



# Town of Newmarket **AGENDA**

## **Council**

Monday, April 24, 2017 at 7:00 PM

Council Chambers

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### **Open Forum**

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

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

### **Declarations of Pecuniary Interest**

### **Presentations & Recognitions**

1. Ms. Debra Scott, Smart Commute Central York, to address Council with a PowerPoint Presentation entitled "Smart Commute Central York 2016 Program Update." **Page 1**

### **Deputations**

2. Mr. Gordon Prentice to address Council regarding the pre-hearing for the Ontario Municipal Board related to the Clock Tower. **Page 13**

### **Approval of Minutes**

3. Council Meeting Minutes of March 27, 2017. **Page 14**

### **Reports by Regional Representatives**

### **Reports of Committees and Staff**

4. Committee of the Whole Meeting Minutes of April 10, 2017. **Page 33**
5. Committee of the Whole (Closed Session) Meeting Minutes of April 10, 2017.  
The Committee of the Whole (Closed Session) Meeting Minutes are distributed under separate cover (Goldenrod).
6. Proclamation Request from Mr. John Cartwright, President of Toronto and York Region Labour Council dated March 31, 2017, requesting the Town of Newmarket Council to proclaim April 28, 2017 as "Day of Mourning for workers killed or injured on the job". **Page 43**

1. That the proclamation request from Mr. John Cartwright, Toronto and York Region Labour Council, dated March 31, 2017, be received; and,
2. That the Town of Newmarket Council proclaim April 28, 2017 as "Day of Mourning for workers killed or injured on the job"; and,
3. That the "Day of Mourning for workers killed or injured on the job" proclamation be advertised in the Town Page advertisement and on the Town's website.

7. Proclamation Request from Ms. Susy Cancelli, Community Living Newmarket/Aurora District dated April 17, 2017, requesting the Town of Newmarket Council to proclaim May 8, 2017 as "Community Living Day". **Page 44**

1. That the proclamation request from Ms. Susy Cancelli, Community Living Newmarket/Aurora District dated April 17, 2017, be received; and,
2. That the Town of Newmarket Council proclaim May 8, 2017 as "Community Living Day"; and,
3. The the Riverwalk Commons be illuminated on the evening of May 8, 2017 for "Community Living Day"; and,
4. That the "Community Living Day" proclamation be advertised in the Town Page advertisement and on the Town's website.

## **By-laws**

8. 2017-19 - A By-law to provide for Establishing and Maintaining a System for Collection, Removal and Disposal of Garbage, Other Refuse, Yard Waste Materials, Recyclable Materials including Blue Bin Materials and Source Separated Organics. **Page 46**
9. 2017-20 - A By-law to appoint a Deputy Clerk. (Kiran Saini) **Page 60**
10. 2017-21 - A By-law to exempt certain lands from the part lot control provisions of the Planning Act. **Page 61**

## **Notices of Motion**

## **Motions**

## **Announcements & Community Events**

## **New Business**

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

## **Confirmatory By-law**

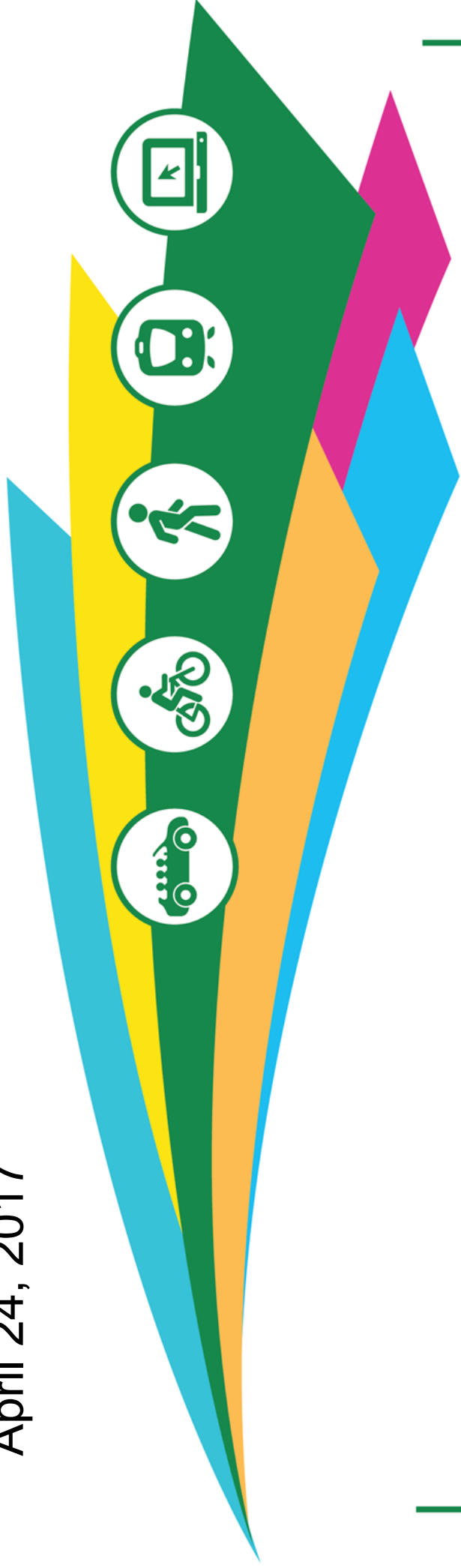
11. 2017-22 - A By-law to confirm the proceedings of the meeting of Council held on April 24, 2017. **Page 63**

## **Adjournment**



# SMART COMMUTE CENTRAL YORK 2016 PROGRAM UPDATE

Presentation to the  
Town of Newmarket Council  
April 24, 2017



# Smart Commute Central York (SCCY)

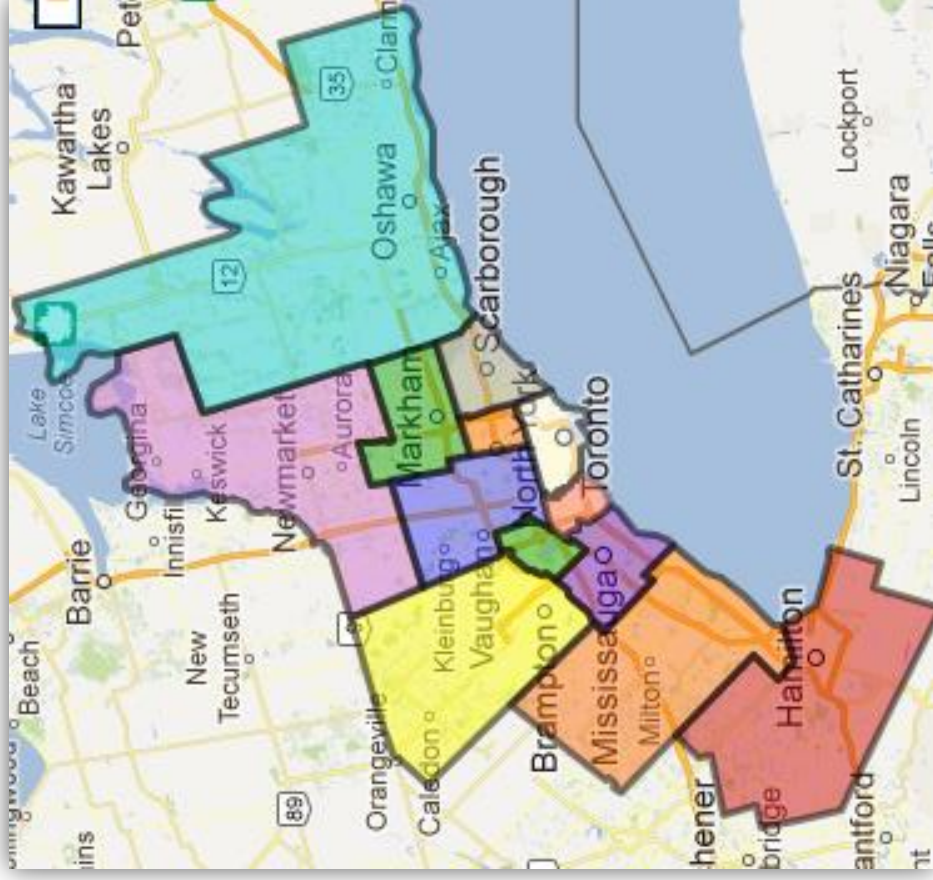
One of 13 Smart Commute offices across the GTHA

Our funders:



**METROLINX**

An agency of the Government of Ontario



Explore your options

# SCCY Carpool Week - February 2016

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**Drive together, save together!**



**CARPOOL WEEK** | February 6 to 12, 2017

- 700 trips logged on the Smart Commute tool

3

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Explore your options





# Champion Workshop - March 2016

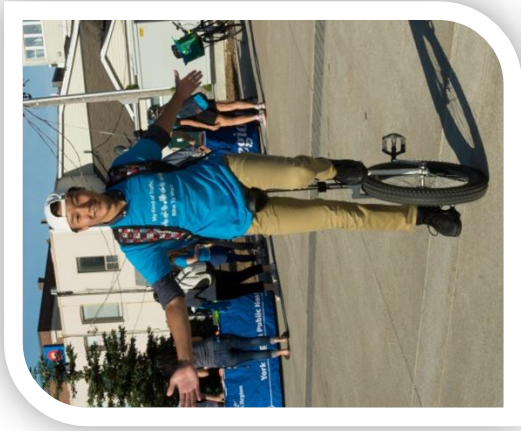


Explore your options





# 10th Anniversary Bike to Work Day - May 30, 2016



5

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# Summer Bike Challenge Results

*“I wanted to see if I could ride for the month of June. Once I did that I realized how much I enjoyed it and just kept riding.”*



**143 participants**  
(+14% over last year)

**4,823 cycling trips**



**43,324 km**



**1,346,025  
calories burned**



**equivalent to 385lbs lost**

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# Smart Commute Week - September 2016



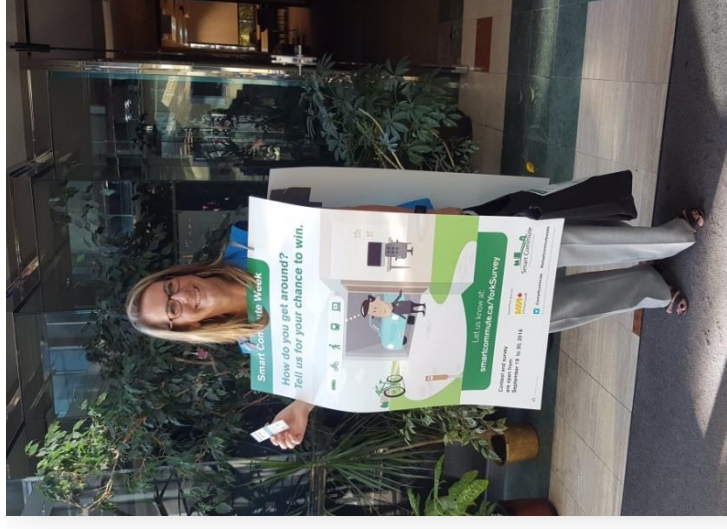
Going places? There's more than one way.

Smart Commute Week September 19 to 25, 2016

Let us know: [SmartCommute.ca/YorkSurvey](http://SmartCommute.ca/YorkSurvey)

## Smart Commute Week Survey

- Commuter data
- GTHA-wide
- 3,050 responses from employees in York Region (SCCY accounted for 50% of these)



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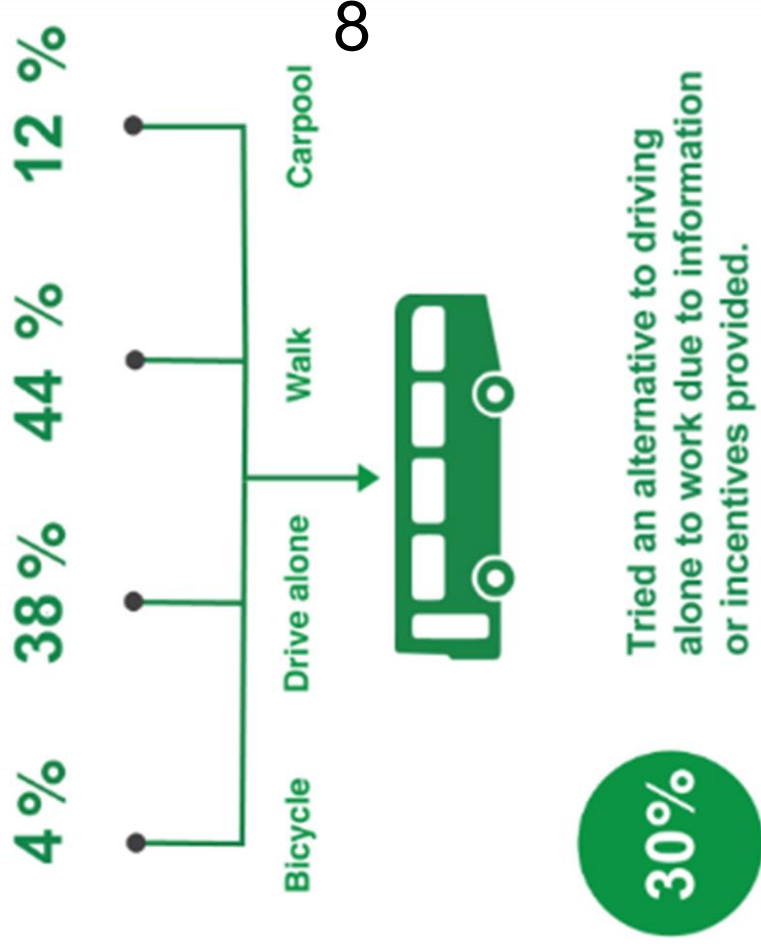


# 2016 Smart Commute Week Survey Results

They get to work by:



They get to transit by:



Average commute distance : 28.7 km

Based on 1594 survey responses



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# 2016 Metrolinx Smart Commute Awards



**Champion Award**  
Katharine Gatto  
Southlake

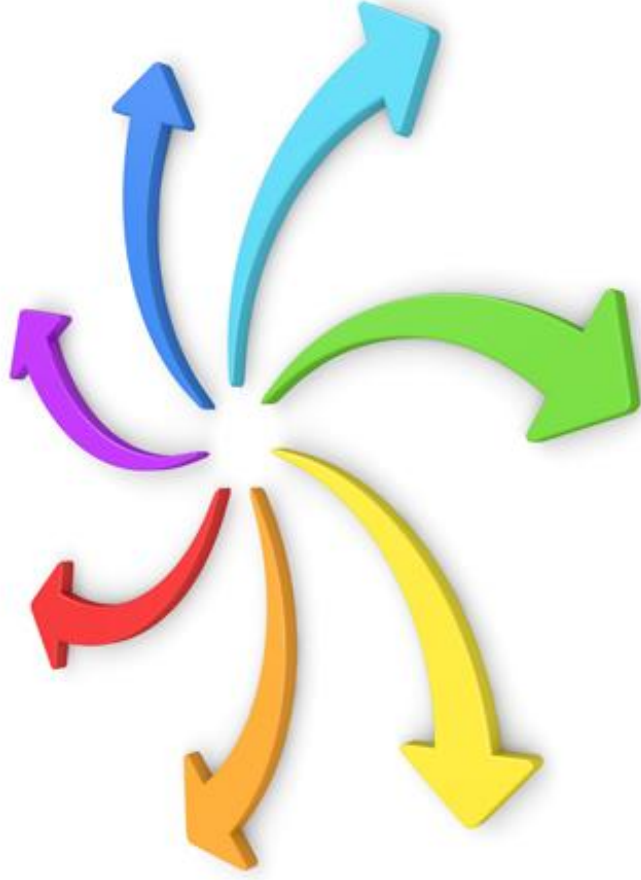


**York Region Employer of the Year Award**  
Lake Simcoe Region Conservation Authority





# New Program Direction



# Project Example

## York Region Employee Relocation Project

145 Harry Walker Parkway N., Newmarket

July 2016 - March 2017

Usual Commute Mode			
Mode	Pre-move	Now	Change
Drive Alone	96%	89.7%	- 6.3%
Carpool	3%	7.7%	+ 4.7%
Transit	0%	2.6%	+ 2.6%
Cycle or walk	0%	0.0%	-
Other	1%	0.0%	- 1%

\* Source: Pre-move survey July 2016 and Post-move survey March 2017 conducted by SCCY.

Explore your options



# Thank you

[info@sccy.ca](mailto:info@sccy.ca)

[SmartCommuteCY.ca](http://SmartCommuteCY.ca)

(905) 898-5900





## Deputation and Further Notice Request Form

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

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

Name: <u>GORDON PRENTICE</u>	
Organization / Group/ Business represented: <u>ARCHITECTURAL CONSERVANCY OF ONTARIO (NEWMARKET BRANCH)</u>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <u>24 APRIL 2017</u>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>THE OMB CLOCK TOWER PREHEARING IS ON 3 MAY 2017 AND THE ARCHITECTURAL CONSERVANCY OF ONTARIO WILL BE SEEKING PARTY STATUS. IN ORDER TO PREPARE, I WOULD LIKE DETAILS OF ANY "AGREEMENT IN PRINCIPLE" RELATING TO THE CLOCK TOWER DEVELOPMENT WHICH WAS ENTERED INTO BY THE TOWN WITH ROBERT FORREST OR MAIN STREET CLOCK INC THE THEN TOWN SOLICITOR TOLD ME ON 23 FEBRUARY 2016 THAT "IF OR WHEN THE DEVELOPER'S DEVELOPMENT APPLICATION COMES BEFORE COUNCIL, THE DETAILS OF THE REQUESTED LAND EXCHANGE WILL LIKELY BECOME</u>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines: PUBLIC INFORMATION: GIVEN THE DECISION ON 5 DEC 2016 THIS INFORMATION SHOULD NOW BE PUT INTO THE PUBLIC DOMAIN.

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

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  
**MINUTES**

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**Council**

Monday, March 27, 2017 at 7:00 PM  
Council Chambers

For consideration by Council  
on April 24, 2017

The meeting of Council was held on Monday, March 27, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Deputy Mayor & Regional Councillor Taylor  
Councillor Vegh  
Councillor Kerwin  
Councillor Twinney  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Absent: Councillor Hempen

Staff Present: R.N. Shelton, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
I. McDougall, Commissioner of Community Services  
P. Noehammer, Commissioner of Development and Infrastructure Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Clerk  
L. Moor, Council/Committee Coordinator  
H. Leznoff, Council/Committee Coordinator

**Open Forum**

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

The meeting was called to order at 7:00 PM.

Mayor Van Bynen presided as Chair.

**Public Notices**

There were no Public Notices.

### Additions & Corrections to the Agenda

#### 1. Additions to the March 27, 2017 Council Agenda.

The Chief Administrative Officer advised of the following additions to the agenda:

- (1) Councillor Twinney provided a verbal Notice of Motion at the Committee of the Whole held on March 20, 2017 regarding a review of Zoning By-law 2010-40 and 2013-40. Councillor Twinney had subsequently requested that this Motion be placed on the March 27, 2017 Council agenda; however, the Chief Administrative Officer advised that Council's approval to waive provisions of the Procedure By-law would be required.

#### 2. Corrections to the March 27, 2017 Council Agenda.

The Chief Administrative Officer advised of the following corrections to the March 27, 2017 Committee of the Whole minutes:

- (1) Corporate Services Report – Financial Services 2017-03 regarding Preliminary Fourth Quarter Report – Operating and Investment Summary; the recommendation should be corrected to “That the reserve transfers totaling \$235,000 listed **in the report** be approved.”
- (2) The Site Plan Review Committee minutes of the March 6, 2017 meeting were erroneously included twice in the agenda.
- (3) New Business – Inclusion of list of individuals to whom endorsement of Bill 65, Safer School Zones Act, 2016 will be addressed to being: Minister of Transportation, Lieutenant Governor, the Attorney General, Regional Clerk and Greater Toronto Area municipalities.

Moved by: Councillor Twinney

Seconded by: Deputy Mayor and Regional Councillor Taylor

1. That the additions and corrections to the March 27, 2017 Council agenda be approved.

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

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

**Carried**



### Declarations of Pecuniary Interest

None declared.

### Presentations & Recognitions

3. Presentation of the 2017 High School Art Contest Award Recipients.

Ms. Beth Sinyard, Curator, Elman W. Campbell Museum along with Mayor Van Bynen and Members of Council presented the 2017 High School Art Contest Award Recipients. Mayor Van Bynen and Members of Council congratulated the award recipients and thanked Ms. Beth Sinyard for her dedication and efforts.

4. PowerPoint Presentation entitled "Transforming Healthcare" provided by Dr. Dave Williams, President/CEO, Southlake Regional Health Centre.

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

1. That Dr. Dave Williams be provided with an additional five minutes for the presentation.

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

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

**Carried**

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

2. That the PowerPoint presentation entitled "Transforming Healthcare" provided by Dr. Dave Williams be received.

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

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

**Carried**

## **Deputations**

There were no deputations.

## **Approval of Minutes**

5. Council Meeting Minutes March 6, 2017.

Moved by: Councillor Kwapis  
Seconded by: Councillor Twinney

1. That the Council Meeting Minutes of March 6, 2017 be approved.

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

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

**Carried**

6. Council (Closed Session) Meeting Minutes March 6, 2017.

Mayor Van Bynen advised that Council resolved into Closed Session for the purpose of Litigation or Potential Litigation including matters before administrative tribunals affecting the municipality, including communications necessary for that purpose as per Section 239 (2) (e) of the Municipal Act, 2001 with respect to Joint Corporate Services (Legal Services) and Development and Infrastructure Closed Session Report 2017-04 dated February 23, 2017 regarding 178-194 Main Street South.

Moved by: Deputy Mayor and Regional Councillor Taylor  
Seconded by: Councillor Twinney

1. That the Council (Closed Session) Meeting Minutes of March 6, 2017 be

approved.

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

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

**Carried**

## **Reports by Regional Representatives**

### 7. Development Charges Review

Deputy Mayor and Regional Councillor Taylor provided an update regarding the Development Charges Review. He advised that discussions and adjustments were made including modification of existing projects and related budgets, and addition of new projects. He noted that these changes were completed within the same financial envelope with little to no impact on the rates. Hotel rates are decreasing 80%, office rates are decreasing approximately 15%, commercial rates have stayed the same, and residential rates are approximately increasing 15%. The review takes place every five years but the next review will be earlier than usual at approximately two to three years.

### 8. Electric Buses

Deputy Mayor and Regional Councillor Taylor advised that York Region Transit is participating in a two-year Regional pilot project involving electric buses. The buses will operate on the Viva routes along Davis Drive. The pilot project will measure the benefits of electric buses including reduction of operating and maintenance costs, reducing greenhouse gas emissions and reducing noise.

## **Reports of Committees and Staff**

### 9. Special Committee of the Whole Meeting Minutes of March 6, 2017.

Moved by: Councillor Twinney  
Seconded by: Councillor Broome



That the Special Committee of the Whole Meeting Minutes of March 6, 2017 be received and the following recommendations noted within be adopted.

(1) Presentation by Ms. Nicole Wellsbury, Director of Legislative and Information services, Town of Ajax regarding Ajax's online voting experience.

1. That the presentation by Ms. Nicole Wellsbury, Director of Legislative and Information Services, Town of Ajax regarding Ajax's online voting experience be received.

(2) Presentation by the Records and Projects Coordinator regarding Internet Voting for the 2018 Municipal Election.

1. That the presentation by the Records and Projects Coordinator regarding Internet Voting for the 2018 Municipal Election be received.

(3) Corporate Services – Legislative Services Report 2017-04 dated March 2, 2017 regarding Alternative Voting Methods for the 2018 Municipal Election

1. That Corporate Services – Legislative Services Report 2017-04 dated March 2, 2017 regarding Alternative Voting Methods for the 2018 Municipal Election be received and the following recommendations be adopted:

a. That Council endorse the use of internet and telephone voting as outlined in Option 1 in the report, for use in the 2018 Municipal Election; and,

b. That a By-law be brought forward for consideration by Council to the March 27, 2017 meeting to authorize the use of these alternative voting methods in the 2018 Municipal Election in accordance with Subsections 42 (1) (a) and (b) of the Municipal Elections Act, 1996; and,

c. That a third party security audit of the selected internet and telephone voting platform be conducted.

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

Opposed: Councillor Vegh  
(7 in favour, 1 opposed)

**Carried**

10. Committee of the Whole Meeting Minutes of March 20, 2017.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

That the Committee of the Whole Meeting Minutes of March 20, 2017 be received and the following recommendations noted within be adopted.

- (1) PowerPoint presentation That the PowerPoint presentation by the Manager of Water and Wastewater and the Water/Wastewater Operator regarding the Town of Newmarket's Drinking Water System Update.
  1. That the PowerPoint presentation by the Manager of Water and Wastewater and the Water/Wastewater Operator regarding the Town of Newmarket's Drinking Water System Update be received.
  
- (2) Community Services – Economic Development Report 2017-02 dated March 1, 2017 regarding Downtown Patios Pilot Project.
  1. That Community Services – Economic Development Report 2017-02 dated March 1, 2017 regarding Downtown Patios Pilot Project be received and the following recommendation be adopted:
    - a. That patios participating in the Downtown Patios program be permitted to remain open until 11:00 PM throughout the patio season.
  
- (3) Development and Infrastructure Services/Planning and Building Services Report 2017-08 dated March 20, 2017 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.
  1. That Development and Infrastructure Services/Planning and Building Services Report 2017-08 dated March 20, 2017 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:
    - a. That the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by Shining Hill Estates Collection Inc. for lands being composed of Part of Lot 87, Concession 1, WYS be referred to a public meeting; and,

- b. That following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
  - c. That Mr. Lincoln Lo, Malone Given Parsons Ltd., 140 Renfrew Drive, Suite 201, Markham, ON L3R 6B3 be notified of this action.
- (4) Development & Infrastructure Services - Planning & Building Services Report 2017-09 dated March 20, 2017 regarding the demolition of the garage structure at 16860 Leslie Street, being located on a property designated under the Ontario Heritage Act.
  - 1. That Development & Infrastructure Services - Planning & Building Services Report 2017-09 dated March 20, 2017 regarding the demolition of the garage structure at 16860 Leslie Street, being located on a property designated under the Ontario Heritage Act, be received and the following recommendations be adopted:
    - a. That Council consent to the submitted demolition permit request subject to the owner be required to prepare and submit a Heritage Conservation Plan for the John Bogart house at 16860 Leslie Street, addressing the existing condition, immediate remedial work necessary, long term restoration work necessary, preliminary building relocation plan along with a work schedule within 90 days of this recommendation; and,
    - b. That Mr. Gilles Bisnaire, Leslie Street (FGN) Inc., 5332 Hwy. 7, Vaughan, ON be notified of this action.
- (5) Corporate Services Report - Financial Services 2017-13 dated March 3, 2017 regarding 2016 Preliminary Fourth Quarter Report – Operating and Investment Summary.
  - 1. That Corporate Services Report - Financial Services 2017-13 dated March 3, 2017 regarding 2016 Preliminary Fourth Quarter Report – Operating and Investment Summary be received and the following recommendation be adopted:
    - a. That the reserve transfers totaling \$235,000 listed in the report

be approved.

- (6) Central York Fire Services – Joint Council Committee Meeting Minutes of January 10, 2017.
  - 1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of January 10, 2017 be received.
- (7) Newmarket Public Library Board Meeting Minutes of January 18, 2017
  - 1. That the Newmarket Public Library Board Meeting Minutes of January 18, 2017 be received.
- (8) Heritage Newmarket Advisory Committee Meeting Minutes of December 6, 2016.
  - 1. That the Heritage Newmarket Advisory Committee Meeting Minutes of December 6, 2016 be received.
- (9) Main Street District Business Improvement Area Board of Management Meeting Minutes of January 17, 2017.
  - 1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of January 17, 2017 be received.
- (10) Site Plan Review Committee Meeting Minutes of March 6, 2017
  - 1. That the Site Plan Review Committee Meeting Minutes of March 6, 2017 be received.
- (11) Item 1 of the Site Plan Review Committee Minutes of March 6, 2017 regarding Application for Site Plan Approval - 470 Crossland Gate - Ward 7.
  - 1. That the Application for Site Plan Approval to permit the construction of 140 townhouse dwelling units within 22 buildings be approved in principle and referred to staff for processing, subject to the following:
    - a. That the preliminary review comments be addressed to the satisfaction of Town staff; and,
    - b. That Ms. Joanne Barnett, Marianneville Developments Limited, 3-26 Lesmill Road, Toronto, ON M3B 2T5 be notified



of this decision; and,

- c. That Ms. Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Unit 109, Richmond Hill, ON L4B 3K1 be notified of this decision.
- (12) Correspondence dated February 15, 2017 from Ms. Andrea McKechnie, Support Committee, Queen's York Rangers 2799 Army Cadet Corps. requesting permission for Tagging Fundraising - September 14 to September 17, 2017.
- 1. That the correspondence dated February 15, 2017 from Ms. Andrea McKechnie be received and the following recommendation be adopted:
    - a. That permission be granted for Tagging Fundraising from Thursday, September 14 to Sunday, September 17, 2017.
- (13) Correspondence dated March 2, 2017 from Ms. Kalyani Vimalasan, Walk for Values Steering Committee requesting proclamation of April 24, 2017 as 'Human Values Day'.
- 1. That the correspondence from Ms. Kalyani Vimalasan, Walk for Values Steering Committee be received and the following recommendations be adopted:
    - a. That the Town of Newmarket proclaim April 24, 2017 as "Human Values Day"; and,
    - b. That the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca).
- (14) Mr. Sandro Sementilli on behalf of San Michael Homes addressed the Committee requesting a two month extension of a re-development plan for the for combined properties of San Michael Homes and the Hollingsworth Arena.
- 1. That the deputation by Mr. Sandro Sementilli on behalf of San Michael Homes regarding an extension request of a re-development plan for the combined properties of San Michael Homes and the Hollingsworth Arena be received.
- (15) Ms. Nancy Fish addressed the Committee regarding the correspondence dated February 17, 2017 from the Regional Clerk with respect to Bill 65, Safer School Zones Act, 2016. She expressed her concerns with driver

speed in school zones and expressed her support for Bill 65.

1. That the deputation by Ms. Nancy Fish regarding the correspondence dated February 17, 2017 from the Regional Clerk with respect to Bill 65, Safer School Zones Act, 2016 be received.
- (16) Correspondence dated February 17, 2017 from Mr. Christopher Raynor, Regional Clerk, Regional Municipality of York regarding Bill 65 - Safer School Zones Act, 2016.
1. That the correspondence from Mr. Christopher Raynor, Regional Clerk regarding Bill 65, Safer School Zones Act, 2016 be received and endorsed, and the following recommendation be adopted:
    - a. That the Town of Newmarket Council supports the passing of Bill 65, Safer School Zones Act, 2016.
- (17) Corporate Services Report – Legislative Services 2017-05 dated March 8, 2017 regarding Power of Entry By-law.
1. That Corporate Services Report – Legislative Services 2017-05 dated March 8, 2017 regarding Power of Entry By-law be received and the following recommendation be adopted:
    - a. That the Power of Entry By-law be brought forward to the March 27, 2017 Council meeting for approval.
- (18) Outstanding Matters List.
1. That the Outstanding Matters list be received.
- (19) CAO/Finance/Human Resources Report 2017-03 dated March 6, 2017 regarding Council Remuneration and Tax Status.
1. That CAO/Finance/Human Resources Report 2017-03 dated March 6, 2017 regarding Council Remuneration and Tax Status be received and the following recommendation be adopted:
    - a. That Council maintain the 1/3 tax free status relative to Council remuneration; and,
    - b. That the matter of Council Remuneration and Tax Status be brought forward within the first twelve months of a new term of Council beginning in 2018.

(20) Corporate Services Report – Financial Services 2017-12 dated March 20, 2017 regarding the 2016 Budget Process and Target.

1. That Corporate Services Report – Financial Services 2017-12 dated March 20, 2017 regarding the approach for the 2018 Budget Schedule and Target be received and the following recommendations be adopted:
  - a. That the proposed budget schedule with a budget adoption date of December 4, 2017 be approved; and,
  - b. That Council provide feedback and comments on the proposed budget target setting methodology for consideration at Committee of the Whole on May 8, 2017; and,
  - c. That staff be directed to:
    - i. Finalize a Public Engagement Plan for the 2018 budget; and,
    - ii. Create a Budget Policy which includes target setting.

(21) Development and Infrastructure Services (Planning) Report 2017-07 dated March 20, 2017 regarding the San Michael Homes/Hollingsworth Arena Properties.

1. That Development and Infrastructure Services Report – Planning and Building Services 2017-07 dated March 20, 2017 regarding the San Michael Homes/Hollingsworth Arena properties be received and the following recommendations be adopted:
  - a. That the Town of Newmarket not enter into a Letter of Intent with San Michael Homes regarding the purchase and development of the Hollingsworth Arena property; and,
  - b. That staff be directed to take no further action on this matter at this time.

In Favour:

Mayor Van Bynen, Deputy Mayor and Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz

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

**Carried**

11. Committee of the Whole (Closed Session) Meeting Minutes of March 20, 2017.

Mayor Van Bynen advised that the verbal update and legal advice provided by the Director of Legal Services/Town Solicitor regarding the proposed disposition of land by the Town of Newmarket was received.

Moved by: Councillor Kerwin  
Seconded by: Councillor Broome

1. That the Committee of the Whole (Closed Session) Meeting Minutes of March 20, 2017 be approved.

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

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

**Carried**

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

2. That Corporate Services (Legal Services) Report 2017-06 dated March 20, 2017 regarding litigation or potential litigation be received and that staff proceed with the strategy set out in the report, including, in particular, deferring Council's December 5, 2016 direction regarding the creation of a site specific zoning by-law for 178-194 Main Street South, and an amendment to the Heritage Conservation District Plan, as that will be Council's position at the Ontario Municipal Board hearing related to 178-194 Main Street South.

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



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

**Carried**

### **By-laws**

2017-13 A By-law to amend By-law 2013-14, as amended, being a By-law to regulate the use and enjoyment of Municipal parks in the Town of Newmarket.

2017-14 A By-law to designate a property as being of cultural heritage value or interest (Orthodox Friends Cemetery - 17000 Yonge Street).

2017-15 A By-law for the Removal of Holding Provision By-law (Sundial Homes Phase 1).

2017-17 A By-law to authorize the use of internet and telephone voting for the 2018 Municipal Election.

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That By-laws 2017-13, 2017-14, 2017-15, and 2017-17 be enacted.

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

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

**Carried**

2017-16 A By-law to provide for powers of entry on to land for the purpose of carrying out inspections.

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional Councillor Taylor

2. That By-law 2017-16 be enacted.

In Favour: Mayor Van Bynen, Deputy Mayor and Regional Councillor Taylor,

Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, Councillor Bisanz

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

**Carried**

### **Notices of Motion**

There were no Notices of Motion.

### **Motions**

Moved by: Councillor Twinney  
Seconded by: Councillor Kerwin

1. That staff be requested to review Zoning By-law Number 2010-40 and By-law Number 2013-30 to address best practices related to infill development standards across the town as a whole and provide a report to Council.

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

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

**Carried**

### **Announcements & Community Events**

12. British Home Children Exhibit.

Councillor Kwapis invited residents to an interactive exhibit on the British Home Children at Newmarket's Old Town Hall, 460 Botsford Street, from April 1 to 15, 2017. The exhibit focuses on the British children sent to Canada between 1869 and 1939 to work as domestic and indentured farm workers. The official unveiling of the Sesquicentennial Canadian Memorial British Home Child 2017 Quilt and viewing of the film "Lost and Found" will take place on April 1, 2017 at 12:00 PM. Exhibition times are 12:00 PM to 8:00 PM. For more information call 905-953-5314 or email [elmanmuseum@rogers.com](mailto:elmanmuseum@rogers.com).

13. Elman W. Campbell Museum Easter Event.

Councillor Broome invited residents to hop into the Elman W. Campbell Museum on Saturday, April 15, 2017 for Egg-ceptional Easter Fun! Drop by the museum at 134 Main Street South from 1:30 PM to 3:00 PM for an egg-citing afternoon! Meet the Easter Bunny; enjoy Easter displays, activities, egg decorating and light refreshments! Bring your toy bunnies and Easter hats. Don't forget to bring your camera! The cost is \$5 per participant and pre-registration is required. Suitable for children ages 4-10 years. Please call 905-953-5314 or email [elmanmuseum@rogers.com](mailto:elmanmuseum@rogers.com) for more details.

14. Sir William Mulock Secondary School - Parent's Night.

Councillor Broome reminded parents of students from Sir William Mulock Secondary School that Parent's Night is Thursday, March 30, 2017.

15. National Canadian Film Day.

Councillor Bisanz invited residents to participate in National Canadian Film Day, the world's largest 1-day film festival celebrating our country's rich filmmaking legacy. In honour of Canada's 150<sup>th</sup> anniversary, National Canadian Film Day 150 will take place at over 600 venues across the country on Wednesday, April 19, 2017. A variety of noteworthy homegrown films will be screened beginning at noon at Newmarket's Old Town Hall. Admission is free. For a list of films and times visit the Newmarket Public Library online at [www.newmarketpl.ca](http://www.newmarketpl.ca).

16. Newmarket Parents Network and Bully Free Community Alliance, "Speaker Series For Parents" Event.

Councillor Bisanz announced the next speaker in the "Speaker Series" sponsored by Newmarket Parents Network and Bully Free Community Alliance. "Speaker Series" receives funding from the Ministry of Education and Bully Free Community Alliance. The event is free but residents should RSVP at [Eventbrite.com](http://Eventbrite.com). The next event is on Tuesday, April 18, 2017 and the speakers will be Tad Milmine, from *Bullying Ends Here* and Una Wright of Youth Speak talking about overcoming bullying. The event will take place at Rogers Public School, 256 Rogers Road from 7:00 PM to 8:30 PM.

17. Annual Newmarket Home & Lifestyle Show

Deputy Mayor and Regional Councillor Taylor advised residents that the largest home show in York Region, the 20<sup>th</sup> Annual Newmarket Home & Lifestyle Show takes place Friday, March 31 to Sunday, April 2, 2017 at the Ray Twinney Recreation Complex. The event will be host to the latest home renovation

trends, experts, delicious foods, and a marketplace. Meet Chase and Marshall from Paw Patrol, Teenage Mutant Ninja Turtles, and Little Charmers, and enjoy a live stage performance by Bob the Builder! Be sure to drop by the Town of Newmarket's booth. For the full schedule visit [newmarkethomeshow.ca](http://newmarkethomeshow.ca) Admission is still just \$5 and children under 12 are free.

18. Local Enhancement & Appreciation of Forests (LEAF) and the Regional Municipality of York to offer a subsidy for 40 tree plantings to Newmarket residents.

Councillor Twinney thanked residents for being environmentally conscious. To extend appreciation, the Town is partnering with the Local Enhancement & Appreciation of Forests (LEAF) and the Regional Municipality of York to offer a subsidy for 40 plantings to Newmarket residents. Residents who would like a tree can contact LEAF directly. The first 40 Newmarket residents who qualify for the Full Service program will receive a \$100 subsidy for one tree. This program has the potential to help our community plant more trees in 2017 and divert 29,000 litres from our stormwater management system. For more information, please visit [yourleaf.org](http://yourleaf.org), or call 1-888-453-6504.

19. 2017 Yard Waste Collection.

Councillor Kerwin reminded residents that yard waste starts next week on April 4, 2017 and that plastic must be removed from newspapers before they are placed in recycling bins.

20. Lahey & Co Music Event at Newmarket Seniors' Meeting Place.

Councillor Kerwin invited residents to the Newmarket Seniors' Meeting Place, 474 Davis Drive, on Saturday, April 8, 2017 at 6:00 PM to enjoy great music and food in a welcoming and enjoyable environment. Lahey & Co will play a variety of East Coast and Traditional Irish music sure to keep you smiling and having fun all night long. Advance ticket prices are for \$15 for members and \$20 for non-members. Purchase online at [play.newmarket.ca](http://play.newmarket.ca) using course code 108687, or at any Newmarket Customer Service Kiosk. Tickets will be \$25 at the door.

21. Councillor Kerwin – Meet and Greet.

Councillor Kerwin invited residents to meet with him on Wednesday, April 29, 2017 and Thursday, April 30, 2017 from 10:00 AM to 1:00 PM at the Library on the first floor.

22. Councillor Vegh – Ward Meeting.

Councillor Vegh invited Ward 1 residents to drop in to his Ward Meeting on

Tuesday, April 4, 2017 from 7:00 PM to 9:00 PM at the Magna Centre, 800 Mulock Drive. Come and find out what's happening in Town and in your Ward. For more information, please contact him at 905-895-7095 or [tvegh@newmarket.ca](mailto:tvegh@newmarket.ca)

23. Town Office Closure for Easter.

Mayor Van Bynen advised residents that the Town Offices will be closed for Easter on Friday, April 14, 2017 and re-open Tuesday, April 18, 2017.

24. Next Council Meeting

Mayor Van Bynen advised that the next Council meeting is Monday, April 24, 2017 at 7:00 PM.

## **New Business**

There was no New Business.

## **Closed Session**

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

## **Confirmatory By-law**

2017-18                      A By-law to confirm the proceedings of Council at its meeting of March 27, 2017.

Moved by:                      Councillor Vegh  
Seconded by:                      Councillor Kerwin

1. That By-law 2017-18 be enacted.

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

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

**Carried**



## Adjournment

Moved by: Councillor Broome  
Seconded by: Councillor Kwapis

1. That the Council meeting adjourn at 8:28 PM.

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

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

**Carried**

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk

The meeting of the Committee of the Whole was held on Monday, April 10, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Deputy Mayor & Regional Councillor Taylor  
Councillor Vegh  
Councillor Kerwin  
Councillor Hempen  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Absent: Councillor Twinney

Staff Present: R.N. Shelton, Chief Administrative Officer  
P. Noehammer, Commissioner of Development and Infrastructure Services  
I. McDougall, Commissioner of Community Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Clerk  
L. Moor, Council/Committee Coordinator  
H. Leznoff, Council/Committee Coordinator

The meeting was called to order at 1:30 PM.

The Committee of the Whole recessed for a break at 3:13 PM and reconvened at 3:37 PM.

Mayor Van Bynen in the Chair.

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

1. The Chief Administrative Officer advised of the following addendum items:
  - (1) Item 14 of the agenda – The PowerPoint presentation entitled ‘Creating Connections in the Town of Newmarket’, this presentation relates to Item 1 of the agenda, being a presentation by Mr. Nick Spensieri and Ms. Erin Moroz of Metrolinx with respect to GO/Regional Express Rail transit expansion program.

- (2) Item 10 of the agenda - Closed Session item related to personal matters about an identifiable individual, including municipal board or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001, regarding the Honorary Citizen Nomination.
  - (3) Item 11 of the agenda – Closed Session Office of the Chief Administrative Officer and Corporate Services (Legal Services) Joint (Closed Session) Report regarding a proposed or pending acquisition or disposition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001, regarding Ward 7.
  - (4) Item 12 of the agenda – Closed Session Verbal Update by the Senior Solicitor and Chief Administrative Officer regarding a proposed acquisition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001, regarding Ward 7.
  - (5) Item 13 of the agenda – Closed Session Verbal Update by the Senior Solicitor and Chief Administrative Officer regarding a proposed acquisition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001, regarding Ward 6.
2. Mayor Van Bynen corrected Item 6 b) of the agenda, being Item 1 of the Site Plan Review Committee Minutes of March 27, 2017 regarding Application for Site Plan Approval – 470 Crossland Gate, as follows:
- (1) The Site Plan Review Committee recommends the following to Newmarket Council:
    - 1. That the Application for Site Plan Approval to permit the construction of 10 condominium detached dwelling units in Block 121 and 16 condominium detached dwelling units in Block 122 be approved in principle and referred to staff for processing, subject to the following:
      - a. That the preliminary review comments be address to the satisfaction of Town Staff; and,
      - b. That Joanne Barnett, Marianneville Developments Limited, 3-26 Lesmill Road, Toronto, ON M3B 2T5 be notified of this decision; and,
      - c. That Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Unit 109 Richmond Hill ON L4B 3K1 be notified of this decision.

Moved by: Councillor Kerwin  
Seconded by: Councillor Vegh

1. That the additions and corrections to the April 10, 2017 Committee of the Whole Agenda be approved.

**Carried**

## **Declarations of Pecuniary Interest**

None.

## **Presentations & Recognitions**

3. Mr. Nick Spensieri, Director of Corridor Infrastructure and Ms. Erin Moroz, Director of Communications and Community Relations, Metrolinx addressed the Committee with a PowerPoint presentation entitled 'Creating Connections in the Town of Newmarket'.

Moved by: Councillor Kerwin  
Seconded by: Councillor Hempen

1. That Mr. Spensieri and Ms. Moroz of Metrolinx be provided with additional time for the presentation.

**Carried**

There was discussion regarding the assessment and feasibility of double track installation, connectivity, timelines, grade separation criteria, earmarked funding, switching station details, proposed schematics, potential platform enhancements and bus/train schedule integration.

Moved by: Councillor Hempen  
Seconded by: Councillor Kwapis

1. That the PowerPoint presentation entitled 'Creating Connections in the Town of Newmarket' provided by Mr. Nick Spensieri and Ms. Erin Moroz, Metrolinx be received.

**Carried**

## **Deputations**

None.

## Consent Items

Moved by: Councillor Kerwin  
Seconded by: Councillor Kwapis

That the following items (4 to 7) be adopted on consent:

4. Development and Infrastructure Services – Planning Services Report 2017 – 10 dated April 10, 2017 regarding Updates on Metrolinx Projects: Newmarket Station Mobility Hub Study and the Mulock Station Consent Plan NP-17-10.
  1. That Development and Infrastructure Services – Planning and Building Services Report 2017-10 dated April 10, 2017 providing updates on the Metrolinx Projects: Newmarket Station Mobility Hub Study and the Mulock Station Concept Plan be received.
5. Main Street District Business Improvement Area Board of Management Meeting Minutes of February 21, 2017.
  1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of February 21, 2017 be received.
6. Site Plan Review Committee Meeting Minutes of March 27, 2017.
  1. That the Site Plan Review Committee Meeting Minutes of March 27, 2017 be received.
  2. That the Application for Site Plan Approval to permit the construction of 10 condominium detached dwelling units in Block 121 and 16 condominium detached dwelling units in Block 122 be approved in principle and referred to staff for processing, subject to the following:
    - a. That the preliminary review comments be addressed to the satisfaction of Town staff; and,

- b. That Joanne Barnett, Marianneville Developments Limited, 3-26 Lesmill Road, Toronto, ON M3B 2T5 be notified of this decision; and,
  - c. That Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Unit 109, Richmond Hill, ON L4B 3K1 be notified of this decision.
7. Proclamation of National Access Awareness Week in the Town of Newmarket.
- 1. That the Town of Newmarket proclaim May 28 to June 4, 2017 as 'National Access Awareness Week'; and,
  - 2. That the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca).

**Carried**

8. Development and Infrastructure Services Report – Public Works Services 2017-14 dated March 27, 2017 regarding By-law 2017-19 for Establishing and Maintaining a System for Curbside Collection.

Queries were made to the Director of Public Works Services and the Manager of Operations with respect to Power of Entry provisions within the draft by-law, language definitions and textile collection options with the newly executed contract.

Mayor Van Bynen and Members of Council thanked the Manager of Operations for his many years of service to the Town and offered congratulations and best wishes on his upcoming retirement.

Moved by: Councillor Kwapis  
 Seconded by: Councillor Hempen

- 1. That Development and Infrastructure Services Report Public Works Services – PWS 2017-14 dated March 27, 2017 regarding By-law Number 2017-19 for Establishing and Maintaining a System for Collection, Removal and Disposal of Garbage, Other Refuse, Yard Waste Materials, Recyclable Materials including Blue Bin Materials and Source Separated Organics in the Town of Newmarket be received and the following recommendation be adopted:



- a. That the Report 2017-14 and By-law Number 2017-19 be adopted to provide for Establishing and Maintaining a System for Collection, Removal and Disposal of Garbage, Other Refuse, Yard Waste Materials, Recyclable Materials including Blue Bin Materials and Source Separated Organics.

**Carried**

9. Accessibility Advisory Committee Meeting Minutes of November 17, 2016.

There was discussion regarding the accessibility of College Manor Park.

Moved by: Councillor Bisanz  
Seconded by: Councillor Kerwin

1. That the Accessibility Advisory Committee Meeting Minutes of November 17, 2016 be received.

**Carried**

10. Excerpt of Minutes – Central York Fire Services – Joint Council Committee (JCC) Meeting of February 7, 2017 regarding Consolidation Study.

There was discussion regarding the current decision to not pursue consolidation of Central York Fire Services with Richmond Hill Fire and Emergency Services, and the new Central York Fire Services Fire Station in Aurora.

Moved by: Councillor Kerwin  
Seconded by: Councillor Hempen

1. That Joint Chief Administrative Officer's (Newmarket & Aurora) and Central York Fire Services Fire Chief, Corporate Services Report – Financial Services 2017-05 dated January 24, 2017 regarding the Consolidation Study be received for information purposes; and,
  - a. That the consolidation of Central York Fire Services (CYFS) with Richmond Hill Fire and Emergency Services (RHFES) not be pursued, as there is not a sufficient business case for CYFS at this time; and,
  - b. That staff continue to identify, report on and implement efficiencies through partnerships with neighbouring municipalities relative to Fire Services; and,

- c. That JCC provide any further direction relative to Fire Services; and,
- d. That Richmond Hill be so advised of the recommendations of Newmarket and Aurora Councils.

**Carried**

11. List of Outstanding Matters.

(1) Drive Test Centre

Councillor Kerwin provided an update with respect to Item 6 of the Outstanding Matters List related to the potential regulation of the Drive Test Centre in Newmarket, and also advised that a recent meeting with Member of Provincial Parliament Chris Ballard had been cancelled; however, the meeting will be re-scheduled and additional details will be provided as they become available.

(2) Vacant Storefronts

Councillor Kerwin suggested that further to Councillor Kwapis' motion related to best practices associated with dealing with vacant storefronts, vacant residential dwellings/units also be included as part of staff's review.

(3) Outdoor Burning By-law

Councillor Kerwin requested an update regarding the status of the Outdoor Burning By-law. The Director of Legislative Services advised that staff from By-law Enforcement and Fire Services are currently undertaking a review of this matter and will provide a report back to Council in the near future. Councillor Kerwin requested that Members of Council be provided with information in advance of what is being contemplated with respect to outdoor burning.

Moved by: Councillor Kerwin  
Seconded by: Councillor Broome

1. That the List of Outstanding Matters be received.

**Carried**

## **Action Items**

None.

## **Reports by Regional Representatives**

12. Tax Shifting Report

Deputy Mayor and Regional Councillor Taylor advised that Regional Council will be considering a tax shifting report on April 13, 2017.

## **Notices of Motion**

13. Councillor Bisanz advised that she will be bringing forward a motion to the next scheduled Committee of the Whole meeting regarding improved communications with residents about construction timing and/or effects and water shut-off timelines.
14. Councillor Kerwin advised that he will be bringing forward a motion to the next scheduled Committee of the Whole meeting regarding legal and/or planning processes in place to ensure rental and vacant properties are maintained.

## **Motions**

None.

## **New Business**

15. Snow Clearing Operations

Councillor Bisanz advised of concerns related to damage to municipal boulevards and abutting lawns resulting from snow clearing operations.

There was discussion regarding the following suggestions:

- A memo be circulated to Members of Council with respect to the seasonal damages to property with the possibility of coordinating a repair strategy with the Region of York; and,
- Capital investments into snow removal vehicles with reduced blade sizes to accommodate areas within the Town with narrower sidewalks.

It was noted that Members of Council should forward any concerns and/or photographs related to this matter to both the Commissioner of Development and Infrastructure Services and customer service.

## **Closed Session**

Moved by: Councillor Broome  
Seconded by: Councillor Kwapis

That Committee of the Whole resolve into a Closed Session to discuss the following matters:

1. Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001 (Honorary Citizen Nomination); and,
2. A proposed or pending acquisition or disposition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001, (Office of the Chief Administrative Officer and Corporate Services, Legal Services Joint Closed Session Report – Ward 7); and,
3. A proposed acquisition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001 (Verbal Update by Senior Solicitor and Chief Administrative Officer – Ward 7); and,
4. A proposed acquisition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001 (Verbal Update by Senior Solicitor and Chief Administrative Officer – Ward 6).

**Carried**

The Committee of the Whole resolved into Closed Session at 3:40 PM.

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

The Committee of the Whole resumed into public session at 4:59 PM.

## **Adjournment**

Moved by: Councillor Vegh  
Seconded by: Councillor Broome

1. That the Committee of the Whole meeting adjourn at 5:02 PM.

**Carried**

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk



March 31, 2017

Mayor Tony Van Bynen  
Town of Newmarket  
395 Mulock Drive  
Newmarket L3Y 4X7

Dear Mayor Van Bynen:

Re: **National Day of Mourning**

Since 1991, April 28th has been recognized nationally as the Day of Mourning. I am writing to ask that the Town of Newmarket, again, commemorate this National Day. The Labour Council is requesting that the Town:

1. Officially proclaim April 28<sup>th</sup> as a "Day of Mourning" for workers killed or injured on the job".
2. Publicize the proclamation as widely as possible.
3. Lower the Town's flags to half-mast.

Yours truly,

A handwritten signature in black ink that reads "John Cartwright".

John Cartwright  
President

cope 343

15 Gervais Drive, Suite 407  
Toronto, ON, M3C 1Y8  
416-441-3663 (tel) • 416-445-8405 (fax)  
[www.labourcouncil.ca](http://www.labourcouncil.ca)



**From:**  
**To:**  
**Subject:** FW: Proclamation Request  
**Date:** April-18-17 8:57:18 AM

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**From:**  
**Sent:** April-17-17 10:41 AM  
**To:** Moor, Linda  
**Subject:** Proclamation Request

Good Morning Linda,

Community Living Day in support of our collective efforts to advocate for the full participation, inclusion and citizenship of people who have developmental disabilities, is May 8, 2017.

Please accept my request for a Proclamation from the Town of Newmarket to recognize May 8, 2017 as Community Living Day, and to light up the Riverwalk Commons, the evening of May 8, 2017, in recognition of Community Living Day and for the full inclusion of people who have developmental disabilities.

The CN Tower and Toronto City Hall, along with many landmarks in towns and cities across Ontario, will be lit up the evening of May 8, 2017.

If you have any questions, please contact me at your convenience.

Thanking you in advance,

Susy Cancelli  
Community Living Newmarket/Aurora District  
905-898-3000 ext. 256

**2017 Shine a Light on  
COMMUNITY LIVING** 

On **Monday, May 8th**, raise awareness for the full participation, inclusion and citizenship of people who have an intellectual disability and their families by participating in **Shine a Light on Community Living**.

That night, Canada's most iconic structure - The CN Tower - will be lit blue and green during its night-time illumination, as well as the Toronto sign in Nathan Phillips Square and many other buildings and structures across Ontario.

You too can Shine a Light on Community Living in your town or city by turning the lighting outside of your home **blue** and **green** that evening (or throughout the month) and having your organization, local businesses and municipalities do the same.

Getting involved is easy and the impact will be illuminated in communities across Ontario.



Toronto Skyline | Photo courtesy: Louis Thomas



Tourism London  
Photo courtesy:  
Anna Tavenor



Welland Bridge 13  
Photo courtesy:  
Anthony Galleccio





## Corporation of the Town of Newmarket

### By-law Number 2017-19

A By-law to establish and maintain a system for collection, removal and disposal of garbage, other refuse, yard waste materials, recyclable materials including blue bin materials and source separated organics in the Town of Newmarket.

Whereas the provisions of Section 75(1) and 127 of the *Municipal Act*, 2001, as amended (the "Act"), authorizes municipalities to enact by-laws to maintain a system for the collection and disposal of refuse.

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

#### 1. Definitions

In this by-law:

- 1.1 "ADU" means an accessory dwelling unit that has been registered with the Town in accordance with By-Law 2003-106 as amended.
- 1.2 "Ashes" means the solid residue of any fuel used for heating or cooking purposes and cleanings from chimneys.
- 1.3 "Approved Receptacles" shall have the meaning described in section 4.8.
- 1.4 "Backyard Composters" means any composter, distributed or sold by the Town or designate.
- 1.5 "Blue Bin" means open topped plastic containers that are clearly and easily identifiable as containing Blue Bin Recyclables, and which shall be capable of containing all materials without spillage and which shall not exceed 53 cm (21 inches) in height and 40 cm (16 inches) in width and 48 cm (19 inches) in length or 22 gallons (83 litres). A receptacle used for the Collection of Blue Box Recyclables as may be approved by the Director and distributed or sold by the Town or designate.
- 1.6 "Blue Bin Recyclables" means any refuse that is listed in Schedule 'A' of this by-law under Blue Bin Recyclables.
- 1.7 "Bulk Container" means a receptacle which is approved by the Director for the collection and disposal of Refuse, where any person has arranged privately, at his own expense and liability, for Collection.
- 1.8 "Bulk Items" means any Refuse that is listed in Schedule 'A' of this by-law under Bulk Items.
- 1.9 "Bundle" means a bundle of magazines, newspapers, cardboard or waste paper which is securely tied with a non-metallic material and weighs less than twenty-two (22) Kilograms (50lbs), or a bundle of branches, twigs or cuttings, which is securely tied with a non-metallic material and which does not exceed 1.2 meters in any

physical dimension and does not exceed twenty-two (22) kilograms (50lbs) in weight.

- 1.10 "Collectible Waste" means garbage, yard waste, recyclable material, source separated organic material, special waste and white goods.
- 1.11 "Collection" means the collection of collectible waste and includes delivery to a waste management site, a materials recovery and transfer facility or any other facility designated by a designated municipal official.
- 1.12 "Commercial Premises" means premises located within a Residential Zone, or the Historical Main Street District, that are used for a permitted commercial use as such use is defined in the Zoning By-Law.
- 1.13 "Compostable Material" means any organic material such as food, grass, leaf and brush as may be designated by a municipal official from time to time.
- 1.14 "Composter" means a retail or home-made unit of reasonable appearance and in a reasonable condition, or one that is distributed or sold by the town that is intended to accommodate and enhance the decomposition of organic materials into a compost soil or soil supplement.
- 1.15 "Container" means an approved receptacle used to place Collectible Waste at the curbside for Collection. Examples include garbage bag or rigid container such as a garbage can with two open rigid handles, leaf and yard waste paper bag, compostable plastic bags, municipally issued green bin, municipally issued blue bin or other plastic container deemed suitable by the designated municipal official for collectable waste.
- 1.16 "Containerized Collection" means the collection of waste (or other material as specified) via front end loading trucks. These containers are typically referred to as dumpsters.
- 1.17 "Contractor" means any person, company or corporation under contract with the Town of Newmarket to remove refuse throughout the town including the employees of a contractor and includes the Public Works Services Department for the Town of Newmarket.
- 1.18 "Corporation" means the corporation of the Town of Newmarket and may include, for the purposes of collection of garbage and recyclable materials or for the purposes of the distribution of tags, any person, company or corporation under contract with the town to remove garbage, other refuse and recyclable materials throughout the town or to distribute tags and for such purposes includes all employees, agents or servants of such person, company or corporation.
- 1.19 "Designated Collection Area" means that area of the municipality that is designated to receive the collection of garbage, other refuse, yard waste material, special waste, and recyclables material including blue box and source separated organic material either singularly or in total.
- 1.20 "Designated Municipal Official" means the Director of Public Works Services or person(s) designated by the Director of Public Works Services.

- 1.21 "Director" means the Director of Public Works Services or designate(s).
- 1.22 "Dwelling Unit" means a room or a suite of rooms that may be occupied in compliance with all applicable law as a separate housekeeping unit, used or intended to be used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities. A Dwelling Unit includes an ADU.
- 1.23 "Electronic Waste" means any refuse that is listed in Schedule "C" of this by-law under Electronic Waste or refuse that is listed as an acceptable item under the Ontario Electronic Stewardship program. This includes any other Refuse so designated by the Director or designated municipal official from time to time.
- 1.24 "Garbage" means any refuse that is listed in Schedule 'A' of this bylaw under Garbage. It generally refers to any collectable waste which is not recyclable material, source separated organics, large metal appliances or yard waste.
- 1.25 "Garbage Container" means a rigid container having two open rigid handles with a capacity of not more than 125 litres weighing with contents not more than 22 kg (50lbs) each or other type of container for the storing and setting out of garbage.
- 1.26 "Green Bin" means a receptacle that is clearly and easily identifiable as containing Source Separated Organics. The Green Bin shall be capable of containing all materials without spillage and which shall not exceed 69cm (27 inches) in height and 40cm (16 inches) in width and 46 cm (18 inches) in length or 12 gallons (45 litres). A green bin receptacle used for collection of Source Separated Organics as may be approved by the director, and distributed or sold by the town or designate.
- 1.27 "Hazardous Material" means any refuse that is listed in Schedule "A" of this by-law under Hazardous Waste. It generally means any household product, material or item labelled as "corrosive", "toxic", "reactive", "explosive", "oxidizing", "poisonous", "infectious", "flammable" or as defined in the regulation to the Environmental Protection Act, as amended from time to time. This includes any other refuse so designated by the Director or designated municipal official from time to time.
- 1.28 "ICI Locations" means Industrial, Commercial and Institutional premises located within a Residential Zone, or the Historical Main Street District, which premises are being used for a permitted institutional use as such use is defined in the Zoning By-Law.
- 1.29 "Intermittently Collected Refuse" means refuse such as white goods, yard waste, Christmas tree pick up or special waste.
- 1.30 "Kitchen Container" means a receptacle used for the residential storage of Source Separated Organics as may be approved by the Director and distributed or sold by the Town or designate.
- 1.31 "Loose Material" means loose or un-bagged material in the garbage that may pose a Health & Safety hazard to the collection operator when in the process of dumping the material into the vehicle.

- 1.32 "Materials Recovery and Transfer Facility" means a facility that receives Collectible Waste, Blue box recycling, Source Separated Organics etc. for processing.
- 1.33 "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.
- 1.34 "Multi-Residential Premises" means any structure designated by the Director and which is legally used or operated to accommodate six or more multiple dwelling units.
- 1.35 "Municipality" means the geographic area comprising the Town of Newmarket.
- 1.36 "N6" means a group formed by the Town of Newmarket, Town of Whitechurch-Stouffville, Aurora, Town of East Gwillimbury, Township of King and Georgina.
- 1.37 "Non-Collectible Waste" means any Refuse that is listed in Schedule 'A' of this by-law under Non Collectible Waste and any materials or refuse that is listed as an acceptable item under the Ontario Electronic Stewardship program. This includes any other refuse so designated by the Director or designated municipal official from time to time.
- 1.38 "OCC" means old corrugated cardboard which is a recyclable material.
- 1.39 "Owner" means the registered owner, a mortgagee in possession, tenant, or occupier of property or premises located within the Municipality.
- 1.40 "Recyclable material" means any refuse that is listed in Schedule "A" of this By-law under the heading Recyclables Materials. This includes any other recyclable material so designated by the Director or designated municipal official from time to time.
- 1.41 "Refuse" means any object, material, or substance that has been discarded by any person or that is no longer in use or reasonably intended to be used by any person having ownership or control over such object, material or substance.
- 1.42 "Residential Zone" has the meaning ascribed thereto in the Zoning By-law.
- 1.43 "Regular Fine" means a fine levied pursuant to section 11.6.
- 1.44 "Regularly Collected Refuse" means any refuse that is not intermittently collected refuse or prohibited refuse. Blue box, green bin and garbage are considered regularly collected refuse
- 1.45 "Residential Premises" means any structure located in a Residential Zone that contains at least one but not more than five Dwelling Units that are used for a permitted residential use as such use is defined in the Zoning By-Law.
- 1.46 "Scavenge" means to sort through, pick over, interfere with, disturb, remove or scatter refuse or material that is set out for collection.
- 1.47 "Special Fine" has the meaning ascribed thereto in section 11.7.



- 1.48 "Special Waste" means bulk items such as furniture, carpet, appliances and large metal items and such other items as are defined under the headings "Bulk Items" and "Large Metal Appliances".
- 1.49 "Source Separated Organics" (S.S.O.) means any Refuse that is listed in Schedule 'A' of this by-law under Source Separated Organics or in Schedule "B" as an SSO Accepted Item be contained in a certified compostable bag collection. This includes any other refuse so designated by the Director or designated municipal official from time to time
- 1.50 "Tag" means a sticker purchased from the Town for the purpose of being affixed to a Container/Bag or an item of Special Waste.
- 1.51 "Town" means the Corporation of the Town of Newmarket.
- 1.52 "Travelled Road" means the portion intended for travel of a common or public highway used by the general public for the passage of vehicles within the limits of the Town of Newmarket and includes private roads upon which placement and collection of collectable garbage is approved by the Director of Public Works.
- 1.53 "White Goods" means any Refuse that is identified in Schedule "A" to this by-law under White Goods.
- 1.54 "Yard Waste" means organic materials, including leaves, hedge trimming, tree pruning, weeds, yard plants, shrubbery, brush, Christmas trees, tree trimming, pumpkins, or other garden debris identified in Schedule "A". Yard Waste does not include food waste or grass. This includes any other refuse so designated by the Director or designated municipal official from time to time
- 1.55 "Zoning By-Law" means any zoning by-law enacted or amended by the Town from time to time.
2. Lands to which this By-law applies
- 2.1 This by-law shall apply to all lands within the jurisdiction of the Town.
3. Establishment of a collection system
- 3.1 A system is hereby established for the Collection of Collectible Waste from person's resident in, or doing business from, premises located within the Municipality.
4. Responsibilities of property owners and occupants
- 4.1 No person shall set out any Refuse for Collection other than in accordance with this by-law.
- 4.2 No person shall deposit any Refuse on private or public property without the expressed written authorization of the Owner of such property.

- 4.3 No person shall place any refuse for collection and disposal or permit any refuse to remain on lands and premises over which a person has control or where a person is an owner, occupant, lessee, tenant or mortgagee in possession, where such refuse constitutes a nuisance or a hazard to members of the public, emits foul or offensive odors or attracts or harbors vermin or insects.
  - 4.4 No person shall set out Regularly Collected Refuse for Collection except on such regular and recurring days, routes, and times as are designated by the Director from time to time.
  - 4.5 No person shall set out prohibited refuse for collection and disposal by the contractor.
  - 4.6 No person shall set out regularly collected refuse for collection and disposal by the contractor, except on such regular and recurring days and at such times as are designated by the Director or designated municipal official.
  - 4.7 No person shall set out prohibited intermittently collected refuse for collection and disposal by the contractor except on such intermittent days and times as are designated by the Director or designated municipal official.
  - 4.8 Approved Receptacles and Bundles shall be placed as close as possible to the curb or pavement edge of the road, without obstructing vehicular or pedestrian traffic or street maintenance and shall not be placed on top of snow banks. In the event of a dispute as to the acceptable location, the appropriate location shall be determined by the Director or designated municipal official.
  - 4.9 Approved Receptacles and Bundles shall not be placed at the curb or pavement edge before 5:00 p.m. on the day immediately preceding the day designated for Collection. Approved Receptacles and Bundles shall be placed at the curb or pavement edge no later than 7:00 a.m. on the day of Collection. All emptied receptacles and uncollected Refuse shall be removed from the curb or pavement edge before 8:00 p.m. on the day of Collection.
  - 4.10 No person shall set out a receptacle for Collection that contains Liquids, Warm Ashes, Electronics or Hazardous Waste.
5. Collectible waste restrictions
- 5.1 The number of untagged Garbage Containers/Bags put out for Collection from any Residential Premises on any Collection day shall not exceed three (3) for Containers/Bags for each Dwelling Unit or the number of Containers/Bags specified by the Director from time to time. Additional Containers/Bags put out for Collection will not be collected unless Tags have been affixed to them. The maximum number of Containers/Bags set out for Collection from any Residential Premises, tagged or untagged, shall not exceed six (6) for each Dwelling Unit.
  - 5.2 The number of untagged Garbage Containers/Bags put out for Collection from any Commercial Premises or Institutional Premises shall not exceed six (6) for each Collection day or the number designated by the Director from time to time. Additional Containers/Bags put out for Collection will not be collected unless Tags have been affixed to them. The maximum number of

Containers/Bags set out for Collection pursuant to this section shall not exceed twelve (12).

- 5.3 Multi-residential premises will receive collection under the guidelines of this by-law, or by means approved by the Director or designated municipal official from time to time.
  - 5.4 The number of untagged Garbage Containers/Bags put out for Collection from any registered ADU shall not exceed three (3) for each Collection day or the number of Containers/Bags that may be specified by the Director from time to time. All additional containers/Bags must be tagged. The maximum number of containers/Bags set out for Collection from an ADU shall not exceed six (6).
  - 5.5 Any person who has Refuse to dispose of in excess of the limits set out in Sections 5.1, 5.2, 5.3 or 5.4 as the case may be, shall prepare his or her Refuse for Collection as set out in this by-law and dispose of it at his or her own expense by conveying the Refuse, or having it conveyed, to a Materials Recovery Facility by a private service provider operating under a Certificate of Approval issued pursuant to the Environmental Protection Act and in compliance with all applicable law.
  - 5.6 Blue box recyclables may be set out for collection on the collection dates set for regularly collected refuse or on such other dates as maybe determined by the Director or other designated municipal official.
  - 5.7 Source Separated Organics may be set out for Collection on the Collection dates set for Regularly Collected Refuse or on such other dates as may be determined by the Director or designated municipal official.
  - 5.8 Where Blue Box Recyclables are set out for Collection they shall be placed entirely within a Blue Box or an approved alternative receptacle approved by this by-law.
  - 5.9 Where Source Separated Organics are set out for Collection they shall be placed entirely within a Green Bin.
  - 5.10 There is no limit to the quantity of Blue Box Recyclables, Green Bin Organics, Yard Waste and Tagged Special Waste that may be set out for residential collection.
  - 5.11 Yard Waste may be set out for collection and disposal by the contractor once every other week from April 1st through to November 30th or as designated by the Director or designated municipal official.
6. General
- 6.1 Notwithstanding the provisions of this by-law, any person may contract at his/her own expense and liability, for the Collection of Refuse. Any such person shall utilize Bulk Containers as a receptacle for such Refuse and shall otherwise conform with the provisions of this By-law, save and except for the provisions of Sections 4.9, 4.10, 5.1, 5.2, 5.3 and 5.4 shall ensure that no nuisance, hazard or inconvenience to other persons is created by the storing or Collection of Refuse in Bulk Containers.

- 6.2 No person shall convey Refuse except in completely covered receptacles or in vehicles that are totally enclosed or covered so as to; prevent any Refuse from falling upon the highway, keep such Refuse sealed from flies or vermin, and to control, as far as possible, the escape of any offensive odors therefrom.
- 6.3 No person shall set out for Collection or convey Refuse in any manner that may constitute a nuisance, hazard or threat to public health and safety.
- 6.4 In the event that Refuse is set out for Collection and disposal other than in accordance with the provisions of this by-law, the Contractor may refuse to collect such refuse. It shall then be the responsibility of the person setting out such refuse to comply with the provisions of the By-law. Refusal by the contractor to collect and dispose of such refuse shall not limit the applicability of any penalty imposed pursuant to this By-law.
- 6.5 The town is not responsible for non-approved or broken containers not being collected or returned after collection.
- 6.6 No person, shall scavenge, pick over, interfere with, disturb, remove or scatter any Refuse without first obtaining authorization from the owner of the Refuse or the Director or designate.
- 6.7 No person shall set out for Collection, or leave, keep, or permit upon any property or premises owned, occupied, or under his or her control any White Goods or similar container, not being used for the purpose for which it was manufactured, in a place accessible to children, without first removing any door, lid or cover that cannot be easily opened from the inside, and taking such other precautionary measures as may be required to prevent a person from being trapped inside.
- 6.8 Every resident requiring collection of garbage shall place such garbage out for collection in securely covered containers or bags.
- 6.9 Some non-collectable residential garbage may be delivered to an approved disposal site or transfer station subject to the following:
- (i) Permission of disposal site or transfer station has been granted;
  - (ii) The cost of the haulage of such non-collectable garbage is borne by the person seeking to have it disposed of; and
  - (iii) Cost of disposal is borne by resident.

## 7. Approved Receptacles

- 7.1 No person shall set Garbage out for Collection unless it is contained in one of the following approved receptacles each a "Container":
- 7.1.1 A reusable receptacle which is waterproof, durable, rust resistant, non-absorbent with a close fitting cover and two open rigid handles. The container shall not exceed 50 cm (20 in) in diameter or 90 cm (36 inches) in height or 125 liters (4.4 cu ft.) in capacity. The diameter at the top of the container shall be larger than the bottom. The total weight of any full receptacle shall not exceed 22 kg (50 pounds).

- 7.1.2 A non-reusable receptacle which shall be a waterproof plastic bag designed and sold for the purpose of containing Refuse and sealed so as to prevent any spillage. Maximum size of the bag shall be 66cm x 92cm (26"x36") 76 litres (20 gallons). The total weight of the bag when full shall not exceed 22kgs (50 pounds).
- 7.2 No person shall set Blue Box Recyclables out for Collection unless they are contained in one of the following approved receptacles:
- 7.2.1 Blue Bins, open topped plastic containers that are clearly and easily identifiable as containing Blue Box Recyclables, and which shall be capable of containing all materials without spillage and which shall not exceed 53 cm (21 inches) in height and 40 cm (16 inches) in width and 48 cm (19 inches) in length or 22 gallons (83 litres).
- 7.2.2 Notwithstanding the foregoing, magazines, newspapers, cardboard, boxboard and other waste paper may be tied securely in bundles or placed in cardboard boxes for overflow not larger 90cm x 90cm x20cm (36" x 36" x 8") or as the Director or designated municipal official may prescribe from time to time.
- 7.3 No person shall set out Source Separated Organics for Collection unless they are contained within a certified compostable bag that has been deposited within a standard 69cm (27 inches) in height and 40 cm (16 inches) and 46 cm (18 inches) in length or 12 gallons (45 litres) Green Bin. The total weight of the Green Bin when full shall not exceed 22kgs (50 pounds).
- 7.4 No person shall set Special Waste out for Collection unless they have:
- 7.4.1 Called the Contractor in advance of the next scheduled Collection day for Regularly Collected Refuse to arrange for Collection; and
- 7.4.2 Affixed the appropriate Tag to the item in a manner that the Tag is clearly visible.
- 7.5 No person will set Yard Waste out for Collection unless it is contained in one of the following receptacles:
- 7.5.1 A returnable receptacle which is waterproof, durable, rust resistant, non-absorbent, a close fitting cover with two open rigid handles and a "Yard Waste" sticker affixed to it. The container's diameter shall not exceed 50 cm (20 in) or a height of 90 cm (36in). The diameter at the top of the container shall be larger than the bottom. The total weight of any receptacle shall not exceed 22kg (50 pounds). Blue boxes are not considered to be acceptable Yard Waste containers and will not be collected.
- 7.5.2 A non-reusable receptacle which shall be a Kraft paper bag designed as a receptacle for Yard Waste the weight of which shall not exceed 22kgs (50 pounds) when full.
- 7.5.3 Notwithstanding the foregoing, branches, twigs and cuttings may be set out for Collection in securely tied bundles which do not exceed 1.2 meters (four feet) in length or and 60 cm (24 inches) in diameter or 10 cm (4 inches) in diameter per branch and do not weigh more than 22 kg (50 pounds) or as

the Director or designated municipal official may otherwise prescribe from time to time.

- 7.6 Any receptacle placed out for Collection which is broken or which breaks when lifted will not be collected.
- 7.7 Plastic or compostable bags are prohibited for use as a receptacle for Blue bin material.
8. User fees
- 8.1 No person shall set out more than three (3) Containers of Garbage for collection in any returnable receptacle without a tag (sticker) affixed to the contents of the container and the tag (sticker) shall be clearly visible upon removal of the container's lid
- 8.2 No person shall set out more than three (3) Bags of garbage for collection in any non-returnable receptacle (bag) without a tag (sticker) affixed to the bag and the (sticker) shall be clearly visible.
- 8.3 No person shall set out for Collection any Special Waste and White Goods without a Tag affixed to each item in a manner such that the Tag shall be clearly visible.
- 8.4 Tags may be purchased from the Town or its designates at the applicable fee set out in the Town's Fees and Charges By-Law.
- 8.5 Where any person sets Garbage or Special Waste out for Collection that has not been Tagged as required by this by-law, but which has otherwise been set out for Collection in accordance with this by-law such Garbage or Special Waste may be Collected subject to imposition of the applicable fee set out in the Town's Fees and Charges By-Law The Owner of property benefiting from such Collection will receive notice of the charging of such fee by mail and the fee shall be due for payment by the Owner within 60 days of the mailing of the notice.
- 8.6 Any person sets out any Garbage, Blue Bin Recyclables, Yard Waste or Source Separated Organics (SSO) for collection and has been Tipped, Blown or knocked over prior to collection is responsible for cleaning all the material up. If the Town is required to collect it may be collected subject to imposition of the applicable fee set out in the Town's Fees and Charges By-Law. The Owner of property benefiting from such Collection will receive notice of the charging of such fee by mail and the fee shall be due for payment by the Owner within 60 days of the mailing of the notice.
- 8.7 Unpaid fees due under section 8.5 shall be added to the tax roll for any real property in the municipality which benefits from such Collection and collected in like manner as taxes.
- 8.8 Any person who causes or permits Refuse to fall upon private or public property shall immediately retrieve same in default of which, the Town, or its Contractor, may retrieve the Refuse and charge the person in default the fee set by the Director from time to time, for the expense incurred in doing so. The person in default will receive notice of the charging of such fee by mail and the fee shall be paid by the person within 60 days of the mailing of the notice.
- 8.9 Fees imposed under section 8.6 that remain unpaid may be collected in like manner as taxes.



8.10 The Town shall procure a supply of Blue Boxes, Green Bins, Kitchen Containers and Backyard Composters and make them available for sale to residents at the cost set out in the Town's Fees and Charges By-Law.

8.11 Damaged Blue Boxes and Green Bins will be replaced by the Town, at no cost, provided that the owner returns the town or N6 issued damaged Blue Box or Green Bin to the Town offices or other designated facilities.

## 9. Powers of Entry

9.1 The Town may enter upon property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

9.1.1 the provisions of this by-law;

9.1.2 an order issued under this by-law; or

9.1.3 an order made under section 431 of the Municipal Act.

9.2 Where an inspection is required by the Town, the person conducting the inspection may:

9.2.1 require the production for inspection of documents or things relevant to the inspection;

9.2.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

9.2.3 require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and

9.2.4 alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

9.3 The Town may make an inspection pursuant to an order issued under section 438 of the Municipal Act.

9.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of the York Regional Police Services, as well by any person under his or her direction.

## 10. Orders and Remedial Action

10.1 If a person contravenes any provision of this by-law, the Town may issue an order to the person, and the Owner of property benefiting from Collection upon which the contravention has occurred, to discontinue the contravening activity. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the property upon which the contravention occurred, and the date by which there must be compliance with the order. The order may be served in accordance with the service provisions contained in this by-law.

- 10.2 If a person has contravened a provision of this by-law, the Town may issue a work order to the person who contravened or permitted the contravention of this by-law, as well as to the Owner of the property upon which the contravention occurred, to do work to correct the contravention. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the property upon which the contravention occurred, and the date by which there must be compliance with the order. The order may also provide that if the person or Owner fails to correct the contravention the Town may do the work to correct the contravention at the expense of the person and the Owner. The order may be served in accordance with the service provisions contained in this by-law.
- 10.3 If the Town has issued an order directing or requiring a person or an Owner to do a matter or thing to correct a contravention of this by-law, and the person or owner has failed to correct the contravention, the Town may enter upon the lot at any reasonable time to do all work necessary to correct the contravention and the Town may recover the cost of doing the matter or thing from the person directed or required to do it by adding the costs to the tax roll of the Owner of the property benefiting from collection or upon which property the contravention occurred and collecting them in the same manner as property taxes.
- 10.4 An order issued under this by-law may be served personally or may be served by registered mail sent to the last known mailing address of the person as indicated on the Town's assessment roll. If an order is served on a person by registered mail, it shall be deemed to have been served on the person on the 5th day after mailing of the order, which deemed service may be rebutted by the person proving, on a balance of probabilities, that they did not receive the order.

## 11. Penalty Provisions

- 11.1 Any person, who contravenes any provision of this by-law, including an order issued under this by-law, is guilty of an offence.
- 11.2 Any officer or director of a corporation, who knowingly concurs in the contravention of any provision of this by-law, including an order issued under this by-law, is guilty of an offence.
- 11.3 If a person has contravened 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.
- 11.4 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.
- 11.5 Prohibition of scavenging any material placed at the curb side, alleyway or in any other location for collection by the town is in the property of the town or its authorized collection agent(s). No Person or corporation, unless authorized by the designated municipal official, shall interfere with or cause or permit any person to interfere with or collect, scavenge, disturb, remove or scatter any garbage, recyclable material or yard waste placed out for collection

by the town except for the person(s) who placed the material for collection, or if authorized under law.

11.6 Any person who is guilty of an offence under this by-law shall be subject to the following penalties:

11.6.1 Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;

11.6.2 Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;

11.6.3 Upon conviction for a Continuing Offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and

11.6.4 Upon conviction of a Multiple Offence, for each offence included in the Multiple Offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

11.7 In addition to any other remedy or penalty provided by law, the court in which the conviction has been entered, or any other court of competent jurisdiction may make an order:

11.7.1 Prohibiting the continuation or repetition of the offence by the person;

11.7.2 Requiring the person to pay a Special Fine in addition to a Regular Fine, which Special Fine shall eliminate any economic gain or advantage derived by the person as a result of contravening this by-law.

## 12. Severability

12.1 If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this by-law or the application or such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and it is hereby declared to be the intention of Council that each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

## 13. Coming into force

13.1 This by-law shall come into force and take effect on the day council approves.

## 14. Headings

14.1 Section headings in this by-law are not to be considered part of this by-law and are included solely for the convenience of reference and are not intended to be full or accurate descriptions of the sections of this by-law to which they relate.

15. Repeal

15.1 By-laws 2007-77 and 2011-29 are hereby repealed upon the coming into force of this by-law.

Enacted this 24th day of April, 2017.

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk

**Corporation of the Town of Newmarket****By-law Number 2017-20**

A by-law to appoint a deputy clerk for the town of Newmarket. (Kiran Saini)

Whereas Section 228(2) of the *Municipal Act* provides that a municipality may appoint a Deputy Clerk having all of the powers and duties of the Clerk under this and any other *Act*.

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

1. That Kiran Saini be and is hereby appointed Deputy Clerk for the Corporation of the Town of Newmarket and shall have all the powers and duties of the Clerk under the *Municipal Act, 2001* and all other *Acts*; and,
2. That in addition to the required statutory duties, the Deputy Clerk shall perform such other duties as Council may direct from time to time by resolution or by by-law; and,
3. That the Deputy Clerk may be styled "Deputy Town Clerk"; and,
4. That By-law 2012-40 is repealed in its entirety; and,
5. That this By-law shall come into force and take effect on April 24, 2017.

Enacted this 24<sup>th</sup> day of April, 2017.

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk



**Corporation of the Town of Newmarket**

**By-law Number 2017-21**

A bylaw to exempt certain lands from the part lot control provisions of the Planning Act.

(1209104 Ontario Limited, Lots 21 through 25 Inclusive, Plan 65M-4523)

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

And whereas the land use to be accommodated by the exemption, the parcel to be created, and any remaining parcel, are in conformity with the governing Official Plan and are permitted and in conformity with the Zoning Bylaw in effect for the area in question;

And whereas Plan 65M-4523 was registered on August 21, 2016 and the construction of the units have now advanced to a point where it is appropriate to enact the required By-law;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. The provisions of Section 50(5) of the Planning Act, R.S.O. 1990, c.P. 13 do not apply to the lands described as Lots 21 through 25 Inclusive, Registered Plan 65M-4523 and further described as Parts 1 through 10 inclusive, Plan 65R-37005 Town of Newmarket, Regional Municipality of York; and,
2. That the Municipal Solicitor or her designate be authorized and directed to electronically sign and register this by-law on title
3. This By-law will lapse after a period of 2 years from the date of enactment.

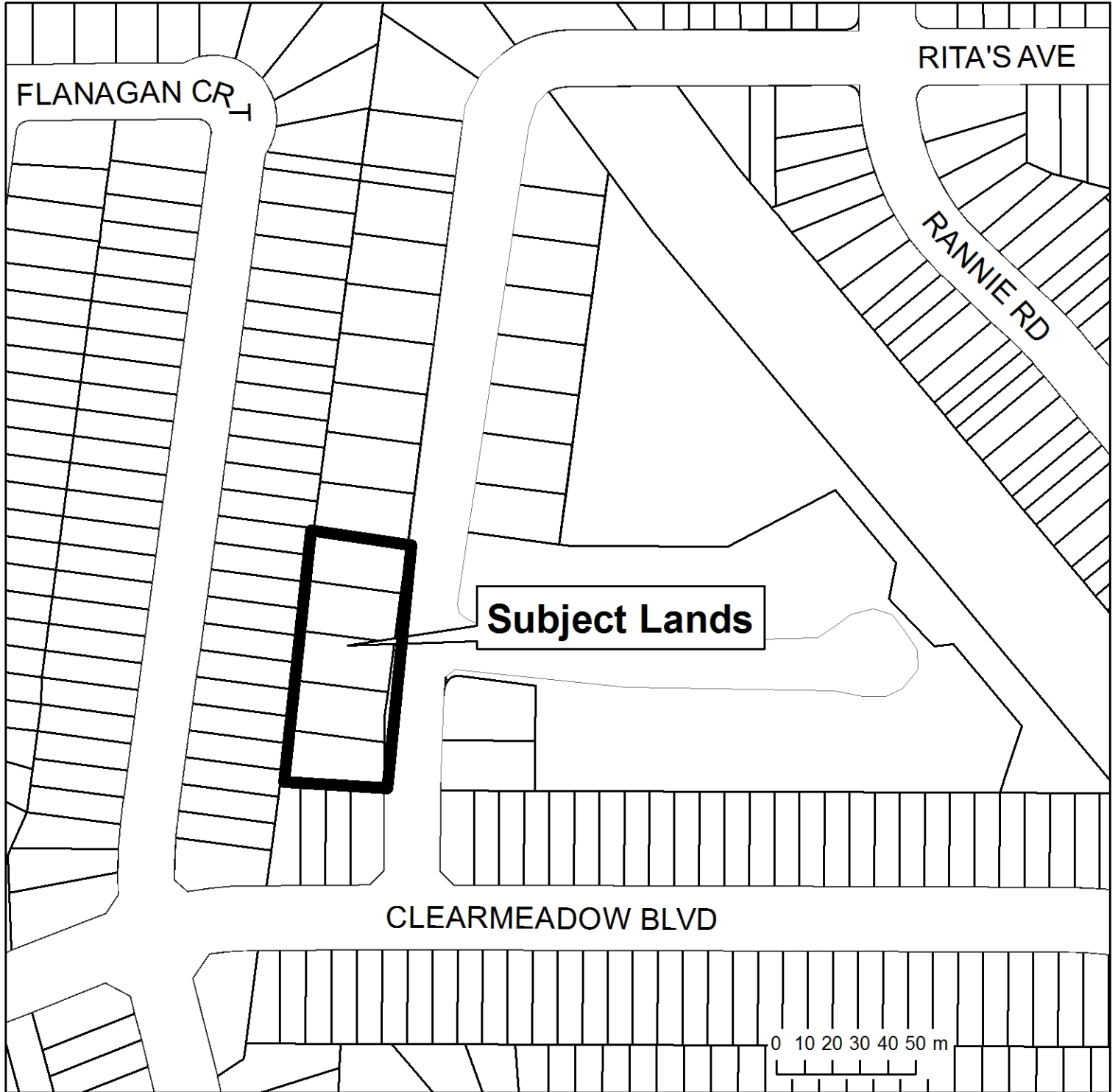
Enacted this            24th    day of            April,            2017.

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

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

# LOCATION MAP

Lots 21 through 25 inclusive on  
Plan 65M-4523  
Town of Newmarket  
Regional Municipality of York



**Subject Lands**



TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Printed: April, 2017. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2015. Zoning - Town of Newmarket, 2015. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.





**Corporation of the Town of Newmarket**

**By-law Number 2017-22**

A by-law to confirm the proceedings of a meeting of Council – April 24, 2017.

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

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

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

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

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

Enacted this 24th day of April, 2017.

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk