBirds.Org)

## We've Lost One in Four Birds Since 1970

ACROSS THE CONTINENT, NUMBERS HAVE PLUMMETED, EVEN AMONG COMMON SPECIES

In less than a single lifetime, North America has lost more than one in four of its birds, according to a report in the world's leading scientific journal.

Published in *Science* by researchers at seven institutions, the findings show that 2.9 billion breeding adult birds have been lost since 1970, including birds in every ecosystem.

The losses include iconic songsters such as Eastern and Western Meadowlarks (down by 139 million) and favorite birds at feeders, such as Dark-eyed Juncos (down by 168 million) and sweet-singing White-throated Sparrows (down by 93 million).

The disappearance of even common species indicates a general shift in our ecosystems' ability to support basic birdlife, the scientists conclude.

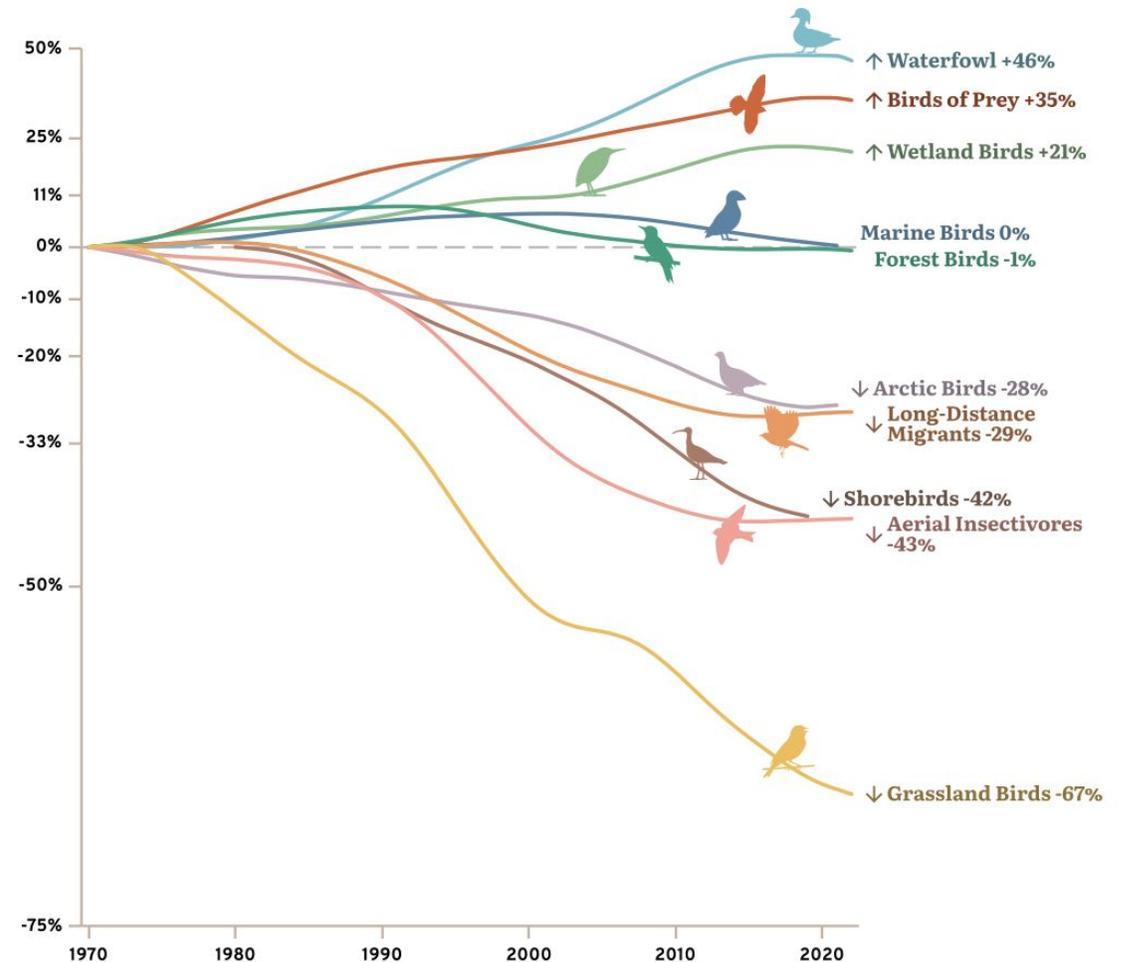


# North America has Lost Almost 3 Billion Birds in the Last 50 Years (3BillionBirds.Org)

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- Habitat loss including development, window collisions and outdoor cats are all major contributors to this issue
- One of the easy ways that the average person can help to support wild bird populations in their communities is by offering supplemental food

Population change since 1970



# Studies Show Feeding Benefits the Birds

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- Recent studies have demonstrated that offering supplemental food (vs no food) for our backyard birds offers a huge number of benefits including:
  - Significantly greater body fat score (helps birds better prepare to buffer against environmental disturbances)<sup>1</sup>
  - Reduced stress (heterophil to lymphocyte ratio- standard tool assessing long term stress in poultry)<sup>1</sup>
  - Greater total antioxidant capacity (important to fertility, growth, immune function, resistance to aging, brightness of plumage)<sup>1</sup>
  - Significantly enhanced body condition<sup>1</sup>
  - More rapid feather growth<sup>1</sup>
  - Significantly greater immune defense (greater microbial killing ability)<sup>1</sup>
  - Higher % of young recruited into breeding population (higher survival rates of fledged young birds)<sup>1</sup>
  - Survival rates 38% higher in areas where bird feeders are present<sup>1</sup>



# Feeding the Birds Provides Numerous Benefits to the People in Our Community

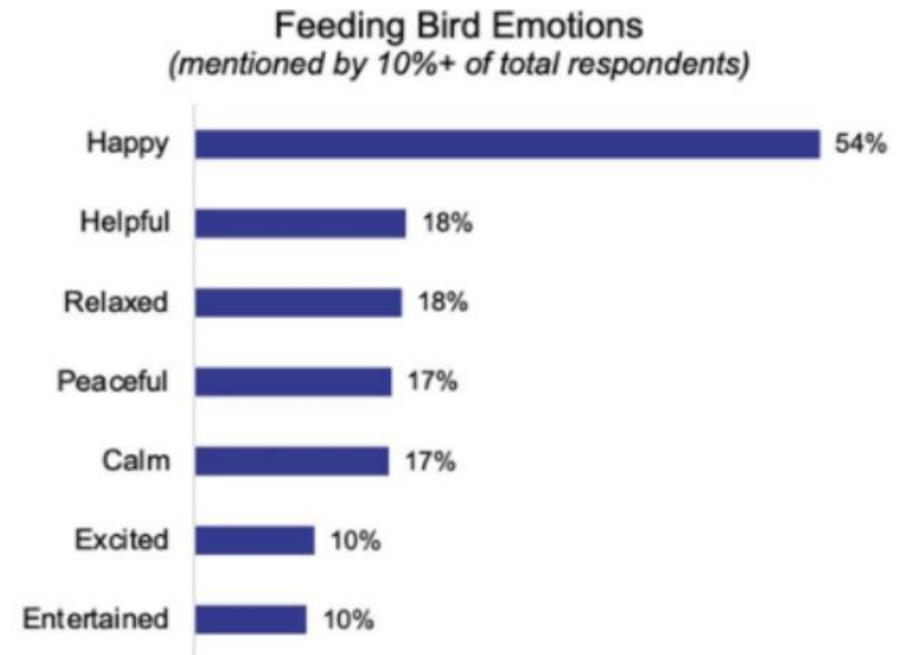
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- Numerous studies in recent years have shown some really incredible, results in the mental and physical benefits to bird watching (particularly at home)
- Here are some of the findings from the latest studies on the topic of feeding and observing birds:
  1. **Birdsong reduces anxiety and irrational thoughts** ([Max Planck Institute, 2022](#))<sup>2</sup>
  2. Seeing or hearing birds is associated with an **improvement in mental wellbeing** that can **last up to eight hours**. ([King's College, October 2022](#))<sup>3</sup>
  3. People living in areas with **more birds** are **less likely to suffer from depression, anxiety and stress** ([University of Exeter, 2017](#)). You don't have to know anything about birds to benefit.<sup>4</sup>
  4. When we step outside into nature, chemical responses are released inside our bodies. Cortisol, the hormone that flips into overdrive when we are stressed, starts to lower. Studies show **20-40 minutes of nature exposure lowers cortisol rates**.
  5. Feeding birds may provide an important tool for engaging people with nature to the benefit of both people and conservation. ([Cox & Gaston, 2016](#)).<sup>5</sup>
  6. The intimacy of being in nature and having a careful and protective connection with the birds can make all the difference in your day. You will start to care for the birds and see them as friends in your life. Spending time outside for **10 minutes a day has been proven to boost serotonin and dopamine levels** (American Psychiatric Institute). ([Wild Bird Feeding Institute](#)).<sup>6</sup>



# Feeding the Birds Provides Numerous Benefits to the People in Our Community

- Taking a chance on bird feeding can end up **changing the directory of thought patterns, emotion processes, and relationship management** according to the Audubon Bird Guide. ([Wild Bird Feeding Institute](#)).<sup>6</sup>
- Bird feeding helps protect and create a healthy environment for the birds and inspires you to create a **positive change in your mental health**. All these things can inspire a change and help influence long-lasting positive effects for both you and the birds in your neighborhood, and help you connect with others in the hobby. ([Wild Bird Feeding Institute](#)).<sup>6</sup>
- Studies show many benefits of nature and birds on mental and physical wellbeing, including: **lowering blood pressure, reducing anxiety, relieving stress, boosting the immune system, strengthening the vascular system, and boosting mood**
- **People who feed birds regularly feel more relaxed and connected to nature** when they watch garden birds and perceive that bird feeding is beneficial for bird welfare while investing time in minimizing associated risks. ([Cox and Gaston, 2016](#)).<sup>7</sup>
- Species likeability increased for people who fed birds regularly and who could name the species. **We found a strong correlation between the number of species that a person could correctly identify and how connected to nature they felt when they watched garden birds. Species richness was preferred over a greater number of individuals of the same species.** ([Cox and Gaston, 2015](#)).<sup>4</sup>



Base: Total Fed Birds P12M (n= 450)



## Bottom Line...

**Birds around the home and nature in general show great promise in preventative health care regardless of your household income, age and a wide range of other socio-demographic factors**

We owe it to the birds and ourselves to encourage as many people to take up the hobby as possible to reap the incredible benefits the hobby provides us and the birds.



# Will Limiting Feeders Make a Difference?

- Limiting the number of feeders to 6 doesn't necessarily equate to bringing less birds to a yard
- Birds are attracted to our yard for a multitude of reasons
- Birds source their food from bird feeders approximately 15% of the time year round
- 85% of the time they are sourcing their food in "nature" (the other areas in our yards)- non bird feeder related
- Only some species of backyard birds visit a bird feeder, but birds are attracted to our yards for a multitude of other reasons including the seeds, nuts and berries from gardens and trees
- Insects and invertebrates (including biting insects like mosquitoes) are another food source and reason for birds to visit yards
- To reduce the number of birds in an outdoor space would require that the yard be devoid of trees, shrubs, gardens and even the soil that houses the invertebrates they eat = ecological dead zone,
  - Not realistic or beneficial for anyone
- Birds are members of this ecosystem and also provide valuable services (pollination, pest control, benefits to physical and mental health as described etc.)



Downy Woodpecker

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## Bird Feeding Has Gone Through Many Advancements

- Not just “bird seed” anymore
- Different birds are attracted to different foods and feeders, allowing for multiple foods will support a variety of species and biodiversity (healthier ecosystems)
- Bird feeders and foods have come a long way
- You could have easily have 7-10 (or more) different feeders each with different foods
- We have great solutions to the common frustrations such as preventing mammals
- Education and community outreach is essential part of the hobby

# By-Law Limitations

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- The by-law does not take into account property size (balcony vs. several acres)
- The types of feeders are also not taken into account (i.e. hummingbird vs. seed feeders)
- May impact the Bird Friendly Cities application for Newmarket as the Town needs to demonstrate bird friendly practices including local by-laws



# Final Thoughts

- Birds are part of our local ecosystem and neighbourhoods (whether we enjoy their presence or not)
- It's well understood that biodiversity results in healthier local ecosystems and communities which I believe collectively is an important goal for the Town of Newmarket.
- Thank you!



White-breasted Nuthatch

# Sources

1. Wilcoxon, T., et al., 2015. Effects of bird-feeding activities on the health of wild birds. *Conservation Physiology*. 3:doi:10.1093/conphys/cov058. <https://pmc.ncbi.nlm.nih.gov/articles/PMC4778448/>
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7. Cox, D., and Gaston, K. 2016. Urban bird feeding: connecting people with nature. [doi.org/10.1371/journal.pone.0158717](https://doi.org/10.1371/journal.pone.0158717)





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## **2025 Preliminary Draft Capital and Rate-Supported Operating Budgets Staff Report to Council**

Report Number: 2024-61

Department(s): Financial Services

Author(s): Andrea Tang, Director, Financial Services / Treasurer

Meeting Date: October 21, 2024

### **Recommendations**

1. That the report entitled 2025 Preliminary Draft Capital and Rate-Supported Operating Budgets dated October 21, 2024 be received; and,
2. That subject to any additional direction from Committee, the proposed Capital Budget be incorporated into the Draft Budgets to be presented to Committee of the Whole on December 2, 2024; and
3. That the proposed list of Capital Projects be included in the Capital Program for 2025, subject to changes that may be made by Council during the year; and
4. That subject to any additional direction from Committee, the proposed Rate-Supported Operating Budgets be incorporated into the Draft Budgets to be presented to Committee of the Whole on December 2, 2024; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

The preliminary draft of the 2025 Capital Budget is developed with consideration for both resource and financial capacity. The 2025 preliminary draft capital budget is \$74.6 million, comprised of the standard program at \$30.1 million and major projects at \$44.5 million. The standard program is established with consideration of resource capacity to deliver the capital program in 2025. Major projects, such as the Mulock Park, do not

impede the delivery of the standard program as major projects are managed by dedicated staff.

A multi-year capital plan is developed by integrating various capital management plans such as the Development Charge (DC) Background Study, Parks & Recreation Capital Plan and Asset Management Plans for core and non-core assets.

The 2025 water and wastewater rates are proposed to be increased by 3.5% in accordance with the 10-year Water and Wastewater Financial Plans. The stormwater rate is proposed to be increased by 3.8%.

## **Purpose**

The purpose of this report is to obtain Council approval on the overall Capital Budget, including specific projects in the capital program, and rate-supported operating budgets for Water, Wastewater, Stormwater, Building Services, Planning and Development Engineering.

## **Background**

### **Capital Budget**

The Capital Spending Authority (CSA) is the total of all capital expenditures approved by Council and may span more than one year. Due to the resource capacity and timelines for design and project delivery, some capital projects take more than one year to complete.

The Capital Spending authority for future years will ensure continuity and financial stability to complete projects that span more than one year.

The 2024 approved CSA for 2025 is the starting point for developing the 2025 capital budget. As well, the Asset Management Plans, Development Charge (DC) Background Study, and Parks & Recreation Capital Plan are also taken into consideration.

Central York Fire Services (CYFS) Joint Council Committee (JCC) recommended the proposed 2025 CYFS budget at the October 1, 2024 JCC meeting. Aurora Council will review the proposed budget on November 18, 2024.

The Newmarket Library Board has endorsed the 2025 capital projects being brought forward for consideration.

### **Rate-Supported Operating Budgets**

It is proposed to increase the 2025 water and wastewater fees by 3.5% as outlined in the 10-year financial plans. The stormwater rate is being proposed to be increased by 3.8% as condition assessments are underway.

## Discussion

This report will provide details on the 2025 preliminary draft capital and rate-supported operating budgets for Water, Wastewater, Stormwater, Building Services, Planning and Development Engineering.

### Capital Budget

The capital budget funds the purchase, construction and financing of tangible capital assets (TCA) for infrastructure, land, buildings, machinery, equipment and other assets. It also provides funding source for major corporate studies.

The capital budget will continue to be separated according to major funding sources. Capital requests will be subject to the availability of funding and resource capacity.

As part of the 2024 Budget, Council approved 2025 CSA of \$67.9 million for 2024 capital projects that would continue into 2025. Based on the revised project timelines, \$51.6 million of the 2025 CSA remain in the proposed 2025 capital budget, \$0.2 million has been accelerated to 2024 for the design of a paved surface parking area in downtown Newmarket ([Report: Downtown Parking Update 2024](#)), and \$16.1 million will be deferred to 2026. New requests for 2025 Capital budget total \$23.0 million which brings the total proposed 2025 Capital Budget to \$74.6 million and CSA for future years are outlined below. (refer to Appendix A for a summary of the Proposed 2025 Capital Budget by project).

\$ in millions	2025 Budget	2026 CSA	2027 CSA	2028 CSA
Standard Program	\$30.1	\$32.4	\$3.4	\$0.3
Major Projects	\$44.5	\$21.3	\$3.9	\$0.0
<b>Total</b>	<b>\$74.6</b>	<b>\$54.2</b>	<b>\$7.3</b>	<b>\$0.3</b>

### Multi-Year Capital Plan

The Town has various comprehensive capital management plans. The Development Charge (DC) Background Study and Parks and Recreation Capital Plan outline the capital infrastructure requirements to address growth. The Asset Management Plans for core and non-core assets outline the asset replacement requirements in order to keep the Town's assets in a state of good repair.

Information from these plans is integrated into the multi-year capital plan. The multi-capital plan will be updated and reviewed as part of the annual budget process.

The plan includes the proposed 2025 capital budget and capital requirements for the following four years from 2026 to 2029.

\$ in millions	2025	2026	2027	2028	2029
Capital Plan	\$74.6	\$60.2	\$52.8	\$50.6	\$40.5

## 2025 Rate-Supported Operating Budgets

### A. Water & Wastewater

The proposed 2025 water and wastewater rate increase of 3.5% accounts for:

- Region's increase of 3.3% for water purchases and wastewater treatment services
- Inflation for day-to-day operations
- Contribution to AMF for asset replacements

Based on an annual consumption of 200 cubic metres, the 2025 annual increase is \$49.

Below outlines the preliminary draft 2025 Water & Wastewater Operating Budget

\$ in millions	Water \$	Wastewater \$	Total \$
Revenues	\$22.9	\$26.8	\$49.7
Expenditures			
Regional Costs	\$11.4	\$17.5	\$28.9
Operating Costs	\$5.5	\$1.7	\$7.2
Support Costs	\$1.4	\$1.3	\$2.7
Contribution to ARF	\$4.0	\$5.0	\$9.0
Transfer to Reserve	\$0.6	\$1.3	\$1.9
Total Net Expenditures	\$22.9	\$26.8	\$49.7
Net	\$0	\$0	\$0

### B. Stormwater

The 2025 stormwater rate accounts for expenditures such as wages and benefits, CCTV program, catch basin cleaning and maintenance on stormwater ponds, and contribution to AMF for asset replacements. The proposed 2025 rate increase is 3.8%. Based on a 465 square metre lot, the 2025 annual increase will be \$7.

Below outlines the preliminary draft 2025 Stormwater Operating Budget:

\$ in millions	Stormwater \$
Revenues	\$9.9
Expenditures	
Operating Costs	\$1.6
Support Costs	\$0.2
Contribution to ARF	\$8.0
Transfer to Reserve	\$0.1
Total Net Expenditures	\$9.9
Net	\$0

### C. Other Rate-Supported Operating Budgets

Other rate-supported operating budgets include Building Services, Planning and Development Engineering. Each of the operating budgets is funded by their respective fees and charges, and dedicated reserves are set up. 2025 fees and charges are proposed to be increased by 3.1%.

\$ in millions	Building Services \$
Revenues	\$2.4
Expenditures	
Operating Costs	\$2.5
Support Costs	\$0.7
Draw from Reserve	(\$0.8)
Total Net Expenditures	\$2.4
Net	\$0

\$ in millions	Planning \$
Revenues	\$1.8
Expenditures	
Operating Costs	\$1.6
Support Costs	\$0.6
Draw from Reserve	(\$0.4)
Total Net Expenditures	\$1.8
Net	\$0

\$ in millions	Development Engineering \$
Revenues	\$0.6
Expenditures	
Operating Costs	\$0.3
Support Costs	\$0.1
Transfer to Reserve	\$0.2
Total Net Expenditures	\$0.6
Net	\$0

## Conclusion

### Upcoming dates:

- November 11 – Committee of the Whole (CoW) – Review of the Tax-Supported Operating Budget and 2025 fees & charges; and
- December 2 – CoW - Presentation of the Draft 2025 Budgets; and
- December 9 – Council - this is the target date for approval of the 2025 Budgets.

Council may choose to extend this time for further deliberations. There will also be opportunities for Councillors to meet with or to obtain additional information from the Treasurer or other Members of Staff.

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

The following guiding principles were applied when developing the 2025 Capital and Rate-Supported Operating Budgets that align with Council's values for service delivery:

- keep up with inflation and growth;
- maintain existing assets in state of good repair;
- develop the 2025 Capital Budget and Multi-Year Capital Plan based on the capital management plans such as the DC Background Study, Parks and Recreation Capital Plan and the Asset Management Plans for core and non-core assets; and
- evaluate resource and financial capacity.

## **Consultation**

Strategic Leadership Team (SLT) and Operational Leadership Team (OLT) have been consulted throughout the process.

## **Human Resource Considerations**

Direct costs for contract staff are included in various capital requests. Contract staff are required in the delivery and implementation of the capital projects.

## **Budget Impact**

The proposed 2025 capital program is at \$74.6 million.

The CSA for 2026, 2027, and 2028 are \$54.2 million, \$7.3 million, and \$0.3 million respectively to ensure continuity and financial stability for the 2025 projects that span more than one year to complete.

The proposed Capital Program will impact the Operating budget with additional annual expenditures. The financial impact will be included in the Tax-Supported Operating Budget to be presented at the November 11, 2024 CoW.

The annual increase for water and wastewater is \$49 based on annual consumption of 200m<sup>3</sup>, and stormwater is \$7 based on 465 square metre lot.

## **Attachments**

Appendix A – Proposed 2025 Capital Budget and Capital Spending Authority

## **Approval**

Andrea Tang, CPA, CA  
Director of Financial Services / Treasurer

Esther Armchuk, LL.B  
Commissioner, Corporate Services

Ian McDougall  
Chief Administrative Officer, Office of the CAO

## **Contact**

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If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193

Appendix A - Proposed 2025 Capital Budget and Capital Spending Authority

Project Name	Dept.	Scope of Work	Operating Impact	2025 - CSA (A)	2025 - New Submissions/ Additional Request for fund (B)	2025 Total (A+B=C)	2025 Funding Allocation				2026	2027	2028
							Asset Mgmt Fund (AMF)	Develop. Charges (DC)	Reserves & Reserve Funds	Other Grants and Other External Fund			
<b>CAPITAL STANDARD PROGRAM</b>													
Main Street Parking Way Finding	CAO's Office	This item will support parking wayfinding in the Main Street South downtown area. The project scope includes necessary equipment and cost of upgrading electrical service, locates, ensuring connectivity etc.	66,000	-	200,000	200,000			200,000				
Mulock Parking Implementation	CAO's Office	This item will support parking wayfinding at Mulock Park. The project scope includes necessary equipment and cost of upgrading electrical service, locates, ensuring connectivity etc.	25,000	-	50,000	50,000			50,000				
Bunker Gear and PPE	CYFS	Purchase of replacement bunker gear and personal protective equipment for firefighters that have reached the lifecycle.		-	100,000	100,000	100,000				110,000		
Recruit Firefighter Equipment - Attrition	CYFS	Purchase of bunker gear, uniforms, training material, and personal protective equipment to outfit new recruits that joined and replace firefighters due to attrition.		-	30,000	30,000	30,000				32,000		
Renovations to Station 4-1	CYFS	In 2022, Station 4-5 CYFS Fire Headquarters was built and Fire Administration relocated from Station 4-1 on Gorham Street to St. 4-5 on Earl Stewart Drive, Aurora. Fire Prevention and one working fire crew remained at Station 4-1. The station will still require renovations to update the kitchen, lighting, floors, etc. to maintain Fire Prevention and Suppression operations/business. This included electrical work for the introduction of vehicle charging stations for the new fire prevention van and to support the towns green initiative.		775,000	-	775,000	650,000		125,000				
Replacement of Firefighting Equipment	CYFS	Regular replacement of damaged/expired firefighting equipment - hazmat, medical, high rise, nozzles, hose appliances, hose, firefighting tools, technical rescue equipment (water and rope rescue).		560,000	50,000	610,000	610,000				110,000		
Replacement of Public Education Van	CYFS	Lifecycle replacement of public education van, due to the condition assessment. PubEd1 is utilized by the public information officer to deliver public education lectures and information to various venues.		-	120,000	120,000	120,000					-	
Replacement of SUV (CH45)	CYFS	Lifecycle replacement of SUV (CH45), due to the condition assessment.		-	120,000	120,000	120,000						
Station Furniture - 4-2, 4-3, 4-4	CYFS	Replacement of chairs, tables, bookshelves, and storage cabinets.		-	20,000	20,000	20,000				20,000		
Training Props	CYFS	Replacement of damaged and/or outdated training props. medical, forcible entry, survival, bailout, rope rescue, water rescue, ice rescue, hazmat, vehicle extrication, and fire suppression. These props and tools are utilized when training firefighters and recruits.		-	20,000	20,000	20,000				22,500		
Furnaces/AC Unit - Station 4-2	Newmarket Fire	Replace 3 furnaces/AC units at Station 4-2, due to the condition of the assets. This item is used to heat and cool the living areas, training areas and physical fitness areas at station 4-2.		-	80,000	80,000	80,000						
Replacement of Station Sign at Station 4-2	Newmarket Fire	The current sign is at the end of its life cycle. The technology is becoming antiquated and is requiring more maintenance as it ages. It is not consistent with the signs at the other stations. It is necessary to program the message on the sign at station 4-2 separately and it must be done onsite. The messaging for the other stations can be done simultaneously and remotely. The sign at station 4-2 is utilized to display messaging to the public in a timely manner.		-	40,000	40,000	40,000						
Bathurst-Davis MUP & Davis Drive Sidewalk	Engineering	This project is to construct a multi-use path on Bathurst street from Davis Drive to Woodspring Avenues and a new sidewalk east of Bathurst street on Davis Drive. Region will contribute \$327,800 to this project as per its funding award letter dated November 15, 2019.		1,696,000	-	1,696,000		1,368,200		327,800			
Bridges and Culverts Program	Engineering	This program is to replace bridges and culverts that are nearing their end of useful life in accordance with the Ontario Structure Inspection Manual (OSIM) report and Asset Management Plan. As per legislation, OSIM is to be conducted every two years.		4,160,000	385,000	4,545,000	3,372,376			1,172,624	2,545,000		

**Appendix A - Proposed 2025 Capital Budget and Capital Spending Authority**

Project Name	Dept.	Scope of Work	Operating Impact	2025 - CSA (A)	2025 - New Submissions/ Additional Request for fund (B)	2025 Total (A+B=C)	2025 Funding Allocation				2026	2027	2028
							Asset Mgmt Fund (AMF)	Develop. Charges (DC)	Reserves & Reserve Funds	Other Grants and Other External Fund			
Harry Walker Parkway & Stackhouse Signalization	Engineering	Full signalization of intersection including AODA upgrades to sidewalks.	5,000	-	450,000	450,000		450,000					
Haskett Breathing Space & Trail	Engineering	Haskett Park redevelopment and trail connection to Davis Drive.	TBD in 2026	-	650,000	650,000		650,000			2,350,000	1,000,000	
Main St. Walkway Revitalization	Engineering	This project includes the design and revitalization of the stairway and path connecting Main Street South to the parking area at Riverwalk Commons, located directly across from the proposed clock tower development property ( between 171 and 179 Main St. South).		55,000		55,000		27,500	27,500		650,000		
Mulock Drive Multi Use Path Feasibility and Design Study	Engineering	Construction of a multi-use path along Mulock Drive from Bathurst to Harry Walker Parkway including intersection upgrades; 50% cost shared by York Region.	TBD in 2026	1,000,000		1,000,000	-	500,000		500,000	3,000,000	2,000,000	
Municipal Infrastructure Projects	Engineering	This program includes road resurfacing, rehabilitation, reconstruction including water/wastewater/storm water upsizing and replacement and watermain relining as per Asset Management Plan.		5,393,500	836,500	6,230,000	3,430,000			2,800,000	11,181,000		
Parkette & Sports Pad	Engineering	Project includes construction of Clifford Perry Parkette (small playground, benches, etc.), Proctor Park sports pad and Environmental Park sports pad will be hard court surface for multi-use sports.	5,000	500,000		500,000		500,000					
Stormwater Comprehensive Plan Update	Engineering	Update to the 2017 Stormwater Master plan, including sewer shed delineation required by the province to be completed by Dec 31, 2025, and creation of a stormwater model with analysis completed to address adaptation requirements in future climate scenarios.		-	200,000	200,000			-	200,000	150,000		
Stormwater Management Pond Cleanout Program	Engineering	Annual storm water management pond cleanout program as per condition assessment and asset management plans.		2,240,000		2,240,000	-			2,240,000	2,748,750		
William Dunn Parkette and Trail Development	Engineering	This project involves the supply and a installation of a new parkette including the formalization of an existing path to an AODA compliant trail.	6,000	-	80,000	80,000		80,000			270,000	150,000	
Charging Stations for electric vehicles	Facilities	As technology advanced towards more renewable energy options, the Town's fleet is moving towards purchasing electric vehicles to help reduce the Town's green gas emissions footprint from its operations. In order to support and operate such fleet, a number of charging stations will need to be installed at key locations, mainly for the Town's fleet, and potentially extend the service to Town residents and visitors in the future.		100,000	200,000	300,000			300,000				
Facility Asset Replacement	Facilities	This request is for replacements, repairs and rehabilitation of building components and systems. Initial assessment and scope of work has been established for the majority of these projects; funding is required to implement the construction phase.		1,095,500	624,500	1,720,000	1,720,000		-		4,278,000		
Facility Health and Safety Requirements and Improvement	Facilities	There are a number of buildings that require various repairs, replacements, and/or modifications and improvements to maintain the buildings in a state of good repair, and operational health and safety. This program includes an upgrade to the indoor CO monitoring system in garage in Operations Centre, addition of an aquostic barrier at the Ray Twinney Community Centre (RTCC), safe access to bell tower in Old Town Hall, new refrigeration room in RTCC, site improvement in Gorman Pool, various buildings accessibility upgrades such as RTCC, Old Town Hall, and the potential emergency generator backup in Magna Centre (pending successful grant application), etc.		530,000		530,000	530,000				2,570,000		
Roof Replacements at Various Facilities	Facilities	Roof replacement at various Town facilities based on condition assessments. These include flat roof in Gorman Pool/Lions' Rink facility, standing seams on metal roof at Magna Centre, and salt dome roof.		1,500,000	550,000	2,050,000	2,050,000						
Use of Space at Ops. Centre - Phase 2	Facilities	This request is to continue with a design to propose renovations to the Operations Centre to keep up with the growth of the departments operating out of this facility.		-	100,000	100,000			100,000		300,000	300,000	300,000

Appendix A - Proposed 2025 Capital Budget and Capital Spending Authority

Project Name	Dept.	Scope of Work	Operating Impact	2025 - CSA (A)	2025 - New Submissions/ Additional Request for fund (B)	2025 Total (A+B=C)	2025 Funding Allocation				2026	2027	2028
							Asset Mgmt Fund (AMF)	Develop. Charges (DC)	Reserves & Reserve Funds	Other Grants and Other External Fund			
<b>Budgeting Software</b>	IT	The project scope for implementing a budgeting software involves the comprehensive integration of a robust financial management platform designed to streamline the budget creation, monitoring, and adjustment processes. This includes configuring the software to meet the specific needs of the Town, migrating existing financial data, and ensuring seamless integration with other municipal systems. The project will also encompass user training, system testing, and the development of customized reporting tools to enhance transparency and accountability. The primary goal is to improve the accuracy and efficiency of budget management, support informed decision-making, and ensure compliance with regulatory requirements, ultimately fostering better resource allocation and financial planning within the municipality.	100,000	-	100,000	100,000			100,000				
<b>Computer and Peripheral Replacement</b>	IT	This item will support the on-going replacement of an end user desktop equipment and peripheral devices that have reached the end of their lifecycle. Equipment includes desktop computers, laptops, printers, audio/visual equipment, tablets, etc.		300,000	100,000	400,000	400,000						
<b>Digital Presence Enhancements</b>	IT	The Town requires an expanded project scope to further enhance its digital presence through significant improvements to its website, portal, and mobile app. This project includes a comprehensive redesign of the Town's website to provide a user-friendly interface, improved navigation, and enhanced accessibility for all residents. The project will also focus on developing an integrated citizen portal that offers seamless access to municipal services, including bill payments, service requests, and community engagement tools. Additionally, the introduction of the Town's mobile app will ensure that residents can access all these services conveniently from their smartphones. The goal is to create a cohesive and interactive digital ecosystem that facilitates efficient communication, engagement, and service delivery for all Town residents which are identified in the Council's strategic plan. The budget includes funding for: 1. Subscription and/or license fees 2. Integration and customization costs 3. Staffing resources to support business units with data migration and configuration 4. Security enhancements	30,000	-	250,000	250,000			250,000				
<b>Enhance Technology needs of new workplace model</b>	IT	The pandemic has illustrated the need to support a variety of technical needs of working in different environments. The Town has had to quickly pivot to provide technical resources to work remotely and adapt existing systems for those on site. Many solutions put in place are stop-gap and not efficient towards a long term solution. Therefore, in order to maintain optimal service delivery the Town must invest in technology that is sustainable, secure and efficient to adapt to any new workplace model for staff. Essentially investment is required in several areas listed below: 1. Computing equipment (Desktops to laptops) 2. Unified communications technology (Softphones, Collaboration tools etc.) 3. Network and Security (Encryption, data storage, VPN,) 4. Remote work tools (E-signatures, Printing services, document management, web-based solutions etc.) 5. Workspaces (Drop-in stations, Additional peripherals etc.)		500,000	-	500,000	250,000		250,000				
<b>Network Infrastructure Lifecycle replacement</b>	IT	The project scope for replacing network infrastructure is due to the fact that certain critical components have reached or are reaching the end of its lifecycle. This project involves a comprehensive upgrade of the Town's networking hardware and software components to ensure continued operational efficiency and security. This includes a detailed assessment of the existing infrastructure, planning the replacement of outdated routers, switches, firewalls, and cabling with modern, high-performance equipment. The project will involve coordinating with vendors, scheduling and minimizing downtime, and ensuring compatibility with current systems and applications. The objective is to enhance network reliability, speed, and security, supporting the Town's growing technological needs and providing a scalable foundation for future advancements.	40,000	-	400,000	400,000	200,000		200,000		400,000		
<b>Risk Management Software</b>	IT	This item is to purchase a cloud based risk and claims management solution. A software is required to ensure the Town proactively manages potential threats, minimize losses, improve operational resilience and ensure compliance with relevant regulations, ultimately protecting assets and enhancing overall risk posture.	50,000	-	30,000	30,000			30,000				

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							Asset Mgmt Fund (AMF)	Develop. Charges (DC)	Reserves & Reserve Funds	Other Grants and Other External Fund			
Custom Banner/Backdrop System- Riverwalk Stage	Parks	This is to purchase a specially designed system for banners and backdrops engineered for use during special events.		-	30,000	30,000			30,000				
Lighting Strategy for Newmarket Riverwalk Commons and Main St.	Parks	This is to hire a consultant to provide a strategy for year round lighting downtown as a central hub for community space and gatherings.		-	60,000	60,000			60,000				
Playground Replacement	Parks	Annual program to replace end of useful life playground and playground equipment.		-	435,000	435,000	435,000			350,000			
Sporting Backstop & Fencing Replacements	Parks	This project is to retain a structural engineer to review the condition and design the replacement work if needed. Replacement will be conducted after the assessment and design in the following years.		-	50,000	50,000	50,000			50,000			
Community Energy Plan Update	Planning	To hire a consultant to update the existing Community Energy Plan. This includes an assessment of the current state of energy use and Green House Gas emissions, identify new opportunities, and develop actionable strategies to achieve the Town's energy and sustainability goals over the next five years.		150,000	-	150,000			150,000				
Residential Parking Study	Planning	The Residential Parking Study will involve reviewing and providing recommendations (where required) on: 1. Current residential parking requirements for specific built forms; 2. Parking requirements in relation to on-street parking availability with/without bike lanes, front yard parking opportunities and limitations, and driveway widths; 3. Use of garages as parking and garage size requirements; 4. Innovative residential parking options; 5. Condo road design standards and criteria; 6. Effects of changing household composition on parking, and 7. Effects of the 'new normal' work patterns on parking.		130,000	-	130,000			130,000				
Fleet Replacement	PWS	This is to replace end of useful vehicles and equipment as per fleet condition assessment.		-	2,176,000	2,176,000	2,176,000						
Fleet Safety Program Development	PWS	This is to develop a fleet safety plan with the ability to bring in trainers, developing a safety program for all PWS/PFS users.	70,000	-	70,000	70,000			70,000				
Growth vehicle for New Roads Supervisor	PWS	This is to purchase a new vehicle for the new roads supervisor position.	10,000	-	80,000	80,000		80,000					
New Street/Pathway/Trail Lighting	PWS	This project is to hire a consultant to review the condition and gaps in the current street/trail/pathway lighting and determine new lighting needs and install lighting as recommended.		-	25,000	25,000		12,500	12,500	50,000			
Parking Lot Replacements	PWS	Staff has taken a preliminary assessment to understand several parking lots' condition. Paul Semple Park parking lot, Youth Centre parking lot and Quaker Park parking lot will require a consultant to undertake a feasibility study, detailed design to enhance stormwater management and construction.		-	250,000	250,000	250,000			225,000			
Quaker Pickleball Court Replacement	PWS	Resurfacing 6 Pickleball courts at the Quaker Park.		-	200,000	200,000	200,000						
Sanitary Sewer Spot Repair Program	PWS	This program is for sanitary sewer spot repair at various locations as identified by condition assessment. This work will be coordinated between Public Works Water & Wastewater Division, Corporate Asset Management Office, and Engineering.		-	25,000	25,000	25,000			25,000			
Timothy Street Bollards	PWS	Design and construction of hydraulic bollards on Timothy Street including LED lighting for events required road closures.		-	15,000	15,000			15,000	200,000			

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							Asset Mgmt Fund (AMF)	Develop. Charges (DC)	Reserves & Reserve Funds	Other Grants and Other External Fund				
Trail Lighting Replacement	PWS	Replacement of blue trail light poles along the Tom Taylor Trail.		-	50,000	50,000	50,000					50,000		
Vector Drying Pad at Ops. Centre for vector truck	PWS	This is to design and construct a pad of concrete or pavement for dumping wet material onto and have it drain and dry so that staff may easily dispose of the dried material. For the drainage, a series of sediment removal components will be installed and ultimately connect to a storm or sanitary sewer.		-	50,000	50,000				50,000		250,000		
Walkway Design & Construction (Additional Walkway Design)	PWS	We are currently inventorying all walkways and looking to retain a consultant for design of several for improvements and or replacements.		-	50,000	50,000		25,000	25,000			250,000		
Water Quality Technology	PWS	This is to purchase flushers and smart hydrant with water quality monitoring capabilities to support the Town's continued water quality program and compliance with the Ministry of Environment, Conservation and Parks regulations.		-	100,000	100,000			100,000					
<b>TOTAL CAPITAL STANDARD PROGRAM</b>			<b>407,000</b>	<b>20,685,000</b>	<b>9,452,000</b>	<b>30,137,000</b>	<b>16,928,376</b>	<b>3,693,200</b>	<b>2,275,000</b>	<b>7,240,424</b>		<b>32,437,250</b>	<b>3,450,000</b>	<b>300,000</b>
<b>CAPITAL MAJOR PROGRAM</b>														
Replacement of Aerial 427	CYFS	Lifecycle replacement of Aerial 427 truck. This request is to secure funding to start the procurement process. It takes approximately 2 years to build and deliver.		-	3,000,000	3,000,000	3,000,000							-
Training Building and Class B Burn Tower Design	CYFS	To designing and choosing a structure, hiring an architect, and go out to bid for a contractor. 48% of the project is funded by the annual Skills Development Capital Fund through the Ministry of Labour.		-	1,800,000	1,800,000			935,000	865,000		1,200,000		
Mulock House Adaptive Re-Use	Engineering	Continuation of the Mulock House Adaptive reuse project.		5,736,000	1,000	5,737,000			5,737,000					
Mulock Park	Engineering	Continuation of the Mulock Park Construction for skate trail, trails, amenities, parking lots.		22,841,700	4,885,000	27,726,700		21,041,753	6,684,947			11,315,053		
New Pickleball Facility	Engineering	Develop a pickleball facility with 20 courts and bubbled for winter season (George Richardson Park). 2025 - Design and 2026 - Construction	TBD in 2026	-	2,090,000	2,090,000		500,000	1,590,000			4,000,000		
Outdoor Rink - Ray Twinney	Engineering	Design and construction of an outdoor ice rink, multiuse space.		750,000		750,000		750,000				3,000,000	3,862,000	
Tennis club demolition and new downtown parking lot construction	Engineering	This project includes demolition of an existing tennis club and construction of a 150 spot permienat at-grade parking lot with lighting and drainage features as directed by Council and detailed in Report 2024-57 Downtown Parking Update 2024 recommendations. The project also includes the feasibility assessment, design and construction of 50 additional parking spaces to reach a total goal of 200 new parking spots in the downtown core.		1,600,000	-	1,600,000		800,000	800,000			500,000		

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							Asset Mgmt Fund (AMF)	Develop. Charges (DC)	Reserves & Reserve Funds	Other Grants and Other External Fund			
Enterprise Asset Management (EAM) Tools	IT	Implementing an Enterprise Asset Management (EAM) tool includes the comprehensive integration of a centralized platform to optimize the management of an organization's physical assets throughout their lifecycle. This entails configuring and deploying the EAM software to support asset tracking, maintenance scheduling, work order management, and compliance reporting. The project will involve data migration from existing systems, customization to fit organizational processes, user training, and rigorous testing to ensure smooth operation. The objective is to enhance asset visibility, improve maintenance efficiency, reduce downtime, and support data-driven decision-making to maximize asset performance and lifespan. This will be a multi year project with the requirement for staff resources to move this project forward: 1. IT Project Manager - Required to ensure project delivery 2. IT System Analyst- This resource will be required for a period of 2-3 years to assist in the configuration, implementation and integrations of the system 3. PWS/PFS Business Analysis Project Managers (2) – These resources focusing on leading efforts to developing structures and processes for managing and streamlining the management of assets within the respective service delivery areas. 4. PWS/PFS CMMS Data and Process Coordinators (3) – These resources execute project tasks in support of project managers to gather data, improve geographic information, document maintenance processes, and develop inspection forms. 5. PWS/PFS staff to backfill departmental SMEs during implementation. Costs will include 1.Software Licensing/Subscription fees 2. Implementation and Setup costs 3. Training and ongoing support 6. Integration Costs 7. Hardware costs 8. Customization and development 9. Staffing resources for implementation and configuration.	250,000	-	1,500,000	1,500,000			1,500,000		1,500,000		
Human Resource Information System (HRIS) Implementation	IT	Implementing an HRIS (Human Resource Information System) encompasses the comprehensive integration of a centralized platform to streamline and automate all HR functions. This includes managing employee records, payroll, benefits administration, recruitment, performance evaluations, and compliance reporting. The project will involve data migration from legacy systems, customization of the HRIS to align with organizational processes, user training, and system testing to ensure seamless deployment. The goal is to enhance operational efficiency, improve data accuracy, and provide a user-friendly interface for HR staff and employees, ultimately supporting strategic HR decision-making and organizational growth. This will be a multi year project with the requirement for two staff resources to move this project forward. 1.System Analyst - This resource will be required for a period of 2-3 years to assist in the configuration, implementation and integrations of the system 2. HR Staff to backfill the SME during implementation. Costs will included 1.Software Licensing/Subscription fees 2. Implementation and Setup Costs 3. Training and Ongoing Support 4. Integration Costs 5. Hardware costs. The solution can present costs moving to operation costs based on online vs. On-prem solutions.	100,000	-	300,000	300,000			300,000		300,000		
<b>TOTAL CAPITAL MAJOR PROGRAM</b>			<b>350,000</b>	<b>30,927,700</b>	<b>13,576,000</b>	<b>44,503,700</b>	<b>3,000,000</b>	<b>23,091,753</b>	<b>17,546,947</b>	<b>865,000</b>	<b>21,815,053</b>	<b>3,862,000</b>	<b>-</b>
<b>TOTAL</b>			<b>757,000</b>	<b>51,612,700</b>	<b>23,028,000</b>	<b>74,640,700</b>	<b>19,928,376</b>	<b>26,784,953</b>	<b>19,821,947</b>	<b>8,105,424</b>	<b>54,252,303</b>	<b>7,312,000</b>	<b>300,000</b>



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## **Animal Control By-law Amendments Staff Report to Council**

Report Number: 2024-60

Department(s): Legislative Services

Author(s): John Comeau, Manager of Regulatory Services  
Jacob Brewer, Supervisor of Animal Services

Meeting Date: October 21, 2024

### **Recommendations**

1. That the report entitled “Animal Control By-law Amendments” dated October 21, 2024 be received; and,
2. That Council approve the proposed amendments to Animal Control By-law 2020-30; and,
3. That Council approve the proposed amendments to AMPS By-law 2024-16; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to make minor amendments to the Animal Control By-law, to improve enforceability of the By-law, and address newly emerging issues.

### **Background**

#### Legislative Authority

Under the Municipal Act, a municipality may enact by-laws respecting animals, which includes domestic animals such as dogs or cats. Additional powers are provided to seize, impound, and sell animals that are trespassing or at large.

#### Historical Reference

In June of 2020, Regulatory Services presented [Staff Report 2020-40](#) which led to the Animal Control By-law Amendments Staff Report

adoption of [Animal Control By-law 2020-30](#). A significant amount of public consultation and research was conducted prior to the implementation of the Animal Control By-law, which saw increased tethering requirements, the addition of feeding wildlife restrictions, the formalization of an Urban Hen program, and the addition of a “permitted animals” list. Through Staff Report 2020-40, Staff committed to an ongoing review and evaluation of the adopted regulations.

On February 4, 2022 an [Information Report](#) was circulated to Council, advising of a Staff decision to operate an in-house Animal Services program.

On July 1, 2022 an in-house Animal Services program was launched.

On June 28, 2023 at a Special Committee of the Whole, a [Regulatory Services Review](#) was presented to Council. During this Review, ideas regarding the future of Animal Services were brought forward to Council for consideration.

On November 13, 2023, at a Committee of the Whole meeting, a [Staff Report](#) was presented to Council highlighting the success of the newly implemented in-house Animal Services program. An Animal Services Workplan was established and adopted by Council:

ANIMAL SERVICES WORKPLAN

<b>Project</b>	<b>Summary</b>	<b>Target</b>
Animal Control By-law Amendments	Staff will provide recommendations for improvements to our currently established Animal Control By-law 2020-30	Q2, 2024
Kennel/Cattery Licensing	Staff will present to Council the concept of Kennel/Cattery Licensing through a Staff Report.	Q4, 2024
Animal Licensing Updates	Staff will provide Council options to consider for amendments to the existing Animal Licensing program.	Q2, 2025
Additional Paid Services	Options to introduce additional paid services related to Animal Services will be provided to Council for consideration (eg. wildlife cadaver removal, pet transport, etc.)	Q3, 2025
Off Leash Dog Park Alternatives	A Staff Report will be presented to Council to provide options for consideration on off leash dog park alternatives	Q1, 2026

This Staff Report fulfills the first commitment on the Animal Services Workplan, providing an overview of recommended minor amendments to Animal Control By-law 2020-30.

## **Discussion**

Having established an in-house Animal Services program in 2022, Regulatory Services had an opportunity to fully evaluate Animal Control By-law 2020-30 and are recommending to Council several amendments. The proposed amendments include the following changes:

## **Definitions**

Definitions have been updated to address issues found in our community, and to provide greater clarity. Notably, the definition of the word “Leash” had been updated to exclude the use of “e-collars”, ensuring that residents are making use of proper restraining devices when in public spaces.

## **Noise Provisions**

Supplementing regulations found within the Town’s Noise By-law, the Animal Control By-law has regulations pertaining to noise being emitted from dogs:

“4(2) No Person shall Keep, own, possess, or harbour any Dog in the Town which makes or causes noises, repetitive or persistent barking, or howling that disturbs or is likely to disturb the comfort, enjoyment, rest, or quiet of any Person in the vicinity or neighbourhood.”

The regulations in this section have been amended to have these restrictions apply to all animals (cats, birds, hens, etc.).

## **Enforcement Powers**

Several amendments have been made to the existing By-law to improve the enforceability of the regulations. These changes include:

- Administrative amendments to Muzzle and Dangerous Dog Orders
- Additional authorities to permit the cost of any work that must be undertaken by the Town to remedy a violation to be placed on the property taxes of the owner of the violating property
- The addition of an obstruction charge that may be issued to any persons who attempt to obstruct or hinder an Animal Services Officer or Police Officer from completing an investigation. This charge mirrors obstruction charges found in other Town By-laws.

## Registration and Licensing

The proposed amendments include a reduction in the monetary penalty amount for failing to obtain a pet licence. The current administrative monetary penalty for failing to obtain or renew a pet licence is \$600. Staff have recommended that the fee for failing to obtain a pet licence be reduced to \$400, and a secondary violation for failing to renew a pet licence be established and set at \$200.

Additionally, fees for the licensing of service animals have been waived, while maintaining the requirement for the owner to still obtain the licence.

## Keeping of Pigeons

Since 2022, the Town has received 6 complaints related to 3 properties regarding the keeping of pigeons through our Customer Service Department. There are residents in our community that are passionate about the keeping and racing of pigeons, however, it is important that they are maintained in a way that does not cause a nuisance to neighbouring properties.

Currently, the Town does not have any prohibitions on the keeping of pigeons. An initial jurisdictional scan was conducted of York Region municipalities to review regulations related to the keeping of pigeons:

<b>Municipality</b>	<b>Regulations</b>
Vaughan	Prohibited, however, existing Pigeon Licence holders have been grandfathered
Markham	Permitted, subject to restrictions
Aurora	Permitted, no restrictions
Richmond Hill	Permitted, subject to restrictions
Georgina	No prohibitions regarding the keeping of pigeons on rural properties, permitted on residential properties subject restrictions
East Gwillimbury	Permitted, subject to restrictions
King	Pigeons are not permitted to be kept
Whitchurch-Stouffville	Permitted, but prohibited on residential properties

Proposed amendments to the current By-law have been made to ensure that the keeping of pigeons does not cause a nuisance to neighbouring properties. The proposed amendments include prohibitions on:

- perching/roosting on neighbouring properties;
- the creation of nuisance noise; and
- permitting pigeons to defecate on neighbouring properties

The proposed amendments would continue to permit residents to keep pigeons, however, would effectively prohibit any nuisance that could be caused to neighbouring properties. With these minor amendments, Staff are confident that they will be able to address the low number of complaints received regarding the keeping of pigeons.

Should Council wish to implement more significant restrictions on the keeping of pigeons, Staff are recommending direction be provided to amend the Animal Services Workplan to include a formal review of the regulations. This would include significant public consultation with residents, pigeon owners, pigeon groups and associations in Ontario, as well as municipal partners.

## **Feeding Wildlife**

Section 7 of the Town's Animal Control By-law provides for significant restrictions on the feeding of wildlife in Newmarket. It is strictly prohibited to feed any wildlife on private or public property within the Town of Newmarket. The primary exception to this regulation, is feeding birds on private property. Section 7(3) of the Town's Animal Control By-law permits the feeding of wild birds subject to the following conditions:

- Feed must be placed in a feeding device designed for birds
- The feeding device must be reasonably inaccessible to other wild animals
- All seed that spills from the feeding device must be promptly disposed of
- No excrement from birds shall be permitted to accumulate
- The feeders shall not, at the discretion of an Animal Services Officer, cause or create a nuisance due to odour, sight, or noise.

On September 16<sup>th</sup>, 2024 at a [Council Meeting](#) a deputation was made to request that Council amend section 7 of the Animal Control By-law to further address the use of bird feeders on private property. The Town's current restrictions either mirror or are more restrictive than surrounding municipalities within York Region.

Since January 1<sup>st</sup> of 2023, the Town has received 19 complaints regarding feeding wildlife, 5 of which are specifically regarding the use of bird feeders. Despite the low volume of concerns raised by residents regarding the use of bird feeders, Staff have reviewed requests made through the deputation to Council. Below is a summary of requests made of Council, and comments made by Staff in response:

Request Made	Staff Comments	Follow up action
Prohibition on hanging bird feeders on fences	Town Staff are satisfied with current regulations that requires feeders to be reasonable inaccessible to wild animals. If an Animal Services Officer believes that a feeder installed on a fence is reasonable accessible to wild animals, then the property owner would be required to remove it.	None.
Limit the number of feeders permitted	Current regulations do not put specific limits on the amount of bird feeders permitted on a property. No other York Region Municipalities have specific limits on bird feeders. After further review, Staff are recommending a limit be placed on feeding devices to avoid excessive feeding.	Proposed amendments include a limit of six (6) bird feeders on residential properties.
Prohibition on the use of peanuts for feed	Peanuts and peanut feeders are popular feeders for many types of wild birds and are commonly used in Newmarket. No other York Region municipalities prohibit the use of peanuts as feed. Staff are not recommending changes at this time.	None.

## Conclusion

Town Staff have provided recommendations for minor amendments to the Town’s Animal Control By-law 2020-30. Staff are seeking direction from Council to have these amendments adopted. Regulatory Services is committed to the ongoing review of all our regulations, and we will continue to monitor trends in our community related to Animal Services and propose further amendments when appropriate.

Should Council wish to further explore regulations pertaining to pigeons or feeding wildlife, direction can be provided to Staff to amend the Animal Service Work Plan.

## Business Plan and Strategic Plan Linkages

This report aligns with the Town of Newmarket’s vision of being Well Beyond the Ordinary.

## **Consultation**

None.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

Attachment 1 –Animal Control Amendment By-law 2024-XX

Attachment 2 – Copy of By-law 2020-30 with proposed amendments

Attachment 2 – AMPS By-law Amendment By-law 2024-XX

## **Approval**

Lisa Lyons, Director, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

## **Contact**

Jacob Brewer, Supervisor of Animal Services

If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193



# Corporation of the Town of Newmarket

## By-law 2024-XX

A By-law to amend By-law 2020-30, being a By-law to amend the Animal Control By-law 2020-30 in the Town of Newmarket.

**Whereas** section 11 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may enact by-laws regulating or prohibiting Animals;

**And Whereas** section 103 of the Municipal Act authorizes the Town, through the passage of a by-law, to seize, impound, and sell Animals that are trespassing or at large;

Whereas Council enacted By-law 2020-30 to implement the Animal Control By-law in the Town of Newmarket; and,

Whereas it is deemed necessary to amend By-law 2020-30 as it relates to the Animal Control regulations.

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

1. That the definition of "Leash" be repealed and replaced with:

"**Leash**" means a rope, chain or other material or restraining device used to restrain an animal, not including e-collars or remote controlled devices;

2. That the definition of "Owner" be repealed and replaced with:

"**Owner**" means any person who possesses or harbours an animal 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 animal and "owns" has the same meaning;

3. That section 4(2) be repealed and replaced with:

(2) No Person shall Keep, own, possess, or harbour any Animal in the Town which makes or causes noises, repetitive or persistent that disturbs or is likely to disturb the comfort, enjoyment, rest, or quiet of any Person in the vicinity or neighbourhood.

4. That section 4 be amended to add the following subsections:

(12) Every owner of an animal shall remove forthwith any excrement left by the animal on any property including highways.

(13) No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

5. That section 5(4) be repealed and replaced with:

(4) Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of:

a) a shelter for the animal that is waterproof and that protects it from exposure to the elements;

b) a shelter for the animal that is adequate for its size and breed;

c) adequate food and water for the animal;

d) access to shade during warm weather;

e) a clean and sanitary environment free from an accumulation of fecal matter;

f) adequate veterinary care deemed necessary by a reasonably prudent person to relieve the animal from distress caused by injury, neglect or disease.

6. That section 9 (6) be repealed and replaced with:

(6) Where the **Manager** has reasonable grounds to believe that a **Dog** has engaged in a **Dangerous Act** against a **Person** or **Domestic Animal**, the **Manager** may impose the following with respect to such a **Dog**:

(a) for the first (1<sup>st</sup>) documented offence with a municipality, the **Manager** may serve the **Owner** of the subject **Dog** with a **Notice to Muzzle**;

(b) despite Section 9(6)(a), if it is the **Manager**'s opinion that the **Dangerous Act** is severe, serve the **Owner** of the subject **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law;

(c) for the second (2<sup>nd</sup>) documented offence with a municipality, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law; or

(d) Where the **Dangerous Act** occurred while the **Dog** was the subject of a **Notice to Muzzle** or a control order under the **Dog Owners Liability Act**, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law.

7. That section 9 (7) (f) and (g) be repealed and replaced with:

(f) the **Dangerous Dog** is spayed or neutered within thirty (30) days of the order being served on the **Owner**;

(g) arrangements are made with the **Town** to enable the **Town** to collect information about the subject **Dog** within thirty (30) days of the order being served on the **Owner**;

- (h) While on the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be tethered or confined by a six (6) foot fence in a way that prevents the **Dog** from going beyond the limits of the owner's property or being accidentally or intentionally released; and
- (i) Whenever off the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be muzzled and leashed, and the **Owner** shall not permit such a **Dog** to be left in the control of a **Person** under the age of sixteen (16).

8. That section 9 be amended to add:

(12) No person shall fail to comply with an order made under section 9(10).

9. That section 10(1) be repealed and replaced with:

10(1) Wherever this By-law or an order issued under this By-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the **Manager** at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

10. That the contents of section 13 be repealed and replaced with:

(1) No Person keeping a Dog shall allow the Dog to be At Large within the geographical boundaries of the Town unless such Dog is confined to a leash-free Park or zone approved or designated by the Town.

(2) No Person shall permit a Dog to enter or to be located in any leash-free Park or zone approved or designated by the Town unless such a Dog is licensed pursuant to this By-law or licensed pursuant to a municipal Animal licensing program of another municipality in Ontario.

(3) Unless otherwise permitted by Town policy, other by-laws or any legislation, no Person keeping a Dog shall allow the Dog, other than a Guide Dog or a Service Animal, to be in or on Town property or Town facilities where posted signs prohibit such activity or such prohibition is communicated by Town staff in another manner.

(4) No Person keeping an Animal shall permit such Animal to be At Large within the Town or allow such an Animal to cause damage or create a Nuisance or disturbance to another Person, another Person's property, or to Town property.

(5) An Animal Services Officer may Impound any Domestic Animal found to be At Large.

(6) Every reasonable effort shall be made by the Animal Services Officer to notify the Owner within twenty-four (24) hours that a Domestic Animal is impounded and the conditions whereby custody of Domestic Animal may be reclaimed.

(7) No person shall permit domestic pigeons from perching, roosting, resting, or excreting on any property that is not owned by them.

11. That section 14 (5) be repealed and replaced with:

(5) Any **Foster Animal, Service Animal** or **Guide Dog** is exempt from all fees related to an **Animal Licence**.

12. That section 7(3) be amended to add the following:

(g) No more than 6 bird feeders shall be permitted on any residential property

Enacted this 28 day of October, 2024.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk

# Corporation of the Town of Newmarket

## By-law 2020-30

A By-law to regulate, licence, and control Animals in the Town of Newmarket.

**Whereas** section 11 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may enact by-laws regulating or prohibiting Animals;

**And Whereas** section 103 of the Municipal Act authorizes the Town, through the passage of a by-law, to seize, impound, and sell Animals that are trespassing or at large;

**And Whereas** section 391 of the Municipal Act authorizes the Town to impose fees or charges for services or activities provided or done by or on behalf of the Town;

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

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

### 1. Title

This By-law may be known and cited for all purposes as the "Animal Control By-law 2020-30".

### 2. Definitions

In this By-law:

"**Animal**" means any member of the animal kingdom, other than a human;

"**Animal Services Officer**" means a person designated and authorized by by-law of the Town of Newmarket to enforce the Town of Newmarket Animal Control Bylaws;

"**Appeals Committee**" means a Committee that is appointed from time to time by Council for the purpose of hearing appeals regarding orders pursuant to this By-law;

"**At Large**" means an Animal found in any place, other than the lands, premises or a vehicle of the Animal owner or person keeping such Animal while:

(a) the Animal is not leashed; or

(b) the Animal is leashed and no person has the leash in hand;

"**Attack**" means an act of aggression towards a person or domestic Animal;

"**Bite**" means any contact with an Animal's teeth that causes puncturing of the skin of a human or a domestic Animal;

"**Cat**" means a male or female small domesticated feline kept as a pet which is over the age of twelve (12) weeks;

"**Dangerous Act**" means any bite, attack or a combination thereof;

"**Dangerous Dog**" means a dog that has been determined to be a Dangerous Dog pursuant to section 9 of this By-law, which determination has not been otherwise rescinded pursuant to this By-law;

"**Dangerous Dog Order**" means an order to comply with the requirements for owners of a Dangerous Dog pursuant to section 9 of this By-law;

"**Director**" means the Director of Legislative Services of the Town of Newmarket or designate;

"**Dog**" means a male or female domesticated canine kept as a pet which is over the age of twelve (12) weeks;

"**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 a cat kept by a **Person**;

"**Domestic Animal Care Facility**" means a service commercial establishment in which domestic Animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a kennel;

"**Dwelling Unit**" means a room or group of rooms to be used by one family that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the building or from a common hallway or stairway inside;

"**Foster Animal**" means a dog, a cat, a litter of puppies that originate from the same female dog or a litter of kittens that originate from the same female cat that is owned, kept, cared for, possessed or harboured by a person as part of a foster care program administered by a Municipal Pound, registered rescue group or a registered humane society;

"**Fees and Charges By-Law**" means the Town of Newmarket Fees and Charges By-Law, as amended;

"**Feral Cat**" means a cat found in the Town of Newmarket that has no owner, is not socialized and is extremely fearful or resistant to humans;

"**Guide Dog**" means a Guide Dog as defined in section 1 of the Blind Persons' Rights Act;

"**Impound**" means to seize and take legal custody of an Animal by an Animal Services Officer because of an infringement of a law or regulation or at the direction of emergency personnel;

"**Keep**" means to have temporary or permanent control, possession or ownership of an Animal, and "keeping" has the same meaning;

"**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 an animal, not including e-collars or remote controlled devices;

"**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;

"**Licence Fee**" means a fee payable for a Pet Licence pursuant to the Fees and Charges By-Law;

"**Lot**" means a parcel of land which is legally capable of being conveyed in accordance with the Planning Act R.S.O. 1990, Chapter 13 as amended, or is described in accordance with a registered Plan of Condominium;

"**Manager**" means the Town of Newmarket Manager of Regulatory Services or their designate;

"**Municipal Pound**" means a shelter or place, operated by a Municipality, where stray, lost, abandoned or surrendered Animals are kept;

"**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;

"**Notice to Muzzle**" means a notice containing muzzling requirements, pursuant to section 9 of this by-law;

"**Nuisance**" means an injurious, offensive, or objectionable condition that disturbs or is likely to disturb the comfort, rest, and enjoyment of any Person;

"**Owner**" means any person who possesses or harbours an animal 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 animal 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;

"**Penalty Notice**" means a ticket issued pursuant to section 5 of Town of Newmarket By-law number 2019-62;

"**Permitted Animal**" means an Animal as identified in "Schedule A – Permitted Animals" of this By-law;

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

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

"**Service Animal**" means an Animal described in subsection 80.45(4) of O. Reg. 191/11, under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.;

"**Tether**" means a rope or chain or similar restraining device that is not connected to a person, that prevents an Animal from moving beyond a localized area, and the words "tethered" or "tethering" have a similar meaning;

"**Town**" means the Corporation of the Town of Newmarket in the Regional Municipality of York;

"**Town Clerk**" means the Clerk of the Town as appointed by by-law;

"**Training Order**" means an order containing training requirements, pursuant to section 9 of this By-law;

"**Urban Hens**" means a domesticated female chicken that is at least four months of age;

"**Vehicle**" means a motor Vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any Vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a bus, streetcar or train used for public transportation;

"**Wildlife**" or "**Wild Animal**" means an Animal that belongs to a species that is wild by nature;

"**Zoning By-Law**" means The Zoning By-Law of the Town of Newmarket, as amended or successor thereof.

### 3. Administration and Enforcement

- (1) The **Director, Manager**, and any **Animal Services Officer** of the **Town** are hereby delegated the authority to enforce this By-law, including the authority to conduct inspections pursuant to this By-law, the Municipal Act, as amended, and any other enacted legislation.
- (2) The **Director** is authorized to delegate the powers and responsibilities for the administration and enforcement of this By-law to any **Town** staff or external third parties deemed to be qualified and appropriate by the **Director** for such purposes.
- (3) Any notice, written warning or **Penalty Notice**, issued pursuant to this By-law may be served by:
  - (a) hand delivery to the **Person** or the **Owner** of the **Animal** and shall be deemed effective upon service; or
  - (b) mailed to the last known address of the **Person** or **Owner** of the **Animal** and shall be deemed to be effective on the seventh (7<sup>th</sup>) day after the date of mailing.

### 4. General Regulations

- (1) In this By-law, any references to care, control, ownership, harbouring or keeping of an **Animal** shall include any joint or shared care, control, ownership, harbouring and keeping. Any persons that have joint or shared care, control, ownership of, or are sharing or jointly harbouring or keeping, an **Animal**, shall be jointly and severally responsible and liable for any such **Animal** and any duties, obligations, prohibitions, offences and requirements of a **Person** caring, controlling, owning, harbouring or keeping an **Animal** pursuant to this By-law.
- (2) No **Person** shall **Keep**, own, possess, or harbour any **Animal** in the **Town** which makes or causes noises, repetitive or persistent that disturbs or is likely to disturb the comfort, enjoyment, rest, or quiet of any **Person** in the vicinity or neighbourhood.
- (3) No **Person** shall have care or control of more than three (3) **Dogs** or four (4) **Cats** at any time.
- (4) No **Person** shall **Keep**, possess, or harbour, or permit to be kept, possessed, or harboured more than three (3) **Dogs** or four (4) **Cats** within or about any **Dwelling Unit**, unless the additional **Dog(s)** or **Cat(s)** is accompanied by an **Owner** who does not reside at the **Dwelling Unit**.
- (5) No **Person** shall permit any of the following in any leash-free **Park** or zone approved or designated by the **Town** :
  - (a) any **Dog** that is subject to a **Dangerous Dog Order** of any Municipality; or

- (b) have care and control of more than three (3) **Dogs** at any one time.
- (6) A **Person** who owns or keeps a **Dog** shall not permit any excrement deposited by such **Dog** to remain on land or premises owned by the **Town** or on land or premises that is not owned by the **Person**, and a **Person** keeping or owning such **Dog** shall remove such excrement.
- (7) No **Person** shall keep, either on a temporary or permanent basis, any **Animal** other than a **Permitted Animal** listed in "Schedule A" of this By-law unless permitted to do so by the Town's Zoning By-law or as authorized by the **Manager**.
- (8) Any **Person** who keeps an **Animal** not listed in "Schedule A" of this By-law shall remove the **Animal**, or register and provide proof to the **Town** that the **Animal** was lawfully owned prior to the prohibition, within 90 days of the prohibition of the keeping of an **Animal**. Upon being satisfied that the **Animal** was lawfully owned prior to the prohibition, the **Manager** may deem the **Animal** to be grandfathered and enter such information pertaining to the **Animal** and its owner into a registry of grandfathered **Animals**. A grandfathered **Animal** may be kept until it has died or has otherwise been disposed of.
- (9) The **Town** may, at the discretion of the **Manager**, impose terms and conditions on the keeping of any grandfathered **Animal**.
- (10) Any **Person** who moves a grandfathered **Animal** to a location other than one on file with the **Town**, shall notify the **Manager** of the new location within (48) hours after the **Animal** is moved.
- (11) No attempt may be made by any authority to claim or purchase **Animals** for the purpose of research, notwithstanding the provisions of the Animals for Research Act, R.S.O., 1990 and no **Animal** shall be offered for the purpose of research.
- (12) Every owner of an animal shall remove forthwith any excrement left by the animal on any property including highways.
- (13) No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

## 5. Protective Care of Animals

- (1) The **Town** may receive or **Impound** an **Animal** into protective care for up to five (5) calendar days at a **Municipal Pound** as a result of an incarceration of the Owner, or as a result of a fire or medical emergency, or for any other situation that the **Manager** or an **Animal Services Officer** deems appropriate.
- (2) When the **Town** receives an **Animal** into protective care, the **Owner** of the **Animal** shall pay all costs incurred or fees associated on behalf of the **Animal** prior to redeeming the **Animal**.
- (3) No **Person** shall allow an **Animal** to remain in a **Vehicle** unless:
- (a) the **Animal** is secured in a manner that prevents contact between the **Animal** and any member of the public;
  - (b) the **Animal** has suitable ventilation; and

- (c) the **Animal** is not exposed to temperatures which can cause distress and/or death.
- (4) Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of:
  - a) a shelter for the animal that is waterproof and that protects it from exposure to the elements;
  - b) a shelter for the animal that is adequate for its size and breed;
  - c) adequate food and water for the animal;
  - d) access to shade during warm weather;
  - e) a clean and sanitary environment free from an accumulation of fecal matter;
  - f) adequate veterinary care deemed necessary by a reasonably prudent person to relieve the animal from distress caused by injury, neglect or disease.
- (5) No **Person** shall **Keep** any **Animal** in a condition which disturbs or is likely to disturb the enjoyment, comfort, or convenience of any **Person**.
- (6) **No Person** shall **Keep** any **Animal** in a condition that endangers or is likely to endanger the health of any **Person** or **Animal**.

## 6. Tethering

- (1) No **Person** shall **Keep** an **Animal** tethered on a rope, chain, or similar restraining device, unless:
  - (a) the **Tether** is of appropriate length for the **Animal** tethered, but is never less than three (3) meters;
  - (b) the **Animal** has unrestricted movement within the range of such tether;
  - (c) the **Animal** is tethered in a manner that constrains the **Animal** to the property in which the **Animal** is tethered; and
  - (d) the **Animal** has access to adequate water, food, shelter and shade.
- (2) No **Person** shall **Keep** an **Animal** tethered where a choke collar, choke chain, pronged collar or any similar device forms part of the tether.
- (3) No **Person** shall **Tether** any **Animal** for a period exceeding three (3) hours, consecutive or not, within the same calendar day. For greater clarification, if the **Animal** is observed being tethered for any amount of time within a one (1) hour period, it is deemed to have been there for one (1) of the three (3) hours during that calendar day.

## 7. Feeding of Wildlife

- (1) No **Person** shall feed or permit the feeding of a **Wild Animal**, a **Feral Cat**, or a stray **Domestic Animal** anywhere within the **Town**.
- (2) No **Person** shall cause or permit a feeding device or any attractants to be left outside on any **Lot**, including but not limited to land owned by a public authority.

(3) Notwithstanding Sections 7 (1) and 7 (2), a land **Owner** may feed a bird that is a **Wild Animal** on their **Lot** in accordance with the following requirements:

- (a) seed shall be placed in a feeding device designed for birds;
- (b) no excrement from the birds shall be permitted to accumulate;
- (c) seed within the feeding device shall be sufficiently above grade and reasonably inaccessible to a **Wild Animal**, with the exceptions of birds;
- (d) all seed spilled from the feeding device shall be promptly disposed of;
- (e) the feeding device shall be kept in a sanitary condition at all times; and
- (f) the feeding device shall not cause or create a **Nuisance** due to odour, sight, or noise.
- (g) No more than 6 bird feeders shall be permitted on any residential property

## 8. Urban Hens

(1) Any **Person** wishing to **Keep Urban Hens** shall submit to the **Town** a completed application with all supporting documents, including but not limited to:

- (a) a letter of permission from the **Owner** of the property where the **Urban Hens** will be kept;
- (b) letter(s) of permission from all abutting property owners; and
- (c) a sketch of the property including the location of the coop, run, and any other accessory structures, showing dimensions and setbacks.

(2) No more than three (3) **Urban Hens** are permitted on any residential property.

(3) No **Urban Hens** under the age of four (4) months old shall be kept on any residential property.

(4) No roosters shall be kept on any residential property.

(5) The **Owner** of the **Urban Hen(s)** must reside on the property where the **Urban Hen(s)** are being kept.

(6) An **Urban Hen** must be kept in their coop between the hours of 9:00pm and 6:00am.

(7) An **Urban Hen** shall be kept in an enclosed hen run when not in their coop.

(8) An **Urban Hen** enclosure shall be a minimum size of ten (10) square feet per hen.

(9) **Urban Hen** coops and **Urban Hen** runs shall be a distance of 1.2m from the rear **Lot** line and 1.2m from any side **Lot** line of the dwelling **Lot** on which the hen coop is located.

- (10) **Urban Hen** coops and **Urban Hen** runs shall be a minimum distance of 3 meters from all windows and doors of dwellings that are located on an abutting property.
- (11) **Urban Hen** coops shall be less than 2.4m in height.
- (12) **Urban Hen** coops shall not be located in a front yard.
- (13) **Urban Hen** coops and **Urban Hen** runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
- (14) Home slaughter of **Urban Hens** is prohibited.
- (15) Deceased **Urban Hens** shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

## 9. Notices and Orders

- (1) Where an **Animal Services Officer** has reasonable grounds to believe that a **Dog** may engage in an aggressive act, an **Animal Services Officer** may issue an order requiring such **Dog** to receive training in a form and timeline as set out by the **Animal Services Officer**.
- (2) Where training has been ordered pursuant to Section 9(1) of this By-law, the **Owner** of the **Dog** shall provide proof of compliance with the **Training Order** to the **Town** within the timeline imposed.
- (3) Where an **Owner** of a **Dog** is served with a **Notice to Muzzle**, the **Owner** shall:
  - (a) While on the property of the **Owner**, cause the **Dog** subject to the **Notice to Muzzle** to be tethered or confined by a six (6) foot fence in a way that prevents the **Dog** from going beyond the limits of the owner's property or being accidentally or intentionally released; and
  - (b) Whenever off the property of the **Owner**, cause the **Dog** subject to the **Notice to Muzzle** to be muzzled and leashed, and the **Owner** shall not permit such a **Dog** to be left in the control of a **Person** under the age of sixteen (16).
- (4) Every **Owner** of a **Dog** shall exercise reasonable precautions to prevent the **Dog** from engaging in a **Dangerous Act**.
- (5) Without limiting this By-law, an **Owner** of a **Dog** that engages in a **Dangerous Act** is liable to prosecution under the **Dog Owners' Liability Act**, R.S.O. 1990, c. D.16, as amended.
- (6) Where the **Manager** has reasonable grounds to believe that a **Dog** has engaged in a **Dangerous Act** against a **Person** or **Domestic Animal**, the **Manager** may impose the following with respect to such a **Dog**:
  - (a) for the first (1<sup>st</sup>) documented offence with a municipality, the **Manager** may serve the **Owner** of the subject **Dog** with a **Notice to Muzzle**;
  - (b) despite Section 9(6)(a), if it is the **Manager's** opinion that the **Dangerous Act** is severe, serve the **Owner** of the subject **Dog**

with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law;

- (c) for the second (2<sup>nd</sup>) documented offence with a municipality, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law; or
  - (d) Where the **Dangerous Act** occurred while the **Dog** was the subject of a **Notice to Muzzle** or a control order under the **Dog Owners Liability Act**, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law.
- (7) Where an **Owner** is served with a **Dangerous Dog Order**, the **Owner** shall, at the owner's expense and for the life of the subject **Dog**, ensure that:
- (a) the **Dangerous Dog** is muzzled at all times when off the **Owner's** property;
  - (b) the **Dangerous Dog** is not permitted to enter, at any time, into any leash-free **Park** or zone approved or designated by the **Town** ;
  - (c) a warning sign is posted on the owner's private property within fifteen (15) days of the order being served on the **Owner** in the form and location as required by the **Manager**;
  - (d) the **Dangerous Dog Owner** information is current, and the **Owner** shall notify the **Town** in writing if the **Dog** is transferred to another **Person** within (5) days of the change of ownership;
  - (e) the **Dangerous Dog** is microchipped within thirty (30) days of the order being served on the **Owner**;
  - (f) the **Dangerous Dog** is spayed or neutered within thirty (30) days of the order being served on the **Owner**;
  - (g) arrangements are made with the **Town** to enable the **Town** to collect information about the subject **Dog** within thirty (30) days of the order being served on the **Owner**;
  - (h) While on the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be tethered or confined by a six (6) foot fence in a way that prevents the **Dog** from going beyond the limits of the owner's property or being accidentally or intentionally released; and
  - (i) Whenever off the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be muzzled and leashed, and the **Owner** shall not permit such a **Dog** to be left in the control of a **Person** under the age of sixteen (16).
- (8) In addition to Section 9(7) of this By-law, where an **Owner** is served with a **Dangerous Dog Order**, the **Manager** may require the subject **Dog** to receive training in a form and timeline as required by the **Manager**.

- (9) Where a **Dangerous Dog Order** has been served, the **Owner** of the subject **Dog** shall provide proof of compliance to the satisfaction of the **Manager**.
- (10) Where the **Director, Manager** or any **Animal Services Officer** is satisfied that a contravention of this By-law has occurred, such **Director, Manager** or **Animal Services Officer** may make an order requiring that the **Person** who caused or permitted such contravention, or the property owner of the land on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention.
- (11) An order pursuant to Section 9(10) shall set out the following:
- (a) the municipal address and/or the legal description of the land or premises on which the contravention occurred;
  - (b) reasonable particulars of the contravention;
  - (c) what is required of the **Person** subject to the order;
  - (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
  - (e) if any work is required to be done, a statement that if such work is not done in compliance with the order and within a specified time period, the **Town** will have the work done at the expense of the **Person** directed or required to do it; and
  - (f) information regarding the Town's contact **Person**.
- (12) No person shall fail to comply with an order made under section 9 (10).

## 10. Remedial Action and Cost Recovery

- (1) Wherever this By-law or an order issued under this By-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the **Manager** at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.
- (2) For the purposes of taking remedial action under Section 10(1), the **Director, Manager** or an **Animal Services Officer** may enter, at any reasonable time, upon any lands on which a default to carry out any notice, order, or action as directed.

## 11. Appeal

- (1) Where a **Training Order, Notice to Muzzle** or a **Dangerous Dog Order**, has been issued, the **Owner** of the **Dog** may apply for a Hearing to appeal the Order to the Town's **Appeals Committee**.
- (2) A request for a Hearing shall be made in writing and delivered to the **Town Clerk** within ten (10) business days after the **Training Order, Notice to Muzzle** or **Dangerous Dog Order** has been served.
- (3) Upon receipt of the request for a Hearing from an **Owner** of a vicious **Dog**, the **Town Clerk** shall convene a meeting of the **Appeals Committee**, as soon as is practicable, and notify the **Owner** of the

**Dog** and any victim(s) of the **Attack** of the time, date and location of the Hearing.

- (4) Notwithstanding that an **Owner** has applied for a Hearing to appeal an order, the order takes effect when it is served on the **Person** to whom it is directed and remains in effect until the **Appeals Committee** has made its decision on the appeal.
- (5) Before the **Appeals Committee** makes any decision, a written notice to advise the **Owner** of the recommendations being made by the **Manager or Animal Services Officer** with respect to the order shall be provided.
- (6) The **Owner** and any other interested Persons shall have the right to make a submission of their defense, either in-writing or in-person before the **Appeals Committee**.
- (7) Failure for the **Owner** or representative to attend the scheduled hearing before the **Appeals Committee** shall result in the proceeding of the hearing.
- (8) The **Appeals 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.
- (9) The **Appeals Committee** has the power to:
  - (a) confirm the requirements of an order;
  - (b) exempt the **Owner** in whole or part from any requirement set out in the order;
  - (c) impose conditions on any exemption granted under Section 11(9)(b) that the **Appeals Committee** considers appropriate; or
  - (d) rescind the order.
- (10) The decision of the **Appeals Committee** is final and binding.
- (11) Notice of the hearing or any matter which arises relating to the proceedings of the **Appeals Committee** not covered in the provisions of this By-law shall be governed by the Statutory Powers Procedures Act.

## 12. Registration and Licensing

- (1) Every **Owner** of a **Cat** or **Dog** over the age of twelve (12) weeks shall **Licence** the Domestic **Animal** with the **Town** and shall maintain the **Licence** in good standing.
- (2) Every **Owner** of a **Cat** or **Dog** shall annually renew the **Licence** before its date of expiry.
- (3) Upon payment of the **Licence Fee**, the **Owner** shall be provided with a **Licence** and shall **Keep** the **Licence** securely fixed on the **Cat** or **Dog** at all times.
- (4) If a **Licence** is lost or misplaced for any reason, the **Owner** shall make an application for a replacement **Licence**.
- (5) No **Owner** shall provide false information when licensing a Domestic **Animal**.

- (6) Every **Owner** of a **Cat** or **Dog** shall at the time of licensing the **Domestic Animal**, pay the **Licence Fee** to the **Town** in accordance with the **Town's Fees and Charges By-Law**, as may be amended from time to time.
- (7) Every **Licence** issued pursuant to this By-law shall be serially numbered and a record of their issue shall be kept by the **Town**. Such registration shall, at a minimum, set out the name and address of the **Owner**, the name of the **Domestic Animal**, and shall contain other information as may be required by the **Manager**.
- (8) Every **Licence** issued pursuant to this By-law is personal to the **Domestic Animal** registered and shall not be transferable.

### 13. Animals At Large

- (1) No **Person** keeping a **Dog** shall allow the **Dog** to be **At Large** within the geographical boundaries of the **Town** unless such **Dog** is confined to a leash-free **Park** or zone approved or designated by the **Town**.
- (2) No **Person** shall permit a **Dog** to enter or to be located in any leash-free **Park** or zone approved or designated by the **Town** unless such a **Dog** is licensed pursuant to this By-law or licensed pursuant to a municipal **Animal** licensing program of another municipality in Ontario.
- (3) Unless otherwise permitted by **Town** policy, other by-laws or any legislation, no **Person** keeping a **Dog** shall allow the **Dog**, other than a **Guide Dog** or a **Service Animal**, to be in or on **Town** property or **Town** facilities where posted signs prohibit such activity or such prohibition is communicated by **Town** staff in another manner.
- (4) No **Person** keeping an **Animal** shall permit such **Animal** to be **At Large** within the **Town** or allow such an **Animal** to cause damage or create a **Nuisance** or disturbance to another **Person**, another **Person's** property, or to **Town** property.
- (5) An **Animal Services Officer** may **Impound** any **Domestic Animal** found to be **At Large**.
- (6) Every reasonable effort shall be made by the **Animal Services Officer** to notify the **Owner** within twenty-four (24) hours that a **Domestic Animal** is impounded and the conditions whereby custody of **Domestic Animal** may be reclaimed.
- (7) No person shall permit domestic pigeons from perching, roosting, resting, or excreting on any property that is not owned by them.

### 14. Exemptions

- (1) This By-law does not apply to a **Law Enforcement Dog** and the **Persons** who have care and control of a **Law Enforcement Dog** as part of their law enforcement duties.
- (2) The following are exempt from any restrictions on the number of **Domestic Animals** permitted under this By-law:
  - (a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
  - (b) premises registered as a research facility in accordance with the Animals For Research Act, R.S.O. 1990, c.

A.22, as amended, or any successor legislation thereto;  
and

- (c) facilities that provide **Animal** services that are legally operated on premises where the **Zoning By-Law** permits such uses, such as an **Domestic Animal Care Facility**.
- (3) Notwithstanding Section 4(4) of this By-law, a **Person** shall be permitted one (1) additional **Dog** above the limit of three (3), or one (1) additional **Cat** above the limit of four (4), provided that the additional **Animal**:
- (a) is acting as a **Guide Dog** or **Service Animal** for the **Owner**; or
  - (b) is a **Foster Animal** for a duration of not more than six (6) months and the **Person** is able to produce documentation to the **Town** to support this.
- (4) Sections 7(1) and 7(2) of this By-law do not apply in the following situations:
- (a) the leaving of food as bait in a trap by a property **Owner** to capture a nuisance **Animal** inhabiting or habituating their property pursuant to the Fish and Wild Conservation Act, 1997, S.O. 1997, c41;
  - (b) the leaving of food as bait by a licenced trapper, and employee of licensed wildlife removal or pest control agency, agents or representatives of the Ministry of Natural Resources, Municipal Law Enforcement Officers, or a **Police Officer**, in the performance or their work; or
  - (c) the leaving of food for a colony of stray or **Feral Cats** for the purpose of trap, neuter or spay and return program approved by the Corporation of the **Town** of Newmarket.
- (5) Any **Foster Animal**, **Service Animal** or **Guide Dog** is exempt from all fees related to an **Animal Licence**.

## 15. Offences

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

## 16. Severability

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

## 17. Repeal

- (1) Animal Control By-law 2016-53, as amended, is hereby repealed.

Enacted this 29<sup>th</sup> day of June, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

**Schedule 'A'**  
**Permitted Animals List**

1. Animals identified under this Schedule are hereby permitted within the Town. All other animals are restricted unless grandfathered and in accordance with Sections 4(8), 4(9), and 4(10) of this By-law.

Permitted animals are subject to the restrictions set out below:

<b>AGRICULTURAL LIVESTOCK</b>
Only animals that are raised in an agricultural setting to produce farming labour or agricultural commodities are permitted
<b>AMPHIBIANS</b>
Only amphibians of the non-poisonous type are permitted
<b>ARCHNIDS</b>
Only arachnids of the non-venomous type and not from the theraphosidae (tarantulas) family of spiders are permitted
<b>BIRDS</b>
Only birds that are in compliance with all provincial and federal regulations
<b>MAMMALS</b>
<b>CARNIVORA</b>
Domestic Cats
Domestic Dogs
Domestic Ferrets
<b>EULIPOTYPHLA</b>
Hedgehogs
<b>LAGOMORPHA</b>
Domestic Rabbits
<b>RODENTIA</b>
Chinchillas
Degus
Domestic Mice
Domestic Rats
Gerbils
Guinea Pigs
Hamsters
<b>FISH</b>
All ornamental fish except for wild-caught and in compliance with all provincial and federal regulations
<b>REPTILES</b>
<b>SQUAMATA</b>
Bearded Dragons
Geckos
Iguanas
Lizards
All reptiles must be of the non-poisonous and non-venomous type that do not exceed 30 centimetres or 12 inches in length at maturity are permitted
<b>SNAKES</b>
Only snakes of the non-venomous and non-constrictive type that do not exceed 45 centimeters or 18 inches at maturity are permitted



# Corporation of the Town of Newmarket

## By-law 2023-XX

A By-law to amend By-law 2020-30 being a By-law to amend the Animal Control By-law 2020-30 in the Town of Newmarket.

Whereas Section 434.1 of the Municipal Act authorizes the Town to require a Person, subject to such conditions as the municipality considers appropriate, to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a By-law of the municipality; and,

Whereas section 11 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may enact by-laws regulating or prohibiting Animals; and,

Whereas it is deemed necessary to amend By-law 2020-30 as it relates to the Animal Control regulations

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

1. That Schedule “B” of By-law 2024-16 be amended to repeal the following sections:

<b>Animal Control By-law 2020-30</b>						
<b>Animal Control By-law 2020-30</b>		4(2)	Dog noise causing a disturbance	300	450	675
		5(4)(a)	Failure to provide Animal sanitary environment	400	600	900
		5(4)(b)	Failure to provide Animal adequate care	400	600	900
		5(4)(c)	Failure to provide Animal adequate food and water	400	600	900
		5(4)(d)	Failure to provide Animal shelter	400	600	900
		5(4)(e)	Failure to provide Animal veterinarian care	400	600	900
		12 (1)	Failure to licence cat/dog	400	600	900
		12 (2)	Failure to affix licence to cat/dog	400	600	900
		13(4)	Permit cat at large	400	600	900

2. That Schedule “B” of By-law 2024-16 be amended to add the following sections:

<b>Animal Control By-law 2020-30</b>						
<b>Animal Control By-law 2020-30</b>		4(2)	Animal noise causing a disturbance	300	450	675
		4(12)	Failure to remove excrement	400	600	900
		4(13)	Obstruct Enforcement Officer	400	600	900
		5(4)(a)	Failure to provide Animal shelter	400	600	900
		5(4)(b)	Failure to provide Animal adequate shelter	400	600	900
		5(4)(c)	Failure to provide Animal food and water	400	600	900
		5(4)(d)	Failure to provide Animal with shade	400	600	900
		5(4)(e)	Failure to provide sanitary environment	400	600	900
		7(3)(g)	Permit more than 6 feeding devices	200	300	450
		5(4)(f)	Failure to provide Animal veterinary care	400	600	900
		9(12)	Failure to comply with an order	400	600	900
		12(1)	Failure to licence cat/dog	400	600	900
		12(2)	Failure to renew licence	200	300	450
		12(3)	Failure to affix licence	200	300	450
		13(4)	Permit Animal at large	400	600	900
	13(7)	Permit pigeon nuisance	400	600	900	

Enacted this 28 day of October, 2024.

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

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

**From:** [Emily Bonia](#)  
**To:** [Clerks](#)  
**Subject:** Letter to Council  
**Date:** October 16, 2024 1:27:39 PM

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Hello Mayor Taylor and Members of Council,

I am writing to you today in response to the deputation given on September 16th, 2024, regarding backyard bird feeding, specifically [item 6.3](#) on the agenda, as well as item 7.2 on today's agenda regarding proposed changes to the Animal Control Bylaw.

The individual who spoke on September 16th presented Council with a plethora of information largely based on her personal feelings and opinions around backyard bird feeding. I would do the opposite and provide you with facts and figures drawn from scientific study. I would encourage you to visit the links I have provided to learn more about biodiversity loss, population decline, and what we can do to affect change.

According to the World Wildlife Fund's Living Planet Report ([summarized here](#)), in the last 50 years the world has seen an average **68%** drop in mammal, bird, fish, reptile, and amphibian populations. North America specifically has witnessed biodiversity loss of **33%** in that time. Reports from the [Cornell Lab of Ornithology](#) tell us that since 1970 a staggering **2.9 billion** birds have been lost, leaving many species in steep population decline. For example, the red-winged blackbird. We are all familiar with the red-winged blackbird as the first heralds of spring, arriving in flocks which can number in the thousands. But in only 5 decades their numbers have declined by an estimated 92 million birds.

According to [Birds Canada](#), nearly three quarters of the bird species that can be found in Canada move beyond our borders each year as part of their annual migration. Many areas they migrate to face even more dire circumstances as a result of habitat loss, invasive species, pesticide use, and the overall effects of climate change, like the recent devastation caused by Hurricanes Helene and Milton. The environmental pressures facing wildlife populations around the globe are immense. Due to their migratory nature, often travelling thousands of kilometres each year, birds are more often and directly impacted by change.

The realities of the climate crisis have led to the creation of a new term; ecological grief, which is the sense of loss that arises from experiencing or learning about environmental destruction or climate change. Many of us feel helpless in the face of vast and sweeping changes that must be made at levels much higher than the average person. Thankfully there are many actions that we as individuals can take to make a difference and one of those actions is creating wildlife friendly habitats in our own yards.

Beyond offering abundant resources on preservation and protection, the Canadian Wildlife Federation also gives people the opportunity to have their property designated a [Certified Wildlife Friendly Habitat](#). Among the requirements for eligibility is providing food sources, and while this can be done to some extent by planting native species, the application specifically asks if supplemental feeders are provided and promotes responsible backyard bird feeding. There are hundreds of Certified properties across Canada and approximately **40** just within the borders of Newmarket. Yards like this have become essential to wildlife as spaces occupied by humans rapidly become food deserts, covered with pavement, expansive lawns, and gardens filled with non-native ornamental plants. The more we accommodate the wildlife we have displaced, the less we are likely to clash with it.

In addition to creating a space supportive of native species, the Canadian Wildlife Federation also promotes participation in citizen or community science. [Project FeederWatch](#) is a November to April survey of birds that visit backyards, nature centres, community areas, and other locales in North America. The project is operated by the Cornell Lab of Ornithology and Birds Canada and collects [critical information](#) which aids in the study of birds and biodiversity around the world.

Enthusiastic community scientists are also encouraged to report their sighting on [iNaturalist](#), which was just recently given the prestigious Heinz Award for the Environment for the critical role they have played in conservation efforts worldwide. Residents of Newmarket have reported more than [150 species of bird](#) just within the borders of the Town. Sighting within backyards range from the usual urban sightings of mourning doves and goldfinches to typical feeder birds like blue jays and black-capped chickadees; from the ones you have to work for like downy woodpeckers, ruby-throated hummingbirds, and Baltimore orioles, to the ones you would never expect to see in a suburban backyard such as hermit thrush, northern flickers, and red-eyed vireo.

It is well known that being near to nature and spending time immersed in it is good for your overall health. Nature Canada recently published [an article](#) about a study which found that watching birds near your home specifically is highly beneficial to your mental health. According to research from the University of Exeter, the British Trust for Ornithology, and the University of Queensland, those living in neighbourhoods with more birds are less likely to suffer from depression, anxiety, and stress. Many people today, children in particular, have a worrying disconnection from nature. So much so that the term [Nature-Deficit Disorder](#) has been coined by medical professionals. For many children the only place they might experience nature is in their own backyard.

Perhaps you're familiar with the Vinyl Cafe story [The Bird](#) by Stuart McLean. At the height of the pandemic, in the winter of 2020/2021, a resident of Newmarket lived this story in reality. A female summer tanager, who should have been far away in Brazil, found sanctuary in a local yard because of the environment created there. Birders drove for hours to arrive at dawn for the privilege of standing in the cold at the side of their house to see that little bird with their own eyes. Birding has always been a popular hobby, though somewhat niche, however during the lockdowns, when people had no choice but to stay at home, they [learned](#) that it was possible to connect with nature right in their own backyards and reap the many benefits of watching birds.

I agree that bird feeding must be done in a responsible manner, however, the suggestions made by that presenter are not those of a knowledgeable backyard birder. Responsible birders keep our feeders clean to prevent the spread of illness, we take the feeders in when we see signs of avian pox or finch eye disease, we use heaters to keep a source of fresh water available all winter, and most people who maintain a feeding station go to great lengths to deter other animals such as squirrels and raccoons. We use baffles, squirrel proof feeders, and even bird seed coated with chilli pepper. Seed is expensive. Most people are trying to avoid feeding the four legged ones.

People by no means are required to naturalize their yard, though we are strongly encouraged to do so by agencies like [Ontario Nature](#). Some may prefer, or only be able to afford, one feeder. But those of us with the desire and means to draw diversity, must provide diversity. This means different types of feeders for different types of bird or food. Only finches can eat from finch feeders. Safflower attracts many species, but is inedible by nuisance birds like starlings and rock pigeons. Suet feeders are key to attracting woodpeckers. Nectar feeders are the only way to bring hummingbirds and orioles. Open trays are necessary for doves and cardinals. In order to survive Canadian winters blue jays cache their food and they love peanuts.

Birds are not a nuisance. They are a beautiful and essential part of a thriving ecosystem. And like all other non-human animals, they do not understand fences, borders, or boundaries. The moment we step outside of our homes we are in a space that we share with all wildlife. Cities across the country are working to be certified as [Bird Friendly Cities](#). Newmarket has not yet earned this title, but with our record of preserving our green space and natural heritage, passing bylaws to protect private trees, adding to our canopy every year, and other wonderful initiatives, this is a honour we could earn!

**Rather than restricting residents' ability to attract and interact with nature, the town would be better served by educating the public on responsible bird feeding. Staff could be trained to more effectively recognize the difference between a knowledgeable and responsible birder and someone who is not taking the necessary steps to deter disease, nuisance birds, and pests.**

**The current approach is a disproportionate response to an incredibly small percentage of residents making overly dramatic complaints, rather than the educated and thoughtful response I have come to expect from this Council.**

**Limiting residents to a mere six feeders drastically reduces the diversity they are able to support in their**

**own little ecosystem. For all the reasons I have provided, I would urge Council not to take the regressive action of restricting people's ability to feed the birds.**

Most sincerely,

Emily Bonia-Coffey





Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

# **Zoning By-law Amendment Application – 17255 Yonge Street – Canadian Mental Health Association York Region South Simcoe**

## **Staff Report to Council**

Report Number: 2024-59

Department(s): Planning and Building Services

Author(s): Kaitlin McKay, Senior Planner - Development

Meeting Date: October 21, 2024

### **Recommendations**

1. That the report entitled Zoning By-law Amendment Application – 17255 Yonge Street – Canadian Mental Health Association York Region South Simcoe dated October 21, 2024 be received; and,
2. That the Zoning By-law Amendment, as submitted by Canadian Mental Health Association York Region South Simcoe, be approved; and,
3. That Canadian Mental Health Association York Region South Simcoe be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

An application has been received to amend the Urban Centres Zoning By-law 2019-06 to permit the use of a Mental Health Centre within the existing building located at 17255 Yonge Street.

The application has been reviewed by internal departments and external agencies who have advised that they have no objections to the application, subject to a Holding ('H') provision.

Staff have reviewed the proposal against the relevant Provincial, Regional, and local policy documents and have concluded that the proposal is consistent with and/or is in

conformity with the policy framework as it relates to converting an existing building and allowing for efficient use of existing infrastructure.

This report provides the context of the site, the details of the proposal, a discussion of the relevant planning policies and how the application addresses them, an outline of feedback received, and next steps in the development process.

Should Committee adopt the recommendations of this report, the Zoning By-law Amendment By-law will be brought to Council for approval at a subsequent Council meeting.

## **Purpose**

This report provides recommendations to Council on the Zoning By-law Amendment application for 17255 Yonge Street.

The recommendations of this report, if adopted, would result in an amendment to Urban Centres Zoning By-law 2019-06 to permit the newly defined land use “Mental Health Centre” on the subject property, within the existing building.

## **Background**

### **Subject Land**

The subject land is located on the east side of Yonge Street, south of Gladman Avenue and is municipally known as 17255 Yonge Street (refer to Attachment 1). The subject land consists of the northern portion of a larger parcel as identified in red on Attachment 1.

The subject land is currently occupied by a vacant building. Surrounding land uses include:

- A motor vehicle service shop to the north;
- Residential to the east;
- A garden centre to the south; and,
- Institutional and commercial uses to the west.

### **Proposal**

The Canadian Mental Health Association (CMHA) is proposing a Mental Health Centre within the existing building located at 17255 Yonge Street. Services provided by the Mental Health Centre would include:

- Operational Team Offices;
- Mental Health Crisis Stabilization;
- Non-Clinical Rooms;
- Psychiatry Services;

- Rapid Addictions Management;
- Service Navigation and Support Connections;
- Triage, Intake, and Assessments;
- Withdrawal Management; and,
- Other related uses.

The applicant is proposing to reuse and renovate the existing building for this use. Other minor improvements area also proposed for the exterior elevations and parking area.

## Discussion

### Planning Policy Context

The high-level policy documents where are applicable to this development review are:

- **The *Planning Act***: The proposal has regard for matters of provincial interest, including contributing to the adequate provision and distribution of health facilities.
- **The Provincial Planning Statement 2024 (PPS)**: The Provincial Planning Statement, 2024 is a policy document that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019. As of October 20, 2024, any decisions must be consistent with the Provincial Planning Statement, 2024. The proposal is consistent with the PPS by permitting the conversion of an existing building within an existing settlement area along a transit corridor, allowing for efficient use of existing infrastructure.
- **The York Region Official Plan (as deemed part of the Town’s Official Plan by Bill 185 on July 1, 2024)**:  
The proposal supports and is consistent with York Region Official Plan policies as the proposal is redevelopment on a Regional Corridor within a Major Transit Station Area (MTSA).

### Town of Newmarket Official Plan / Urban Centres Secondary Plan

The subject land is located within the Urban Centres Secondary Plan Area. This Plan designates the subject property Mixed Use and is within the Yonge Civic Character Area.

Human services are services that serve the general public including police and emergency services, transit facilities, social services, education, and similar uses. The proposed use is considered social service and therefore is permitted as a Human Services within the existing Mixed Use designation.

Section 11.3.1 iv) of the Secondary Plan states, “Community facilities and human services that directly serve the public will be designed and located in proximity to transit stations and, where feasible, provide for transit facilities such as bus bays or shelters”.

The subject land is located along an existing transit corridor and is in close proximity to existing bus rapid transit stations on Yonge Street.

The subject land is within the Priority Commercial overlay identified in the Secondary Plan. Priority commercial areas are defined areas where priority shall be given to incorporating street related commercial uses or institutional uses on the ground floors of all buildings fronting onto the public street. Institutional uses include non-commercial, non-profit purposes by a public authority, religious group, or community organization. The proposed use is considered an institutional use and meets the intent of this policy.

It is staff's opinion that the proposal conforms to the Town's Official Plan and the Urban Centres Secondary Plan.

### **Urban Centres Zoning By-law 2019-06**

The subject land is zoned Mixed Use (MU-1) by Zoning By-law 2019-06. The Mixed Use zone permits a variety of similar uses, including:

- Hospital;
- Long Term Care Facility;
- Medical Clinic/Medical/Dental Laboratory;
- Medical Office; and,
- Special Needs Housing.

Although the proposed use is similar to several of these existing permitted uses and contains elements of each, the use does not exactly meet the definition of any one specific use. As such, a Zoning By-law Amendment is required to introduce a new land use definition to the By-law for a "Mental Health Centre" and allow this new use on the subject land. A "Mental Health Centre" is proposed to be defined as:

- "Means a building or premises or part thereof that provides mental health and addiction services and treatment to individuals, including temporary and overnight accommodation, spaces for program administration, health care, counselling, social support services, and other related services."

The proposed zoning by-law amendment will also include site-specific zone provisions to account for elements such as number of loading spaces, location of landscape buffers, and to recognize the location of existing parking areas.

Section 16.1.1, Policy 3 of the Town's Official Plan sets out the criteria for considering Zoning By-law Amendments. The intent of this criteria is for Council to be satisfied that:

- The proposed use would be compatible, and buffering is provided to ensure visual separation and compatibility between uses;
- Potential nuisance effects upon adjacent uses would be mitigated; and,

- The lot would be appropriate for the use (including considering lot size, road access, servicing, parking, loading, etc.).

The surrounding land uses include mixed use, commercial, institutional, and residential uses. Although the property abuts residential properties to the east, there is a significant setback (~40 metres) from the existing parking area to the shared lot line. This area is zoned Open Space (OS-1) and would be retained as landscaped area. CMHA has committed to work with adjacent residents to provide landscape buffers, fencing, and/or lighting to minimize any possible impacts. Additional details are outlined in the consultation section of this report.

It is the opinion of staff that the proposed development meets the criteria for considering a zoning by-law amendment and the lot and site specific provisions are appropriate for the proposed change of use of the existing building.

## **Development Considerations**

### **Parking**

The subject land is located within the Eagle Street Protected Major Transit Station Area (MTSA). Bill 185 restricts Official Plans and Zoning By-laws from imposing minimum vehicle parking requirements for development within major transit station areas.

The applicant is proposing to resurface and reline the existing parking area to provide 70 parking spaces. The applicant has advised that the provided parking is sufficient for the proposed use and the provided parking exceeds the minimum amount of parking that is required for similar uses, including hospitals and medical clinics.

### **Servicing and Stormwater Management**

Town of Newmarket Engineering Services and York Region Development Services have reviewed the application and have no objections to its approval, subject to a holding provision. Comments related to servicing and stormwater management would be addressed through the subsequent site plan application. An application to lift the Holding ('H') provision would be required once the conditions have been addressed.

### **Phase One ESA**

The applicant has submitted a Phase One ESA as part of the application. The Phase One report indicates that a Phase Two report is required. The submission of a Phase Two ESA and/or Record of Site Condition has been included as a condition of the Holding ('H') provision.

### **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose Holding provisions ('H') on a Zoning By-law Amendment to limit the use of land until the

conditions to remove the holding provisions have been met. In this application, the proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement;
- Addressing servicing comments to the satisfaction of the Town's Engineering Services Division;
- Addressing stormwater management on site to the satisfaction of the Town's Engineering Services Division; and,
- A Phase Two ESA and a Clean Record of Site Condition (RSC) to be acknowledged by the Ministry, if required.

### **Future Applications**

Further refinement of the proposal may take place through detailed design as part of a future Site Plan Application, within the parameters of the proposed zoning.

An application to remove the Holding Provision ('H') would also be required in the future once the application has addressed the conditions noted above.

### **Conclusion**

The proposed Zoning By-law Amendment has been circulated to the Town's internal departments and external agencies and they have provided comments indicating that they have no objections to the approval of the application.

The application is consistent with the Provincial Planning Statement and conforms to or does not conflict with the Town's Official Plan.

Further refinement may take place through the detailed design as part of a future Site Plan application and within the parameters of the proposed site-specific zoning.

Staff recommend approval of the application, subject to a Holding provision.

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

- Extraordinary places and spaces
- Diverse, welcoming, and inclusive community

### **Consultation**

A Statutory Public Meeting was held on September 9, 2024. This meeting provided the public and interested persons an opportunity to comment on the application. Notice of this Committee of the Whole meeting with the Recommendation Report has been provided to persons and public bodies in accordance with the *Planning Act*.

Concerns raised by the public prior to and during the public meeting are described below. The following section outlines the various comments received and how they have been addressed.

### **Adjacent residential neighbourhood**

Concerns were received regarding the centre's impact on the adjacent residential neighbourhood. CMHA has advised that 24-hour security would be provided for the facility and on the premises. Should the application be approved, CMHA has committed to organizing a community liaison committee with area residents and would continue to work with neighbouring properties to provide appropriate fencing, landscaping, and lighting. These details would also be reviewed further through a subsequent site plan application.

### **Services provided**

Questions were received regarding the services that would be provided by the Mental Health Centre. The services proposed by CMHA are outlined above and within the applicant's Planning Justification Report. CMHA has also advised that the centre would not be a homeless services facility or safe consumption site. Treatment would be focused on mental health services and providing transition for clients to appropriate next steps.

### **Emergency vehicles and traffic**

Concerns were received from the public related to how emergency vehicles would access the subject land and noise impacts from sirens. CMHA has advised that the Mental Health Centre would be a non-urgent and voluntary community facility and would not be a location for acute or emergency medical care. Emergency vehicles accessing the subject land would not be using emergency vehicle lights and/or sirens. As the proposed centre is voluntary and non-urgent, CMHA does not anticipate that there would be a large volume of emergency vehicles accessing the centre. It is anticipated that emergency and non-emergency vehicles would access the subject land from the Gladman Avenue entrance/exit. Should the application be approved, the applicant would explore options to request that emergency vehicles access the subject land from Yonge Street and rather than Gladman Avenue.

### **Human Resource Considerations**

None.

### **Budget Impact**

The applicant has submitted a request that Council waive the planning processing fee for the Zoning By-law Amendment application. This request will be considered by Council through a separate report.

## **Attachments**

Attachment 1 – Location Map

Attachment 2 – Applicant’s Concept Site Plan

Attachment 3 – Proposed Zoning By-law Amendment

## **Submitted by**

Kaitlin McKay, MCIP, RPP  
Senior Planner – Development

## **Approved for Submission**

Adrian Cammaert, MCIP, RPP, Manager, Planning Services

Jason Unger, MCIP, RPP, Director, Planning & Building Services

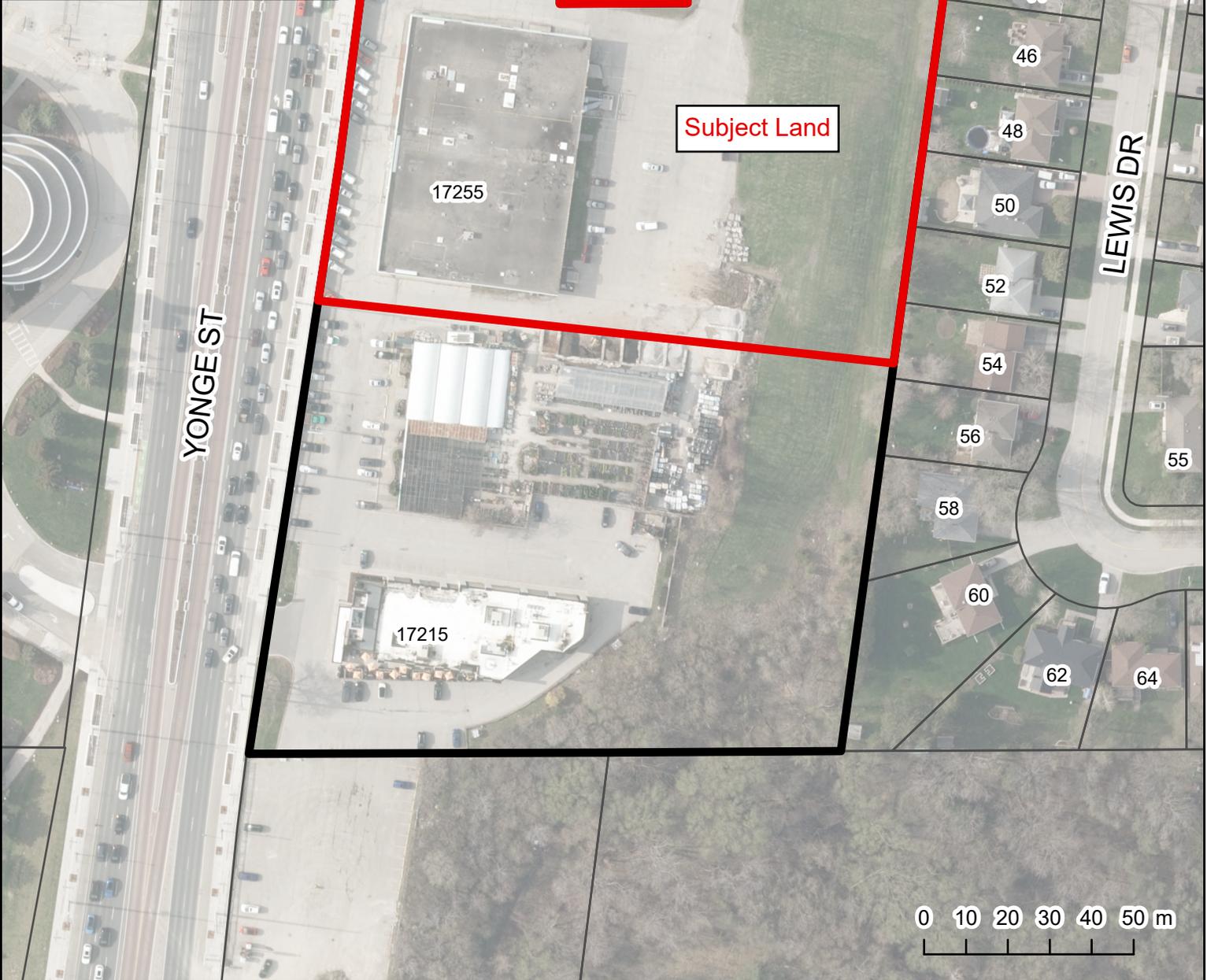
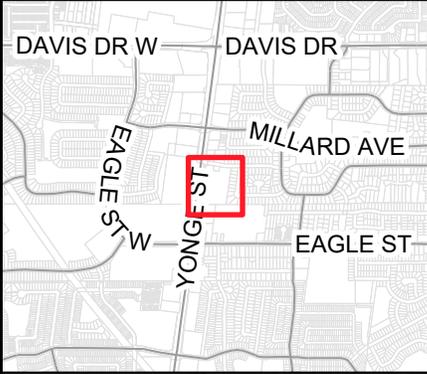
Peter Noehammer, P. Eng. Commissioner, Development & Infrastructure Services

## **Contact**

Kaitlin McKay, Senior Planner – Development

[kmckay@newmarket.ca](mailto:kmckay@newmarket.ca)

# Location Map



Designed & produced by  
Information Technology - DAGS  
Printed: 2024-08-14.



67 Mount Avenue, Suite 412  
Toronto, Ontario M5K 3E3  
T: 416.536.9666 F: 416.536.9626  
kma.com

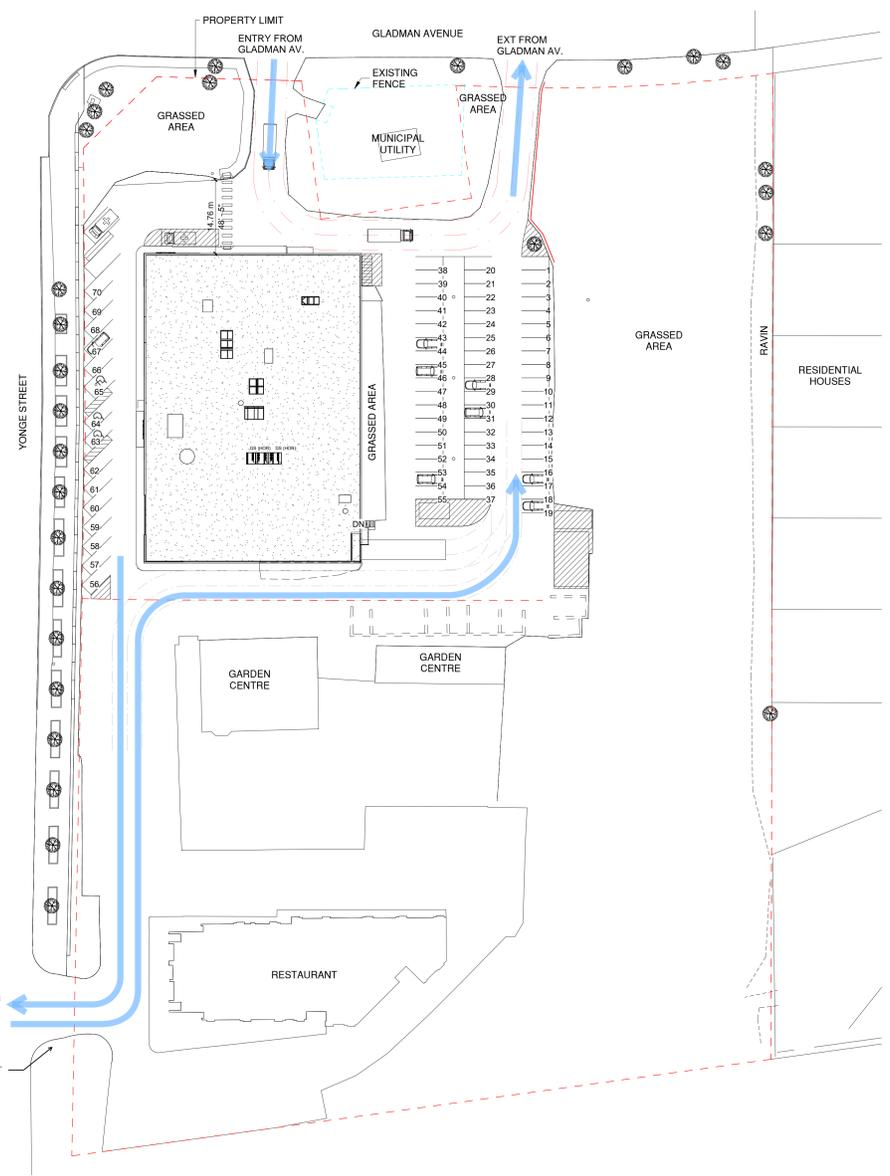


The General Contractor shall check and verify all dimensions and report all errors and omissions. Do not scale drawings. These documents shall only be used for the purpose indicated below, when as noted and initiated by the Architect.

Certificate of Practice No.: 1796  
Architect's BCN: 3064

SPA Permit Tender Contract Construction

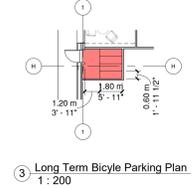
No.	Description	Chk'd	Date
1	MMF Background Check	KMAI	2024.09.27
2	Site Background Drawings	KMAI	2024.09.17
3	ISSUED FOR ZBLA REVISION 1	KMAI	2024.09.30



2 NEW SITE PLAN FULL PROPERTY  
1:500

Name of Project	Ontario Building Code Data Matrix	Building Code Reference
192 Major Occupancy Classification	3112	3112
193 Occupied Major Occupancy	3227	3227
194 Building Area (m²)	9114.12	9114.12
195 Gross Area (m²)	9114.12	9114.12
196 Maximum Area (m²)	3111	3111
197 Building Height	9114.12	9114.12
198 High Building	318	318
199 Number of Stories	212.0 A	212.0 A
200 Building	3229.08	3229.08
201 Sprinkler System	3215.8	3215.8
202 Fire Alarm System	3216	3216
203 Water Service / Supply in Advance	3231	3231
204 Construction Type	3229.08	3229.08
205 Occupancy Category	3214	3214
206 Seismic Hazard	4121.03	4121.03
207 Occupant Load	3117.03	3117.03

Item	Description	Compliance	Notes
319	Barrier-Free Design	319.1	319.1
320	Response	3111.6	3111.6
321	Required Fire Resistance	3221.01	3221.01
322a	Vertical Separation	3221.01	3221.01
322b	Vertical Separation	3221.01	3221.01
322c	Vertical Separation	3221.01	3221.01
322d	Vertical Separation	3221.01	3221.01
322e	Vertical Separation	3221.01	3221.01
322f	Vertical Separation	3221.01	3221.01
322g	Vertical Separation	3221.01	3221.01
322h	Vertical Separation	3221.01	3221.01
322i	Vertical Separation	3221.01	3221.01
322j	Vertical Separation	3221.01	3221.01
322k	Vertical Separation	3221.01	3221.01
322l	Vertical Separation	3221.01	3221.01
322m	Vertical Separation	3221.01	3221.01
322n	Vertical Separation	3221.01	3221.01
322o	Vertical Separation	3221.01	3221.01
322p	Vertical Separation	3221.01	3221.01
322q	Vertical Separation	3221.01	3221.01
322r	Vertical Separation	3221.01	3221.01
322s	Vertical Separation	3221.01	3221.01
322t	Vertical Separation	3221.01	3221.01
322u	Vertical Separation	3221.01	3221.01
322v	Vertical Separation	3221.01	3221.01
322w	Vertical Separation	3221.01	3221.01
322x	Vertical Separation	3221.01	3221.01
322y	Vertical Separation	3221.01	3221.01
322z	Vertical Separation	3221.01	3221.01

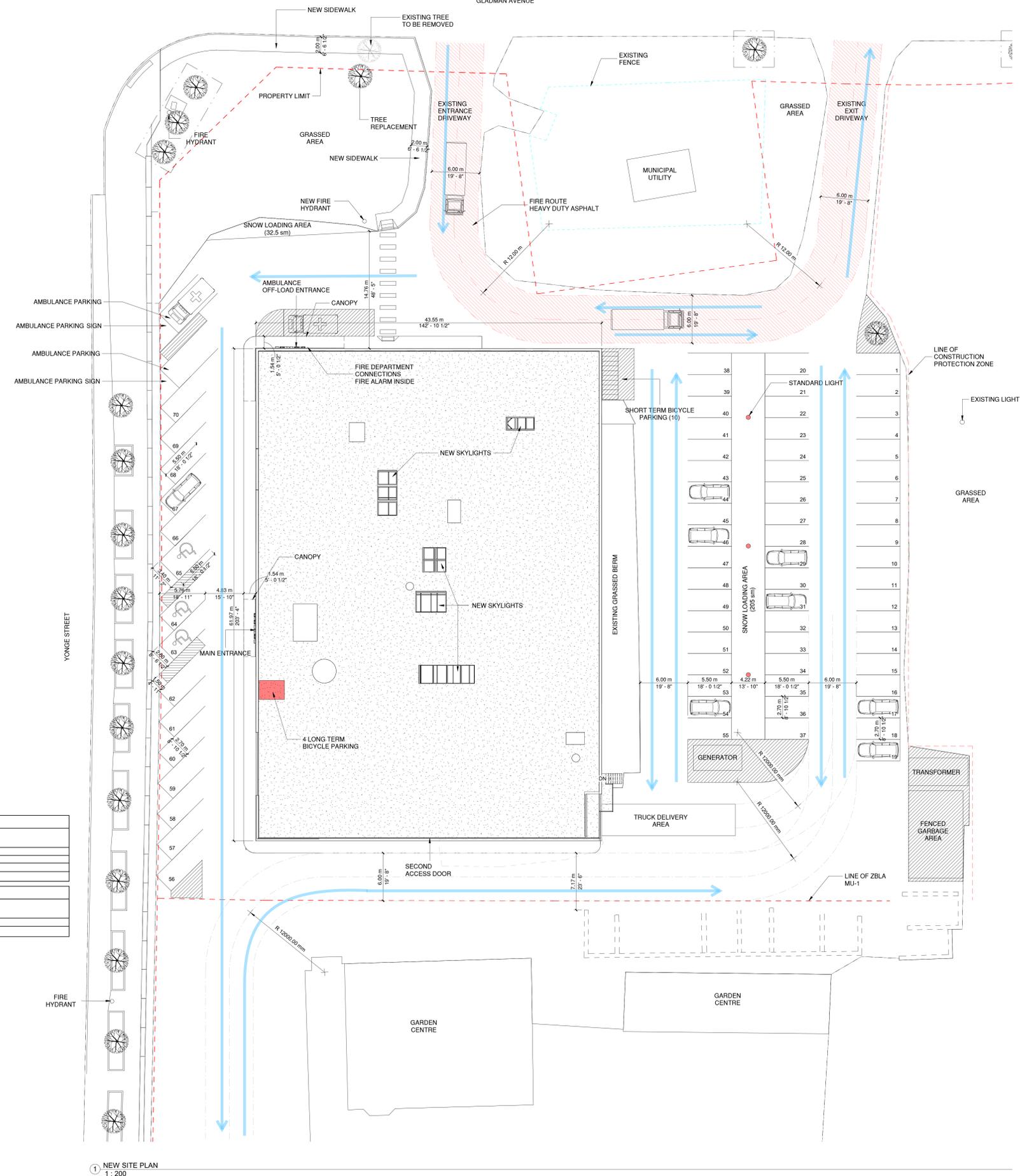


3 Long Term Bicycle Parking Plan  
1:200

PARKING COUNT:	
TOTAL BUILDING COVERAGE	3678 SM
TOTAL CMHA GSF	1987 SM

BICYCLE PARKING COUNT:	
LONG TERM BICYCLE PARKING	10
SHORT TERM BICYCLE PARKING	4



1 NEW SITE PLAN  
1:200

Project  
**CMHA YRSS**  
York Region Mental Health Community Care Hub  
17255 Yonge St.  
Newmarket, ON

Scale: As Indicated  
Date Plotted: 2024.09.30 3:10:33 PM  
Drawn: Author  
Checked: Checker

Project No.: 24-056  
Drawing No.:

New Site Plan V1

**A102**



# Corporation of the Town of Newmarket

## By-law 2024-XX

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (being part of 17255 Yonge Street).

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

And whereas it is deemed advisable to amend By-law 2019-06;

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

1. That the lands subject to this amendment are illustrated on Schedules 1, 2, and 3 attached hereto.
2. And that By-law 2019-06 is hereby amended by:
  - a. Deleting from Schedule A Map 3 the Mixed-Use 1 (MU-1) Zone on the subject lands and substituting therefore the Mixed-Use 1 Site Specific Exception 16 (MU-1(16)) Zone as shown on Schedule 1 and 2 of this By-law.
  - b. Adding to Schedule C Map 15 the subject lands with the label (H) as shown on Schedules 2 and 3 of this By-law.
  - c. Amending Section 6.2.5 “Site Specific Exceptions to the Mixed Use Zone Regulations” to add MU-1 (16) as a site specific exception as follows:

MU-1 (16) – part of 17255 Yonge Street

Permitted uses: In addition to the uses permitted in the MU-1 zone, a Mental Health Centre shall also be permitted on the lands subject to this amendment.

For the purposes of this By-law, the following definition shall apply:

### **Mental Health Centre**

Means a building or premises or part thereof that provides mental health and addiction services and treatment to individuals, including temporary and overnight accommodation, spaces for program administration, health care, counselling, social support services, and other related services.

The following provisions apply to the change of use for a Mental Health Centre only and do not apply to future redevelopment of the subject lands.

Notwithstanding Sections 4.10.1 and 4.10.2, a landscape buffer is not required around the periphery of existing surface parking areas.

Notwithstanding 4.10.1 iv) and v), a landscape buffer may be permitted within the Open Space (OS-1) zone.

Notwithstanding Section 5.6.1, 1 loading space is required.

Notwithstanding Section 5.4.1, existing parking areas are permitted in any yard.

Notwithstanding Section 6.2.4.9, i), ii), iii), iv), and v) shall not apply to existing parking areas.

Notwithstanding Section 6.2.4.10, existing loading spaces may be located exterior of the building and may be accessed from Yonge Street.

All other aspects of the Zoning By-law remain applicable.

d. Adding to Section 8.2 the Requirement to Remove the (H) Holding Provision from part of 17255 Yonge Street (as shown on Schedule 2 and 3 of this By-law).

No person within these lands shall use any lot or erect, alter or use any buildings or structures for any purpose except for those uses which existed on the date of passing of this By-law.

Furthermore, no extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as per the Conditions of Removal listed below, is approved by Town Council and comes into full force and effect.

However, the Holding provision will not prevent any remediation or testing, or any testing related to Source Water Protection and/or construction of in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.

Granting of Site Plan Control Approval, with conditions, by either the Director of Planning & Building Services or the Development Coordination Committee, will indicate that the development design is sufficiently advanced to allow for a concurrent application for a Conditional Building Permit. The Conditional Building Permit (along with a separately executed agreement) may be granted, where deemed appropriate, at the sole discretion of the Chief Building Official.

Section 8.2.5.i Conditions for Removal of the Holding Provision:

1. A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner.
2. Servicing comments have been addressed to the satisfaction of the Town's Engineering Services Division.

3. Stormwater management on site has been addressed to the satisfaction of the Town's Engineering Services Division.
4. A Phase Two ESA and a Clean Record of Site Condition (RSC) has been acknowledged by the Ministry (if required).
5. All necessary requirements of the Town have been satisfied.
6. All necessary approvals have been received by other commenting agencies and authorities, to the satisfaction of the Town.

3. That Schedules 1, 2, and 3 attached hereto shall form part of By-law 2024-XX

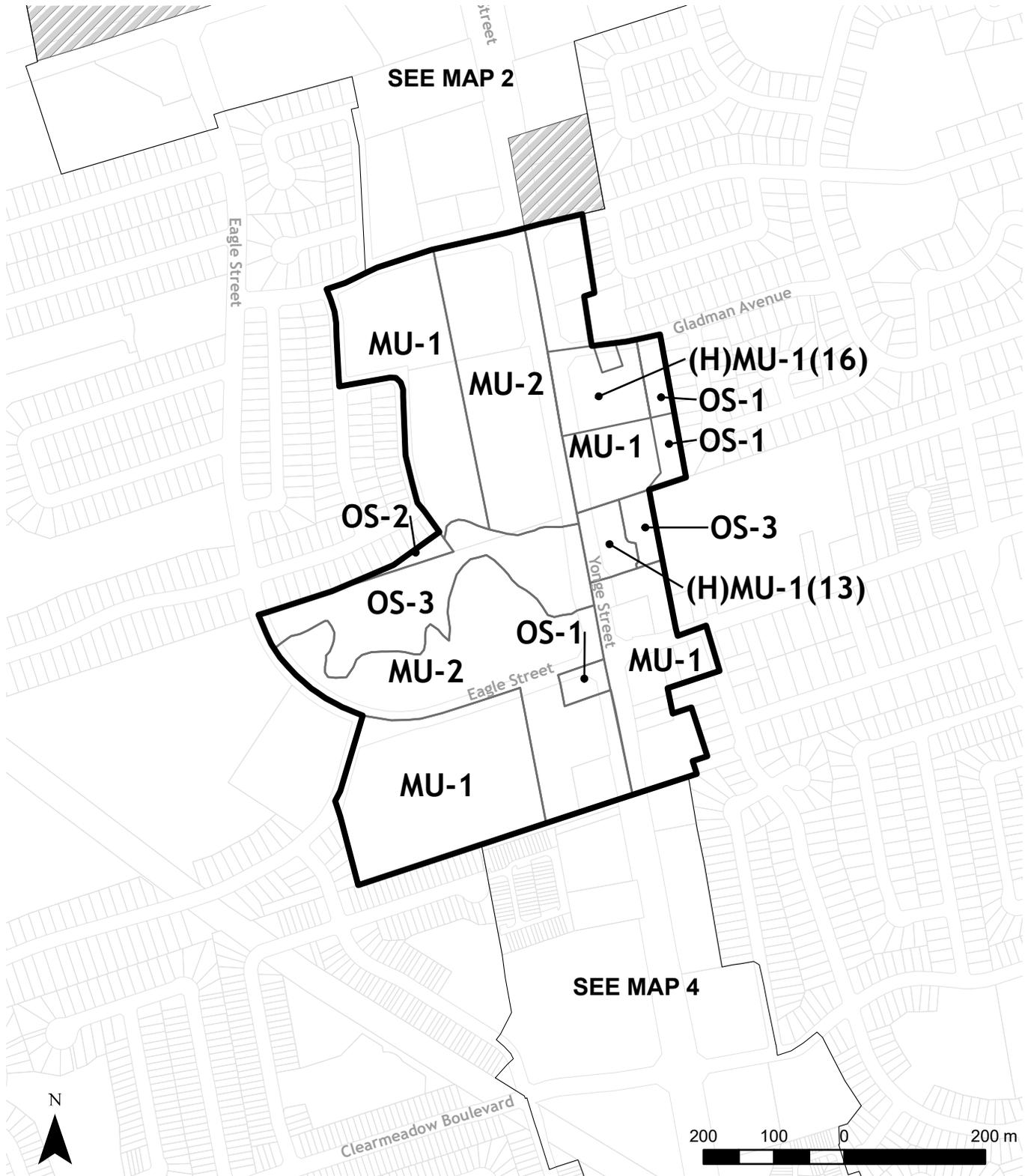
Enacted this 28<sup>th</sup> day of October, 2024.

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

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

DRAFT

# YONGE CIVIC ZONING MAP



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

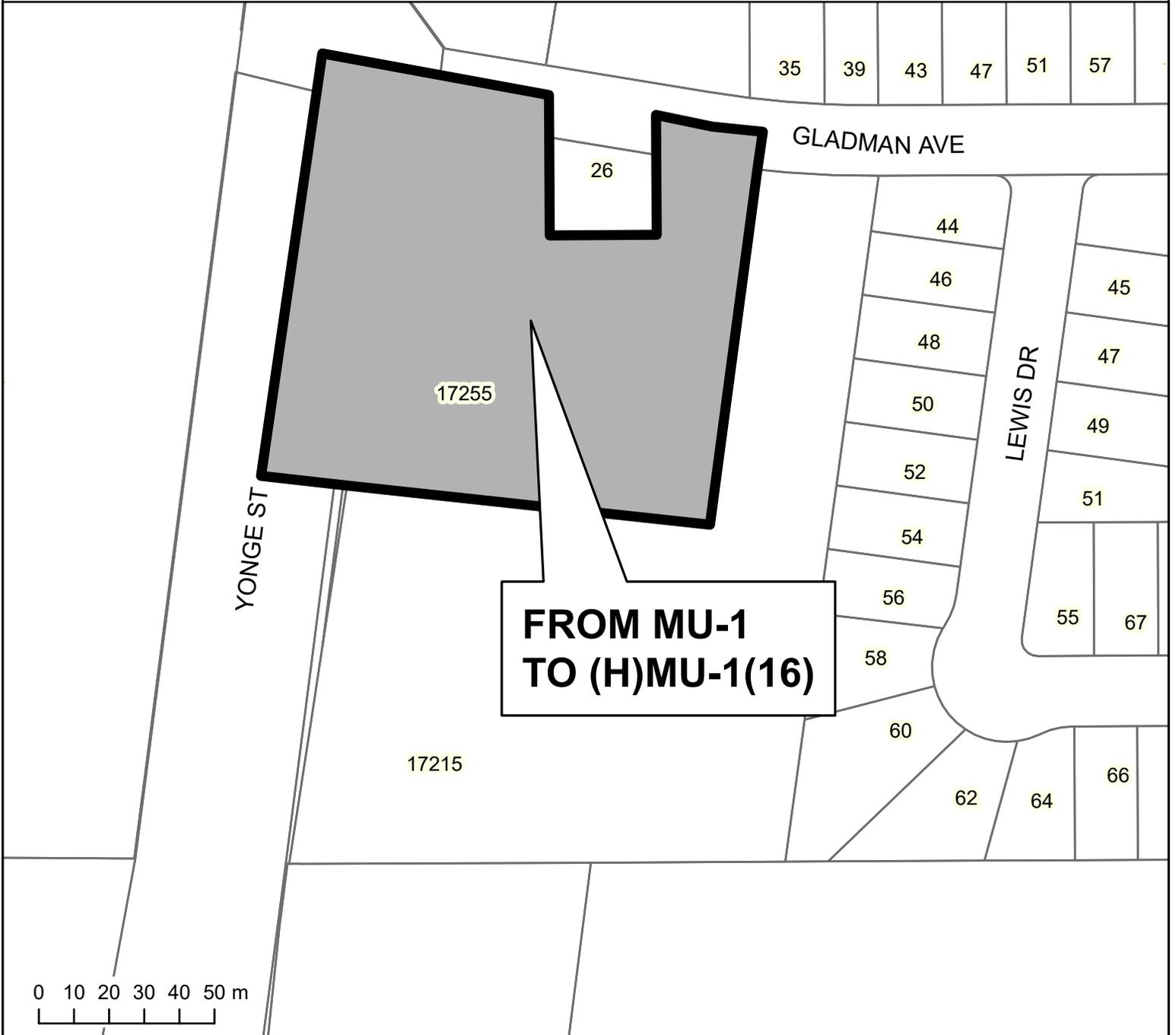
# TOWN OF NEWMARKET REGIONAL MUNICIPALITY OF YORK 17255 YONGE ST

This is Schedule '2'  
To Bylaw 2024-  
Passed this \_\_\_\_\_ Day  
of \_\_\_\_\_, 2024.

PT LT 94 CON 1 WHITCHURCH AS IN R246585 EXCEPT PT 1, 65R32629,  
EXCEPT PT 1 ON EXPROPRIATION PLAN YR2092380; S/T EASE OVER PT 2  
AS IN EXPRO. PLN YR2092380; SUBJECT TO A TEMPORARY EASEMENT  
UNTIL 2019/01/01 OVER PART 1, EXPROP. PLAN YR2528712 COMMENCING  
2016/12/08 AS IN YR2528712; S/T A TEMPORARY EASEMENT COMMENCING  
2018/12/10 UNTIL 2019/12/31 OVER PART 1, EXPROPRIATION PLAN YR2822910  
AS IN YR2822910; TOWN OF NEWMARKET

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



## SCHEDULE '2' TO BY-LAW 2024- TOWN OF NEWMARKET PLANNING DEPARTMENT



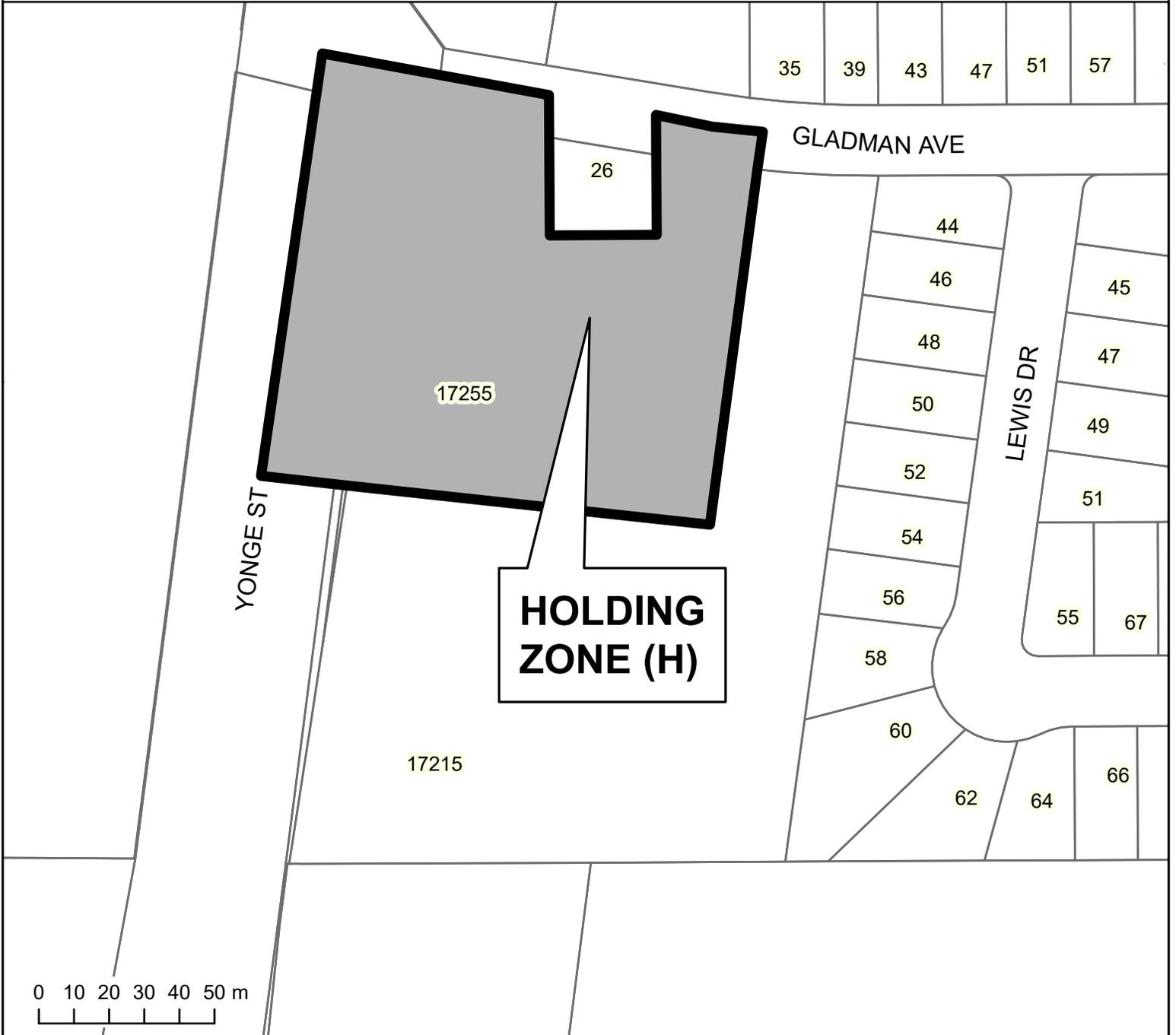
# TOWN OF NEWMARKET REGIONAL MUNICIPALITY OF YORK 17255 YONGE ST

This is Schedule '3'  
To Bylaw 2024-  
Passed this \_\_\_\_\_ Day  
of \_\_\_\_\_, 2024.

PT LT 94 CON 1 WHITCHURCH AS IN R246585 EXCEPT PT 1, 65R32629,  
EXCEPT PT 1 ON EXPROPRIATION PLAN YR2092380; S/T EASE OVER PT 2  
AS IN EXPRO. PLN YR2092380; SUBJECT TO A TEMPORARY EASEMENT  
UNTIL 2019/01/01 OVER PART 1, EXPROP. PLAN YR2528712 COMMENCING  
2016/12/08 AS IN YR2528712; S/T A TEMPORARY EASEMENT COMMENCING  
2018/12/10 UNTIL 2019/12/31 OVER PART 1, EXPROPRIATION PLAN YR2822910  
AS IN YR2822910; TOWN OF NEWMARKET

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



## SCHEDULE '3' TO BY-LAW 2024- TOWN OF NEWMARKET PLANNING DEPARTMENT





Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Non-Competitive Renewal of Oracle Licensing Staff Report to Council**

Report Number: 2024-62

Department(s): Information Technology, Legal and Procurement Services

Author(s): Tracy Assis, Manager, Procurement Services; Karen Reynar, Director, Legal and Procurement Services; and Karthik Venkataraman, Director, Information Technology Services

Meeting Date: October 21, 2024

### **Recommendations**

1. That the report entitled “Non-Competitive Renewal of Oracle Licencing” dated October 21, 2024 be received; and,
2. That Oracle Canada ULC (“**Oracle**”) software licensing, along with related support and maintenance continue to be acquired on a non-competitive basis for the next five (5) years from October 2024 to October 2029, at an approximate cost of \$200,000 plus HST per year; and,
3. That the Director of Information Technology and the Manager, Procurement Services be authorized to execute any agreements or documents that are necessary; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to seek Council’s approval to continue to purchase Oracle on a non-competitive basis for the next five years. The approximate cost for the Town’s Oracle software licences and related support and maintenance for the next five years is \$200,000 plus HST per year.

## **Background**

### **The Town's business and technology needs have depended upon Oracle for over twenty years**

Many of the Town's business and technology solutions have depended upon Oracle for over twenty years. Oracle software is a robust database that provides comprehensive integration, scalability, and advanced analytics to support enterprise-wide business processes.

### **Council's most recent non-competitive acquisition approval is expiring**

Council last approved a non-competitive acquisition of Oracle software licenses, and annual support and maintenance in 2019. That approval was for a five-year term and is now expiring.

## **Discussion**

### **Council approval is required in accordance with the Town's Procurement Bylaw**

Council approval for renewal for an additional five year term is required because the purchase is being done non-competitively and it exceeds \$100,000, which is the administrative approval threshold for non-competitive procurements in accordance with Schedule D, Table 5 of the Town's Procurement Bylaw 2014-27.

### **This non-competitive approval request is supported by the Town's Procurement Bylaw 2014-27 and by the applicable trade treaties.**

Section 13.5(iii) of the Town's Procurement By-Law 2014-27 permits the non-competitive purchase of services where a supplier has a unique capability.

Similarly, Canadian Free Trade Agreement (CFTA), Article 513, Paragraph (1), Section (c) and the Comprehensive Economic and Trade Agreement (CETA); Chapter 19, Article 19.12, Paragraph (1), Section C permits additional deliveries of goods or services by the original supplier if a change of supplier cannot be made for economic or technical reasons and would cause significant inconvenience or substantial duplication of costs for the procuring entity.

### **Certain technology products must be purchased on a non-competitive basis in order to maintain the Town's operations**

It is not ideal for the Town to be dependent on any one company for its business and technical operations. That said, moving away from incumbent technology is complicated and needs to be done carefully and thoughtfully, and some sole sourcing to maintain consistency of products in the IT environment is to be expected. This is also reflected in other municipalities, including at York Region, as described in a report from the

Commissioner of Finance at York Region dated September 19, 2019 regarding the establishment of certain standard technology products.

### **The Town continues to review the use of Oracle licencing for its technology needs**

Staff are diligent about ensuring that the systems that are in place are the right ones, regardless of whether they are incumbent solutions. Staff regularly carry out market research to assess whether or not changes to the Town's technology are warranted, and will continue to do so.

## **Conclusion**

Staff are seeking approval for the ongoing non-competitive purchase of Oracle licensing, support and maintenance for the next five years. This will ensure business continuity for many of the Town's technology solutions that rely upon Oracle.

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

This report aligns with the Town's core value of accountability by providing transparency regarding the purchase of goods by the Town in accordance with the Town's Procurement Bylaw 2014-27 and the applicable trade treaties.

## **Consultation**

Staff from Legal and Procurement Services, and Information Technology Services collaborated in the preparation of this report.

## **Human Resource Considerations**

None

## **Budget Impact**

Sufficient funds have been allocated within approved budgets for the IT Services Department.

## **Attachments**

None.

## **Approval**

Tracy Assis, Manager, Procurement Services

Karen Reynar, Director, Legal and Procurement Services

Karthik Venkataraman, Director, Information Technology Services

Esther Armchuk, Commissioner, Corporate Services

## **Contact**

For more information on this report, please contact Karthik Venkataraman, Director, IT Services at [kvenkataraman@newmarket.ca](mailto:kvenkataraman@newmarket.ca) or 905-953-5300 ext. 2307.

If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193



# Central York Fire Services

## Minutes

### Joint Council Committee

Date: Tuesday, September 10, 2024  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Councillor Gilliland, Town of Aurora, Chair  
Councillor Broome, Town of Newmarket, Vice Chair  
Councillor Thompson, Town of Aurora  
Councillor Gaertner, Town of Aurora  
Councillor Simon, Town of Newmarket

Members Absent: Councillor Morrison, Town of Newmarket

Staff Present: I. McDougall, Chief Administrative Officer, Town of Newmarket  
D. Nadorozny, Chief Administrative Officer, Town of Aurora  
R. Wainwright-van Kessel, Director of Finance – Treasurer,  
Town of Aurora  
Jeff Payne, Commissioner of Community Services, Town of  
Newmarket  
R. Volpe, Acting Fire Chief, Central York Fire Services  
D. Waters, Platoon Chief, Central York Fire Services  
A. Tang, Director of Financial Services/Treasurer, Town of  
Newmarket  
A. Gibson, Senior Financial Analyst, Town of Newmarket  
K. Saini, Manager Legislative Services/Deputy Town Clerk,  
Town of Newmarket  
S. Granat, Legislative Coordinator, Town of Newmarket

The meeting was called to order at 1:00 PM.  
Councillor Gilliland in the Chair.

**1. Notice**

Chair Gilliland advised that the Municipal Offices were open to the public and that members of the public could attend this meeting in person at 395 Mulock Drive, Newmarket or view the live stream available at [newmarket.ca/meetings](http://newmarket.ca/meetings).

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

None.

**3. Conflict of Interest Declarations**

None.

**4. Presentations**

None.

**5. Deputations**

None.

**6. Approval of Minutes**

**6.1 Central York Fire Services - Joint Council Committee Meeting Minutes of April 2, 2024**

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the Central York Fire Services Joint Council Committee meeting minutes of April 2, 2024 be approved.

**Carried**

**7. Items**

**7.1 First Quarter 2024 Central York Fire Services Financial Update**

Moved by: Councillor Broome

Seconded by: Councillor Thompson

1. That the First Quarter 2024 Central York Fire Services Financial Update dated June 21, 2024 be received for information purposes.

**Carried**

## **7.2 Second Quarter 2024 Central York Fire Services Financial Update**

Committee Members queried Staff regarding wages, vehicle repairs, revenues, capital expenditures to-date, and the operation of e-tools, replacement of radios, and a tour.

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That Fire Services Report JCC-2024-04 Second Quarter 2024 Financial Update dated September 10, 2024, be received for information purposes.

**Carried**

## **7.3 Cost Recovery Program Enhancement**

Committee Members queried staff regarding the cost for policy holders on renewal, the cost for individuals without insurance, and examples from other municipalities.

Moved by: Councillor Gaertner

Seconded by: Councillor Thompson

1. That Fire Services Report CL-JCC-2024-03 dated September 10, 2024, entitled Cost Recovery Program Enhancement be received; and,
2. That a cost recovery program to recover firefighting costs on behalf of Central York Fire Services for incidents pertaining to property damage on a percentage basis as further described in this report be approved; and,
3. That a by-law to authorize cost recovery with respect to fire department specific response be established; and,

4. That the fees for cost recovery through Fire Marque Inc. be established through the Fees and Charges By-law 2023-76 as amended.

**Carried**

#### **7.4 Fire Underwriter's Survey Update**

Acting Fire Chief Volpe provided a verbal update regarding the Fire Underwriter's Survey Update including background.

#### **7.5 Upcoming Events**

Acting Fire Chief Volpe shared Upcoming Events including the Naming of Station 4-5 in honour of the late-Fire Chief Ian Laing, and the Annual Open House.

### **8. New Business**

#### **8.1 Fire Trailer**

Councillor Broome provided a verbal update regarding the new fire trailer including purpose, kitchen fire safety, and a field trip with students in the future.

#### **8.2 Moonlight Movies**

Councillor Broome thanked Newmarket staff for Moonlight Movies 2024.

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

Central York Fire Services Joint Council Committee did not resolve into Closed Session.

### **10. Adjournment**

Moved by: Councillor Simon

Seconded by: Councillor Broome

1. That the meeting be adjourned at 1:45 PM.

**Carried**

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Councillor Gilliland, Chair

---

Date





# CENTRAL YORK FIRE SERVICES

## Cost Recovery Program Enhancement Fire Services Report

Report Number: JCC-2024-03  
To: Joint Council Committee  
Author: Central York Fire Services – Acting Fire Chief Rocco Volpe  
Meeting Date: Tuesday, September 10, 2024

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### Recommendations

1. That Fire Services Report CL-JCC-2024-03 dated September 10, 2024, entitled Cost Recovery Program Enhancement be received; and,
2. That a cost recovery program to recover firefighting costs on behalf of Central York Fire Services for incidents pertaining to property damage on a percentage basis as further described in this report be approved; and,
3. That a by-law to authorize cost recovery with respect to fire department specific response be established; and,
4. That the fees for cost recovery through Fire Marque Inc. be established through the Fees and Charges By-law 2023-76 as amended.

### Purpose

The purpose of this report is to:

- i. seek approval to adopt a by-law to allow for a cost recovery program to recover firefighting costs from insurance companies for CYFS' attendance at incidents pertaining to property damage on behalf of Central York Fire Services (CYFS) on a percentage basis as further described in this report.
- ii. advise the Joint Council Committee (JCC) of the outcome of a competitive procurement process for a cost recovery program for firefighting costs; and that Central York Fire Services is seeking approval to establish such new fees in the 2024 Fees and Charges By-Law to permit this cost recovery enhancement.

## **Background**

Most commercial and home insurance policies provide coverage for Fire Department charges under the insured peril clauses of the owner's policy. The provisions for Fire Department expense coverage can range from \$500 to \$25,000.

Municipalities do not typically have the expertise to initiate claims for cost recovery from insurance companies related to fire incidents, however, there are external companies that provide this service on behalf of municipalities. As such CYFS engaged Procurement Services to conduct a competitive procurement process (RFP-2024-071). Fire Marque Inc. is the highest ranked proponent from that process, and should JCC approve the implementation of this program, Fire Marque Inc. will be awarded a contract for a one (1) year term, plus four (4), one (1) year optional terms.

## **Discussion**

To enhance the current cost recovery program, CYFS recommends entering a cost recovery program for the recovery of Fire Services costs from insurance companies. This opportunity will provide additional revenues to offset future expenditures.

If JCC approves this cost recovery program it will be delivered by Fire Marque Inc., the successful proponent to RFP-2024-071.

Fire Marque has developed "Indemnification Technology", a trademarked program, to assist in accessing monies available through insurance companies by initiating claims on behalf of the municipality. Indemnification Technology maximizes the billing opportunities by invoicing insurance companies directly for costs of Fire Department attendance with respect to insured perils using pre-existing clauses within insurance policies.

The Indemnification Technology program was created by Fire Marque Inc. and there are no comparable services offered in the marketplace. Other municipalities using Fire Marque Inc. include Guelph, Kitchener, Barrie, North Bay, Port Hope and Bradford, plus several smaller municipalities and Fire Departments in other provinces.

Fire Marque Inc. provides this service based on a 70/30 division of the recoverable amount (70% to the municipality; 30% to Fire Marque Inc.). No expenses are incurred by the municipality if Fire Marque Inc. is not successful in their attempts to collect against an insurance policy. Under this program, no attempt will be made to collect any costs from any property owner who is not insured, and only if insurance coverage is available under the program. There is no impact to the owners of the policies, either through fees, claim limits, or policy cost adjustments.

For CYFS to be able to successfully recover the costs from insurance companies a bylaw to authorize cost recovery with respect to fire department specific response must be established. As well as an update to schedule G of the current by-law 2023-76 (Town of Newmarket 2024 User Fees) is required.

## **Financial Impact**

Fire Marque Inc.'s compensation is based on the amount recovered from the insurance company. They have a standard fee equal to 30% of the recovery received from the insurance company. If a recovery is not realized, Fire Marque Inc. does not earn any fees and there is no cost to the Town.

According to Fire Marque Inc., since insurance companies incorporate the firefighting premium costs into their policies, the recoveries will not increase homeowners' insurance rates as it is already part of their existing premium.

Fire Marque Inc.'s has over 100 clients. The 30% has been established as their standard and the same rate is paid by all municipalities that are part of the program. In consultation with other Fire Departments, CYFS is unaware of any municipalities who have successfully undertaken this function in house. CYFS is not equipped with the proper expertise to execute cost recoveries through the insurance industry.

With respect to forecasting revenue, annual recovery amounts will vary each year. As this is a new program to CYFS and the amount of insurance coverage can range from \$500 to \$25,000 depending on the policy provider, it is difficult to provide an analysis of potential revenues at the current time.

Fees charged to the insurance company will be based on current MTO rates per responding apparatus per hour. 2024 MTO rates are \$559.86. In addition, CYFS can recover 50% of equipment costs damage because of the incident and 100% of consumables used (i.e. Fireaide Foam).

Historical data is provided below illustrating the potential billable incidents under this program over the past 3 years:

2023 - 71

2022 - 97

2021 - 103

Note: The incidents above have not been analyzed to determine the number of billable hours/apparatus nor have the provisions of the insurance policy been examined.

Based on an analysis of CYFS call data, the estimated annual revenue stream to the Towns is approximately \$25,000 to \$75,000.

## **Conclusion**

To enhance the current cost recovery program, CYFS recommends entering a cost recovery program for incidents pertaining to property damage on a percentage basis as further described in this report. This opportunity will provide additional revenues to offset future expenditures.

## **Consultation**

The Senior Fire Management Team consulted with the Town of Newmarket Financial Services, Procurement Services, Legal Services and other Fire Departments currently operating with Fire Marque.

## **Impact On The Master Fire Plan**

This report has no impact on the Master Fire Plan.

## **Attachments**

- A. Fire Marque Brochure – Information for Property Owners about the Fire Marque Program and Your Municipality
- B. By-law 2024-XX
- C. Town of Newmarket 2024 User Fees, Schedule G

## **Approval**

Rocco Volpe, Acting Fire Chief  
Central York Fire Services

## **Contact**

Rocco Volpe, Acting Fire Chief - Central York Fire Services at [rvolpe@cyfs.ca](mailto:rvolpe@cyfs.ca)

# Here are answers to some of the questions property owners frequently ask...

## What or who is Fire Marque?

Fire Marque Inc. is a Canadian company that works with municipalities across Canada. We recover from insurance companies some of the costs fire departments incur while fighting fires or dealing with other insured emergencies impacting property.

## Will the Fire Marque Program cost me any money out of my pocket?

No. The Fire Marque Program includes a formal agreement with a municipality and a process by which to recover the costs from your insurance company—not you.

## Does Fire Marque Inc. have a legal right to claim reimbursement of these expenses?

Yes. Fire Marque Inc. has an agreement with your municipality to recover these expenses from your insurance company.

## I pay property taxes, which include the cost of the fire department's services. Am I being charged a second time for the fire department?

No, you will never be charged. Only your insurance company will be required to pay. Your property taxes pay for the fixed costs of your fire department, like the fire hall, the trucks and equipment. The additional costs the fire department incurs (such as the fire suppressant or "foam" they use) are eligible to be recovered through your property policy.

## Here's an example of a Homeowners Insurance Policy with "Fire Department Expense" coverage

**Homeowners Insurance**  
protecting you and your home

**Your State Farm® Homeowners Policy Provides Coverage For:**

- Dwelling - Coverage A**  
This coverage protects your home, including attached units like a porch or garage, and unattached buildings on your property that are not used for business.
- Personal Property - Coverage B**  
This coverage protects personal property in your home, like clothes and furniture. It also provides protection for your personal property you take with you while away from home in motor vehicles throughout the world.

**Coverage for your Home and Personal Property may include loss caused by:**

- Fire or lightning
- Windstorm or hail
- Explosion
- Impact by aircraft or land vehicle
- Riot
- Strike
- Theft
- Falling object
- Vandalism or malicious acts
- Weight of ice, snow or sleet
- Sudden and accidental water damage from plumbing or appliances
- Sudden and accidental damage from artificially generated electrical current

**Fire Department Service Charge**  
Pays up to \$500.

In this policy, the insurance company refers to the coverage as "Fire Department Service Charge" and provides a \$500 limit.

Some companies will increase coverage limits for a small, additional premium.

Check your policy for your coverage.

## Will my insurance rates go up as a result of the Fire Marque Program?

No. Your property insurance policy already has the Fire Department Expense Coverage in it. Insurance companies have calculated premiums to include cost recoveries for your fire department's services.

## Will the Fire Department expenses reduce my insurance payout or the amount of my insurance coverage?

No. The expenses a fire department incurs is an additional coverage in your policy.

## If Fire Marque's invoice is more than my insurance coverage, do I have to pay the balance outstanding?

No. Fire Marque will only recover from your insurance company the limits of your coverage. There is NO cost to you.



## What if I don't have insurance or my policy doesn't have "Fire Department Expense" coverage?

Nothing happens as there is no insurance coverage.

## How am I kept informed about what's going on?

Fire Marque ensures you receive a copy of all letters and invoices sent to your insurance company.

## Why is my name and address on the invoice?

The insurance companies have requested that the insured's name (property owner) and the property address is on the invoice.



■ **Where does the money go that Fire Marque Inc. collects?**

The funds go to the fire department. Many fire departments dedicate these funds to public education, training and equipment.

■ **How come auto premiums go up after an accident and property premiums don't?**

Auto policies are rated on a driver's driving record which may include factors such as: age, location, experience, vehicle use, as well as the type of vehicle driven.

Property insurance is rated on the building and contents. Some of the factors underwriters consider are: type of building and construction, age, location, how close a building is to a fire hydrant, what the replacement cost is of the building, whether there is an alarm system, type of heating, etc.



■ **Our municipality has volunteer firefighters. How does that work?**

When the volunteer fire fighter's pagers go off, they immediately rush to their designated fire station. The first fire fighters to arrive at the station jump into Bunker Gear (fire suits) and are dispatched to the fire. The ladder truck, pumper truck, utility truck (air tanks), tanker trucks then arrive at your property.

The volunteer fire fighters who arrive at the station after the trucks have left the fire hall, remain at the hall for backup duties or replacements. When the units return, the fire fighters who remained at the fire hall prepare the units for the next call.



To read the story about our mascot, Mickey go at our website [www.firemarque.com](http://www.firemarque.com)



# INFORMATION FOR PROPERTY OWNERS ABOUT THE FIRE MARQUE PROGRAM AND YOUR MUNICIPALITY



[www.firemarque.com](http://www.firemarque.com)

1-855-424-5991

PO Box 2018, Thornton ON L0L 2N0

# Corporation of the Town of Newmarket

## By-law 2024-XX

### BEING A BY-LAW TO AUTHORIZE COST RECOVERY (FEES) WITH RESPECT TO FIRE DEPARTMENT SPECIFIC RESPONSE

**WHEREAS** pursuant to section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time (the “Municipal Act”), the powers of a municipality are to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considered appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** pursuant to section 391 of the Municipal Act, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** pursuant to section 398 of the Municipal Act, fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

**AND WHEREAS** Council of the Town of Newmarket deems it expedient to pass a by-law to impose fees on persons to recover the costs of fire department responses;

**NOW THEREFORE** the Council of the Town of Newmarket hereby enacts as follows:

1. In this By-Law:

- a. “Council” means Council of the Municipality;
- b. “Fees and Charges By-law” means (a) by-law 2023-76 of the Municipality which establishes fees and charges for services or activities provided by the Municipality, as may be amended from time to time, and (b) if by-law 2023-76 is repealed, any future by-law of the Municipality that establishes fees and charges for services or activities provided by the Municipality.
- c. “Fire Department” means a fire department established by the Municipality in accordance with the provisions of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended from time to time;
- d. “Fire Department Specific Response Fees” means cost recovery fees for Fire Department attendance at a Property for which the Owner has Fire Department insurance coverage and which are set out in the Fees and Charges By-law;
- e. “Municipality” means the Corporation of the Town of Newmarket;
- f. “Owner” means the registered owner of property or any person, firm, corporation, partnership or society and their heirs, executors, administrators or other legal representatives, including a property manager, tenant, occupant, mortgagee in possession, receiver, manager, trustee or trustee in bankruptcy having control over or possession of the property or any portion thereof;

- g. "Property" means any real property located within the geographical boundaries of the Municipality, and any real property to which the Fire Department is under a service agreement to provide Fire Department Response services, Automatic Aid or Mutual Aid. Real property includes buildings, contents and structures of any nature and kind in or upon such lands to which service is provided;
2. The Municipality hereby authorizes the imposition of fees from time to time in accordance with the provisions of this By-Law.
3. The Owner of Property shall be responsible for the payment of Fire Department Specific Response Fees imposed by this By-Law.
4. The Municipality may use any available technology to assess applicable insurance coverage for Fire Department Specific Response Fees or utilize a third party service provider to invoice Fire Department Specific Response Fees on behalf of the Municipality.

Fees imposed pursuant to this By-Law constitute a debt of the Owner to the Municipality.

5. Where the Owner does not have, in part or in full, insurance coverage for fire department charges for the Property, the Municipality may adjust the Fire Department Specific Response Fees to the extent of insurance coverage upon provision by the Owner of evidence, to the satisfaction of the Municipality, that no such insurance coverage exists or to demonstrate the limits of such coverage.
6. In this By-Law, words importing the singular shall include the plural where the context requires.
7. If any term or provision of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby, it being the intention of the Council that each term and provision of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY OF XXXX, 2024**

Enacted this day of XXXX , 2024.

John Taylor, Mayor

Lisa Lyons, Town Clerk

**Schedule F – Fire Serv  
To  
2024 Fees and Charges On  
Staff Report to**

**TOWN OF NEWMARKET  
2024 USER FEES - G**

Department: **Fire Services**

Effective Date: **January 1, 2024**

Note: Shaded areas indicate fees regulated by Ministry of Transportation (MTO).

SERVICE PROVIDED	DESCRIPTION	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2023 FEE BEFORE TAX	2024 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Fire Education and Prevention</b>									
Apartment/Office Inspections Base Building	When Fire and Emergency Services receives a request to conduct an inspection of a Apartment / Office Building or Base Building, the property owner will be charged the fees outlined in this schedule.	One to five storey premises	Y	\$381.98	\$394.97	\$0.00	\$51.35	<b>\$446.31</b>	3.4%
		Six or more storey premises	Y	\$509.31	\$526.63	\$0.00	\$68.46	<b>\$595.09</b>	3.4%
		Each additional unit	Y	\$97.51	\$100.83	\$0.00	\$13.11	<b>\$113.93</b>	3.4%
		Day Care Home Inspection	Y	\$103.04	\$106.54	\$0.00	\$13.85	<b>\$120.39</b>	3.4%
		Day Nursery Inspection	Y	\$103.04	\$106.54	\$0.00	\$13.85	<b>\$120.39</b>	3.4%
Request for Report	When Fire and Emergency Services receives a request to fax, email or mail a report (i.e. standard incident report) the requestor will be charged the fees outlined in this schedule.	Faxing or Mailing Reports	Y	\$51.52	\$53.27	\$0.00	\$6.93	<b>\$60.20</b>	3.4%
Property File Search	When Fire and Emergency Services receives a request for a file search and response. (i.e. file search and response letter to determine if a property has any noted violations) the requestor will be charged the fees outlined in this schedule.	File Search and Response	Y	\$100.92	\$104.35	\$0.00	\$13.57	<b>\$117.92</b>	3.4%
Retrofit Inspections (9.5, 9.6)	When the Fire and Emergency Services receives a request to conduct an inspection in accordance with Part 9 of the Ontario Fire Code, the property owner will be charged the fees outlined in this schedule.		Y	\$389.99	\$403.25	\$0.00	\$52.42	<b>\$455.67</b>	3.4%
Retrofit Inspections (9.8)	When Fire and Emergency Services receives a request to conduct an inspection in Newmarket in accordance with By-Law 2013-13 for the registration of Accessory Dwelling Units (ADU's) OR in Aurora in accordance with By-Law 5221-10 for registration of second suites, the property owner will be charged the fees outlined in this schedule.		Y	\$208.00	\$215.07	\$0.00	\$27.96	<b>\$243.03</b>	3.4%
Fireworks Permit Fee	When Fire and Emergency services receives a request to review a Display Fireworks Permit application in Newmarket in accordance with By-law 2002-51 OR in Aurora in accordance with By-law 4736-05 the fireworks provider requesting the permit will be charged the fees outlined in this schedule.		N	\$115.65	\$119.58	\$0.00	\$0.00	<b>\$119.58</b>	3.4%
Extinguisher Training Using Classroom and Burn Pan	When Fire and Emergency Services provides fire extinguisher training to a requestor, the following fee will be charged the fees outlined in this schedule.	Per session up to 20 people with own extinguishers	Y	\$388.18	\$401.38	\$0.00	\$52.18	<b>\$453.56</b>	3.4%
Industrial & Commercial Inspection	When Fire and Emergency Services receives a request to conduct an inspection of a industrial or commercial unit, the property owner will be charged the fees outlined in this schedule.	Per single industrial unit	Y	\$103.53	\$107.05	\$0.00	\$13.92	<b>\$120.97</b>	3.4%
		Each additional unit	Y	\$103.04	\$106.54	\$0.00	\$13.85	<b>\$120.39</b>	3.4%
		LLBO Inspections	Y	\$137.39	\$142.06	\$0.00	\$18.47	<b>\$160.53</b>	3.4%

**TOWN OF NEWMARKET  
2024 USER FEES - G**

Department: **Fire Services**

Effective Date: **January 1, 2024**

Note: Shaded areas indicate fees regulated by Ministry of Transportation (MTO).

SERVICE PROVIDED	DESCRIPTION	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2023 FEE BEFORE TAX	2024 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Fire Protection and Response</b>									
Provincial Highway Accident Responses (Ministry of Transportation)	Fees and charges to be set by the Ministry of Transportation.	Flat rate. Per hour/per fire truck (limit of 3 fire vehicles)	N	\$543.03	\$543.03	\$0.00	\$0.00	<b>\$543.03</b>	0.0%
Emergency Response to a motor vehicle collision (Regional and Municipal roads)	Refer to By-Law 2019-60 and 2019-61, fees and charges will be charged according to this schedule.	Flat rate. Per hour/per fire truck (limit of 3 fire vehicles)	N	\$543.03	\$543.03	\$25.00	\$0.00	<b>\$568.03</b>	0.0%
Natural Gas Leaks Response	When Fire and Emergency Services attends an incident in response to a natural gas leak, and upon conducting an investigation, CYFS determines that due diligence was not exercised the property owner and/or party responsible shall be charged the fees stipulated in this schedule.	Flat rate. Per hour/per fire truck	N	\$543.03	\$543.03	\$25.00	\$0.00	<b>\$568.03</b>	0.0%
Hydro Incidents (down hydro lines)	When Fire and Emergency Services responds to a hydro incident (down wires), and if stand-by is required for an extended period of time (at the discretion of the Fire Chief or designate) to keep the scene safe then the local utility will be charged according to this schedule.	Flat rate. Per hour/per fire truck	N	\$543.03	\$543.03	\$25.00	\$0.00	<b>\$568.03</b>	0.0%
Drug Labs/Grow Ops/Clandestine Labs	When Fire and Emergency Services is requested to stand-by and provide fire protection services to ensure the scene remains safe, the property owner and/or party responsible will be charged the fees outlined in this schedule.	Flat rate. Per hour/per fire truck	N	\$543.03	\$543.03	\$25.00	\$0.00	<b>\$568.03</b>	0.0%
Elevator Rescue (non-emergency)	When Fire and Emergency Services attends a property in response to a stalled/malfunction elevator and determines the confined individual(s) do not require medical attention, CYFS will assist in patient(s) evacuation. If CYFS is not successful in the evacuation of patient(s), CYFS will remain on scene until the arrival of a responsible elevator representative/company. The property owner shall be charged the fees as stipulated in this schedule.	Flat Rate	N	\$543.03	\$543.03	\$25.00	\$0.00	<b>\$568.03</b>	0.0%
False Alarm (preventable cause)	<p>For the purpose of this schedule, a false alarm means the activation of a fire alarm or emergency system which occurs without just cause, including where there is no fire, carbon monoxide or other emergency situations.</p> <p>Fire and Emergency services shall charge a property owner the false alarm fee stipulated in this schedule if upon attending a property in response to the activation of a fire alarm or emergency system and it is determined it is was a false alarm.</p> <p>Where a false alarm is triggered as a result of work being conducted on a fire alarm or emergency system and CYFS attends to the property in response to the false alarm, the property owner shall be charged the false alarm fee stipulated in this schedule.</p> <p>The false alarm fee will not be charged for the first and second occurrence of the false alarm at a property, but will be charged for subsequent false alarm occurrence within the same calendar year.</p>	Flat Rate	N	\$543.03	\$543.03	\$25.00	\$0.00	<b>\$568.03</b>	0.0%

**TOWN OF NEWMARKET  
2024 USER FEES - G**

Department: **Fire Services**

Effective Date: January 1, 2024

Note: Shaded areas indicate fees regulated by Ministry of Transportation (MTO).

SERVICE PROVIDED	DESCRIPTION	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2023 FEE BEFORE TAX	2024 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE	% INCREASE
Hazardous Materials Response	<p>When Fire and Emergency Services responds to an incident or an emergency, and a hazardous material response is provided, CYFS shall charge the fees stipulated in this schedule to anyone or more of the following: the property owner, the vehicle owner insurance or directly to the vehicle owner in order to recover payment.</p> <p>In the event an emergency involves hazardous materials and at the scene or property, the use of combustible material, other than water and medical supplies, are used to suppress or extinguish a fire, preserve property, prevent a fire from spreading or otherwise control or eliminate and emergency, the expenses incurred by CYFS for using consumable materials shall be recovered as a fee.</p> <p>In the event an emergency involves hazardous materials and at the scene or property, damages or contaminations of equipment occurs, the expenses incurred by CYFS for cleaning and decontamination or replacement of equipment, as applicable, and shall be recovered as a fee.</p>	Flat rate. Per hour/per fire truck	N	\$543.03	\$543.03	\$25.00	\$0.00	\$568.03	0.0%
Outdoor Burning - By-law 2009-64	<p>When Fire and Emergency services proceeds/responds to an incident within the calendar year, and upon investigation fire personnel determine that the By-law 2009-64 is in contravention, a fee will be charged according to this schedule.</p> <p>1st Response - Verbal warning by fire crew Warning and educational letter to be issued.</p> <p>2nd Response and subsequent - Within calendar year the property owner shall pay the fee as per this schedule.</p>	Flat Rate	N	\$543.03	\$543.03	\$25.00	\$0.00	\$568.03	0.0%
Fire Marque - Idemnification Technology	Recovery of costs related to emergency response (including damage or loss of equipment, consumables) from insurance companies. Should the insurer pay the coverage to the property owner, the property owner is liable to remit these funds to the municipality or its representative.	Flat rate. Per hour/per fire truck	N	\$543.03	\$543.03	\$25.00	\$0.00	\$568.03	0.0%
<b>Miscellaneous</b>									
Extraordinary Expenses	When Fire and Emergency Services responds to a fire or other emergency at a property (including gas leaks, cut mains and clandestine drug operations) and determines, or the Fire Chief or his/her Designate determines, that it is necessary to retain a private contractor, or rent special equipment, or use consumable materials other than water and medical supplies, in order to suppress or extinguish a fire, preserve property, carry out investigations or prevent a fire from spreading or otherwise control or eliminate an emergency or damage equipment owned by CYFS, the Owner or responsible person, shall be charged those expenses, plus applicable taxes.								

**TOWN OF NEWMARKET  
2024 USER FEES - G**

Department: **Fire Services**

Effective Date: January 1, 2024

Note: Shaded areas indicate fees regulated by Ministry of Transportation (MTO).

SERVICE PROVIDED	DESCRIPTION	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2023 FEE BEFORE TAX	2024 FEE BEFORE TAX	ADMIN FEE	HST AMOUNT	TOTAL FEE	% INCREASE
*Post Fire Investigations	In accordance with the Fire Protection and Prevention Act, all fires need to be investigated to determine origin and cause.  Upon conducting an investigation and/or scene preservation and CYFS determines that due diligence was not exercised, the property owner and/or party responsible shall be charged the fees stipulated in this schedule.  The Fire Chief or designate will have the delegated authority to apply at their discretion the applicable fees as set in this schedule from the outcome of the investigation.	Flat rate. Per hour/per fire truck	N	\$543.03	\$543.03	\$25.00	\$0.00	<b>\$568.03</b>	0.0%
Multi-purpose Smoke and Carbon Monoxide Alarms	When Fire and Emergency Services determine upon investigation that a property is not in compliance with the Ontario Fire Code, then CYFS will provide a combination smoke/carbon monoxide alarm to bring the property temporarily up to compliance until further investigation by the Fire Prevention Division. The alarm provided will be a 10 Year Sealed Battery Slim Design Photoelectric Smoke & CO Alarm (First Alert).	Per unit	Y	\$24.16	\$24.98	\$0.00	\$3.14	<b>\$24.98</b>	3.4%
Paid Duty Truck Stand-by	For the provision of a stand-by crew and fire apparatus, other than an emergency response, for a private company, community group, developer, industry or provincial government. Stand-by location must be within CYFS jurisdiction.  All fire apparatus stand-by requests are subject to availability as well as pre-approved by CYFS, the requestor will be charged the fee in this schedule.	Flat Rate	N	\$522.64	\$540.41	\$0.00	\$0.00	<b>\$540.41</b>	3.4%





**Town of Newmarket**  
**Minutes**  
**Newmarket Economic Development Advisory**  
**Committee**

Date: Tuesday, February 13, 2024  
Time: 4:00 PM  
Location: Cane Room  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Jessica Rawlley, Chair  
Paul Crossdale  
Donna Fevreau  
Beric Farmer  
Edmund Yeung  
Anil Abrol  
David Lotimer  
Laurie Baker  
Ysni Semsedini  
Chris Emanuel  
Beth Stevenson  
Mayor Taylor (4:01 PM - 5:34 PM)  
Deputy Mayor & Regional Councillor Vegh

Members Absent: Carin Binder  
Steven Bruno  
Patrick Horgan  
Les Mallins  
Nasim Bahari

Staff Present: I. McDougall, Chief Administrative Officer  
C. Kallio, Economic Development Officer  
C. Service, Director, Recreation and Culture

D. Lowes, Business Development Specialist  
B. Morrow, Grant Coordinator  
A. Chard, Manager, Corporate Communications & Marketing  
E. Thomas-Hopkins, Legislative Coordinator

The meeting was called to order at 4:01 PM.  
Jessica Rawlley in the Chair.

**1. Notice**

Jessica Rawlley advised that members of the public could attend this meeting in person only at the Municipal Offices at 395 Mulock Drive in the Cane Room.

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

The Legislative Coordinator advised of the following corrections:

- Item 6.1 Municipal Accommodation Tax (MAT): Growing Newmarket Tourism - Colin Service, Director, Recreation and Culture, will speak to this item.

Moved by: Chris Emanuel

Seconded by: Beth Stevenson

1. That the correction provided by the Legislative Coordinator be received.

**Carried**

**3. Conflict of Interest Declarations**

None.

**4. Presentations & Deputations**

None.

**5. Approval of Minutes**

**5.1 Newmarket Economic Development Advisory Committee Meeting  
Minutes of February 15, 2022 and November 14, 2023**

Moved by: Donna Fevreau

Seconded by: Beric Farmer

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of February 15, 2022 and November 14, 2023 be approved.

**Carried**

## **6. Items**

### **6.1 Municipal Accommodation Tax (MAT): Growing Newmarket Tourism**

The Chief Administrative Officer provided an introduction regarding Municipal Accommodation Tax (MAT): Growing Newmarket Tourism including tourism opportunities, community engagement, community spaces in ongoing projects, community infrastructure, and revenue tools.

The Director of Culture and Recreation provided an update regarding the Municipal Accommodation Tax (MAT): Growing Newmarket Tourism including an overview of Municipal Accommodation taxes, provincial legislation, municipal authority, developing a municipal accommodation tax, public consultation, staff working groups, financial components, re-investing into the community,

Committee Members queried staff regarding taxed accommodations, third party sites and platforms, tourism, program administration and short term rentals.

### **6.2 Treefrog Accelerator Update: International Program and Recent York Region Innovation Funding**

Sean Stephens, Chief Executive Officer and Laurie Baker, Executive Director, Treefrog Accelerator provided a verbal update regarding Treefrog Accelerator Update: International Program and Recent York Region Innovation Funding including an overview of the International Program, promotion of local initiatives, engaging stakeholders, regional and international participation and programming, expanding services through the York Region Innovation Grant, promoting Newmarket as a destination of choice and fostering entrepreneurship in Newmarket.

Committee Members queried staff and the presenters regarding welcome packages, community outreach, mentorship, local resources for language barriers, program opportunities, entrepreneurship, federal grant possibilities, student opportunities, financial services, revenue sources,

international and regional programming, applicant incentives, application eligibility and next steps.

**6.3 York Region Economic Development Action Plan: Newmarket Partnership Opportunities**

The Economic Development Officer provided a verbal update regarding York Region Economic Development Action Plan: Newmarket Partnership Opportunities including the needs of the N6 communities, the four pillars (Business, Innovation, Talent, Marketing and Awareness), Newmarket's economic development priorities and objectives.

**7. New Business**

None.

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

The Committee did not resolve into closed session.

**9. Next Meeting**

Economic Development will schedule the next meeting.

**10. Adjournment**

Moved by: Edmund Yeung

Seconded by: Paul Crossdale

1. That the meeting be adjourned at 5:37 PM.

**Carried**

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Donna Fevreau, Chair

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Date



# Town of Newmarket

## Minutes

### Elman W. Campbell Museum Board of Management

Date: Wednesday, June 26, 2024

Time: 7:00 PM

Location: Cane Room  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Jackie Playter, Chair  
Ron Atkins  
Alexis Gada  
Councillor Woodhouse  
Krista Rauchenstein

Members Absent: Billie Locke  
Nancy Fish  
Dan MacPherson

Staff Present: S. Ernst, Supervisor Culture Programs  
W. Broydell, Cultural Programmer - History and Heritage  
S. Granat, Legislative Coordinator  
J. Charpentier, Curatorial Assistant

The meeting was called to order at 7:00 PM.  
Jackie Playter in the Chair.

#### 1. Notice

Jackie Playter advised that this meeting was held in person at the Cane Room located in the Municipal Offices (395 Mulock Drive, Newmarket, Ontario) and members of the public can attend in person.

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

Moved by: Ron Atkins

Seconded by: Councillor Woodhouse

1. That item 5.7 Overview of Strategic Planning Facilitation be added to the agenda.

**Carried**

**3. Conflict of Interest Declarations**

None.

**4. Approval of Minutes**

**4.1 Elman W. Campbell Museum Board meeting minutes of May 29, 2024**

Moved by: Councillor Woodhouse

Seconded by: Krista Rauchenstein

1. That the Elman W. Campbell Museum Board meeting minutes of May 29, 2024 be approved.

**Carried**

**5. Items**

**5.1 Awning**

The Curatorial Assistant provided a verbal update regarding the awning including awning examples, an update from Facility Services, and consultation with the Newmarket Heritage Advisory Committee.

Board Members discussed awning examples, painting the existing awnings, existing awning materials, ice accumulation and reduction, and looking at an example at the meeting in September.

**5.2 Elevator Renovation**

The Curatorial Assistant provided a verbal update regarding Elevator Renovations including the total estimated cost to install a telephone in the elevator.

Board Members queried Staff regarding the use of the elevator and need for a telephone.

Board Members discussed installing a telephone in the elevator.

Moved by: Alexis Gada

Seconded by: Councillor Woodhouse

1. That the Elman W. Campbell Museum Board authorize the installation of a telephone in the elevator at a cost of up to \$4,500.

**Carried**

### **5.3 Upcoming Events**

The Cultural Programmer, History and Heritage and the Curatorial Assistant provided a verbal update on Upcoming Events including the closure and possible extension of the closure to the museum, Canada Day, removal of artifacts in the main gallery to accommodate construction in the Museum, and a recent power outage. The Supervisor Culture Programs provided an update on the roof construction and the impact on the Museum's operability during the Summer, roof works, a power outage, air conditioning, and timeline for roof works,

Board Members queried Staff on work locations for Staff, the summer closure, and the cause of the power outage.

Board Members discussed having updates on the matter circulated to the Board.

### **5.4 Elman W. Campbell Museum Monthly Report**

Moved by: Ron Atkins

Seconded by: Councillor Woodhouse

1. That the report entitled Museum Monthly Report dated June 26, 2024 be received for information.

**Carried**

### **5.5 Museum Reserve Trust Reports May and April 2024**

The Legislative Coordinator provided an update from Financial Services regarding the Museum Reserve Trust Reports May and April 2024 regarding renaming the trust / reserve account.

Moved by: Ron Atkins

Seconded by: Krista Rauchenstein

1. That the Museum Reserve Trust Reports May and April 2024 are received.

**Carried**

### **5.6 Friends of the Museum Report**

None.

### **5.7 Overview of Strategic Planning Facilitation**

The Supervisor, Culture Programs provided a verbal update regarding Overview of Strategic Planning Facilitation including a Strengths, Opportunities, Aspirations, and Results (SOAR) analysis, Board Members brainstorming topics, and future discussion on the matter in September.

Board Members discussed preparation and participation, dreaming big, a brainstorming session, the process, and a potential summer meeting.

Moved by: Ron Atkins

Seconded by: Alexis Gada

1. That the verbal report from Supervisor, Culture Programs regarding the Overview of Strategic Planning Facilitation be received.

**Carried**

## **6. New Business**

### **6.1 Summer Meetings**

Board Members discussed a potential summer meeting in August and cancelling July.

**7. Adjournment**

Moved by: Alexis Gada

Seconded by: Ron Atkins

1. That the meeting be adjourned at 7:39 PM.

**Carried**

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Jackie Playter, Chair

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Date





# Town of Newmarket

## Minutes

### Main Street District Business Improvement Area Board of Management

Date: Wednesday, September 4, 2024  
Time: 8:30 AM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Tom Hemen, Chair  
Avi Wulfand, Vice Chair  
Ken Sparks  
Dominic Pede  
Patricia Carmichael  
Sheila Stewart  
Norm Pereira  
Councillor Kwapis

Members Absent: Allan Cockburn

Staff Present: S. Granat, Legislative Coordinator  
D. Lowes, Business Development Specialist

The meeting was called to order at 8:30 AM.  
Tom Hemen in the Chair

#### 1. Notice

Tom Hemen advised that members of the public were encouraged to attend an Advisory Committee or Board Meeting by viewing the live stream available at [newmarket.ca/meetings](http://newmarket.ca/meetings), or attending in person at the Council Chambers at 395 Mulock Drive.

**2. Additions and Corrections to the Agenda**

None.

**3. Conflict of Interest Declarations**

None.

**4. Presentations & Recognitions**

None.

**5. Deputations**

**5.1 7th Annual Thanksgiving Dinner**

Jennifer Mclachlan provided a deputation regarding the 7th Annual Thanksgiving Dinner including an overview of the event, donations, and a request for collaboration and funding.

Members of the Board queried the presenter regarding event promotion and the cost of turkeys.

Members of the Board discussed funding and promotion of the event, deadline for donations, and a discussion at a future meeting.

Moved by: Ken Sparks

Seconded by: Sheila Stewart

1. That the deputation provided by Jennifer Mclachlan regarding 7th Annual Thanksgiving Dinner be received.

**Carried**

**6. Approval of Minutes**

**6.1 Main Street District Business Improvement Area Board of Management Meeting Minutes of August 7, 2024**

Moved by: Councillor Kwapis

Seconded by: Avi Wulfand

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of August 7, 2024 be approved.

**Carried**

## **7. Items**

### **7.1 Central Counties Tourism Update**

Sara Sterling, Central Counties Tourism provided a verbal update regarding Central Counties Tourism including an overview of the organization, tourism recipients, areas of support, marketing, and partnership funding.

Members of the Board queried regarding the number of visits to the events calendar, applications for funding, communicating applications for funding and deadlines, and municipal partnership funding eligibility.

Moved by: Sheila Stewart

Seconded by: Avi Wulfand

1. That the verbal update provided by Sara Sterling, Industry Relations Manager, Central Counties Tourism regarding Central Counties Tourism Update be received.

**Carried**

### **7.2 Sub-Committee Reports**

#### **7.2.1 Marketing**

Tom Hempen provided the Marketing update regarding scheduling a future meeting.

#### **7.2.2 Working Group**

None.

#### **7.2.3 Events**

Ken Sparks provided a verbal update regarding Fall events including past events.

The Business Development Specialist provided an update on planned Town Fall events.

Moved by: Ken Sparks

Seconded by: Sheila Stewart

1. That the Main Street District Business Improvement area authorize spending up to \$2,000 for Fall events.

**Carried**

### **7.3 Parking Update**

The Business Development Specialist provided a Parking Update regarding the Parking Monitor Pilot Program including event partners, an overview of the pilot program, study area, and cameras.

Members of the Board queried staff regarding providing a frequently asked questions and information sheet, privacy protections, collection of data, anonymity, update on second storey of parking structure, timeline for works on the parking structure, sample video of how the cameras work, data use, a forthcoming parking report to Council, and improvements and lighting improvements between Main Street South and the P3 parking lot.

Members of the Board discussed the importance of parking.

### **7.4 Financial Update**

Dominic Pede provided a verbal Financial Update including spending to date.

### **7.5 Staff Update**

None.

#### **7.5.1 Financial Incentive Program Staff Working Group Update**

None.

## **8. New Business**

### **8.1 Incoming Board Member**

Norm Pereira queried staff regarding the status of Mike D'angela's appointment to the Main Street District Business Improvement Area Board of Management.

### **8.2 7th Annual Thanksgiving Dinner**

Councillor Kwapis provided an update regarding the 7th Annual Thanksgiving Dinner including covering the remainder of the cost through the Business Improvement Area, and a potential motion.

Members of the Board discussed setting a budgetary limit for this type of requests at a future agenda.

**8.3 New'bark'et**

Ken Sparks provided an update regarding New'bark'et including a reminder of the upcoming event.

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

None.

**10. Adjournment**

Moved by: Avi Wulfand

Seconded by: Sheila Stewart

- 1. That the meeting be adjourned at 9:33 AM.

**Carried**

\_\_\_\_\_  
Tom Hempen, Chair

\_\_\_\_\_  
Date