
OPEN FORUM 6:45 P.M.

PUBLIC NOTICE

ADDITIONS TO THE AGENDA

Please note there may be further items added to this agenda – contact the Legislative Services Department at (905) 895-5193 for the most up-to-date listing.

DECLARATIONS OF INTEREST

PRESENTATIONS

1. Mayor and Members of Council to recognize Mr. Caleb MacDonald for his heroic rescue of a man from his burning vehicle.
2. Ms. Farrah Bacchus, Chair and Mr. Evert Akkerman, Vice-Chair of Newmarket's Inclusivity Advisory Committee to address Council with respect to the Statement of Newmarket Ideals.

DEPUTATIONS

1. Mr. Tim Jones, on behalf of Neighbourhood Network, to address Council with respect to National Volunteer Week and correspondence from Mr. Steve Hinder, Manager, Neighbourhood Network regarding a request for proclamation.

Recommendations:

THAT the deputation by Mr. Tim Jones, on behalf of Neighbourhood Network, with respect to National Volunteer Week and the correspondence from Mr. Steve Hinder dated March 7, 2013 regarding a request to proclaim April 21 – 27, 2013 as “National Volunteer Week” be received and the following recommendations be adopted:

1. **THAT the Town of Newmarket proclaim April 21 – 27, 2013 as “National Volunteer Week”;**
2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

ANNOUNCEMENTS – COMMUNITY EVENTS

APPROVAL OF MINUTES

1. Council Minutes of March 26, 2013.

CORRESPONDENCE

1. Correspondence dated April 4, 2013 from Ms. Noreen Lee, Chairperson, The York Centre for Children, Youth & Families requesting that May 5 – 11, 2013 be proclaimed “Children’s Mental Health Week” in the Town of Newmarket.

Recommendations:

THAT the correspondence dated April 4, 2013 from Ms. Noreen Lee, Chairperson, The York Centre for Children, Youth & Families be received and the following recommendations be adopted:

1. **THAT the Town of Newmarket proclaim May 5 – 11, 2013 as “Children’s Mental Health Week”;**
2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

REPORTS BY REGIONAL REPRESENTATIVES

REPORTS OF COMMITTEES AND STAFF

1. Committee of the Whole Minutes of April 8, 2013.
2. Committee of the Whole (Closed Session) Minutes of April 8, 2013.

RESOLUTIONS

BY-LAWS

- 2013-13 A BY-LAW FOR THE REGISTRATION OF ACCESSORY DWELLING UNITS.
(Committee of the Whole of April 8, 2013 – Item 18)
- 2013-14 A BY-LAW TO REGULATE THE USE AND ENJOYMENT OF MUNICIPAL PARKS IN THE TOWN OF NEWMARKET.
(Committee of the Whole of April 8, 2013 – Item 10)

NOTICE OF MOTION

UNFINISHED BUSINESS

NEW BUSINESS

CONFIRMATORY BY-LAW

2013-15 A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING
HELD ON APRIL 15, 2013.

ADJOURNMENT



TOWN OF NEWMARKET
 Legislative Services Department
 395 Mulock Drive www.newmarket.ca
 P.O. Box 328 clerks@newmarket.ca
 Newmarket, ON L3Y 4X7 905.895.5193

Request for Deputation

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

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

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

PLEASE PRINT

COUNCIL/COMMITTEE DATE: April 15, 2013

AGENDA ITEM NO. _____ SUBJECT: PRESENTATION

NAME: FARRAH BACCHUS & EVERT AKKERMAN

ADDRESS: _____
Street Address

Town/City Postal Code

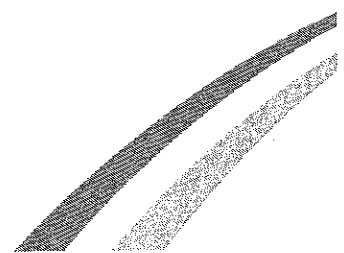
PHONE: HOME: _____ BUSINESS: _____

FAX NO.: _____ E-MAIL ADDRESS: _____

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

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION
TO ADDRESS COUNCIL WITH STATEMENT OF
NEWMARKET IDEALS

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





TOWN OF NEWMARKET
 Legislative Services Department
 395 Mulock Drive www.newmarket.ca
 P.O. Box 328 clerks@newmarket.ca
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For Council – by 12 noon on the Wednesday immediately prior to the requested meeting.

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

PLEASE PRINT

COUNCIL/COMMITTEE DATE: April 15, 2013

AGENDA ITEM NO. _____ SUBJECT: _____

NAME: Tim Jones

ADDRESS: 14988 Yonge Street
Street Address

Aurora ON L4G 1M6
Town/City Postal Code

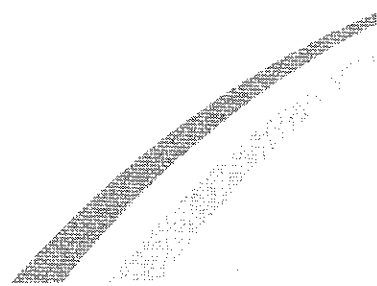
PHONE: HOME: 703 BUSINESS: 905-726-3737

FAX NO.: _____ E-MAIL ADDRESS: t.jones1@rogers.com

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

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION
Volunteer Week presentation
Proclamation attached. - AT MAYORS OFFICE

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





NeighbourhoodNetwork

A Magna for Community Initiative

March 7, 2013

MAYOR'S OFFICE		
INCOMING MAIL	REFERRED TO	COPIED TO
COUNCIL		
CAO		
MAR 12 2013		
COMMISSIONER		
DEPARTMENT		
CLERKS	✓	
CONCERNS		

Mayor Tony Van Bynen and Members of Council
Town of Newmarket
Box 328
395 Mulock Drive
Newmarket, ON L3Y 4X7

Dear Mayor Van Bynen and Members of Council:

Sunday, April 21st, 2013 is the start of National Volunteer Week across Canada. This week is about recognizing and thanking one of our greatest resources and most valuable assets, our volunteers!

At Neighbourhood Network, we are planning a series of events throughout the week that will help celebrate volunteerism and honour those who have made volunteering part of their lives.

I have attached a proclamation and am requesting the endorsement of Newmarket Council. We will be posting this proclamation publicly during National Volunteer Week as we put the spotlight on those in our community who give back to help make Newmarket the great place that it is.

Our signature event during Volunteer Week is our Tree Planting Day on April 27th. I hope you can promote this event through town communication channels. I also invite all of you to attend a Volunteer Week Open House at the Neighbourhood Network office, on Monday, April 22 from 4:00 – 7:00 p.m.

I look forward to working with the Town of Newmarket as together, we say thanks to those who give tirelessly of their time.

Please contact me for any further information.

Sincerely,

Steve Hinder
Manager



www.neighbourhoodnetwork.org
Building Better Communities Together

t (905) 726-3737 f (905) 726-9779 14988 Yonge Street, Aurora, ON L4G 1M6



NeighbourhoodNetwork
Building Better Communities Together

Volunteers. From Compassion to Action

WHEREAS, the Newmarket community can affect positive change with any volunteer action no matter how big or small; and

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations like Neighbourhood Network; and

WHEREAS, millions of volunteers working in their communities across Canada utilize their time and talent daily to make a real difference in the lives of children, adults and the elderly; and

WHEREAS, during this week, all over the country, service projects will be performed and volunteers recognized for their commitment to service

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, experience teaches us that government by itself cannot solve all of our countries social problems; and

WHEREAS, volunteers are vital to our future as a caring and productive community;

NOW, THEREFORE, I, **Mayor Tony Van Bynen** do hereby proclaim

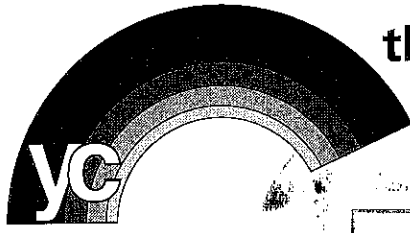
April 21 - 27, 2013 as

National Volunteer Week

in the **Town of Newmarket**, and urge my fellow citizens to volunteer in their communities. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

Signed this _____ day of _____, 2013

Mayor Tony Van Bynen



the york centre for children, youth & families

Phone: (905) 887-5896 Fax: (905) 887-0584 Email: info@theyorkcentre.ca

11225 Leslie Street, Richmond Hill, Ontario L4S 1N5

www.theyorkcentre.ca

April 4, 2013

Mayor Tony Van Bynen
Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

INCOMING MAIL

APR 09 2013

MAYOR'S OFFICE		
INCOMING MAIL	REFERRED TO	COPIED TO
COUNCIL		
CAO		
APR 09 2013		
COMMISSIONER		
DEPARTMENT		
CLERKS	✓	
CONCERNS		

Dear Mayor Van Bynen,

On behalf of the 3 children's mental health agencies which provide services in York Region (Blue Hills Child & Family Centre, Kinark Child & Family Services and The York Centre for Children, Youth & Families), I am writing to request that you proclaim May 5-11, 2013 as "Children's Mental Health Week" in the Town of Newmarket.

One in 5 children experiences mental health problems. Treatment is effective, however, frequently these problems are not diagnosed or treated and they may become more serious. Through a variety of activities which are scheduled for Children's Mental Health Week, we are striving to achieve the following four goals:

- Promoting/maintaining good mental health.
- Increasing public awareness of children's mental health issues and dispelling the associated stigma.
- Encouraging parents to seek help.
- Providing contact information for children's mental health services in York Region.

We ask that you support us in our quest for optimal mental health for all children by making a proclamation and including the following contact information:

- Blue Hills Child & Family Centre: 905-773-4323 or gendeliv@bluehillschildandfamily.ca
- Kinark Child & Family Services: info@kinark.on.ca
- The York Centre for Children, Youth & Families: 905-887-5896 or info@theyorkcentre.ca

"Healthy Minds, Healthy Kids, Healthy Communities"

If you require additional information, please contact me at 905-851-1672.

Yours truly,

Noreen Lee

Noreen Lee, Chairperson
The York Centre for Children, Youth & Families





CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-13

A BY-LAW FOR THE REGISTRATION OF ACCESSORY DWELLING UNITS.

WHEREAS section 8 and 11 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that municipalities may pass by-laws respecting matters including but not limited to, the health, safety and well-being of persons; the economic, social and environmental well-being of the municipality; and the protection of persons and property;

AND WHEREAS the Council of the Corporation of the Town of Newmarket deems it necessary to pass a by-law requiring the registration of accessory dwelling units;

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

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

1. DEFINITIONS:

- (a) "Appeals Committee" means a Committee comprised of no less than three persons that have been appointed from time to time by Council for the purpose of hearing appeals regarding revocations pursuant to this by-law.
- (b) "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, sleeping facilities 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.
- (c) "Inspector" means a Building Inspector, a By-law Enforcement Officer or a Fire Prevention Inspector appointed by the Corporation.
- (d) "material change" means any change or alteration to the unit that would require a building permit under the Ontario Building Code.
- (e) "Owner" means the registered owner of the property or a person authorized, in writing, to act as agent for the registered owner.
- (f) "Registrar" means the Clerk of the Corporation of the Town of Newmarket.
- (g) "two unit house" means a detached house or a semi-detached house which contains two dwelling units.

2. PROHIBITION:

No person shall operate or permit the occupancy of more than one residential dwelling unit in a two-unit house unless the two-unit house is registered as required by this by-law.

3. REGISTRATION:

- (a) Every person who operates or permits the occupancy of more than one residential dwelling unit in a two-unit house shall register the two-unit house with the Registrar as required by this by-law. Once it has been registered, the two-unit house shall remain registered unless the registration is revoked.

- (b) Upon registration of a two-unit house, the Town shall provide the Owner with an "N" plate to indicate that the house is a two-unit house registered in accordance with this by-law, and the Owner shall display the "N" plate on the exterior of the two-unit house in the same manner as the numerals forming the municipal address.
- (c) All two-unit houses lawfully constructed and registered under By-law 2003-127 as of the date of the enactment of this by-law shall be provided by the Town with an "N" plate to indicate that the house is a two-unit house registered in accordance with this by-law, and the Owner shall display the "N" plate on the exterior of the two-unit house in the same manner as the numerals forming the municipal address.
- (d) Upon registration of the two-unit house, the Town shall assign a municipal address to indicate that the house is a two-unit house registered in accordance with this by-law, and the owner shall display the municipal address provided by the Town on the exterior of the house in the same manner as the numerals forming the existing municipal address.
- (e) All two-unit houses lawfully constructed and registered under By-law 2003-127 as of the date of the enactment of this by-law shall be provided by the Town with a municipal address to indicate that the house is a two-unit house registered in accordance with this by-law, and the Owner shall display the municipal address on the exterior of the two-unit house in the same manner as the numerals forming the existing municipal address.
- (f) Requirements of registration:
 - (i) Each dwelling unit in a two-unit house shall be inspected by an Inspector to ensure that it complies with all relevant standards set out in (a) the Ontario Building Code, (b) the Ontario Fire Code, (c) the Town's Zoning By-law 2010-40, as amended, (d) the Town's Property Standards By-law 1999-34, as amended and, (e) the Ontario Electrical Code. In the event a dwelling unit has previously been inspected, only material changes completed after the initial inspection will be inspected.
 - (ii) Notwithstanding 3(f)(i), inspections by an Inspector for purposes of compliance with the Ontario Fire Code shall only be required for dwelling units in a two-unit house constructed prior to November 16, 1995.
 - (iii) The Registrar must be satisfied that, in the 12 months prior to the application for registration, there have been no outstanding orders, notices, charges or convictions under Property Standards By-law 1999-34, as amended, Zoning By-law 2010-40, as amended, Garbage By-law 2007-77, as amended, or Noise By-law 2004-94, as amended, against the registered owner of the two-unit house or against the property where the two-unit house is located. Notwithstanding this provision, the Registrar may register any two unit house upon the applicant demonstrating that any order, notice, charge or convictions under Property Standards By-law 1999-34, Zoning By-law 2010-40, Garbage By-law 2007-77 or Noise By-law 2004-94, as amended, has been complied with. In all such cases, the applicant must meet all other requirements for registration as set out in this by-law.
 - (iv) The Registrar may not register a two-unit house if the registered owner of the two-unit house is convicted of three violations of any of the following: Property Standards By-law 1999-34, as amended, Zoning By-law 2010-40, as amended, Garbage By-law 2007-77, as amended, or Noise By-law 2004-94, as amended, over a period of five consecutive years.
 - (v) The Owner shall pay a non-refundable registration fee, as set out in the Town's Fees and Charges By-law, as amended.

- (vi) The Owner shall submit a completed application form provided by the Town.

4. REFUSAL AND REVOCATION:

- (a) The Registrar may refuse to register any two-unit house that does not meet the requirements set out in this by-law.
- (b) The onus of proving that each dwelling unit in a two-unit house meets the requirements set out in this by-law is on the Owner of the two-unit house.
- (c) The Registrar may revoke the registration of any two-unit house at any time after registration, where registration was granted on the basis of mistake or on the basis of false or misleading information. In the event that an owner of the registered unit is convicted of three violations of any of the following: Property Standards By-law 1999-34, as amended, Zoning By-law 2010-40, as amended, Garbage By-law 2007-77, as amended, or Noise By-law 2004-94, as amended, over a period of five consecutive years, the Registrar may revoke the registration.

5. NOTICE OF INTENT TO REVOKE REGISTRATION DUE TO NON-COMPLIANCE:

- (a) The registrar shall give notice of intent to revoke the registration of a two-unit house where the registration was granted on the basis of mistake or on the basis of false or misleading information and where the owner of the registered unit is convicted of three violations against either the Property Standards By-law 1999-34, as amended, Zoning By-law 2010-40, as amended, Garbage By-law 2007-77, as amended, or Noise By-law 2004-94, as amended, over a period of five consecutive years as outlined in this by-law.
- (b) Such notice shall provide a brief written explanation of the reason for the intent to revoke registration.
- (c) Such notice shall be served personally on the Owner of the two-unit house or by registered mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- (d) Upon receipt of the notice of intent to revoke registration the owner shall have a period of no more than sixty (60) days to submit true and/or corrected information to comply with the requirements of the registration as outlined in this by-law.

6. NOTIFICATION OF REVOCATION:

- (a) Where the Registrar revokes the registration of a residential two-unit house, he/she shall notify the Owner of the two-unit house of such revocation, and provide a brief written explanation of the reason for the revocation.
- (b) Such notice shall be served personally on the Owner of the two-unit house or by registered mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- (c) The notice shall inform the Owner that he/she is entitled to a hearing before the Appeals Committee, if he/she delivers, within five (5) days after the date of service of the written notice, a written request for a hearing before the Appeals Committee.
- (d) A copy of such notice shall be sent by registered mail to each occupant of the two-unit house at the address of the two-unit house.

7. HEARING:

- (a) On receipt of a written request for a hearing from an Owner, the Appeals Committee shall convene a meeting and shall give the Owner ten days written notice thereof.
- (b) The Owner shall have the right to make submissions in support of his/her registration or retention of his/her registration at such hearing and when the Owner who has been given written notice of the hearing, does not attend at the proper time and place, the Appeals Committee may proceed with the hearing in his/her absence and the Owner shall not be entitled to any further notice of the proceedings. Furthermore, the Owner shall not be entitled to a further hearing on the matter and the decision of the Appeals Committee shall be final.

8. REGISTRAR:

- (a) The Clerk is appointed as Registrar for the purposes of this by-law and has the responsibility of maintaining a register of two-unit houses.
- (b) The Registrar may designate such persons as are necessary to administer this by-law.

9. INSPECTIONS AND POWER OF ENTRY:

- (a) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
- (b) An Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (i) this By-law;
 - (ii) a condition of a Site Alteration Permit issued under this By-law;
 - (iii) an order of the Town made under this By-law; or
 - (iv) an order made under s. 431 of the *Municipal Act, 2001*, as amended.
- (c) For the purposes of conducting an inspection pursuant to s. 9 of this By-law, an Inspector may, in accordance with the provisions in s. 436 of the *Municipal Act, 2001*, as amended:
 - (i) require the production for inspection of documents or things relevant to the inspection;
 - (ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (iii) require information from any person concerning a matter related to the inspection; and
 - (iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (d) An Inspector may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*.
- (e) The Town's power of entry may be exercised by: (a) an employee, officer or agent of the Town (b) a member of a police force having jurisdiction, or (c) any person acting under the direction of a member of a police force having jurisdiction.

10. ORDER TO DISCONTINUE:

- (a) Where an Inspector is satisfied that a contravention of this By-law has occurred, the Inspector may make an order requiring the person who contravened this By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
- (b) An order to discontinue shall set out:
 - (i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (ii) the date by which there must be compliance with the order.
- (c) Any person who contravenes an order to discontinue is guilty of an offence.
- (d) The order shall be served personally on the Owner of the two-unit house or by registered mail to the Owner of the two-unit house at the address of the two-unit house and/or the address supplied on the application for registration, in which case it shall be deemed to have been given on the 5th day after it is mailed.

11. OFFENCE:

- (a) Every person who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*.
- (b) If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be designated as a continuing offence for each day or part of a day that the contravention remains uncorrected.
- (c) If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day or part of a day that the order is not complied with.
- (d) For purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is designated as a multiple offence.
- (e) For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.

12. PENALTY:

- (a) Every person who is guilty of an offence under this By-law on conviction is liable to the following penalties:
 - (i) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - (ii) Upon a second or any subsequent conviction, the minimum fine shall be \$500.00 and the maximum fine shall be \$100,000.00.
 - (iii) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;

- (iv) Upon conviction for a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

13. EXCEPTION:

- (a) All two-unit houses lawfully constructed and registered under Town of Newmarket By-law 2003-127 as of the date of the enactment of this by-law shall not be required to re-register said two-unit houses as required by this by-law;

14. AND THAT if any provision of this By-law is declared invalid, void or unenforceable by a Court of competent jurisdiction, the invalidity shall not affect other provisions or application of this By-law which can be given effect without the invalid provision and to this end, the provisions of this By-law are severable;

15. AND THAT By-laws 2003-127, 2003-106, 2004-5, 2007-37, and 2007-63 are hereby repealed.

ENACTED THIS 15TH DAY OF APRIL 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-14

A BY-LAW TO REGULATE THE USE AND ENJOYMENT OF MUNICIPAL PARKS IN THE TOWN OF NEWMARKET.

WHEREAS section 9 to 11 of the *Municipal Act, 2001*, c.25, as amended (the "*Municipal Act*") confer the power to a municipality to pass by-laws regulating and prohibiting with respect to culture, parks, recreation and heritage;

AND WHEREAS section 9 to 11 of the *Municipal Act* confer the power to a municipality to pass-by-laws regulating and prohibiting with respect to parking on municipal parking lots and structures;

AND WHEREAS section 8 (3) of the *Municipal Act* confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

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

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

1.0 DEFINITIONS:

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

"ACT" means the *Highway Traffic Act*, R.S.O. 1990, c. H.8., as amended

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

"BICYCLE" – Includes a bicycle, tricycle, power assisted bicycle, or other similar vehicle.

"COUNCIL" – The elected municipal officials of the Town of Newmarket.

"DESIGNATED AREA" - An area defined or constructed for a specific use that may include posted conditions.

"DIRECTOR" – means the Director, Recreation and Culture or Director, Public Works Services, of the Town of Newmarket and his/her designate;

"MOTOR VEHICLE" – includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

"MOTORIZED RECREATIONAL VEHICLE" - A snowmobile, go cart, trail bike, mini bike, all – terrain vehicle, or similar vehicle, whatever the mode of power, but does not include a scooter.

"ORGANIZED SPORT OR ACTIVITY" - A sport, game or activity pre-planned by a group or organization whether or not it is formally constituted or uniforms are worn by the players.

"OFFICER" – a Police Officer as defined under the *Police Services Act*, R.S.O. 1990, c. P15, as amended, an individual appointed by the Town as a Municipal Law Enforcement Officer pursuant to section 15 of the *Police Services Act*, as amended, or any other individual designated by the Town to enforce this By-law;

"PARK" – Land owned by or made available by lease, agreement, or otherwise to the Town excluding property leased to a third party by the Town, that is or may be established, dedicated, set apart or made available for use as public space, accessory to the use of the public space as a park including any and all buildings, structures, facilities, trails, and improvements located in or on the land.

"PARKING LOT" – An open area of land owned by the town within a park, other than a street, used for the temporary parking of 5 or more motor vehicles and available for public use.

"PERMIT" – Any written authorization of Council or a Town Department issued to a person under delegated authority.

"PERSON" – means an individual, partnership, association, firm, or corporation and in the case of a minor, includes the person having custody of the minor.

"PERSON WITH A DISABILITY" – includes a person with any of the following:

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b) a condition of mental impairment or a developmental disability,
- c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d) a mental disorder, or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

"PERSONALLY POWERED DEVICE" – Skateboards, longboards, roller blades, inline skates, scooters, or similar apparatus and includes a bicycle.

"PICNIC" – Social gatherings of between 26 and 200 people.

"POSTED AREA" – means an area where signs are erected by the Town.

"POWER ASSISTED BICYCLE" - "power-assisted bicycle" means a bicycle that,

- a) is a power-assisted bicycle as defined in subsection 2 (1) of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada),
- b) bears a label affixed by the manufacturer in compliance with the definition referred to in clause (a),
- c) has affixed to it pedals that are operable,
- d) is capable of being propelled solely by muscular power and
- e) is similar in design as per Schedule A, and
- f) is not a " Motor Scooter" style power assisted vehicle which are not permitted to be used on a Town trail or in a Town park.

"SPECIAL EVENT" – A picnic, walkathon, fundraiser or gathering of over 200 persons or any event that requires staff support, specific permissions or the provisions of materials or equipment such as, but not limited to, the use of sound amplification, acceptance of donations, installation of tents, vehicle, access, electrical access or request to borrow equipment, beyond that typically provided at the subject location.

"TREES" – means any species of woody perennial plant including its root system.

"TOWN" – means the Corporation of the Town of Newmarket.

"VEHICLE" – Includes a motor vehicle, and any bicycle, scooter, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes a baby carriage or cart, child's wagon, child's stroller, child's sleigh, wheelchair or similar device (powered or otherwise) used by an individual due to a disability, or other similar conveyance.

"WILDLIFE" – Includes any coyote, fox, raccoon, bird, waterfowl, fish, goose or other animal.

2.0 CONDUCT:

2.1 RESTRICTED AREAS

While in a park, no person shall enter into areas posted to prohibit or restrict admission of the public.

2.2 GENERAL CONDUCT

2.2.1 While in a park, no person shall:

- a) indulge in any violent, threatening, or illegal conduct or use profane or abusive language;
- b) cast, throw or in any way propel any object in a manner that may or does endanger or cause injury or damage to a person or property;
- c) create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons;
- d) create a nuisance or in any way interfere with the use and enjoyment of the park by other persons;
- e) remove, disturb, relocate, damage or destroy protective fencing, lifesaving equipment, barriers and warning signage put in place for protection of the public or
- f) release any balloons filled with lighter-than-air gases.

2.3 FIREARMS AND OFFENSIVE WEAPONS

While in a park, no person shall be in possession of or use a firearm, air gun, cross bow, bow and arrow, axe, paint guns, or offensive weapon of any kind unless authorized by permit.

2.4 FIREWORKS

- #### **2.4.1**
- While in a park, no person shall ignite, discharge, or set off firecrackers, rockets or other fireworks unless in accordance with the Fireworks By-law or any successor by-law.

2.5 INJURY AND DAMAGE

2.5.1 While in a park no person shall:

- a) climb a building, structure or equipment, unless it is equipment designed for climbing;
- b) break, injure, deface, move or remove the whole or any part of a flower, plant material, fungus, tree or other vegetation;
- c) break, injure, deface, move or remove the whole or any part of building, structure, equipment or other property of the Town;
- d) climb, move or remove the whole or any part of a tree, rock, boulder, rock face or remove soil, sand or wood; unless authorized by permit,
- e) disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area posted to that effect;
- f) drive, park, walk in an area posted to prohibit the activity; or
- g) place, throw, cast or otherwise deposit snow, unless authorized by permit.

2.6 ENCROACHMENT

Unless authorized by permit, no person shall encroach upon or take possession of a park by any means whatsoever, including the construction, installation, or maintenance of a fence or structure, the dumping or storage of materials or plantings, or planting, cultivating, grooming or landscaping.

2.7 ALCOHOL

While in a park, no person shall consume, serve or sell alcoholic beverages unless in a designated area, authorized by permit, and with the approval of the Liquor Licence Board of Ontario.

2.8 SMOKING

2.8.1 While in a park, no person shall smoke tobacco or hold lighted tobacco:

- a) Anywhere within the boundaries of the property designated by the Town as Sunnyhill Park.
- b) Within a 10 metre radius surrounding the edge of all municipal sports surfaces, play structures\areas or other outdoor youth related pilot project sites.
- c) Within a 10 metre radius surrounding an entrance/exit to a facility except where otherwise posted.

2.9 TREES

2.9.1 While in a park, no person shall:

- a) Remove, cut down, destroy or injure a tree or part of a tree located on municipal property;
- b) Mark, cut, break, peel, deface or bury the roots of a tree or any part of a tree located on municipal property; or
- c) Attach in any manner any object or thing (including but not limited to decorative lights) to a tree or part of a tree located on municipal property except with prior written approval of the Town.

3.0 PARKS USE:

3.1 ACCESS

- a) unless authorized by permit, no person shall access or occupy a park for non-recreational uses.
- b) unless authorized by permit, no person shall use, enter or gather in a park between the hours of 11:00 p.m. and 5:00 a.m.

3.2 CAMPFIRES AND BARBEQUES

3.2.1 While in a park, no person shall:

- a) light, build or stoke an open fire or bonfire unless authorized by permit in accordance with By-law 2009-64 (A By-law to Regulate Outdoor Burning) as amended;
- b) use any portable barbeques unless authorized by permit or where posted to allow the use;
- c) use fuel other than charcoal or briquettes in permanently affixed barbeques; or
- d) leave a barbeque or campfire without extinguishing the fire and ensuring that the embers are cold.

3.3 ORGANIZED ACTIVITIES, SPECIAL EVENTS, FESTIVALS, AND PICNICS

3.3.1 While in a park, no person shall:

- a) unless authorized by permit, hold a picnic, organized activity or special event for more than 25 people;
- b) interfere with a picnic, organized gathering or special event authorized by permit; or
- c) move park furniture from an area to another area to accommodate their picnic, organized activity or special event.

3.4 AMPLIFIERS AND LOUD SPEAKERS

Unless authorized by permit, no person shall operate loud speakers or amplifying equipment from any source in a park.

3.5 CAMPING AND LODGING

Unless authorized by permit, no person shall dwell, camp or lodge in a park.

3.6 TENTS AND STRUCTURES

Unless authorized by permit, no person shall place, install, attach or erect a temporary or permanent tent, structure or shelter at, in or to a park.

3.7 BATHING, SWIMMING, AND SUN BATHING

3.7.1 While in a park, no person shall:

- a) enter a public swimming pool except at times designated for swimming;
- b) In or adjacent to a swimming pool, fail to comply with posted signs or obey the instructions of any lifeguard or other authorized person; or
- c) swim, bathe or wade in a pond, lake or stream.

3.8 USE OF WASHROOMS AND CHANGE ROOMS

In a park, no person over the age of 7 shall enter any portion of any washroom, bathhouse, change room or recreation facility set apart for the opposite sex.

4.0 GAMES, SPORTS, AND ORGANIZED ACTIVITIES:

4.1 ORGANIZED SPORTS OR ACTIVITIES

4.1.1 While in a park, no person shall:

- a) arrange or engage in an organized sport or activity, unless authorized by permit;
- b) interfere with an organized sport or activity authorized by permit; or
- c) utilize a designated area without a permit where it is posted to prohibit or restrict such use.

4.2 GOLF

While in a park, no person shall play or practice golf or strike a golf ball.

4.3 MODEL AIRCRAFT AND ROCKETS

While in a park, no person shall operate powered models of aircraft, rockets, or vehicles unless authorized by permit.

4.4 GLIDERS AND HOT AIR BALLOONS

Unless authorized by permit, no person shall tether, launch, or land a hot air balloon, hang glider, ultra-light aircraft, or similar conveyance in a park.

4.5 SKATING

4.5.1 No person shall access or skate on a natural ice surface or artificial ice surface in a park unless posted to allow such activities and only under the posted conditions:

4.5.2 On a natural ice surface posted and designated for skating, or an artificial ice surface located in a park, no person shall:

- a) Use speed skates unless authorized by permit or in a posted area in accordance with posted conditions;
- b) Skate or act in a manner as to interfere with or endanger any other person using the surface;
- c) Use a stick of any kind except with posted conditions; or
- d) Disregard the instructions or information provided by designated ice patrolers or maintenance staff.

4.6 SKIING, TOBOGGANING AND SLEDDING

4.6.1 While in a park, no person shall:

- a) ski, toboggan, snowboard, skibob or sled unless posted to allow such activities; or
- b) fasten or attach a ski, toboggan, snowboard, skibob or sled to any vehicle, motorized vehicle or motorized recreational vehicle for the purposes of being towed, dragged or otherwise pulled.

4.7 ROLLERBLADES, SKATEBOARDS AND LONGBOARDS

4.7.1 While in a park no person shall:

- a) Operate or utilize skateboards or longboards on the trail in a posted area;
or
- b) obstruct, inconvenience or endanger others using the park while operating or utilizing rollerblades, skateboards, longboards or similar conveyances.

4.8 TENNIS

No person shall enter, walk, or play upon a designated area for tennis in a park, except in accordance with the posted rules and regulations.

4.9 KITES

4.9.1 While in a park, no person shall:

- a) Fly a kite with a line that is metallic or contains wire;
- b) Fly a kite within 25 metres of any tree, building, light pole or hydro or other utility pole;
- c) Fly a kite in parking lots, roadways or pathways; or
- d) Leave any part of the kite, including the string or other type of tethering material that could cause damage to any person, property or wildlife, in the park.

5.0 VEHICLES:

5.1 BICYCLES

5.1.1 While in a park, no person shall:

- a) ride or operate a bicycle where signage is posted to prohibit bicycle riding;
- b) obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle;
- c) construct or assemble any ramps, jumps, pathways or obstacle courses; or
- d) ride or operate a bicycle in a manner which results in damage to trails, parks, vegetation, trees, fauna or other natural features.

5.2 MOTORIZED RECREATIONAL VEHICLES

No person shall ride, drive, park or be in possession or control of a motorized recreational vehicle in a park except in a designated area.

5.3 TRUCKS AND COMMERCIAL VEHICLES

5.3.1 Unless authorized by permit, no person shall drive, operate, pull or ride in a park:

- a) Heavy machinery or equipment of any description and whatever the mode of power;
- b) A truck, trailer or bus whatsoever except a vehicle that is:
 - i) being used for the purpose of making a delivery to a point within the limits of the park while it is proceeding to or from the point of delivery; or
 - ii) operated for personal, recreational, or non-commercial use.

6.0 ANIMALS:

6.1 HORSES

Unless authorized by permit, no person as owner or person having control of a horse shall permit it to enter or remain in a park.

6.2 DOGS

6.2.1 While in a park, no person as owner or person having control of a dog shall:

- a) allow the dog to run at large; excluding a working dog providing a service to the Town;
- b) install or construct any type of dog control fence or barrier;
- c) use a stun gun to harm or control the dog; or
- d) leave a dog unattended.

6.2.2 While in a park, every person having control of a dog shall:

- a) ensure that the dog is on a leash or chain;
- b) pick up and immediately remove excrement left by the dog and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container, excluding persons with a disability;
- c) keep the dog in sight and under care and control at all times; and
- d) repair any holes made by the dog

6.3 PROTECTION OF WILDLIFE

6.3.1 While in a park, no person shall:

- a) touch, injure, interfere with or remove wildlife without a permit;
- b) touch, injure or remove a habitat, nest or egg without a permit;
- c) feed or attempt to feed or deposit food for consumption by wildlife; or
- d) release into a park pets, animals or domesticated species.

6.4 FISHING

6.4.1 While in a park, no person shall:

- a) fish in an area posted to prohibit fishing;
- b) store or leave any lures, bait, hooks, lines, poles or other equipment in the park in a location or manner that may injure other persons or wildlife.

6.4.2 All permitted fishing must be carried out in compliance with all Ministry of Natural Resources Rules and Regulations.

7.0 COMMERCIAL ENTERPRISES

7.1 SALE OF MERCHANDISE, TRADE OR BUSINESS

7.1.1 Unless authorized by permit, while in a park, no person shall sell or offer or display for sale:

- a) any food, drink or refreshment;
- b) any goods, wares, merchandise or articles, including promotional material, souvenirs and novelties;
- c) any art, skill, service or work.

7.1.2 While in a park no person shall practice, carry on, conduct or solicit for a trade, occupation, business or profession.

7.2 FILMING AND VIDEOTAPING

While in a park, no person shall take or permit to be taken for remuneration any film, photograph, videotape or television broadcast unless authorized by permit.

SECTION 8 REGULATIONS AND ENFORCEMENT:

8.1 PERMITS AND LICENCES

8.1.1 Permits for activities contemplated in this by-law may be obtained by contacting the Recreation and Culture Department.

8.1.2 Permits issued for activities contemplated in this by-law may be subject to fees established by Council in the fees and charges by-law as amended.

8.1.3 permits issued for activities contemplated in this chapter may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage;

8.1.4 the issuance of a permit under this by-law does not relieve a person from the necessity of acquiring any other licence or permit required for the activity by any governmental or public authority;

8.1.5 no permit contemplated by this by-law shall be issued if it would result in the contravention of other applicable law.

8.2 POSTING OF SIGNAGE

8.2.1 Town staff may post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in a park in accordance with the provisions of this by-law.

8.3 TEMPORARY CLOSURE

8.3.1 Town staff may close off for such temporary period as the Town deems appropriate a park or any part of it to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by Council.

8.4 EXCLUSIONS AND EXEMPTIONS

8.4.1 **This by-law does not apply to:**

- a) personnel of Emergency Medical Services, York Regional Police or Central York Fire Services or the Town while engaged in the performance of their duties; or
- b) employees or agents of the Town while responding to an emergency situation occurring while engaging in works or services undertaken for or on behalf of the Town, or as authorized by Council or senior staff.

8.5 ENFORCEMENT

- 8.5.1 Any provincial offences officer or employee of the Town designated by Council is authorized to inform a person of the provisions of this by-law and to request compliance with it.
- 8.5.2 Any provincial offences officer or employee of the Town whose duties include the enforcement of this by-law is authorized to order a person believed by the officer or employee to be contravening or who has contravened any provision of this by-law to:
- a) Stop the activity constituting or contributing to the contravention;
 - b) Remove from a park any animal or thing owned by or control of the person which the officer or employee believes is or was involved in the contravention;
 - c) Leave the park.
- 8.5.3 Any provincial offences officer may enforce the provisions of this by-law.
- 8.5.4 Where a person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in subsection 8.5.2, the permission and licence of the person to remain in the park is revoked.
- 8.5.5 If a person encroaches upon a park and fails to comply with the notice given under subsection 8.5.6, the Town, or its authorized agents, may remove the encroachment, install appropriate fencing and recover all expenses associated with the removal, including, but not limited to, soil testing, disposal fees, park restoration and fence installation.
- 8.5.6 Notice to comply
- a) The notice to comply shall require compliance with this by-law within a specific time period but no sooner than 72 hours after the notice is given.
 - b) Notice to remove the encroachment may be served personally on the person to whom it is directed or sent by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
 - c) If there is evidence that a person in possession of the land is not the registered property owner, the notice shall be served on both the registered owner and the person in possession of the land.
 - d) If the address of the owner or occupant is unknown or the Town is unable to effect service on the owner or occupant under subsection 8.5.6 (ii), a placard stating the terms of the notice and placed in a conspicuous place upon the property shall be deemed to be sufficient notice.
- 8.5.7 Costs incurred by the Town in doing the work required to be done may be collected by action or the costs may be added to the tax roll and collected in the same matter as taxes.

8.6 PENALTIES

- 8.6.1 Every person who contravenes a provision of this by-law, including an Order issued under this by-law, is guilty of an offence.
- 8.6.2 If a person is in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 8.6.3 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.

- 8.6.4 Every person who is guilty of an offence under this by-law shall be subject to the following penalties:
- a) Upon a first conviction, to a fine not less than \$350.00 and not more than \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$1,000.00 and not more than \$100,000.00;
 - c) Upon conviction for a continuing offence, to a fine of not less than \$1,000.00 and not more than \$10,000.00 for each day or part of a day that the offence continues;
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$1,000.00 and not more than \$10,000.00.
- 8.6.5 For the purpose of this by-law, "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.
- 8.6.6 For the purpose of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

8.7 SEVERABILITY

If any provision of this by-law, or the application thereof to any person or circumstances, is invalid, the invalidity shall not affect other provisions or application of this by-law which can be given effect without the invalid provision or application, and to this end the provisions of this by-law are severable.

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

8.8 REPEAL

- 8.8.1 By-laws 1994-41 and 2012-27 are hereby repealed.

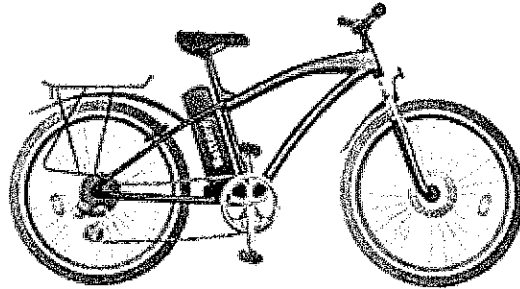
ENACTED THIS 15TH DAY OF APRIL, 2013

Mayor Tony Van Bynen

Andrew Brouwer, Town Clerk

Permissible Power Assisted (“e-bike”) Design

Traditional Style Power Assisted (“e-bike”)



Example Power Assisted “e-bike rendering; appearance of actual e-bike may vary”.

In the Province of Ontario, a power-assisted bicycle, or e-bike, is a bicycle that:

- Has a maximum weight of 120 kg (includes the weight of bike and battery);
- Has wheels with a diameter of at least 350 mm and width of at least 35 mm; and
- Meets the federal definition of a power-assisted bicycle:
 - has steering handlebars and is equipped with pedals,
 - is designed to travel on not more than three wheels in contact with the ground,
 - is capable of being propelled by muscular power,
 - has one or more electric motors that have, singly or in combination, the following characteristics:
 - it has a total continuous power output rating, measured at the shaft of each motor, of 500 W or less,
 - if it is engaged by the use of muscular power, power assistance immediately ceases when the muscular power ceases,
 - if it is engaged by the use of an accelerator controller, power assistance immediately ceases when the brakes are applied, and
 - it is incapable of providing further assistance when the bicycle attains a speed of 32 km/h on level ground,
 - bears a label that is permanently affixed by the manufacturer and appears in a conspicuous location stating, in both official languages, that the vehicle is a power-assisted bicycle as defined federally, and
 - has one of the following safety features,
 - an enabling mechanism to turn the electric motor on and off that is separate from the accelerator controller and fitted in such a manner that it is operable by the driver, or
 - a mechanism that prevents the motor from being engaged before the bicycle attains 3 km/hr.

Source: www.mto.gov.on.ca



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2013-15

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL – APRIL 15, 2013.

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

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

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

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

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

ENACTED THIS 15TH DAY OF APRIL, 2013.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk