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**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. Ms. Cynthia Smith, Welcome Wagon Representative, to present Mayor and Members of Council with a 'Community of the Year' plaque.
2. Ms. Debra Scott, President and Chief Executive Officer, Newmarket Chamber of Commerce to address Council with a PowerPoint presentation regarding Smart Commute Central York Program Update.  
*(Note: PowerPoint presentation copied for Mayor and Members of Council only)*  
*(Also Note: Correspondence dated June 10, 2013 from Mr. Luc Sagar, resident, attached for information only)*
3. Chief Ian Laing, Central York Fire Services, to address Council with a PowerPoint presentation regarding the 2012 Annual Report.  
*(Note: PowerPoint presentation copied for Mayor and Members of Council only)*

**DEPUTATIONS**

1. Ms. Nancy Fish, on behalf of the Ward 5 Traffic Committee, to address Council with an update on the Committee's initiative.
2. Mr. Bob Kwapis, on behalf of residents of Parkview Crescent and Ward 5 Traffic Committee, to address Council with respect to signage at Parkview Crescent and Queen Street, and increased traffic on residential streets.
3. Ms. Faye Galpin, on behalf of residents of Cardinal Crescent, to address Council with respect to traffic and parking issues.
4. Ms. Lois Fowler and Mr. John deMercado, residents, to address Council with respect to traffic issues on Carol Avenue and the surrounding area. (Also, please see attached correspondence dated June 10, 2013 from Ms. Fowler and Mr. deMercado)

5. Ms. Gail Harrison, resident, to address Council with respect to traffic issues on Carol Avenue. (Also, please see attached correspondence dated June 12, 2013 from Ms. Harrison)

## **ANNOUNCEMENTS – COMMUNITY EVENTS**

### **APPROVAL OF MINUTES**

1. Council Minutes of May 27, 2013.

### **CORRESPONDENCE**

### **REPORTS BY REGIONAL REPRESENTATIVES**

### **REPORTS OF COMMITTEES AND STAFF**

1. Committee of the Whole Minutes of June 10, 2013.
2. Committee of the Whole (Closed Session) Minutes of June 10, 2013.
3. Excerpt from the Audit Committee Minutes of June 11, 2013 regarding the 2012 Financial Statements.

**The Audit Committee recommends to Council:**

**THAT the Town of Newmarket's Draft 2012 Consolidated Financial Statements, Trust Fund Financial Statements and Main Street District BIA Financial Statements, as amended and endorsed by the Audit Committee, be approved.**

4. Corporate Services Joint Report – Procurement and Legislative Services 2013-30 dated May 22, 2013 regarding Single Source Purchase – Extension of Contract for Corporate Mobile Filing Systems.  
*(Note: Item referred to Council meeting of June 17, 2013 to permit staff to obtain more information – see Item 19 of the Committee of the Whole Minutes of June 10, 2013)*

Corporate Services – Procurement and Legislative Services – Additional Information to Report 2013-30.

**The Commissioner of Corporate Services, the Chief Administrative Officer and the Director of Legislative Services/Town Clerk recommend:**

**THAT Corporate Services Joint Report – Procurement and Legislative Services 2013-30 dated May 22, 2013 regarding Single Source Purchase – Extension of Contract for Corporate Mobile Filing Systems be received and the following recommendations be adopted:**

1. **THAT a Single Source Contract be authorized for the purchase of Corporate Mobile Filing Systems from Grand and Toy, Vaughan, Ontario, on an as needed basis, based on the original bid submission terms of Current List Price less a discount of 52%, for the life of the Mobile File Systems, at the discretion of the Manager, Procurement Services;**

2. **AND THAT the Procurement Services Department be directed to notify the Vendor accordingly.**

## **RESOLUTIONS**

### **BY-LAWS**

- 2013-28      A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF TAXICAB BROKERS, OWNERS AND DRIVERS.

To license, regulate and govern taxicab brokers, owners and drivers in the Town of Newmarket.

*(Committee of the Whole of June 10, 2013 – Item 8)*

- 2013-29      A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW. (2239798 Ontario Inc.)

*(Note: Memo dated June 13, 2013 from the Director of Planning and Building Services is attached for information only and does not form part of this By-law)*

Zoning By-Law Amendment for lands located at 400 Harry Walker Parkway South.

*(Council of May 6, 2013 – Item 27)*

- 2013-30      A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW. (Technical Amendment)

Technical Amendment to the Zoning By-Law.

*(Council of May 6, 2013 – Item 35)*

## **NOTICE OF MOTION**

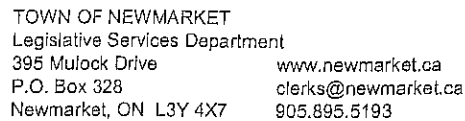
### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **CONFIRMATORY BY-LAW**

- 2013-31      A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING HELD ON JUNE 17, 2013.

## **ADJOURNMENT**



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  
P.O. Box 328  
Newmarket, ON L3Y 4X7  
www.newmarket.ca  
clerks@newmarket.ca  
905.895.5193

### Request for Deputation

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

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

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

PLEASE PRINT

COUNCIL/COMMITTEE DATE: June 17, 2013

AGENDA ITEM NO. \_\_\_\_\_ SUBJECT: Smart Commute Central York Annual Update

NAME: Debra Scott, President & CEO of the Newmarket Chamber of Commerce

ADDRESS: 470 Davis Drive

Street Address

Newmarket, ON

Town/City

L3Y 2P3

Postal Code

PHONE: HOME: \_\_\_\_\_ BUSINESS: 905-898-5900

FAX NO.: 905-853-7271 E-MAIL ADDRESS: pat@scry.ca

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

Smart Commute Central York

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

Year end update on Smart Commute Central York's activities.

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**Subject:** FW: Mon. June 17 - Council 7:00 P.M. Committee of the Whole

**Subject:** RE: Mon. June 17 - Council 7:00 P.M. Committee of the Whole

Hello Linda:

I plan on being there. You can still add my progress to the agenda for Council's information.

Thank you.

Luc

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Date: Tue, 11 Jun 2013 11:08:10 -0400

Subject: RE: Mon. June 17 - Council 7:00 P.M. Committee of the Whole

Good Morning Luc:

Are you planning on making a deputation/speaking at the meeting next Monday evening?

Or would you just like us to add your progress update to the agenda for Council's information?

Pls. advise.

Thank you.

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**From:** Luc Sagar

**Sent:** June 10, 2013 10:56 PM

**To:** Moor, Linda

**Subject:** Mon. June 17 - Council 7:00 P.M. Committee of the Whole

Good evening Linda Moor;

I would like to request adding my cycling progress to the Committee of the Whole for Monday June 17 at Council for 7:00 P.M. For 2013 I have documented the days I have biked to work. My initial goal is to bike to work at least once a month for all twelve months. I have biked to work on Wednesday January 30, Monday February 18, Friday March 8, Tuesday April 2, Wednesday May 1 and Sunday June 2. I am on my way to completing this goal. My second goal is to bike to work all seven days of the week. I have also biked to work on Thursday March 21 and Saturday March 9. As you can see, I have completed my second goal. In April, I biked to work all seven days of the week in the same month. Sunday April 14, Monday April 15, Tuesday April 2, Wednesday April 17, Thursday April 18, Friday April 19, Saturday April 20. Note: I was not scheduled to work on Tuesday April 16. In May, I biked to work all 23 scheduled days. I participated in Newmarket's Smart Commute Bike to Work Day on Monday May 27 (third personal consecutive year). There are times when I have had multiple job sites in the same day. For example, I bike to work site A and complete my shift and right after I bike to work site B and complete my second shift in the same day. My tertiary cycling goal is to bike to work on all 31 numbered days of a month. I have already biked to work on thirty numbered days of a month. The 16th is the last numbered day that I have to bike to work in order to complete this goal. Sunday June 9 represented my 50th day I biked to work in 2013. Attached are the days I biked to work so far this year.

Thank you for your consideration.

Sincerely,

Luc Sagar

### **2013 Bike to Work Days**

**Primary Goal:** Bike to work at least once each month

**Secondary Goal:** Bike to work at least once each of the seven days of the week (sometime in the year)

**Tertiary Goal:** Bike to work at least once for each of the thirty one numbered days in a month (anytime in the year)

- |               |          |    |
|---------------|----------|----|
| 1. Wednesday  | January  | 30 |
| 2. Monday     | February | 18 |
| 3. Friday     | March    | 8  |
| 4. Saturday   | March    | 9  |
| 5. Thursday   | March    | 21 |
| 6. Thursday   | March    | 28 |
| 7. Saturday   | March    | 30 |
| 8. Tuesday    | April    | 2  |
| 9. Friday     | April    | 5  |
| 10. Sunday    | April    | 14 |
| 11. Monday    | April    | 15 |
| 12. Wednesday | April    | 17 |
| 13. Thursday  | April    | 18 |
| 14. Friday    | April    | 19 |
| 15. Saturday  | April    | 20 |
| 16. Monday    | April    | 22 |
| 17. Friday    | April    | 26 |
| 18. Sunday    | April    | 28 |
| 19. Monday    | April    | 29 |
| 20. Tuesday   | April    | 30 |
| 21. Wednesday | May      | 1  |
| 22. Friday    | May      | 3  |
| 23. Saturday  | May      | 4  |
| 24. Sunday    | May      | 5  |
| 25. Monday    | May      | 6  |
| 26. Wednesday | May      | 8  |
| 27. Thursday  | May      | 9  |
| 28. Friday    | May      | 10 |
| 29. Saturday  | May      | 11 |
| 30. Sunday    | May      | 12 |
| 31. Monday    | May      | 13 |
| 32. Wednesday | May      | 15 |
| 33. Friday    | May      | 17 |
| 34. Saturday  | May      | 18 |
| 35. Wednesday | May      | 22 |
| 36. Thursday  | May      | 23 |
| 37. Friday    | May      | 24 |
| 38. Saturday  | May      | 25 |
| 39. Sunday    | May      | 26 |
| 40. Monday    | May      | 27 |
| 41. Wednesday | May      | 29 |

42. Thursday	May	30
43. Friday	May	31
44. Sunday	June	2
45. Monday	June	3
46. Tuesday	June	4
47. Wednesday	June	5
48. Friday	June	7
49. Saturday	June	8
50. Sunday	June	9

**Secondary Goal:** Met on Sunday April 14

(Sunday April 14, Monday February 18, Tuesday April 2, Wednesday January 30, Thursday March 21, Friday March 8, Saturday March 9)

**Tertiary Goal:** Met on ...

May 1, April 2, May 3, May 4, April 5, May 6, June 7, March 8, March 9, May 10, May 11, May 12, May 13, April 14, April 15, April 17, February 18, April 19, April 20, March 21, April 22, May 23, May 24, May 25, April 26, March 28, April 29, January 30, May 31

Biked to work each of the 7 days in the same month (also biked to work all 6 days scheduled in the same week)

Sunday	April 14
Monday	April 15
Tuesday	April 2
Wednesday	April 17
Thursday	April 18
Friday	April 19
Saturday	April 20

In April, I biked to work 13 days out of 20 days I worked (65%). Note: 4 of the 13 days (31%) I biked to two different work sites (ex. biked to location A and finished the shift and biked to location B for another shift in the same day). I was not scheduled to work on Tuesday April 16; or else I would have likely biked to work that day.

In May, I biked all 23 days I worked (100%).

Tertiary Goal: 1 Day Currently Missing

1. 16<sup>th</sup>

In June, (maybe Sunday June 16)





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395 Mulock Drive  
P.O. Box 328  
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www.newmarket.ca  
clerks@newmarket.ca  
905.895.5193

## Deputation

1.1

### 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: Monday June 17, 2013  
AGENDA ITEM NO. \_\_\_\_\_ SUBJECT: Ward 5 Traffic Committee  
NAME: Nancy Fish update  
ADDRESS: 188 Millard Ave  
Street Address  
Newmarket L3Y 1Z2  
Town/City Postal Code  
PHONE: HOME: \_\_\_\_\_ BUSINESS: \_\_\_\_\_  
FAX NO.: \_\_\_\_\_ E-MAIL ADDRESS: \_\_\_\_\_  
NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable)  
\_\_\_\_\_

### BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

Bring Council up to date on our Initiative.

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# Deputation

2.1

## Request for Deputation

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PLEASE PRINT

COUNCIL/COMMITTEE DATE: MONDAY JUNE 17/13

AGENDA ITEM NO. 3-WAY STOP SIGNS AT PARKVIEW CR. & QUEEN ST. SUBJECT: 1) REQUEST FOR  
2) TRAFFIC COMMITTEE UPDATE AND REQUEST FOR ACTION.  
NAME: BOB KWAPIS

ADDRESS:

Address

Street

Town/City

Postal Code

PHONE: HOME:  
BUSINESS:

FAX NO.:

E-MAIL ADDRESS:

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

- 1)-RESIDENTS OF PARKVIEW CR.
- 2)- WARD 5 TRAFFIC COMMITTEE

2.2.

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

- 1)- REQUEST SUPPORT TO INSTALL 3-WAY STOP SIGNS AT EAST END OF PARKVIEW CR. & QUEEN ST. A VERY DANGEROUS INTERSECTION. NONE OF SOLUTIONS TO DATE HAVE BEEN EFFECTIVE
- 2)- UPDATE OF ACTIONS TAKEN BY RESIDENTS OF WARD 5 TO DEAL WITH INCREASED TRAFFIC & AGGRESSIVE DRIVING ON RESIDENTIAL STREETS.
- 3)- REQUEST FOR SUPPORT TO HELP WITH OUR INITIATIVES TO DATE.

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3.1

Request for Deputation

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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: June 17/13  
AGENDA ITEM NO. \_\_\_\_\_ SUBJECT: Traffic control  
NAME: Faye Galpin  
ADDRESS: \_\_\_\_\_  
Street Address  
Newmarket  
Town/City Postal Code  
PHONE: HOME: \_\_\_\_\_ BUSINESS: N/A  
FAX NO.: \_\_\_\_\_ E-MAIL ADDRESS: \_\_\_\_\_  
NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable)  
Cardinal Cres. Southern Part

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

We need help with no. of vehicles  
travelling at high rate of speed, plus  
construction equipment parking in a no park  
using Cardinal as a quick route

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Reason for deputation:  
1) increase in number of vehicles on Cardinal Cres.  
2) speed at which they are travelling  
3) construction equipment parking in a no park zone  
4) dump trucks using Cardinal Cres. southern

# Deputation

4.1



TOWN OF NEWMARKET  
Legislative Services Department  
295 Midlock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7  
www.newmarket.ca  
clerk@newmarket.ca  
905.885.6193

## Request for Deputation

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PLEASE PRINT

COUNCIL/COMMITTEE DATE: June 17 2013

AGENDA ITEM NO. \_\_\_\_\_ SUBJECT: \_\_\_\_\_

NAME: Lois Fowler / John deHavenno

ADDRESS: \_\_\_\_\_  
Street Address  
Newmarket  
Town/City Postal Code

PHONE: HOME: \_\_\_\_\_ BUSINESS: \_\_\_\_\_

FAX NO.: \_\_\_\_\_ E-MAIL ADDRESS: \_\_\_\_\_

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

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

WARD 5 RESIDENTS AND TRAFFIC COMMITTEE  
ADDRESSING INCREASED TRAFFIC PROBLEMS IN OUR AREA

## 4.2

June 10, 2013

Mayor Van Bynen and council members,

Thank you for the opportunity to speak this evening.

John and I have had the pleasure of living at the corner of Avenue Road and Carol Avenue for nearly 27 years, a residential area. We enjoy our location very much, so much so, that we looked at moving a few years ago but chose instead to invest in an addition to our home so that we would stay. We also thoroughly enjoy sitting outside on back patio which borders Carol Avenue and our front porch where we spend most free evenings in the spring, summer and fall.

In the last number of years, we have seen the traffic flow increase significantly on Carol Avenue and surrounding area, we have seen the speed of traffic increase, especially since the traffic light was installed at Carol & Eagle, and we have witnessed some very discourteous behaviour taking place within the two blocks that make up Carol Avenue, all for the sake of getting somewhere faster. For example,

- cars passing slower moving cars
- pedestrians being honked at for walking across the street
- 3 serious car accidents at Carol & Eagle
- cars accelerating at high speeds southbound in order to make the green light at Eagle
- more often than not, drivers roll through the stop sign at Park and Carol, especially when turning right from Park onto Carol
- one car up on a neighbour's lawn ruining a retaining wall all because they were driving too quickly in snow.

The noise level from some of the trucks, cars and motorbikes is so loud that conversation has

to be stopped until the vehicle has passed.

Trucks in general are now using Carol Avenue (and surrounding area) as a bypass for Yonge Street, especially on Fridays and Saturdays and at rush hour times.

Carmichael Landscaping recently took over Holland Valley Nurseries on Yonge Street at Gladman; now their trucks constantly use Carol Avenue, and surrounding streets, to avoid Yonge Street. One Saturday morning recently, between 10:30 and noon, I counted 8 trucks coming and going. The truck engines are so loud, you can hear them coming before you see them.

We have been a senior neighbourhood for a long time, however, there are now families with babies and small children moving back into the area. I hate to think of what could happen when a child runs out after a ball or any similar situation.

I have also attached an e-mail dated November 1, 2011 and from this you can see the traffic issue has been a concern of our's for sometime and we have previously attempted to get some action. Since writing that e-mail, so much more has changed in our area with the Davis Drive construction and plans for building condominiums and townhouses in the area.

We are asking now for your support to address this matter and establish some initiatives to combat the issue now before it is too late.

Thank you,

Lois Fowler & John deMercado

4.4

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**From:** John & Lois <  
**Sent:** June 11, 2013 2:04 PM  
**To:** Bondi, Janice  
**Subject:** Deputation - June 17 Meeting

Hi Janice, thank you for your acknowledgement of the deputation. The last two pages maybe blurry because I scanned an e-mail. I am forwarding you the original e-mail so you can print it and include with the deputation. Hope this works.

Regards,  
Lois

Begin forwarded message:

**From:** "Lois, John & Colleen" <  
**Subject:** Fwd: Traffic and Transportation Mgmt Committee  
**Date:** 1 November, 2011 6:17:10 PM EDT  
**To:** [mayor@newmarket.ca](mailto:mayor@newmarket.ca)

Dear Mayor Van Bynen,

We contacted customer service about the Traffic and Transportation Committee but was told it hasn't sat as a committee for over a year. As you can see from the correspondence below, we tried to find another avenue to take this however, we have not heard back from customer service after asking for suggestions.

In any event, off and on for the last several years I have tried to get some attention paid to the traffic on our street. I have contacted Joe Sponga and I have contacted York Region Police. I spoke to a constable there who said they would see what they could do about managing the traffic speed on the street. At one point, a police car showed up, sat in front of my house at 8:30 a.m. for about 3 minutes, put out the radar gun twice and left. Honestly, no exaggeration. We have had the speed control sign, which flashes the car's speed, on our road once.

Our concern is that there are 3 major developments happening in/around our neighbourhood and street: Carol and Eagle, Eagle and Yonge and Millard and Yonge. These developments will all bring additional traffic. Already cars use our street as a bypass for Yonge Street.

Points to consider:

- it's not so much the volume as the speed
- Numerous, violent accidents at Carol & Eagle (4 I know of this year so far)
- I've seen cars pass other cars on Carol Avenue (a 40 km zone and two blocks long!)
- We've had one car up on a neighbour's lawn; driving too fast in the snow
- I've seen seniors crossing the street get honked at and passed by very closely (and now we have young families moving in as the seniors leave)
- Rush hours every night, Saturdays and Sundays are the worse times
- The noise level has increased so much at times that we stop talking until the cars have passed
- Cars speed, starting from Park & Carol, to try and catch the green light at Carol & Eagle (which by the way is very short duration).



4.5

I've already read the Town's website about traffic control, about speed bumps, and about stop signs. We certainly don't want a stop sign. Aurora has put some unique traffic management systems in place where streets were being used for bypasses of Yonge St. I see speed bumps on Kingston Road in Newmarket and "traffic calming" areas in others.

What do we have to do to get some attention and some plan in place to assist us living on/near Carol Avenue? We've been at this address for nearly 25 years so we can speak from experience. Please advise.

Kindest regards,  
Lois Fowler/John deMercado

Begin forwarded message:

**From:** "Lois, John"  
**Date:** October 6, 2011 4:09:15 PM GMT-04:00  
**To:** Customer Service - Reception <  
**Subject:** Re: Traffic and Transportation Mgmt Committee

Hello Angie, that's too bad about the committee. I hate to bother the Mayor with my questions, .....

I would like to find out how we can get some attention paid to the amount of traffic on our side street. We are in the older part of town and with 3 major construction projects going on around us in the very near future, traffic will definitely increase. Already, we are used as a bypass for Yonge Street, particularly at rush hours. Suggestions for moving forward?

Regards,  
Lois

On 6-Oct-11, at 11:14 AM, Customer Service - Reception wrote:

Hello Ms. Fowler,

Thank you for your inquiry.

The Traffic and Transportation Management Committee has not sat as a formal Committee of Council last term or this term. It has become a staff committee, providing technical support. If you have a specific request, it can be directed through your Ward Councillor or the Mayor.

I hope this helps and please feel free to contact us should you require further information.

Regards,

4.6

Angie Pink  
Customer Service Associate  
Town of Newmarket  
905-953-5300 dial 2, ext 2252

Customer Service...Well beyond the Ordinary

-----Original Message-----

From: Lois, John & Colleen  
Sent: Wednesday, October 05, 2011 4:12 PM  
To: Customer Service - Reception  
Subject: Traffic and Transportation Mgmt Committee

Hello, how do I go about contacting this committee? I don't see any information on the website about it.

Thank you,  
Lois Fowler



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Legislative Services Department  
395 Mulock Drive  
P.O. Box 328  
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www.newmarket.ca  
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## Deputation

5.1

### Request for Deputation

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PLEASE PRINT

COUNCIL/COMMITTEE DATE: JUNE 17, 2013

AGENDA ITEM NO. \_\_\_\_\_ SUBJECT: TRAFFIC

NAME: GAIL HARRISON

ADDRESS: \_\_\_\_\_

Street Address

NEWMARKET

ON

Town/City

Postal Code

PHONE: HOME: \_\_\_\_\_ BUSINESS: N/A

FAX NO.: N/A E-MAIL ADDRESS: \_\_\_\_\_

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

BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION

TO ADDRESS INCREASED TRAFFIC AND

SPEEDING ON CAROL AVENUE

AND REFERENCE "THE CANADIAN GUIDE TO NEIGHBOURHOOD

Mr. Mayor

I live at the corner of Avenue Road and Carol and this is my 3<sup>rd</sup> request to the Town of Newmarket to address the issue of increased traffic and speeding on Carol Avenue.

Until the construction projects on Davis and Yonge are completed, residential streets in the area will continue to be used as alternative routes. This is most evident during morning and evening rush hours.

To address safety issues in our residential area there are numerous suggestions outlined in "The Canadian Guide to Neighbourhood Traffic Calming". This is available online. These include speed humps, stop signs, speed monitors etc.

However, for now, I simply ask: is it possible to have periodic police presence on Carol Avenue south of the intersection with Park Avenue? This is the "starting line" for those cars that "race" to Eagle Street. And, please, consider installing a sign: "Maximum 40 Begins" on the west side of Carol just south of Park Avenue.

Thank you for your consideration.

Gail Harrison

Submitted June 12, 2013

For June 17, 2013 Council Meeting

Reports of Committees  
and Staff

3.1



AUDIT COMMITTEE  
June 11, 2013 at 8:00 a.m.

**EXCERPT FROM MINUTES**

**3. AUDIT COMMITTEE – JUNE 11, 2013 – ITEM 3**  
**2012 FINANCIAL STATEMENTS**

Ms. Trudy White, BDO Canada LLP. reviewed the audit letter with the Committee. The Director, Financial Services/ Treasurer provided a verbal report regarding past practices and reviewed the Financial Statements with the Committee.

Amendments were made to the Financial Statements.

**Moved by Councillor Hempen**  
**Seconded by Cristine Prattas**

**The Audit Committee recommends to Council:**

**THAT the Town of Newmarket's Draft 2012 Consolidated Financial Statements, Trust Fund Financial Statements and Main Street District BIA Financial Statements, as amended and endorsed by the Audit Committee, be approved.**

**CARRIED**

# Reports of Committees and Staff

4.1



Corporate Services Commission  
Procurement Services and Legislative Services Departments  
[www.newmarket.ca](http://www.newmarket.ca)

May 22, 2013

## **CORPORATE SERVICES JOINT REPORT – PROCUREMENT & LEGISLATIVE SERVICES – # 2013-30**

TO: Committee of the Whole

SUBJECT: Report on Single Source Purchase  
Extension of Contract for Corporate Mobile Filing Systems  
Award to: Grand and Toy, Vaughan, Ontario

ORIGIN: Manager, Procurement Services

### **RECOMMENDATIONS**

THAT Corporate Services Joint Report – Procurement & Legislative Services - # 2013-30 dated May 22, 2013, regarding Single Source Purchase, Extension of Contract for Corporate Mobile Filing Systems be received and the following recommendations be adopted:

1. THAT a Single Source Contract be authorized for the purchase of Corporate Mobile Filing Systems from Grand and Toy, Vaughan, Ontario, on an as needed basis, based on the original bid submission terms of Current List Price less a discount of 52%, for the life of the Mobile File Systems, at the discretion of the Manager, Procurement Services.
2. AND THAT the Procurement Services Department be directed to notify the Vendor accordingly.

### **COMMENTS**

The Corporate Services – Procurement Services Department publicly bid a multi-year contract (RFP 2005-49) for Mobile File Systems contract which was awarded in 2006 to Grand and Toy of Vaughan, Ontario.

Since awarding this contract, the following departments have installed Mobile Filing Systems (large space saving, lockable, rolling rack systems) offered through this contract:

Central York Fire Services	Procurement and Legal Services
Human Resources Department	Legislative Services
Planning and Building	Finance Department
Engineering Services	

The Manager, Procurement Services is recommending that the Town of Newmarket proceed with awarding this contract on a Single Source basis, for an indefinite period based on the life of the filing systems, for any new or re-configurations required to existing systems based on the same terms and discount, as per the original public bid, RFP2005-49.

Single Source Purchase rationale:

Item 12.6 of the Procurement Bylaw 2011-74 states that Single Source purchasing may be conducted for the procurement for goods, service(s) or construction of any contract value without the competitive Bid process, when any of the following circumstances apply:

- i. For reasons of standardization, warranty, function or service, such as: technical qualifications;
- iii. Where compatibility with an existing product, equipment, facility or service is a paramount consideration;

The 2011-74 Procurement Bylaw defines a Single Source purchase as a procurement decision whereby purchases for goods, service(s) or construction are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available.

Current identified needs for Mobile Filing systems are as follows:

Central Corporate Record storage in the approximate amount of \$ 50,000.00 plus H.S.T. for Phase One in 2013 which sufficient funding exists in the Legislative Services capital funds; and a Phase Two to be budgeted in the 2014 Legislative Services Capital Budget.

The 2011-74 Procurement Bylaw requires Council approval where the estimated Procurement value exceeds \$ 50,000.00.

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report relates to the *Well-equipped & managed of the Strategic Plan*

- Fiscal responsibility and service excellence
- Efficient management of capital assets and municipal services to meet existing and future operational demands

**CONSULTATION**

The Manager, Procurement Services is satisfied with the justification explaining the conditions of the Single Source requirement and is requesting approval of the extension of this Mobile Filing System contract for the life of the filing system, at the discretion of the Manager, Procurement Services.

**BUDGET IMPACT**

Operating Budget (Current and Future)  
No impact.

**BUDGET IMPACT**Operating Budget (Current and Future)

No impact.

Capital Budget

Sufficient funds are available from the Legislative Department capital budget for the Corporate Records Storage Phase One purchase which is planned to be installed this summer.

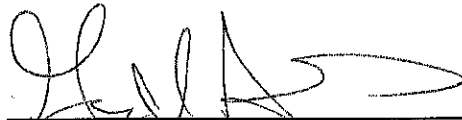
**CONTACT**

For more information on this report, contact:

Gord Sears, Manager, Procurement Services extension 2351.



Andrew Brouwer  
Town Clerk



Gord Sears, CPPO, CPPB  
Manager, Procurement Services



Anita Moore  
Commissioner, Corporate Services



for Robert Shelton  
Chief Administrative Officer



4.4



Corporate Services Commission  
Procurement Services and Legislative Services Departments  
[www.newmarket.ca](http://www.newmarket.ca)

June 13, 2013

**CORPORATE SERVICES– PROCUREMENT & LEGISLATIVE SERVICES – ADDITIONAL  
INFORMATION TO REPORT #2013-30**

TO: Council

SUBJECT: Additional Information to Joint Report 2013-30 dated May 22, 2013 regarding Single Source Purchase; Extension of Contract for Mobile Filing Systems; Award to: Grand and Toy of Vaughan, Ontario

ORIGIN: Manager, Procurement Services

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Corporate Services Joint Report – Procurement and Legislative Services 2013-30 dated May 22, 2013 regarding Single Source Purchase – Extension of Contract for Corporate Mobile Filing Systems was referred by Committee of the Whole to the Council meeting scheduled for June 17, 2013 to permit staff time to obtain more information related to the sole source availability of the Corporate Mobile Filing Systems.

As stated in the original report, Single Source purchasing may be conducted for the procurement of goods and services for reasons of standardization, warranty, function or service such as technical qualifications and/or where compatibility with an existing product, equipment, facility or service is a paramount consideration.

Using a consistent filing system is advantageous from the perspective of allowing for easy file expansion and reorganization if required. Seven Spacefile systems have been installed in various departments to date.

The Manager, Procurement Services advises that while there are other dealers of the mobile filing system available, the current supplier, Grand and Toy has a commendable track record providing us with exceptional service for this product and being very responsive to the Town's needs.

The extension of this contract does meet the single source provision of the Procurement By-law particularly function and service and staff as per the original report, recommend that the contract extension be granted. Alternatively Council could direct that a ceiling of five years be put on the extension or that an invitational bid be conducted for this product.

4.5

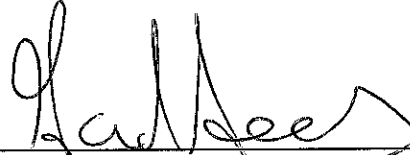
**CONTACT**

For more information on this report, contact:

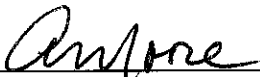
Gord Sears, Manager, Procurement Services extension 2351.




Andrew Brouwer  
Town Clerk



Gord Sears, CPPO, CPPB  
Manager, Procurement Services



Anita Moore  
Commissioner, Corporate Services



Robert Shelton  
Chief Administrative Officer



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2013-28

A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF TAXICAB BROKERS, OWNERS AND DRIVERS (Taxicab Licensing By-law).

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

AND WHEREAS the Council of the Town of Newmarket enacted By-law Number 2008-55 being a by-law to license, regulate and govern any business carried on within the Town of Newmarket which was further amended by By-law Number 2009-51;

AND WHEREAS the Council of the Town of Newmarket considers it desirable and necessary to repeal By-law Number 2008-55 and By-law Number 2009-51;

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

#### **SECTION 1 - DEFINITIONS**

1.1 For the purpose of this by-law:

- (1) "Accessible Taxicab" means a motor vehicle that is used or designed for use as a taxicab in relation to the transportation of persons who have a disability;
- (2) "Appeals Committee" means a committee that is appointed from time to time by Council for the purpose of hearing appeals regarding the revocation, suspension, cancellation or refusal to issue or renew a licence pursuant to this by-law;
- (3) "Applicant" means a person applying for a license to carry on a business, activity or undertaking pursuant to this by-law;
- (4) "Broker" means any person who carries on the business of accepting orders for or dispatching taxicabs in any manner;
- (5) "Clean" means free of dirt and in good repair;
- (6) "Clerk" means the Town Clerk of the Town of Newmarket or his/her designate;
- (7) "Council" means Council of the Corporation of the Town of Newmarket;
- (8) "Dispatch" means the communication in any manner to a driver of request to hire or engage a taxicab;
- (9) "Driver" means the operator of a taxicab who holds and maintains or is required to hold and maintain a Town taxicab driver's licence issued pursuant to this by-law;
- (10) "Fare" means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed pursuant to this by-law for the trip, together with any additional charges allowed pursuant to this by-law;
- (11) "He and his" shall be deemed to include "She and her";
- (12) "Lease" means an agreement between an owner and a person, under which the owner provides his licensed taxicab to be used by a person to operate as a taxicab;

- (13) "License" means the authorization obtained or granted or issued pursuant to this by-law to carry on a business, activity or undertaking;
- (14) "Licensed" means to have in one's possession a valid and current licence issued pursuant to this by-law;
- (15) "Licensee" means any person who is licensed pursuant to this by-law or a licensee applying for renewal of a license as the context requires;
- (16) "Licensing Officer" means the Licensing Officer of the Town of Newmarket;
- (17) "Municipality" means the Corporation of the Town of Newmarket or the geographic area of the Town of Newmarket as the context requires;
- (18) "Operate" when used in reference to a taxicab includes to drive the said vehicle and to make or have it available to the public in service as a taxicab, and operated, operating and operation have corresponding meanings;
- (19) "Owner" means the owner of a taxicab licence and where a person has entered into a lease agreement with the owner, the lessee for the purposes of this by-law shall also be deemed as the owner, as the context requires;
- (20) "Passenger" means any person other than the driver, who is seated or otherwise situated within a taxicab or accessible taxicab;
- (21) "Person": includes a natural individual and his heirs, executors, administrators or other legally appointed representatives; and a corporation, partnership or other form of business association;
- (22) "Priority List" means a list of persons maintained by the Clerk or Licensing Officer, who may be eligible to receive a taxicab licence in accordance with the provisions of this by-law;
- (23) "Provincial Offences Officer" means a police officer, or person designated under the *Provincial Offences Act*;
- (24) "Tariff Card" means the notice of permitted fares as set out in this by-law and as issued by the Clerk or Licensing Officer;
- (25) "Taxicab" means a motor vehicle that is designed or customarily used for the transportation of passengers, where such motor vehicle is offered or made available for hire together with a driver for the conveyance of passengers or goods, but "taxicab" does not include a livery cab, limousine or a bus as defined in the *Highway Traffic Act*;
- (26) "Taxicab Meter" means a measuring device used in a taxicab or accessible taxicab to calculate the fare payable for a trip;
- (27) "Taxicab Plate" and "Plate" means a metal numbered plate issued by the Town to a person licensed pursuant to this by-law;
- (28) "Tint Free" means free from any type of tinting, coloured spray or other reflective material on a vehicle windshield and windows which substantially obscures the interior of the vehicle when viewed from the outside or, reduces the visibility of the driver, passenger or passengers;
- (29) "Town" means the Corporation of the Town of Newmarket or the geographic limits of the Town as the context requires;

- (30) "Trip" means the distance and time traveled or estimated to be traveled, measured from the time and location where the passenger or property enters the taxicab or when the taxicab meter is first engaged, whichever comes first, to the time and location where the passenger or goods reach their destination and leave the taxicab, or the taxicab meter is disengaged, whichever comes last;
- (31) "Trip Sheet" means the written record of the details of each trip as recorded by the driver of the taxicab;

## **SECTION 2 - GENERAL LICENSING PROVISIONS**

- 2.1 Administration of this by-law shall be the responsibility of the Clerk or Licensing Officer, who are hereby authorized to issue licences to owners, brokers and drivers in accordance with the provisions of this by-law.
- 2.2 The Clerk may revoke, cancel, suspend or refuse to renew or issue a license pursuant to the provisions of this by-law.
- 2.3 The Clerk or Licensing Officer may issue a licence on a temporary basis where it is deemed necessary or advisable to do so.
- 2.4 An application for a new licence, renewal or a transfer of taxicab shall be completed and submitted to the Clerk or Licensing Officer on the forms provided, along with the prescribed fee as may be set by Council from time to time.
- 2.5 Acceptance of the application and fee shall not represent approval of the application nor shall it obligate the Town to issue a licence.
- 2.6 No person shall promote or carry on business under any name other than the name endorsed upon the license, except in accordance with the provisions of this by-law.
- 2.7 No person shall act as or be a broker unless he is licensed as a broker pursuant to this by-law.
- 2.8 No person shall act as or be an owner unless he is licensed as an owner pursuant to this by-law.
- 2.9 No person shall act as or be a driver unless he is licensed as a driver pursuant to this by-law.
- 2.10 The term of each licence shall, unless otherwise authorized by this by-law, be valid for a period of one year from the 1<sup>st</sup> day of May in the year of issuance or renewal up to and including the 30<sup>th</sup> day of April of the following year, unless sooner revoked, amended, cancelled, suspended, or voluntarily relinquished to the Town.
- 2.11 No corporation may be licensed as a driver pursuant to this by-law.
- 2.12 An applicant is entitled to be licensed and a licensee is entitled to have such licence renewed, except where:
- (1) the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
  - (2) the applicant or licensee is carrying on activities that are, or will be if the applicant was licensed, in contravention of this by-law;
  - (3) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicle or facilities in respect of which the license is required, do not comply with the provisions of this by-law or other applicable law;

- (4) there are reasonable grounds for belief that an applicant or licensee has provided a false statement or false information for the purpose of obtaining a licence;
  - (5) the applicant or licensee is not in compliance with any Town land use by-law or any other Town by-law, or any other requirement under the *Planning Act* or any other Act.
- 2.13 An application for renewal of a licence issued pursuant to this by-law shall be delivered, along with the prescribed fee, in person to the Clerk or Licensing Officer, before the expiry date of such license. If an application for renewal of a licence is delivered to the Clerk or Licensing Officer after the expiry date of the licence, the applicant shall submit an application as a new applicant.
- 2.14 A licence issued to a broker, owner and/or driver under this by-law is not transferable.

### **SECTION 3 - REVOCATION, SUSPENSION, CANCELLATION OR REFUSAL TO RENEW OR ISSUE**

- 3.1 The Clerk may revoke, suspend, cancel or refuse to renew or issue a licence:
- (1) where the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty; and/or
  - (2) where the applicant or licensee has been found by the Clerk or Licensing Officer to fail to comply with any provision of this by-law.
- 3.2 Upon such revocation, suspension, cancellation or refusal to renew or issue, a written notice signed by the Clerk or Licensing Officer shall be delivered to the applicant or licensee within seven (7) business days as provided for hereunder:
- (1) such notice shall set out and give reasonable particulars of the grounds for the decision; and
  - (2) shall inform the applicant or licensee of his entitlement to a hearing before the Appeals Committee, if he delivers within seven (7) business days after the date of service or the date of mailing of the notice, whichever is later, a written request for a hearing; and
  - (3) if a written request from the applicant or licensee is not received by the Clerk or Licensing Officer within the prescribed time, the decision of the Clerk shall be final and the licensee shall deliver within (24) hours of the expiration of the appeal period, the licence and owner's plate.
- 3.3 Where a hearing held pursuant to this by-law has taken place and the license was revoked, suspended, cancelled or refused for renewal, the licensee shall return the licence to the Clerk or Licensing Officer within seventy-two hours of receiving the written notice of the decision of the Appeals Committee sent pursuant to the provisions of this by-law.
- 3.4 When a person has had his license revoked, suspended or cancelled under this by-law the Clerk or Licensing Officer or Provincial Offences Officer may enter upon the business premise or into the vehicle of the licensee for the purpose of receiving, taking, or removing the said licence and/or owner's plate.
- 3.5 When a person has had his license revoked, suspended or cancelled under this by-law he shall not refuse to deliver or in any way obstruct or prevent the Clerk or Licensing Officer or Provincial Offences Officer from obtaining, the said licence or the owner's plate.

#### **SECTION 4 - APPEALS COMMITTEE HEARING**

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

#### **SECTION 5 - SERVING OF NOTICE OR ORDER**

- 5.1 Any notice or order required to be given pursuant to this by-law by the Clerk or Licensing Officer shall be deemed to be sufficiently served if delivered personally or sent by registered mail or by prepaid first class mail addressed to the person to whom service is to be made at the address on the application or the last known address on file in the Clerk's Office.
- 5.2 Notice served by either registered mail or by prepaid first class mail shall be deemed to have been received on the fifth day following the mailing of the notice.

#### **SECTION 6 - NOTIFICATION OF CHANGE OF INFORMATION**

- 6.1 When a licensee who is a natural individual changes his/her name, address, or any information relating to the license, the licensee shall notify the Clerk or Licensing Officer within seven (7) business days after the change, of information relating to the licence and shall if required by the Clerk or Licensing Officer return the licence immediately to the Clerk or Licensing Officer for amendment.
- 6.2 Where a licensee is a corporation and there is change in the information as set out in the application for licence, such as the names or addresses of the officers or directors, the location of the corporate head office or any change in the ownership of shares, the licensee shall notify the Clerk or Licensing Officer of the change within seven (7) business days thereof, and shall if required by the Clerk or Licensing Officer, return the licence immediately to the Clerk or Licensing Officer for amendment.

#### **SECTION 7 - FARES**

- 7.1 The fares to be charged by the owners and drivers of taxicabs for the conveyance of passengers shall be such fares as are set by Council from time to time and no owner or driver shall charge any fare in excess of those set by Council.
- 7.2 Notwithstanding the foregoing section, the fares referred to in this by-law shall not apply to:
  - (1) taxicabs being used for the transportation of children to and from school or to taxicabs operating under contract to any government agency for the transportation of children with disabilities;

- (2) taxicabs being used for the transportation of passengers with a destination outside the Town who agree with the taxicab driver, prior to the commencement of the trip, to pay a flat rate.
- 7.3 When a driver picks up a passenger within the Town and such passenger has a destination outside the Town, the driver and the passenger may agree before the commencement of the trip, on a flat rate.
- 7.4 Notwithstanding Section 7.1 any broker having a contract to provide taxicab services for either York Region Mobility and/or one of the school boards in York Region, will be permitted to operate his taxicabs on a flat rate; provided that evidence of such contract has been filed with the Clerk or Licensing Officer in a form and manner approved by the Clerk or Licensing Officer.

#### **SECTION 8 - BROKER REGULATIONS**

8.1 Every broker shall:

- (1) maintain at least one (1) Newmarket taxicab licence to operate a brokerage and maintain a business office, from which the taxicab brokerage is operated, and such office shall be in compliance with all Town land use by-laws, any other Town by-law, and any requirement under the *Planning Act* or any other Act;
- (2) require all owners who have entered into arrangements with the broker for the provisions of taxicab brokerage services, to use the same design, shape and colour scheme of roof sign, and to attach to each front door of the taxicab an identifying decal which shall include the name of the taxicab broker, in a form approved by the Clerk or Licensing Officer, and shall produce and file a sample of the roof sign and identifying decal with the Clerk or Licensing Officer;
- (3) submit to the Clerk or Licensing Officer by the 1st day of the following months; January, March, May, July, September and November a list, showing in numerical order by taxicab plate number,
  - (a) the name of every owner; and
  - (b) the name of every driver operating any taxicab in the Townwith whom the broker has entered into any agreement for the provision of brokerage services; and such list shall note any additions or deletions to the previously submitted list as to owners or drivers who are or are no longer affiliated with the broker.
- (4) keep a record of each taxicab dispatched on a trip, the time and date of receipt of the order, the pick-up location and the final destination; these records shall be retained for a period of twelve (12) months; and such records shall be produced upon request of the Clerk or Licensing Officer;
- (5) supply the Clerk or Licensing Officer with a copy of the Broker's Federal Radio Licence call sign and frequency number, if any;
- (6) upon request, inform any customer of the anticipated length of time required for a taxicab to arrive at the pick-up location;
- (7) when volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the approximate length of the delay, before accepting the request;
- (8) dispatch a taxicab to any person requesting service at a pick-up location within the Town, unless the person requesting service has not paid for a previous trip;
- (9) carry on business only in the name in which the broker is licensed;
- (10) not dispatch any taxicab if the owner or driver, in the opinion of the Clerk or Licensing Officer, has contravened any provision of this by-law;



- (11) submit a written report within seventy-two (72) hours, or at such time as the Clerk or Licensing Officer may prescribe; whenever a taxicab licensed pursuant to this by-law is involved in an accident, whether such accident was in or out of the limits of the Town.
- 8.2 The Clerk or Licensing Officer may, when the offices are open enter upon the business premises of any licensee to insure that the provisions of this by-law are being or have been complied with.
- 8.3 In the course of such inspection the Clerk or Licensing Officer is entitled to request and have produced within seventy-two (72) hours all relevant licences, permits and documentation required pursuant to this by-law and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purpose of the inspection.

#### **SECTION 9 - BROKER PROHIBITIONS**

9.1 No broker shall:

- (1) accept orders for, or in any way dispatch or direct orders to a taxicab licensed under this by-law when the activity would be illegal or in contravention of any other law or provincial statute;
- (2) in any way dispatch or direct orders to, operate or permit to operate a taxicab for a pick-up location within the Town, when the owner or the driver or the taxicab is not licensed pursuant to this by-law;
- (3) dispatch or direct orders for a parcel delivery to a taxicab driver unless the taxicab driver first consents to making the parcel delivery;
- (4) require any taxicab driver to accept any order necessitating the expenditure of money by the driver, on behalf of the customer;
- (5) enter into an agreement for the provisions of brokerage services with an owner or driver who is affiliated with another broker;
- (6) dispatch any taxicab driver to a pick-up location within the Town, unless the taxicab he is operating is licensed pursuant to this by-law;
- (7) charge a fare or enter into an agreement to charge a fare, which is not in accordance with the provisions of this by-law;
- (8) acting alone or in concert with a subsidiary, affiliate or partnership, own, hold or control more than two thirds (2/3) of the taxicab licensed by the Town;

#### **SECTION 10 - OWNER AND/OR TAXICAB OWNER REGULATIONS**

10.1 Every owner shall:

- (1) keep at all times in the taxicab a copy of each of the following documents:
  - (a) the motor vehicle permit in good standing issued by the Ontario Ministry of Transportation in the owner's name;
  - (b) the taxicab licence maintained in good standing and issued pursuant to this by-law;
  - (c) a certificate of automobile insurance for the taxicab in accordance with this by-law.
  - (d) affixed, in a holder, or in a location and in a manner approved by the Clerk or Licensing Officer, the current tariff card;

- (2) keep at all times on the taxicab:
  - (a) the owner's plate firmly affixed to the right rear bumper, or at a location and in a manner approved by the Clerk or Licensing Officer;
  - (b) the owner's plate number for that taxicab in numbers of at least 15cm in height in a location and in a manner approved by the Clerk or Licensing Officer;
  - (c) the name of the broker with whom the plate is associated with, in letters of 15cm in height, in a location and in a manner approved by the Clerk or Licensing Officer;
  - (d) numbering and lettering affixed on the vehicle in a colour that is in contrast with the colour of the vehicle;
  - (e) an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Clerk or Licensing Officer; and such roof sign shall be wired to the taxicab meter and working in conjunction with the meter so that it is not illuminated when the meter is engaged and is illuminated when the meter is in vacant status.
- (3) employ or use only the services of a driver licensed pursuant to this by-law;
- (4) provide the Clerk or Licensing Officer with
  - (a) the name of the broker with whom he is affiliated with; and
  - (b) the name of every driver operating his taxicab and such names shall be supplied within seventy-two (72) hours of the time when the driver has commenced to operate the said taxicab, and
  - (c) where applicable, file with the Clerk or Licensing Officer a copy of any lease agreement the owner may have with the driver.
- (5) immediately repair any mechanical defect in the vehicle that becomes known to him and/or as reported to him by a driver;
- (6) submit a written report within seventy-two (72) hours or at such time as the Clerk or Licensing Officer may prescribe, whenever a taxicab licensed pursuant to this by-law is involved in an accident, whether such accident was in or out of the limits of the Town.
- (7) where a taxicab licensed owner and/or taxicab owner is a corporation, ensure that a minimum of one officer or director of the corporation is licensed as a driver pursuant to this by-law.

10.2 Every taxicab licence owner and/or taxicab owner who ceases to be affiliated with a broker shall:

- (1) remove from the vehicle the roof light, radio and telephone number of the taxicab broker the owner is leaving;
- (2) change and remove from the vehicle the colour scheme and all decals or other taxicab brokerage markings on the vehicle;
- (3) return to the broker all business cards, promotional material and other equipment belonging to that broker.

## **SECTION 11 - TAXICAB OWNER PROHIBITIONS**

11.1 No taxicab licensed owner and/or taxicab owner shall:

- (1) permit a taxicab to be operated with mechanical defects;
- (2) affix or permit any person to affix to any taxicab except the taxicab for which it was issued, the licence or owner's plate issued pursuant to this by-law;
- (3) operate or permit to operate a taxicab not licensed pursuant to this by-law;
- (4) operate or permit to operate a taxicab when the interior is not clean and/or not in good repair;
- (5) operate or permit to operate a taxicab when the exterior body is damaged or has rust;
- (6) operate or permit to operate a taxicab with tinted windows;
- (7) operate or permit to operate a taxicab with any decal or roof-sign being used by a taxicab broker with whom the owner is not affiliated;
- (8) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his/her taxicab, except in a form approved by the Clerk;
- (9) operate or permit to operate a taxicab unless a taxicab meter is installed, and the meter complies with the rates as may be set by Council from time to time and has been tested and sealed by the Clerk or Licensing Officer;
- (10) take a taxicab off the road for a period longer than thirty (30) consecutive days during any calendar year; provided a cab may be temporarily retired on more than one occasion within a calendar year so long as the total period of temporary retirement does not exceed thirty (30) days in that calendar year; or
- (11) operate or permit to operate a taxicab licensed as an accessible taxicab, without a driver who has not been trained in the proper operation of the equipment and in the special needs of passengers with disabilities.

## **SECTION 12 - DRIVER REGULATIONS**

12.1 Every applicant for a taxicab driver's licence shall:

- (1) attend in person for setting up a date and time for a taxi test and pay the prescribed sitting fee as may be set by Council from time to time;
- (2) score a minimum of 80% on a written test; the test shall be set by the Clerk or Licensing Officer and shall deal with the requirements of this by-law and the geography of the Town and surrounding areas. If the applicant is found to be cheating on his test he will not be permitted to rewrite the test for a period of six (6) months;
  - (a) if the applicant is not successful the first time, the waiting period for re-testing is one week;
  - (b) if the applicant is successful in writing the test, the test will be valid for six (6) months from the date of the test and if the applicant does not obtain the licence within that time period he will be required to rewrite the test.

12.2 Every applicant or licensee for a driver's license shall submit the following original documentation to the Clerk or Licensing Officer:

- (1) proof of Canadian citizenship, or
- (2) proof of landed immigrant status, or
- (3) a valid work permit issued by the Government of Canada, and
- (4) a valid current Class "G" Ontario Driver's Licence, and
- (5) a Vulnerable Sector Screening letter issued by York Regional Police current within thirty (30) days, and
- (6) his/her driver's abstract current within thirty (30) days; and
- (7) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario, which states that the applicant or licensee is fit and able to operate a motor vehicle; such certificate shall be required every two years, or earlier if so required by the Clerk or Licensing Officer; and
- (8) a letter of employment from the taxicab broker for whom he will be employed with and operating as a taxi driver; and
- (9) any other documentation that may be required by the Clerk or Licensing Officer.

12.3 Every taxicab driver shall:

- (1) at all times while operating a taxicab in the Town display his licence in a location visible to passengers using the taxicab;
- (2) at all times while operating a taxicab wear in a prominent place on the outside of clothing his licence so that it is visible at all times when he is operating the taxicab;
- (3) maintain and carry a valid Ontario Driver's Licence at all times when operating a taxicab;
- (4) be at liberty to refuse to serve any person who is in possession of an animal, other than a person who is in possession of an assistance dog (ie. seeing eye dog);
- (5) drive the taxicab in the most direct traveled route to the point of destination, unless otherwise directed by the passenger;
- (6) keep in the taxicab a current street guide or map of the Town and surrounding area satisfactory to the Clerk or Licensing Officer;
- (7) while operating the taxicab, maintain the interior of the taxicab in clean condition and good repair;
- (8) report, each day, upon completion of the operation of the taxicab, all defects in the taxicab to the owner;
- (9) keep a daily trip sheet showing, for each taxicab:
  - (a) a record of all trips made by the taxicab that day;
  - (b) taxicab driver(s) name;
  - (c) the date, time and location of the beginning and the termination of each trip;
  - (d) the meter readings at the start and finish of each working period;

- (e) the amount of the fare collected for each trip recorded on the taxi meter;
- (f) Ministry of Transportation licence plate number of the taxicab; and
- (10) retain all trip sheets for a least twelve (12) months and make them available for inspection at the request of the Clerk or Licensing Officer; and
- (11) submit a written report within seventy-two (72) hours or at such time as the Clerk or Licensing Officer may prescribe whenever a taxicab is involved in an accident, whether such accident was in or out of the limits of the Town.

### **SECTION 13 - DRIVER PROHIBITIONS**

#### **13.1 No taxicab driver shall:**

- (1) smoke, or permit anyone to smoke, any pipe, cigar, cigarette or any tobacco products in any taxicab;
- (2) carry any passenger, other than paying passengers, while the vehicle is being used as a taxicab or while on duty;
- (3) use any tariff card, other than that obtained from the Clerk or Licensing Officer, or remove, exchange, lend or otherwise dispose of the tariff card;
- (4) operate a taxicab when the meter has not been adjusted in accordance with the rates as may be set by Council from time to time and/or when the meter has not been approved and sealed by the Clerk or Licensing Officer;
- (5) operate a taxicab when the taxicab meter does not operate properly;
- (6) operate a taxicab when the taxicab meter seal is missing and/or improperly affixed;
- (7) operate a taxicab without a Town of Newmarket taxi plate, a roof light and the taxi number and company name on the vehicle, as required under the provisions of this by-law;
- (8) operate for the purpose of a pick-up location in the Town, a taxicab not licensed pursuant to this by-law;
- (9) operate for the purpose of a pick-up location in the Town, a taxicab without being a licensed driver pursuant to this by-law.

13.2 When a taxicab driver has had his Ontario Driver's Licence suspended, cancelled or revoked, or where the said licence has expired and no longer valid, the driver's licence issued under this by-law shall be deemed to be suspended as of the date of suspension, expiration, cancellation or revocation of the Ontario Driver's Licence and the driver shall immediately return to the Clerk or Licensing Officer the licence issued under this by-law.

13.3 If at any time the taxicab driver's photograph is not a reasonable likeness of the driver due to physical changes or the passage of time, the Clerk or Licensing Officer may require that the driver attend at the Clerk's Office for the purpose of taking an updated photograph.

### **SECTION 14 - SALE OF TAXICAB LICENCE**

14.1 No owner shall sell a taxicab licence unless he has held that licence as an owner for at least three (3) years, except when the taxicab licence has been issued from the Priority List, in which case it must have been held for a minimum of five (5) years.

- 14.2 It shall be deemed to be a sale of a taxicab licence when at least fifty-one percent (51%) of the voting rights attached to all shares of a corporation, which is duly licensed under this by-law as an owner, are sold or otherwise disposed of.
- 14.3 When the Clerk approves a sale of a taxicab licence, the new owner must submit his taxicab for inspection.
- 14.4 Unless otherwise expressly provided for in this By-law, no sale of a taxicab licence shall be approved unless the purchaser is a person entitled to be licensed pursuant to this by-law.
- 14.5 An owner selling a taxicab licence shall:
- (1) request permission to sell the taxicab licence, in writing, to the Clerk;
  - (2) complete and file with the Clerk or Licensing Officer a declaration as supplied by the Clerk or Licensing Officer;
  - (3) provide a fully detailed contract of sale of the taxicab licence;
  - (4) return to the Clerk or Licensing Officer the taxicab licence issued in his name with respect to the taxicab licence which is being sold.
- 14.6 The applicant for the purchase of the taxicab licence shall:
- (1) complete and file with the Clerk an application for a taxicab licence ;
  - (2) pay the prescribed fee as set by Council from time to time with respect to the renewal of a taxicab licence .

#### **SECTION 15 - SALE OF TAXICAB LICENCE UPON DEATH**

- 15.1 Where the owner of a taxicab licence dies, the licence is suspended, and the plate shall be removed from the taxicab forthwith.
- 15.2 Upon the death of an owner, the taxicab plate shall be returned to the Clerk or Licensing Officer and after filing documentation sufficient to prove that the taxicab is an asset of the estate, the licence may be transferred to the estate of the deceased owner and may be held in the name of the estate and used by the estate, provided it is operated in accordance with the provisions of this by-law and by a person qualified under this by-law.
- 15.3 If the taxicab licence is transferred to the estate of a deceased owner, it can be held in the estate for a period of up to only one year from the date of transfer and if it is not transferred out of the estate within that period, the Clerk or Licensing Officer may revoke it.
- 15.4 To transfer a taxicab licence to the estate of a deceased owner, the following must be filed with the Clerk or Licensing Officer:
- (1) an original or certified copy of a death certificate;
  - (2) a statutory declaration of the person who is the Estate Trustee or Guardian or the Attorney under Power of Attorney or other legally appointed representative as the case may be;
  - (3) proof that the person transferring the taxicab licence has legal status to effect the transfer;
  - (4) proof of automobile insurance in the name of the estate;
  - (5) proof of ownership of the motor vehicle, in the name of the estate; and
  - (6) any other supporting documentation deemed necessary by the Clerk or Licensing Officer.

## **SECTION 16 - INSURANCE**

- 16.1 Every owner shall submit a copy of the insurance policy or a certificate of automobile insurance to the Clerk or Licensing Officer that is issued by an insurer duly authorized to issue insurance within the Province and Ontario and for each taxicab, coverage shall be in the amount of at least \$2 million (\$2,000,000.00) dollars for personal injury and property damage arising out of any one accident or occurrence, and such policy shall be endorsed to the effect that the Clerk or Licensing Officer will be given at least fifteen (15) days notice in writing of any cancellation, expiration or variation in the policy amount.
- 16.2 The licence of an owner who ceases to have automobile insurance in good standing and properly endorsed in accordance with the provisions of this by-law, shall be deemed to be suspended as of the date on which the cessation of automobile insurance came to the attention of the Clerk or Licensing Officer, and the licence shall be reinstated only on there being delivered to the Clerk or Licensing Officer, written proof of automobile insurance in accordance with the provisions of the by-law.
- 16.3 All automobile insurance renewal policies or certificates of automobile insurance shall be filed with the Clerk or Licensing Officer five (5) business days prior to the expiry date of the current automobile insurance policy.

## **SECTION 17 - TAXICAB APPROVAL**

- 17.1 An owner licensed under this by-law who disposes of his taxicab or otherwise ceases to use his taxicab for the purposes permitted under this by-law, before using a new taxicab shall:
- (1) produce and file the motor vehicle permit in good standing, issued by the Ontario Ministry of Transportation, in the owner's name;
  - (2) produce and file a valid automobile insurance certificate;
  - (3) submit the vehicle for inspection and approval by the Clerk or Licensing Officer;
  - (4) pay the prescribed fee as may be set by Council from time to time;
  - (5) produce and file a Safety Standard Certificate, issued under the *Highway Traffic Act*, current within thirty (30) days;
  - (6) produce and file all documents relating to the vehicle, including, if applicable, a leasing agreement or similar documentation relating to ownership, or vehicle operation;
  - (7) submit the vehicle to be used, for inspection by the Clerk or Licensing Officer during normal office hours and such vehicle shall not be used as a taxicab until the inspection has taken place, the approval given, and the provisions of this by-law have been satisfied;
  - (8) if the inspection and approval provided for under the provisions of this by-law cannot be completed during normal office hours, the vehicle can be used, provided the owner returns the vehicle for inspection on the date and time specified by the Clerk or Licensing Officer;
  - (9) upon the owner meeting all requirements and provisions of this by-law and subject to the Clerk or Licensing Officer's approval, the vehicle shall be deemed to be licensed as a taxicab.

## **SECTION 18 - MODEL YEAR RESTRICTION**

- 18.1 No broker, owner or driver /person shall operate or permit to be operated under a taxicab licence :
- (1) A vehicle that is of a model year older than ten (10) years, calculated from the 1<sup>st</sup> day of January of the model year of the vehicle, and such vehicle shall be replaced by October 31 of the seventh year accordingly :

2004 model year shall be replaced by October 31<sup>st</sup> of 2013  
2005 model year shall be replaced by October 31<sup>st</sup> of 2014  
2006 model year shall be replaced by October 31<sup>st</sup> of 2015  
2007 model year shall be replaced by October 31<sup>st</sup> of 2016  
2008 model year shall be replaced by October 31<sup>st</sup> of 2017  
2009 model year shall be replaced by October 31<sup>st</sup> of 2018  
And so on

- (2) a vehicle that is of a model year less than ten (10) years if the vehicle has been deemed unfit by the Clerk or Licensing Officer.

#### **SECTION 19 - TAXICAB METER REQUIREMENTS**

19.1 Every owner shall ensure that his taxicab meter is:

- (1) submitted for testing, inspection and sealing by the Clerk or Licensing Officer at such time and such place as may be directed by the Clerk or Licensing Officer and in any event shall be submitted for testing to the Licensing Officer each time the meter is repaired or removed from the taxicab for any reason;
- (2) in good working condition, immediately repaired when necessary, and inspected and resealed in accordance with the requirements of this by-law.

#### **SECTION 20 - TAXICAB INSPECTION**

- 20.1 The Clerk or Licensing Officer may require for any reason and at any time, an owner or driver to submit his taxicab for inspection at an appointed place and time and the owner shall submit his taxicab for inspection when required to do so by the Clerk or Licensing Officer or, Provincial Offences Officer.
- 20.2 In the course of such inspection the Clerk or Licensing Officer is entitled to request and have produced all relevant licences, permits and documentation required pursuant to this by-law and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the taxicab driver and/or vehicle being inspected, provided such documents are relevant for the purpose of the inspection.
- 20.3 The Clerk or Licensing Officer shall give notice to the owner of two mandatory inspections a year.
- 20.4 Upon receipt of a notice of inspection each owner or driver shall attend with the taxicab at the appointed time and place and shall:
- (1) produce to the Clerk or Licensing Officer:
- (a) the motor vehicle permit in good standing, issued by the Ontario Ministry of Transportation in the vehicle owner's name
- (b) his Ontario Driver's Licence
- (c) his taxicab driver's licence and
- (d) a copy of the automobile insurance certificate, endorsed to show the vehicle being registered and insured;
- (2) produce and file with the Clerk or Licensing Officer a Safety Standard Certificate issued under the *Highway Traffic Act* current within thirty (30) days.
- 20.5 Failure to submit a vehicle with the above documentation for inspection as required shall result in the taxicab driver's licence and/or, taxicab driver's license being suspended by the Clerk or Licensing Officer until such time as the vehicle has been inspected and approved pursuant to this by-law.



## **SECTION 21 - ACCESSIBLE TAXICABS**

- 21.1 Accessible Taxicab plates may be issued at the discretion of the Clerk. Accessible Taxicab plates issued after May 1, 2006 shall remain the property of the Town.
- 21.2 All of the provisions of this by-law in respect of owners, drivers and taxicabs shall apply to an owner, driver and taxicab licensed as an Accessible Taxicab.
- 21.3 In addition to the requirements for taxicabs set out in this by-law, vehicles to be licensed as an Accessible Taxicab shall, as a minimum, permit the loading, transportation and off-loading of persons utilizing a wheelchair or scooter and shall comply with all relevant federal and provincial regulation.
- 21.4 Notwithstanding any other provisions of this by-law in respect of the dispatching of taxicabs, when a customer who is confined to the use of a wheelchair or scooter, requests the service of an Accessible Taxicab, the broker shall ensure that such call shall receive priority over any other request for service to which the taxicab has been dispatched provided that the Accessible Taxicab has not been engaged.

## **SECTION 22 - TAXICAB PLATE PRIORITY LIST**

- 22.1 Those persons whose names appeared on the Priority List under the provisions of Schedule 18 of By-law 2002-151 as adopted by Council on December 16, 2002 shall, if they continuously comply at all times with all of the requirements of this by-law, have their names placed and maintained on the Priority List in the order in which they appeared on the previous Priority List, as of the date of the enactment of this by-law, with the following exception:
- (1) No person who has been issued an owner's licence from the Priority List may re-enter his name on the Priority List. This clause is not retroactive for applicants who have had their name entered and are currently on the Priority List.
- 22.2 No new Priority List applications will be accepted after May 1, 2006.
- 22.3 A person whose name appears on the Priority List under the provisions of Schedule 18 of By-law #2002-151 and who meets the requirements of Section 12.2 and has submitted to the Clerk or Licensing Officer the appropriate application and the prescribed fee as may be set by Council from time to time, may have his name maintained on the Priority List, provided the following requirements are met:
- (1) the person meets all requirements of this by-law;
- (2) the application for an owner's licence is in good standing;
- (3) the person has been licensed as a driver in the Town for twenty-four (24) months prior to the date that the application for the taxicab licence was filed with the Clerk or Licensing Officer;
- (4) the person has provided to the Clerk or Licensing Officer a statement in writing signed by the owner and/or broker with whom the person was employed with or with whom the person provided service as a taxicab driver, taxi dispatcher or an employee of the broker, stating that the person worked as such for an average of at least thirty-five (35) hours per week for eighty-eight (88) weeks of the twenty-four (24) month period immediately before the application was filed with the Clerk or Licensing Officer; and
- (5) the person has filed a statutory declaration with the Clerk or Licensing Officer that confirms that he meets the requirements of Section 22.3 subsections (3) and (4);
- 22.4 A person who is on the Priority List may reapply to be maintained on that list and once approved such application shall be valid from January 1<sup>st</sup> and expire on December 31<sup>st</sup> of each year in which the person applies.

- 22.5 Any person whose name is on the Priority List and who fails to provide documentation to the satisfaction of the Clerk or Licensing Officer in order to satisfy the provisions of this by-law or does not renew his application with the Clerk or Licensing Officer ten (10) days after the expiry date, shall be removed from the Priority List. Notice of such removal will be given pursuant to the provisions of this by-law.
- 22.6 As each person on the Priority List is issued a plate, the Priority List shall be reduced so that no person's names are remaining on the list. Those persons whose names appeared on the Priority List under Schedule 18 of By-law #2002-151 as adopted by Council on December 16, 2002 shall, if they continuously comply at all times with all of the provisions of this by-law, have their names maintained on the Priority List in the order in which they appeared on the previous Priority List.
- 22.7 Upon the depletion of the Priority List as established by this by-law, licences issued thereafter shall remain the property of the Town. The issuance of such licences thereafter shall be in a form and manner as determined by the Clerk.
- 22.8 A person whose name has been placed on the Priority List shall have his name removed from the Priority List if at any time after his name has been placed on the Priority List:
- (1) he acquires, by purchase or otherwise a taxicab licence or an interest of any kind, whether direct or indirect, in a taxicab licence or becomes a shareholder in or a partner in or acquires some other interest in, a company or firm holding a taxicab licence ; or
  - (2) his license issued pursuant to this by-law lapses or is cancelled or revoked or suspended and/or is not in compliance with any provision of this by-law; or
  - (3) he ceases to earn his living in the Region of York on a full-time basis as a driver, owner, broker or as an employee of a broker, provided that a driver, owner or broker whose license has been suspended under this by-law shall be deemed not to cease to earn his living on a full-time basis as a driver during the period of his suspension; or
  - (4) he sells a licensed taxicab .
- 22.9 A person's name may appear only once on the Priority List.
- 22.10 For the purpose of this section, no corporation shall be allowed to renew its status on the Priority List.

#### **SECTION 23 - ISSUANCE OF PLATE FROM PRIORITY LIST**

- 23.1 The Clerk may issue one taxicab licence for each one thousand and five hundred (1500) persons residing in the Town.
- 23.2 Whenever a licence is issued, it shall be issued to the applicant whose name appears first chronologically on the Priority List, provided that the applicant meets all other provisions of this by-law.
- 23.3 If an applicant whose name appears on the Priority List is offered a taxicab licence by the Clerk or Licensing Officer which he refuses, his name shall be removed from the Priority List and no new application will be accepted from such applicant.
- 23.4 A taxicab owner's licence issued to a person on the Priority List shall be issued on a probationary basis for a period of five (5) years, during which period the owner shall:
- (1) operate the taxicab on a regular shift basis;
  - (2) maintain a good operating record;
  - (3) not sell, or otherwise dispose of his taxicab licence except for financial or health reasons and as approved by the Clerk or Licensing Officer.

- 23.5 No person, by virtue of the submission of an application for a taxicab owner's licence or by virtue of the placing of their name on the Priority List, shall obtain a vested right to a taxicab owner's licence or to remain on the Priority List at any time and Council reserves the right to amend or repeal this by-law and any successor by-laws and to place further additional requirements or restrictions on such applicants or persons at any time and from time to time, or to purge or eliminate the Priority List at any time or from time to time.

#### **SECTION 24 - REVIEW OF THE PRIORITY LIST**

- 24.1 The Clerk or Licensing Officer shall review the Priority List at regular intervals, at a minimum of once per calendar year, to determine that the listed persons are in compliance with the provisions of this by-law.

#### **SECTION 25 - EXEMPTION FOR MEDICAL LEAVE**

- 25.1 If an applicant on the Priority List is required to take medical, educational or a leave of absence for any period of time he shall provide to the Clerk:
- (1) a letter from a duly qualified medical doctor licensed to practice medicine in Ontario detailing the nature of the illness and the expected date of return to work; or
  - (2) documentation from the educational institution in which the applicant will be attending to the satisfaction of the Clerk or Licensing Officer; and
  - (3) a request for permission to take a leave of absence, but in no case shall such leave exceed a one (1) year period.

#### **SECTION 26 - POWER OF ENTRY**

- 26.1 Any employee of the Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (1) the provisions of this bylaw;
  - (2) an order issued under this bylaw; or
  - (3) an order made under Section 431 of the *Municipal Act*.
- 26.2 Where such an inspection is conducted, the person conducting the inspection may;
- (1) require the production for inspection of documents or things relevant to the inspection;
  - (2) inspect and remove documents or things relevant to the inspection, for the purpose of making copies and extracts;
  - (3) require information from any person related to the inspection including that person's name, address, phone number and identification; and
  - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 26.3 The Town may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.
- 26.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.

#### **SECTION 27 - PENALTY**

- 27.1 Every person who contravenes a provision of this by-law, including an Order issued under this by-law, is guilty of an offence.

- 27.2 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.
- 27.3 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.
- 27.4 Every person who is guilty of an offence under this by-law shall be subject to the following penalties:
- (1) Upon a first conviction, to a fine not less than \$350.00 and not more than \$100,000.00;
  - (2) 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;
  - (3) 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;
  - (4) 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.
- 27.5 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.
- 27.6 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.

#### **SECTION 28 - SEVERABILITY**

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

#### **SECTION 29 - SHORT TITLE**

- 29.1 This By-law may be referred to as the "Taxicab Licensing By-law".

#### **SECTION 30 - REPEAL/EFFECTIVE DATE**

- 30.1 By-law Number 2008-55 and amending By-law Number 2009-51 are hereby repealed and this by-law shall come into force and effect upon its adoption.

ENACTED THIS 17TH DAY OF JUNE, 2013.

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

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



LEGAL & DEVELOPMENT SERVICES – PLANNING  
TOWN OF NEWMARKET  
395 Mulock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7  
www.newmarket.ca  
info@newmarket.ca  
905.895.5193

June 13, 2013

**DEVELOPMENT AND INFRASTRUCTURE SERVICES  
PLANNING AND BUILDING SERVICES  
MEMORANDUM**

TO: Council

SUBJECT: Application for Zoning By-law Amendment  
Proposed Commercial Development  
2239798 Ontario Inc.  
Lot 18, 65M-2677  
400 Harry Walker Parkway South  
File No.: D14 NP1303

ORIGIN: Application Submitted to the Planning Department


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Further to Planning Report 2013-19 and the subsequent Public Meeting held on June 10, 2013, the Planning Department is presenting to Council an amending Zoning By-law. This by-law will amend Zoning By-law 2010-40 to permit the applicant to convert a portion of the existing warehouse to retail uses.

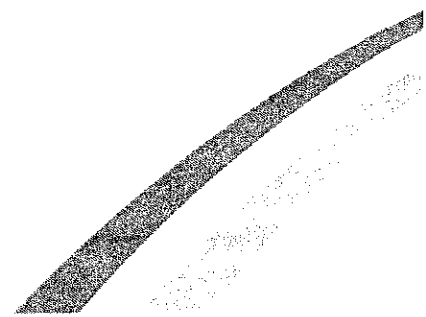
No members of the public attended the public meeting and no comments were received by the Planning Department from the public. No internal departments or external agencies expressed concerns with the proposed rezoning.

The proposed zoning by-law is attached for Council's consideration.

For more information on this report, contact: Meghan White, Planner, at 905-953-5321, ext 2458; mwhite@newmarket.ca

  
\_\_\_\_\_  
Director, Planning & Building Services

  
\_\_\_\_\_  
Planner





**CORPORATION OF THE TOWN OF NEWMARKET**

**BY-LAW NUMBER 2013-29**

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW. (2239798 ONTARIO INC.)

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

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

THAT By-law Number 2010-40, as amended, be and the same is hereby further amended by:

1. Deleting from Schedule "A", Map No. 15, the General Employment (EG) Zone on 400 Harry Walker Parkway South and substituting therefore the General Employment Exception 120 (EG-120) Zone as shown more particularly on Schedule 'X' attached hereto, and forming part of this By-law.
2. Adding the following regulations relating to the General Employment Zone to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference	File Reference
120	EG-120	15	2013-29	D14-NP-13-03
i) Location: 400 Harry Walker Parkway South				
ii) Legal Description: Lot 18, Plan 65M-2677				
iii) Notwithstanding any other provision of Zoning By-law 2010-40, the following shall be applied to the lands subject to this by-law:				
a) Additional Permitted Use: retail accessory to a warehouse use.				
b) Maximum floor area of retail uses accessory to a warehouse: 2043 sq.m.				

ENACTED THIS 17TH DAY OF JUNE, 2013.

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

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

400 Harry Walker Parkway South  
Town of Newmarket  
Regional Municipality of York

This is Schedule 'X'  
To Bylaw 2013-29  
Passed this \_\_\_\_\_ Day  
of \_\_\_\_\_, 2013.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



SCHEDULE "X" TO BY-LAW 2013-29  
TOWN OF NEWMARKET PLANNING DEPARTMENT



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## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2013-30

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 AS AMENDED BEING A ZONING BY-LAW. (TECHNICAL AMENDMENT)

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

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

THAT By-law Number 2010-40 as amended, be and the same is hereby further amended by:

1. Amending section 8.1.1 List of Exceptions with the following:

a) Adding Exception 119 as follows:

Exception 119	Zoning R1-B 119, R1-C-119, R1-D-119	Maps 10 & 13	By-law Reference 2013-30	File Reference N/A
i)	Location: All lots zoned R1-C and R1-D on Schedule A Maps 10 and 13			
iii)	Development Standards:			
a)	Maximum Height: One Storey: 7.5 metres One and half storey: 8.5 metres Two Storey: 10 metres For the purposes of this exception, height shall be measured from the front grade of the dwelling to the highest portion of the roof.			
b)	Maximum Lot Coverage: 2 Storey and 1.5 Storeys: 25%* 1 Storey: 35%			
c)	Minimum Front Yard Setback: Notwithstanding any other provision of this by-law, structures built between existing buildings shall be built with a setback which is within the range of existing front yard setbacks for the abutting buildings, but this depth shall not be less than 3 metres from the front lot line.			
*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys are permitted to have the lesser of 10% of the total lot area or 75% of the ground floor area of the main building, for roofed accessory buildings or structures in addition to the 20% lot coverage for main dwellings.				

2. Deleting from Schedule "A", Maps 10 the R1-C zone and substituting the R1-B-119 zone as shown on Schedule "X" attached hereto.

3. Deleting from Schedule "A", Map 10 the R1-C and R1-D zones and substituting the R1-C-119 and R1-D-119 zones as shown on Schedule "X" attached hereto.



4. Deleting from Schedule "A", Map 13 the R1-C and R1-D zones and substituting the R1-C-119 and R1-D-119 zones as shown on Schedule "Y" attached hereto.

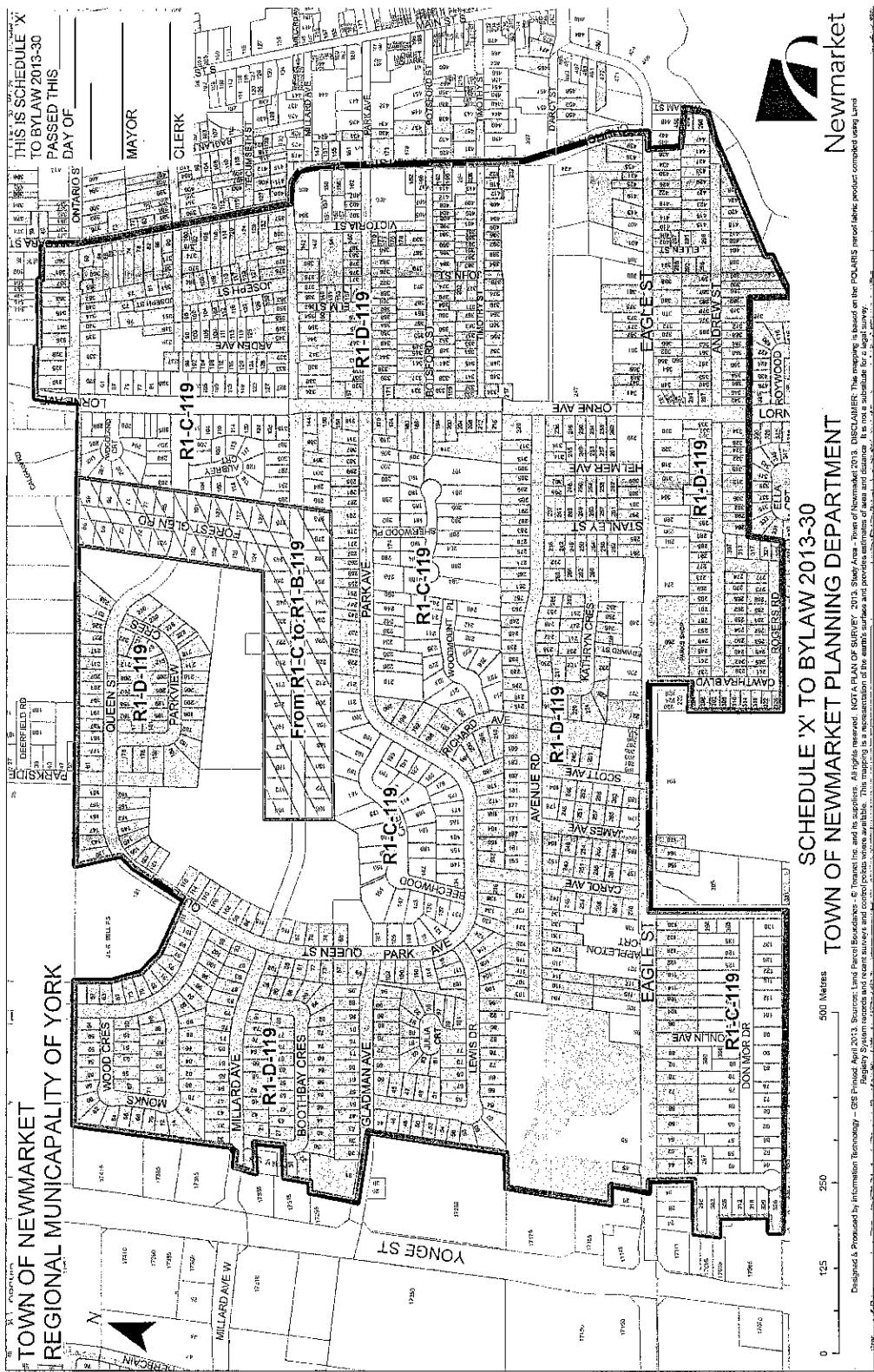
ENACTED THIS 17TH DAY OF JUNE, 2013

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk



SCHEDULE 'X' TO BYLAW 2013-30  
TOWN OF NEWMARKET PLANNING DEPARTMENT

0 125 250 500 Metres

THIS IS SCHEDULE 'X' TO BYLAW 2013-30  
PASSED THIS DAY OF  
MAYOR  
CLERK

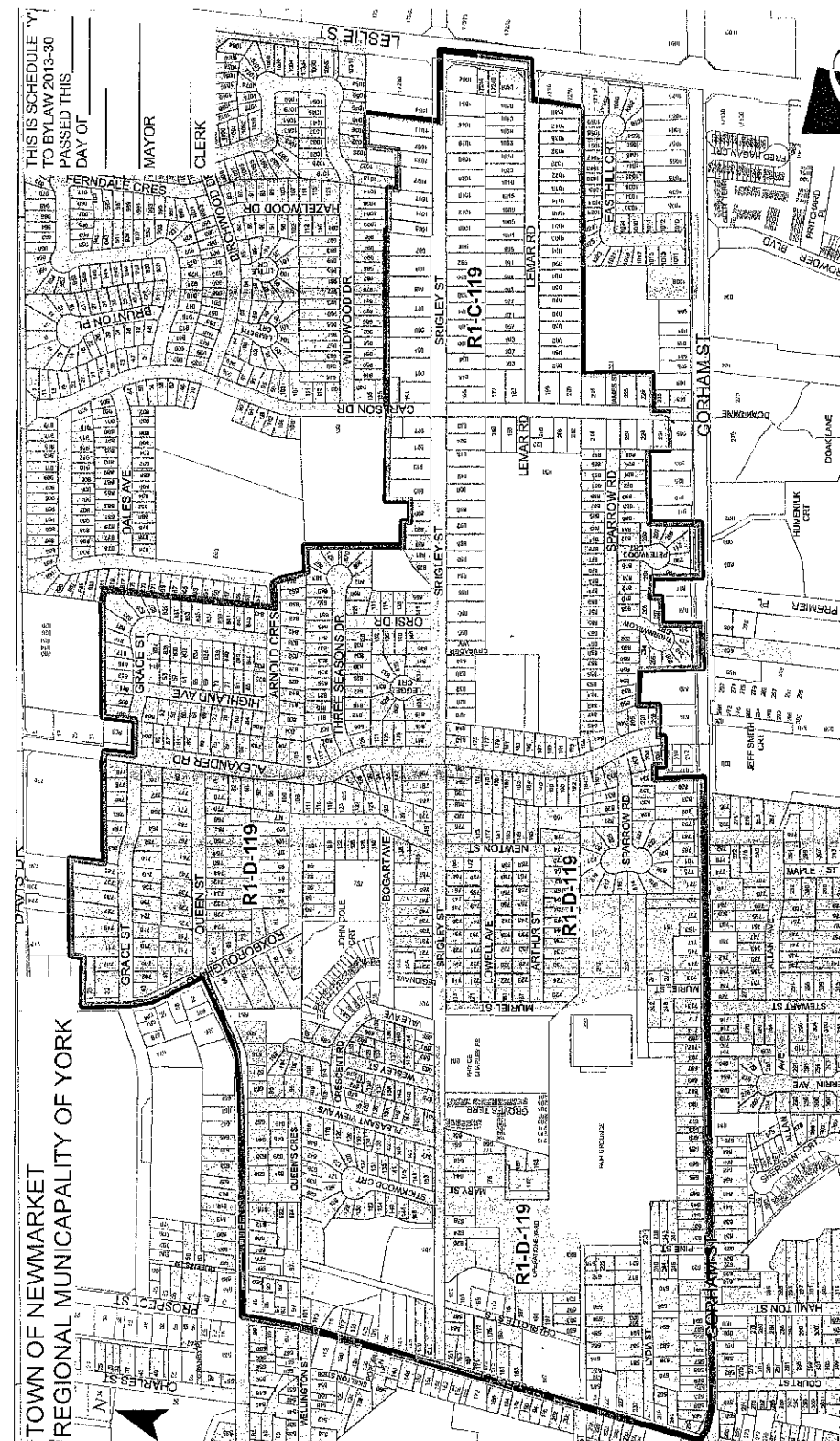
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TOWN OF NEWMARKET  
REGIONAL MUNICIPALITY OF YORK

THIS IS SCHEDULE 'Y'  
TO BYLAW 2013-30  
PASSED THIS  
DAY OF

MAYOR

CLERK



SCHEDULE 'Y' TO BYLAW 2013-30  
TOWN OF NEWMARKET PLANNING DEPARTMENT

0 125 250 500 Metres



Newmarket

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**CORPORATION OF THE TOWN OF NEWMARKET**

**BY-LAW NUMBER 2013-31**

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL – JUNE 17, 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 17TH DAY OF JUNE, 2013.

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk