



Additions & Corrections to the Agenda

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

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

1. Ms. Patricia Hildreth

Page 1

Note: This deputation is related to Item 9 of the agenda

Consent Items

2. Zoning By-laws 2010-40, 1981-96 and 1979-50 Review

Page 2

Planning and Building Services
August 28, 2017

1. That Development and Infrastructure Services Report - Planning and Building Services 2017-25 dated August 28, 2017 regarding Zoning By-laws 2010-40, 1981-96 and 1979-50 Review be received and the following recommendations be adopted:

a. That staff be directed to prepare amendments to Zoning By-law 2010-40, 1981-96 and 1979-50 and to the Official Plan as discussed in this report; and,

b. That the proposed amendments be presented to Committee before being referred to a public meeting; and,

c. That following the public meeting, any issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

3. Servicing Allocation Policy, Updated July 2017

Page 12

Planning and Building Services
August 28, 2017

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-27 dated August 28, 2017 regarding the Town of Newmarket's Servicing Allocation Policy, updated July 2017 be received and that the following recommendation be adopted:

a. That Council adopt the Servicing Allocation Policy, updated July 2017, included as Attachment 1 to Report 2017-27.

4. Height and Density Bonusing Implementation Guidelines

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Planning and Building Services
August 28, 2017

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-28 dated August 28, 2017 regarding the Town of Newmarket's Height and Density Bonusing Implementation Guidelines be received and that the following recommendation be adopted:

a. That Council adopt the Height and Density Bonusing Implementation Guidelines, dated August 2017, included as Attachment 1 to Report 2017-28.

5. Application for Zoning By-law Amendment - 514 Davis Drive

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Planning and Building Services
August 28, 2017

1. That Development and Infrastructure Services - Planning and Building Services Report 2017-31 dated August 28, 2017 regarding Application for a Zoning By-law Amendment be received and the following recommendations be adopted:

a. That the application for a Zoning By-law Amendment, as submitted by 1548373 Ontario Inc. (Oskar Group) for lands located at 514 Davis Drive, be referred to a public meeting; and,

b. That following the public meeting, issues identified in this report, together with comments from the public, Committee and those received through 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 1548373 Ontario Inc. (Oskar Group), c/o Adam Lennie, 3660 Midland Avenue, Suite 200, Toronto, ON M1V 0B8 be notified of this action.

6. Administrative Monetary Penalty System for Automated Speed Enforcement in York Region

Page 42

Legislative Services
July 4, 2017

Note: Councillor Broome and Councillor Vegh requested this Information Report be placed on the agenda.

7. 2018 Schedule of Council and Committee of the Whole Meetings

Page 45

Legislative Services
August 14, 2017

1. That Corporate Services Report – Legislative Services – 2017-14 dated August 14, 2017 entitled “2018 Schedule of Council and Committee of the Whole Meetings” be received; and,

2. That the 2018 Council and Committee of the Whole meeting schedule be adopted.

8. Canada 150 Community Infrastructure Program Contribution Agreement

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Strategic Initiatives

July 28, 2017

1. That Office of the CAO/Strategic Initiatives and Development and Infrastructure Services Commission Report 2017-06 dated July 28, 2017 regarding the Canada 150 Community Infrastructure Program Contribution Agreement be received and the following recommendation be adopted:

a. That Council approve and authorize Robert N. (Bob) Shelton, Chief Administrative Officer and Peter Noehammer, Commissioner, Development and Infrastructure Services to enter into a Contribution Agreement with Her Majesty the Queen in Right of Canada to receive funds through the Federal Economic Development Agency for Southern Ontario under the Canada 150 Community Infrastructure Program for the following projects and funding amounts approved under the Canada 150 Community Infrastructure Program:

i. 809957 Replacement of Clare Salisbury Park Playground Equipment - \$63,954;

ii. 809958 Replacement of Ken Sturgeon Park Playground Equipment - \$75,922;

iii. 809960 Replacement of Paul Semple Park Playground Equipment - \$45,254;

iv. 809962 Replacement of Audrie Sanderson Park Playground Equipment - \$36,091; and,

v. 810139 Renovation of Newmarket Recreation Youth Centre - \$70,890

9. Appeal to the Ontario Municipal Board from a decision of the Committee of Adjustment denying an application for Consent to Sever and Minor Variances re: 770 Gorham Street

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Street

Legal Services

August 28, 2017

Note: The Deputation is related to this item.

1. That Corporate Services (Legal Services) Report 2017-15 dated August 28, 2017 regarding the appeal to the Ontario Municipal Board (“OMB”) by the Owner of 770 Gorham Street (“the Lands”) from a decision of the Committee of Adjustment to

deny an application for Consent to Sever and for Minor Variances be received, and the following recommendations be adopted:

a. That staff be directed to advise the OMB that:

i. Council supports the Committee of Adjustment’s decision to deny the applications for a Consent to Sever and Minor Variances in connection with the Lands; and,

ii. The Town will not be appearing as Party at the OMB hearing in this matter; and,

iii. In the event that the OMB decides to allow the appeal, the Town will request the following conditions as part of any Order approving the Consent to Sever and Minor Variances:

“That Consent to Sever Application D10-B03-16 and Minor Variance Applications D13-A18-16 and D13-A19-16 be approved, subject to the following conditions:

(a) That the variances pertain only to the requests as submitted with the application; and,

(b) That the owner enter into a Site Plan Agreement with the Town for the future development of the lands; and,

(c) That the applicant be advised that compliance will be required with the provisions of the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy; and,

(d) That the development be substantially in accordance with the Site Plan and Elevations submitted with the application.”

10. Parking Amendments – Marianneville, Sundial Homes and National Homes Subdivisions
 Engineering Services
 July 20, 2017

1. That Development and Infrastructure Services Report ES 2017-26 dated July 20, 2017 entitled “Parking Amendments – Marianneville, Sundial Homes and National Homes Subdivisions” be received and the following recommendations be adopted:

a. That Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by adding the following: and,

Road	Side	Between	Prohibited Times
Alf Neely Way	East/ South	Millard Avenue West to Eagle Street West	Anytime
Mitchell Place	East	Davis Drive West to terminus	Anytime
Mitchell Place	West	Davis Drive West to a point approximately 100 metres south	Anytime

Brown Court	North	Mitchell Place to terminus	Anytime
Reg Harrison Trail	West	Alex Doner Drive to #282 Reg Harrison Trail	Anytime
Reg Harrison Trail	East	#287 Reg Harrison Trail to Crossland Gate	Anytime
Vantage Loop	North	William Booth Avenue to Woodland Hills Park	Anytime
Vantage Loop	West	Woodland Hills Park to 50 metres west of Allure Street	Anytime
Vantage Loop	North/ West	50 metres west of Allure Street to Delano Way	Anytime
Vivant Street	North	William Booth Avenue to Allure Street	Anytime
Delano Way	North	William Booth Avenue to Allure Street	Anytime
Delano Way	Both	William Booth Avenue to east limit	Anytime
Bravo Lane	North	Vantage Loop to Allure Street	Anytime
Allure Street	West	Vantage Loop to Vantage Loop	Anytime
Tango Crescent	North/ East/ South	William Booth Avenue to William Booth Avenue	Anytime
Capella Street	West	Solstice Circle to Solstice Circle	Anytime
Urbana Lane	West	Delano Way to Solstice Circle	Anytime
Solstice Circle (north)	East/ West/ North	Delano Way to Delano Way (outer side)	Anytime
Solstice Circle (south west)	West/ North	Delano Way to Capella Street	Anytime
Solstice Circle (south and east)	East/ North	Delano Way to Capella Street	Anytime
William Booth Avenue	Both	Knapton Drive to Davis Drive	Anytime
Carm Shier Court	North	Harry Douglas Street to terminus	Anytime
Helena Court	North	Somerville Drive to Harry Douglas Street	Anytime
Mickleburgh Drive	North	Somerville Drive to Harry Douglas Street	Anytime
Somerville Drive	West	Dillman Avenue to terminus	Anytime
Harry Douglas Street	South/ East	Dillman Avenue to Somerville Drive	Anytime

b. That the necessary By-law be prepared and submitted to Council for its approval.

11. Water Meter By-law - New By-law to regulate water meter use within the serviced area of the Town of Newmarket
Public Works Services
July 28, 2017

1. That Development and Infrastructure Services Report 2017-25 dated July 28, 2017, entitled Water Meter Bylaw – New Bylaw to regulate water meter use within the serviced area of The Corporation of the Town of Newmarket, be received and the following recommendations be adopted:

- a. That Council adopt a New Water Meter Bylaw to regulate the use of residential and commercial water meters, as described in this report and set out in By-Law 2017-49 (Attachment 1); and,
- b. That a copy of The Town of Newmarket's Water Meter Bylaw 2017- 49 be placed on the Town of Newmarket website.

12. Sewer Use By-law Update - Discharge of Sewage, Storm Water and Land Drainage By-law within the serviced area of The Corporation of the Town of Newmarket
Public Works Services
August 28, 2017

Page 95

1. That Development and Infrastructure Services Report - PWS 2017-24 dated August 28, 2017, entitled "Sewer Use By-law Update - Discharge of Sewage, Storm Water and Land Drainage By-law" within the serviced area of The Corporation of the Town of Newmarket" be received and the following recommendations be adopted:

- a. That Council adopt an updated Sewer Use By-law to protect the environment, public health and the Town's infrastructure, as described in this report and set out in By-law 2017-50 (Attachment 1); and,
- b. That Council repeal the current Sewer Use By-law No. 2006-111, as amended; and,
- c. That a copy of The Town of Newmarket's Sewer Use By-law No. 2017-50 be forwarded to the Clerk of York Region for their information.

13. Ontario Regulation 366/09 Display Screens and Hand-Held Devices
Public Works Services
July 20, 2017

Page 138

1. That Development and Infrastructure Services Report - Public Works Services 2017-27 dated July 20, 2017 regarding Ontario Regulation 366/09 - Display Screens and Hand-Held Devices be received and the following recommendations be adopted:

- a. That the Town of Newmarket supports the permanent exemption from Ontario Regulation 366/09 for the use of two way radios for public function drivers; and,
- b. That this resolution be submitted to the Ministry of Transportation, Road Safety Policy Office, and that it be distributed to the Regional Municipality of York, Ontario Good Roads Association (OGRA), Association of Municipalities of Ontario (AMO) and the Local Municipalities of York Region.

14. Correspondence from Mayor Rob Burton, Chair of Auto Mayors dated June 2017 regarding a resolution with respect to Protecting the Automotive Sector in Newmarket.
August 28, 2017

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Note: Mayor Van Bynen requested that this item be placed on the agenda.

Whereas, the auto sector directly employs over 101,000 people in Ontario, and indirectly supports the creation of more than 300,000 good jobs in communities nationwide; and,

Whereas, the automotive industry represents Canada's largest manufacturing sector, Ontario's chief export and the economic lifeblood of hundreds of Canadian communities; and,

Whereas, a thriving auto sector is an essential part of Newmarket's local economy, stimulating growth, innovation, and good, high-paying jobs; and,

Whereas, Canada's auto sector has been deeply integrated with that of the United States since the early-20th century, as indicated by the 1965 Canada-US Auto Pact; and,

Whereas, the North American Free Trade Agreement governs nearly every aspect of Canada and the United States' economic relationship, including the import and export of auto parts and vehicles; and,

Whereas, even minor changes to the established trade relationship between Canada and the United States could have enormous consequences for workers and consumers on both sides of the border; and,

Whereas, in 2016 the government of Ontario and Michigan signed a Memorandum of Understanding calling for increased cooperation and partnership between their two automotive sectors; and,

Whereas, the United States has announced its intent to renegotiate NAFTA; and,

Whereas, Canada's economic future and the continued wellbeing of Newmarket's local economy depend on a thriving automotive sector.

Therefore be it resolved, Council:

- a. Join with Councils across Ontario in calling on the federal government to make the protection and growth of Canada's automotive sector a key priority in the upcoming NAFTA negotiations; and,
- b. Request the Mayor write a letter to Prime Minister Justin Trudeau and Newmarket's local member of Parliament reinforcing these concerns; and,
- c. Urge those local members of Parliament who have not yet done so to join the parliamentary auto caucus, advocating for the wellbeing of Canada's automotive sector in Ottawa.

15. Newmarket Economic Development Advisory Committee Meeting Minutes of November 1, 2016

Page 149

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of November 1, 2016 be received.

16. Accessibility Advisory Committee Meeting Minutes of March 23, 2017

Page 153

1. That the Accessibility Advisory Committee Meeting Minutes of March 23 be received.

17. Item 3 of the Accessibility Advisory Committee Meeting Minutes of March 23, 2017 **Page 158**

1. That the Operational Leadership Team recommends that the following recommendation be referred to staff for review and report:
- a. The Accessibility Advisory Committee recommends to Council that the Committee request that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.

18. Newmarket Public Library Board Meeting Minutes of May 17, 2017 **Page 159**

1. That the Newmarket Public Library Board Meeting Minutes of May 17, 2017 be received.

19. Joint Council and Newmarket Economic Development Advisory Committee Workshop Minutes **Page 163**

1. That the Joint Council and Newmarket Economic Development Advisory Committee Workshop Minutes of May 1, 2017 be received.

20. Heritage Newmarket Advisory Committee Meeting Minutes of May 2, June 13, and draft minutes of July 11, 2017 **Page 166**

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of May 2, June 13, and draft minutes of July 11, 2017 be received.

21. Item 5 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 regarding Removal of 770 Gorham Street from Municipal Register of Non-Designated Heritage Properties **Page 186**

1. The Operational Leadership Team recommends to Council that the following be referred to staff for review and report:
- a. That the Heritage Newmarket Advisory Committee recommend to Council that the request to remove the property known as 770 Gorham Street from the Municipal Register of Non-Designated Heritage Properties be denied; and,
 - b. That the Heritage Newmarket Advisory Committee recommend to Council that the property known as 770 Gorham Street be designated a heritage property due to its cultural and architectural importance.

22. Items 6 and Item 9 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 regarding Workplan & Operating Budget Discussion and Ontario Heritage Conference **Page 187**

1. The Operational Leadership Team recommends to Council that the following be referred to staff for consideration as part of the 2018 budget process:
- a. That Heritage Newmarket Advisory Committee recommend to Council that \$5,000 be allocated for designation reports; and,

b. That Heritage Newmarket Advisory Committee recommend to Council that \$500 be allocated towards a workshop for Real Estate Professionals and Property Appraisers; and,

c. That Heritage Newmarket Advisory Committee recommend to Council that \$1,600 be allocated towards purchasing 4 Heritage Conservation District plaques; and,

d. That the Heritage Newmarket Advisory Committee recommend to Council that \$3,000 be allocated towards attendance for two members to attend the annual Heritage Conference.

23. Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017 **Page 188**

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017 be received.

24. Newmarket Downtown Development Committee Meeting Minutes of March 31, 2017 **Page 199**

1. That the Newmarket Downtown Development Committee Meeting Minutes of March 31, 2017 be received.

25. Proclamation Request - October 7, 2017 - International Trigeminal Neuralgia Day and Request to Light Up Riverwalk Commons **Page 207**

1. That the proclamation request be received; and,

2. That the Town of Newmarket proclaim October 7, 2017 as "International Trigeminal Neuralgia Day"; and,

3. That the proclamation be advertised in the Town Page advertisement and on the Town's website; and,

4. That Riverwalk Commons be lit in teal on October 7, 2017.

26. Proclamation Request- September 2017- Prostate Cancer Awareness Month **Page 209**

1. That the proclamation request be received; and,

2. That the Town of Newmarket proclaim the month of September 2017 as "Prostate Cancer Awareness Month"; and,

3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

27. Proclamation Request - September 2017 - Childhood Cancer Awareness Month **Page 211**

1. That the proclamation request be received; and,

2. That the Town of Newmarket proclaim September 2017 as "Childhood Cancer Awareness Month"; and,

3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

28. Proclamation Request - September 22, 2017 - Recovery Day 2017

Page 213

1. That the proclamation request be received; and,

2. That the Town of Newmarket proclaim September 22, 2017 as "Recovery Day"; and,

3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

29. Proclamation Request - September 4, 2017 - National PKD (Polycystic Kidney Disease) Awareness Day in the Town of Newmarket

Page 216

1. That the proclamation request be received; and,

2. That the Town of Newmarket proclaim September 4, 2017 as "National PKD Awareness Day"; and,

3. That the proclamation be advertised in the Town Page advertisement and on the Town's website.

30. List of Outstanding Matters

Page 218

1. That the List of Outstanding Matters be received.

Action Items

Reports by Regional Representatives

Notices of Motion

Motions

New Business

Closed Session (if required)

Public Hearing Matters (7:00 PM)

Addendum (Additions and Corrections)

Adjournment

Deputation and Further Notice Request Form

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

Please email to clerks@newmarket.ca, 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: Patricia Hildreth	
Organization / Group/ Business represented: Resident	
Address: .	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: Monday, August 28, 2017
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 770 Gorham Street
<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): <p>I have concerns and questions regarding the 770 Gorham Street property.</p> <p>I feel that the Town of Newmarket has a major responsibility to the residents to attend the OMB Appeal regarding 770 Gorham Street and uphold the decision to deny the applications at this appeal to the OMB. This appeal, if allowed to proceed, affects the fabric of our wonderful neighbourhood.</p>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

- 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



Planning and Building Services

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**Development and Infrastructure Services
Planning and Building Services - Planning Report 2017-25**

To: Committee of the Whole

Subject: Zoning By-laws Review

Date: August 28th, 2017

Origin: Planning Services

Recommendations

THAT Development and Infrastructure Services/Planning and Building Services Report 2017-25 dated August 28th, 2017 regarding Zoning By-laws 2010-40, 1981-96 and 1979-50 Review be received and the following recommendation(s) be adopted:

1. THAT staff be directed to prepare amendments to Zoning By-law 2010-40, 1981-96 and 1979-50 and to the Official Plan as discussed in this report;
2. THAT the proposed amendments be presented to Committee before being referred to a public meeting;
3. AND THAT following the public meeting, any issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

Background

On October 1st, 1979 Council adopted Comprehensive Zoning By-law 1979-50. In the three decades that followed, 1979-50 was the subject of more than 200 zoning by-law amendments. In 2006, the Town adopted its new Official Plan and in June of 2010 repealed Zoning By-law 1979-50 and enacted the new Zoning By-law 2010-40, save for lands covered by By-law 2003-128 (Oak Ridges Moraine) and a short list of properties spread throughout the town. Since its adoption, Zoning By-law 2010-40 has been the subject of some 38 zoning by-law amendment applications and more than 160 minor variances.

Proposal

The application of the zoning by-laws to site plan applications, building permits, and inquiries over the past seven years has revealed improvements that can be made. Staff have identified approximately 140 matters to be addressed through the review. Staff propose to undertake a review of existing zoning by-laws in order to (1) address technical errors, (2) improve clarity and enforceability, (3) respond to changing legislative and judicial decisions, (4) address new circumstances, and (5) consolidate zoning by-laws. As in some cases the Official Plan is specific in its standards and zoning by-laws are required to conform to the

Official Plan, certain amendments to zoning by-laws will also require amendments to the Town's Official Plan as will be discussed in this report. While some larger matters may be left to the next statutorily-required review of the Official Plan, staff intend to address as many of the outstanding issues as possible through this review process. Furthermore, staff intend to prioritize and divide the proposed amendments as necessary to address them in manageable and understandable groups.

Technical errors

There are sections of the zoning by-laws that have errors, typos, or mis-attributions that have only come to light through the application of the by-law. These matters include site-specific provisions that were mistakenly applied to another property, typographical errors, mis-numbered exceptions, minor variance permissions that were not appropriately carried over from 1979-50 (the Town's previous zoning by-law which is still in effect in a limited area), lot standards that lack certain built form limits, and types of encroachments that lack definitions or illustrations. For example, Zoning By-law 2010-40 allows for a home daycare in a semi-detached dwelling but prohibits them in link dwellings due to the omission of this type of dwelling in the relevant clause. In another example, the by-law contains two exceptions that are numbered as exception 119.

Clarity improvements

The by-laws include clauses in different sections and amendments that are unclear in how they work together, provisions that lack specificity and new types of built forms that lack definitions. For example, the zoning by-laws lack definitions of a half-storey, or of when a structure is "attached" or "detached", which has led to difficulties in administration of zoning review in some cases.

Legislative and judicial decisions

Changes in provincial legislation require the Town to undertake certain amendments to the zoning by-laws. This section will present examples of changes that are required, and a complete list of proposed amendments to the zoning by-laws and the Official Plan will be presented to Committee of the Whole in a later report.

The *Smart Growth through Affordable Housing Act* was passed in 2011. This Act amended various sections of the Planning Act to facilitate the creation of accessory dwelling units (ADUs) by requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures, while the Town currently only permits ADUs in single and semi-detached houses. The Town is obliged to conform to provincial law and the *2014 Provincial Policy Statement* and update its Official Plan and zoning by-laws accordingly.

The adoption of other plans that implement Provincial and Regional policies has occurred, and the Town's Official Plan and zoning by-laws have not yet been brought into harmony with these plans. The South Georgian Bay Lake Simcoe Source Protection Plan has been adopted under the Clean Water Act, 2006. This plan includes policies to address threats to water quality and quantity, many of which are relevant to land use planning. The Plan provides policies related to Wellhead Protection Areas around municipal wells in addition to vulnerable areas which include Significant Groundwater Recharge Areas and the Wellhead Protection Quantity Area and Highly Vulnerable Aquifers. The Official Plan and zoning by-laws do not yet reflect these plans and should be updated.

Similarly, decisions in the courts and provincial tribunals have impact on the Town's zoning by-laws that should be brought up to date. Repeated decisions have found minimum group home separation distances to be contrary to Ontario's *Human Rights Code*, the *Charter of Rights and Freedoms*, and the *2014 Provincial Policy Statement*. The Town is obliged to conform to the *Human Rights Code*, the *Charter of Rights and Freedoms*, and the *2014 Provincial Policy Statement* and should update its Official Plan and zoning by-laws accordingly.

New circumstances

Much has changed since the Town's zoning by-laws were adopted, and they should be updated to address matters that either were not considered at the time, that have since changed, or that reflect new market demands.

Matters that were not considered include types of businesses that are now popular that are difficult to establish due to zoning restrictions. One way in which this can be seen is the growth in the microbrewery industry. Brewpubs or microbreweries are a combination of retail, manufacturing, and restaurant uses that are challenging for business owners to establish due to the requirements of each use in the by-laws. The by-laws should be updated to reflect new types of businesses and provide the flexibility that supports innovation and job growth while ensuring compatibility of use.

Matters that have changed since the by-law were adopted involve changes in consumer demand and technology. Changes in technology have meant newer residential mechanical equipment such as central air conditioning units and pool mechanical equipment tend to generate less noise, but the zoning by-laws have setback standards that treat all equipment the same. Smaller lot sizes have made it challenging for residents to locate this equipment in required locations due to large setbacks imposed out of concern for noise. More modern standards that reflect the actual noise output for these units may give greater flexibility to residents while protecting neighbours from noise.

Similarly, there have been changes in demand in real estate markets and builder practices that were not contemplated when the zoning by-laws were adopted. For example, Planning staff have received increasing volumes of questions regarding the use of shipping containers as either standalone storage containers or structures, or as part of a larger building. The zoning by-laws do not specifically address these, and provisions related to their use may be appropriate to include in the update.

Consolidate zoning by-laws

The Town has three principal zoning by-laws:

- 1979-50, the former comprehensive zoning by-law still in effect as amended across the Oak Ridges Moraine and some scattered properties in the rest of Newmarket
- 1981-96, the Glenway zoning by-law still in effect as amended where it is overlapped by the Oak Ridges Moraine
- 2010-40, the current comprehensive zoning by-law as amended

Having three by-laws is not in principle a problem provided the by-laws are roughly the same in their provisions or that the by-laws address substantively different areas. For example the Town is moving toward an independent zoning by-law for the Urban Centres Secondary Plan Area, which is planned to have a built form significantly different from the rest of Newmarket.

However in the case of the existing zoning by-laws, and given the age of the by-laws, they have diverged significantly and treat otherwise similar properties differently. For example, one commercial property that is still covered by

Zoning By-law 1979-50 is not permitted to have a veterinary clinic located there while in much of the rest of Newmarket a veterinary clinic is permitted in retail commercial zones. This is because Zoning

23.1 PERMITTED USES

No person shall hereafter within a Service Commercial First (C2) Zone use any land, or erect, alter or use any building or structure except for one or more of the following uses:

(1) Commercial

Automobile service station, combination automobile service station and car washing establishment, automotive accessories and tire store, automobile tools of the trade store, car radio and stereo sales, service and installation, interior and exterior automotive customizing, automotive interior cleaning service, car and truck rentals when accessory to and ancillary to the operation of an automobile service station, automotive glass sales and installation, restaurant, drive-in restaurant, take-out restaurant, convenience retail store, hotel, motel, taxi stand, ~~private club, commercial club, dry cleaners~~ depot, beer or liquor store, bank or other financial institution, business or professional offices, funeral home.

Figure 1: Permitted uses in C8 zone (By-law 1979-50)

By-law 1979-50 defines veterinary clinics as “animal hospitals” and limits them to rural zones. Zoning By-law 1979-50 also tends to be far more prescriptive and specific in its list of permitted uses, reflecting a less permissive approach that attempted to specifically list all possible permitted uses rather than using general categories to allow for flexibility (see Figure 1).

Bringing properties from older by-laws into 2010-40 will reduce complexity of review of building permits, increase ease of understanding of zoning for residents, and ensure consistency of land use rights.

Matters to be addressed

While consultation with other departments and agencies, along with consultation with residents, will assist staff in developing the full list of matters to be addressed, Planning staff have identified a number concerns with the existing zoning by-laws. A list of subjects to be addressed is provided in Appendix A. This list is non-exhaustive, as matters have been grouped for clarity and consultation to ensure all matters are considered is ongoing.

Next steps

Staff will complete a final list of matters before formally initiating the amendment process and providing public notice of the initiation of an amendment process. Following formal public notice of the commencement of an amendment process, Committee of the Whole will receive a report with the proposed set of amendments and a recommendation to refer them to a statutory public meeting. Following this meeting, Council will be presented with a final report with the proposed amendments. As discussed above, this process may occur more than once in order to ensure that the amendments are organized into manageable and understandable groups.

Conformity with legislation

As with any zoning by-law amendment, Council's eventual decision is required to conform to Provincial legislation, policies, and plans and to the policies of the Region and the Official Plan. As the list of matters to be addressed is revised, the public is consulted, and recommendations are prepared, conformity with these requirements will be ensured.

Various Provincial policies and plans provide direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, Provincial policies and plans set the policy foundation for regulating the development and use of land. These documents also support the provincial goal to enhance the quality of life for the citizens of Ontario. As policy documents these plans provide broad guidance that touch on many areas of the zoning by-law without providing specific direction. It is necessary to ensure that any amendment to the zoning by-laws is consistent with Provincial policies and plans.

There are a range of relevant policies. Staff will ensure conformity with these documents as the study and refinement of the proposed amendment proceeds.

Consultation

This report recommends holding a public meeting with notice provided in accordance with the requirements of the *Planning Act*. This will occur following consultations with other departments including By-law Services and Engineering Services, and partners and agencies such as the LSRCA and the Regional Municipality of York in order to develop the list of recommended changes to the by-law.

Feedback from partner agencies and commenting departments will be considered along with public comments as a part of the development of recommendations to Council.

Budget impact

Operating Budget (Current and Future)

Planning Services expects to complete this review within existing approved budgets. There is no direct operating budget impact as a result of this report.

Capital Budget

There is no direct capital budget impact as a result of this report.

Plan linkages

Strategic Plan

This initiative supports the strategic plan goal of being *Well-planned & connected* by supporting sound planning for development in Newmarket and being responsive to lessons learned through the experience of the implementation of the zoning by-laws.

Strategic Priorities

This initiative supports the strategic priority of *Economic Development/Jobs* by reviewing the zoning by-law to address identified issues that have posed challenges to the prospective operators of new small businesses, among other matters.

This initiative supports the strategic priority of *Ensuring effective & efficient services* by improving and clarifying the zoning by-law to reduce administrative burden and streamline reviews and approvals.

Contact

For more information on this report, contact: Ted Horton, Planner at 905-953-5321, Extension 2458 or via email at thorton@newmarket.ca.



Planner



Director of Planning and Building Services



Commissioner Development and Infrastructure Services

Attachments: Preliminary list of matters to be addressed

Preliminary Matters to Be Addressed

Point to Address	Why it is a problem
Need better "commercial vehicle" definition	Not present in the zoning by-law.
Commercial Rooftop Patios	Rooftop Commercial Patios are defined in the By-law but not specifically permitted or prohibited. This has led to confusion as to whether they were meant to share the permissions of Patios or were meant to be prohibited.
Porticoes	Not defined in the by-law.
Landscaping in the front yard	There is currently no minimum amount of landscaping required in the front yard. With specific interest is "soft landscaping"
Definition of carpool space	There is currently no definition in the zoning by-law.
ADU's and required parking spaces	Currently require 2 off street parking spaces outside of a garage. Multiple minor variances to reduce this. Province has proposed a regulation to limit this to one space.
Include "yoga studio" under studio	Has been considered as studio, should be clarified.
Need a definition for 0.5 storey	No definition in the current by law, yet it is mentioned frequently throughout (ex. 1.5 storey home)
Revise GFA definition	Does it include unfinished floor, and it currently does not include the ground floor. Technical error, and clarification required.
Definition of Porch	Refers only to residential areas and should include side projection.
Repeal of Former By-laws	Mis-cited by-law number for Oak Ridges Moraine
Nightclubs	The Town does not license nightclubs, but the zoning by-law sets out that they are subject to municipal licensing requirements.
Floodplain and the PPS	The incorrect section of the Provincial Policy Statement is cited with regard to uses prohibited.
Exceptions 11 and 12	Incorrect addresses were used to carry forward this site-specific building height permission.
Exception 129	Poorly captured the use permissions of the amending by-law.
Exception 61	The lands designated as Open Space in by-law 2004-212 had specific language in the amending by-law that was not carried through in full in 2010.
Exception 119	There are two exception 119s, which may cause confusion.
Freehold townhouses	Certain freehold townhouses have been zoned with R4-CP zoning that does not reflect the typical permissions for a townhouse.
Recognizing longstanding uses	A number of properties have had rights recognized through site-specific amendments, minor variances, or legal nonconforming rights. These have not always been codified in the zoning by-law, and in some cases should be clearly recognized.
Long-term care facility definition	Does not work well with Provincial legislation definitions
Eaves encroachments should include gutters and troughs	The encroachment provision is unclear as to exactly what portions of a roof edge are included.
All residential parking, including apartments, require only outdoor parking	The by-law requires all parking to be outdoor. This would exclude any underground or structured parking.
Private Streets vs. Private Roads	In many cases proposed townhouse developments consider driveways that would front onto public and private streets.

Point to Address	Why it is a problem
Townhouse parking requirements	Difficult to implement in freehold townhouse developments.
Setbacks for garbage enclosures	No zoning standards for locations of garbage enclosures.
5.4.3 Visitor parking is always at grade 5.4.3 ii) should be 1.5 not 15	Current wording requires a very large setback from rear or side lot lines for parking lots. Visitor parking is not permitted to be in an above-ground structure or underground. This would present challenges in many projects.
Landscape Buffer Plantings	Wrong type of measure (diameter vs height) for each type of plant.
Stormwater management in parking lots	Need to break up parking lots with permeable areas.
5.3.5 should be “or” not “and”	The “and” at the end of point i) c) indicates that a development must meet all criteria rather than only falling into one.
Shared parking doesn’t capture many of the properties where it takes place	Many entertainment-related uses (commercial athletic centre, place of entertainment, studio, commercial school) are in complexes with complementary parking patterns but are not eligible for shared parking calculations
In the 119 exception, the storey-by-storey height limit doesn’t work well	Many buildings in the 119 area have 2 or 2.5 storeys and are within the height limit. The current definitions limit the ability to build within the maximum height limit and maximize useful space.
Accessory Structures in the 119 Area	Amending by-law contained an error in referring to 2 and 1.5 storey lot coverage.
Allow private home daycares in link dwellings	Private home daycares are permitted in other residential dwelling unit forms but link dwellings are excluded.
Exterior yard setbacks	Several types of lots were left without exterior side yard setbacks. This could lead to future construction that is closer to the lot lines than was anticipated when the current zoning was enacted.
Maximum lot coverage	Several types of lots were left without maximum lot coverages. While most of these types of lots have site-specific exceptions, it is worth expressing an expectation of a standard for the Town.
Driveway provisions	Zoning provides for no maximum driveway width for condominium residential zones. Similar standards should apply regardless of tenure.
6.2.3 (*3) and (*4) need to be verified	Unclear wording has led to confusion.
Clarify that domestic animal care facilities does not include kennels, and define kennels	Concern that this use may be interpreted to permit a kennel, which is a use that is arguably incompatible with the other uses in the zones where it is permitted.
4.1.5 should include antennas, unclear wording	Zoning regulates the number of satellite dishes but does not address antennas. The clause related to satellite dishes regulates them based on the number of primary dwelling units, but there is only ever one “primary dwelling unit”. In multiple residential zones, there are no “primary” units.
Need a definition of “attached”	Many standards in the by-law differ depending on if structures are attached to one another or not. There is no definition of “attached”, which has led to applicants attempting creative

Point to Address	Why it is a problem
	solutions to attach or detach buildings.
Revise definition of decks and what they can be attached to	Should consider houses, accessory structures, floating decks, etc.
Include illustrations of decks, porches, patios, porticos	Clarity improvements
5.3.3 add reference to 5.4.1	Lack of cross-reference can make determining all applicable sections difficult for applicants.
5.3.7 definition of a carpool space	Carpool spaces are required, but they are not defined in their use, location, or enforcement.
5.3.8 standards for bike parking location	Lack of standards leads to bike parking locations.
4.14.2 requires a very large landscape buffer setback	Clause allows for vehicular access and parking, which makes it uncertain what its intent was.
Wheelchair lift encroachment	Accessibility ramps enjoy a generous encroachment provision that is not extended to wheelchair lifts.
6.2.3 need residential walkway in body of bylaw	By-laws has advised that prosecuting properties that violate the sections related to residential walkways would be challenging given that the restrictions exist in the definitions and not in the body of the by-law.
Shipping containers	By-law does not specifically address shipping containers for storage or as a structure.
Driveways and residential walkways Clarify landings and residential walkways arc	<p>Driveway definition doesn't work well with non-rectilinear lots. Walkways have been a problem for enforcement.</p> <p>Driveway definition does not speak to surface material, while Property Standards does. Uncertain if this needs to be addressed or perhaps just mentioned.</p> <p>Reverse-slope driveways are not addressed, and can lead to basement flooding.</p> <p>Some residents like to have their residential walkways wider as they approach their front door. The distinction between a walkway and a landing can lead to some confusion in this.</p>
Clarify whether setbacks needed for pool hard landscaping	Some uncertainty from residents has led to installation of patios up to property lines.
Mechanical equipment – pools, AC, etc	Quieter now than they once were, and lots are smaller. New standards based on noise might be appropriate.
4.1.2 - Sheds in rear yards 4.1.2 - Accessory structures vs. RAS vs. detached garages	Confusion over setback provisions related to accessory structures, detached garages, residential accessory structures, and corner lots.
Basketball nets as a Residential Accessory Structure	Some resident frustration with fixed basketball nets as an RAS being prohibited in front yards.
Need a required setback for propane tanks	No existing regulations related to propane and fuel storage.
Wood fireplaces	No specific standards for where an outdoor fireplace can be located.
5.3.6 AODA standards	Accessibility for Ontarians with Disabilities Act requires different standards for parking than 2010-40, and the AODA supersedes.

Point to Address	Why it is a problem
<p>5.3.6 barrier free parking spaces inclusive of exclusive of requirement</p> <p>5.2.2 when is barrier-free required residential or non-residential</p>	<p>Unclear whether barrier-free is in addition to required parking.</p>
<p>Covered decks and two-level decks</p> <p>Rear decks – no clear side yard setbacks & LNC side continuations for decks</p>	<p>Has been a source of confusion as to whether a deck is permitted under a deck in a rear yard, as encroaching decks are by definition “uncovered”.</p> <p>In some cases it is possible to extend a principal structure toward the rear lot line but a deck is subject to greater side yard setbacks. Side yard setbacks for decks are not as clear as they could be.</p>
<p>4.1.3 remove outdoor storage, perhaps remove parking and loading in UC zones</p>	<p>Several properties that are public use have had nonconformities or amendments or ZBAs related to the public use provisions:</p> <ul style="list-style-type: none"> • Region snow storage • Region EMS • 1275 Maple Hill has outdoor storage but isn’t zoned for it
<p>Long term care facility parking rate based on number of beds</p>	<p>Difficult to apply rate for this type of facility as the number of beds and patients can vary from the number of “dwelling units”.</p>
<p>5.2.2 no size requirement for residential parking spaces fewer than 5</p>	<p>Established practice has applied a different set of required dimensions for a parking space in a driveway than is required for a parking lot.</p>
<p>Inclusion of UC-D2 in this?</p>	<p>UC-D2 zones have found it challenging to provide parking. UC-D2 is similar to UC-D1, and is only a narrow area between historic downtown and the Main & Davis UCSP area.</p>
<p>Confusion over “Urban Centre”</p>	<p>Downtown area should no longer be titled an “Urban Centre”, as this term is used for Secondary Plan area.</p>
<p>6.4.1 do apartments require ground floor commercial?</p>	<p>Some uncertainty as to whether this clause only applies to dwelling units other than apartments, or to all apartments (i.e. are dwelling units ever permitted on the ground floor in these zones?)</p>
<p>Ex 119 – Front grade should be average front grade</p> <p>clarify front yard encroachments, determine corner and end lot provisions, clarify front setbacks for additions</p>	<p>It is unclear how to measure front grade in this area. In other areas of town it is average grade.</p>
<p>Ex 119 – 25% not 20%</p>	<p>Typographical error in by-law presented two different figures (25% and 20%) for the same requirement in different parts of the text.</p>
<p>5.5 – Requirement for pedestrian access through parking lots</p>	<p>Challenging site design for many lots in which there is no pedestrian access to the principal building save by walking between parked cars.</p>
<p>Patios, uncovered and setbacks compared to decks</p>	<p>It can be unclear what a “patio” is or where it is allowed. Further explanation or illustration may assist.</p>
<p>Side-yard walkways</p>	<p>Many people have a walkway adjacent to their house made of bricks, patio stones, or other materials. These would meet the definition of a patio except that it excludes pathways. Concern</p>

Point to Address	Why it is a problem
	that they may interfere with swales.
4.14.1 – Design standards – sight lines, front buffer, visitor parking	Front setbacks for employment uses are quite large, despite many of them serving a more commercial-like role where a proximity to the street would be beneficial
Review parking requirement for new car dealerships	Different uses take place on the lot (sales, office, repair) and it has proven difficult to calculate a single parking requirement for the lot.
Implement a multi-unit parking requirement for other commercial properties similar to Local Shopping Centres	Difficult to administer building permits in plazas with widely differing uses (manufacturing, entertainment, retail). Parking standards are generally higher than actual demand.
Improve definition of Home Occupation – “lawful”	Uncertain whether clause has been of any assistance in ensuring appropriate uses, may require clarification.
Revise criteria for home occupations: attached/detached garages, what kinds of jobs	Interest from residents in being able to supplement income through small businesses, but home occupation criteria are limiting. People have asked us to consider: <ul style="list-style-type: none"> • Allowing HO's in garages/accessory buildings • Increasing maximum absolute area • Reducing parking requirement • Clarifying “accessory sale” of retail goods
Open Outdoor Storage has no setback requirements	Some lots with permission to have outdoor accessory storage have stored goods up to the lot line. It is unclear if outdoor storage is required to maintain setbacks or if it is a permitted encroachment.
Garages in front yards	Lots with deep setbacks have garages in front yards, which is uncommon in town. Uncertain whether it was intended to permit standalone garages in front of houses.
Flea markets	Not addressed as a use, has been the subject of some business inquiries.
Micro-breweries	Currently difficult to establish a micro-brewery based on how restaurant and manufacturing uses are laid out in the by-law.
Definition of boarders	Concern from By-laws
Definition of dormitory	Zoning is not permitted to discriminate based on ownership, current definition of dormitory limits it to Southlake ownership.
482 Queen Street	Administrative error in compiling 2010-40 led to certain site-specific zoning rights not being properly carried forward.
Pathways	The definition of patio it states “... but shall not include pathways or walkways”. Pathways are not defined and should be removed.
Staggered front yards	The definition of front yard leaves areas that are experientially part of the front yard being defined as being part of a side yard in houses with staggered front walls.
Define steps and clarify encroachments	Lacking clarity.
1979-50 and 1981-96 into 2010-40	Consolidation of various by-laws into one.
Short-term residential rentals	If these are permitted, where, and how they are to be defined.
Mobile restaurants	Not addressed by the current by-law.
Personal Service Shops vs. Body Rub Parlours	Subject of many questions, definitions could benefit from greater clarity and explanation.

**PLANNING AND BUILDING SERVICES**

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August 28, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-27

TO: Committee of the Whole

SUBJECT: Servicing Allocation Policy, updated July 2017

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2017-27 dated August 28, 2017 regarding the Town of Newmarket's Servicing Allocation Policy, updated July 2017 be received and that the following recommendation(s) be adopted:

1. THAT Council adopt the Servicing Allocation Policy, updated July 2017, included as Attachment 1 to Report 2017-27.

BACKGROUND

The manner in which servicing capacity is distributed by the Town is governed by the Town's Servicing Allocation Policy. This policy deals with allocating servicing capacity and sets out a system to prioritize such allocation among new developments in the Town.

The amount of servicing that is available is distributed to local municipalities from the Region of York based on the physical capacity of the overall regional network. The Town of Newmarket, along with other local municipalities, then allocates this limited servicing to proposed developments based on a strategy. The Town's Servicing Allocation Policy acts as this strategy.

The current Servicing Allocation Policy was adopted by Council in 2009 and was most recently amended in 2011 (the "Policy"). This Report outlines rationale for further revisions to the Policy that are required at this time due in part to legislative requirements (Bill 73) and changes to the Ontario Building Code.

This Report builds off of information provided in two previous reports:

1. Report 2017-03 dated May 8, 2017 – Provided background and rationale on the proposed changes; and
2. Information Report 2017-24 dated June 9, 2017 – Summarized a finer grain system regarding the prioritization of servicing allocation for application within the Urban Centres Secondary Plan area.

COMMENTS

As outlined in Report 2017-03, changes are required to the Town's Servicing Allocation Policy in response to legislative changes (namely Bill 73 amended the *Development Charges Act*), advances in the Ontario Building Code and impacts to the Energy Star requirement, and to provide guidance on participation in York Region's Sustainable Development Incentive Programs.

As outlined in Information Report 2017-24, on May 8, 2017 Committee of the Whole directed staff to investigate a finer grain system regarding the prioritization of servicing allocation to be used in cases where multiple applications are proposed at the same general time within the Urban Centres Secondary Plan area.

A finer-grain approach was created by staff and, as directed by Council, subsequently circulated to the Region and development industry for review and comment. This review period occurred over a 14 day period, from June 20 to July 4, 2017.

During this time, comments were received from the Region of York. The Region commented that they support the added policy requiring all residential developments up to and including 3 storeys to participate in the Region's Servicing Incentive Program (SIP). They further commented that they suggest making the optional participation in the Sustainable Development Through LEED® incentive program mandatory. This program targets buildings that are 4 storeys and up.

It remains the opinion of staff that this LEED® incentive program remain optional, as part of the points-based metric system that comprises the finer grain system for assessing applications within the Secondary Plan area. It is believed that requiring all developments 4 storeys and higher to participate in this program

would be counter to many of the Town's efforts to market the corridors. However, once the levels of development increase on the corridors, this opinion should be re-evaluated; potentially during the next Policy review cycle.

The draft Policy was sent to BILD GTA, whom subsequently circulated it to their landowner groups in Newmarket, with the intention that they would respond back to Town staff directly, however no development industry comments were received.

The draft Servicing Allocation Policy is now proposed for Council adoption. It is included as Attachment 1 to this Report.

COMMUNITY CONSULTATION

As noted, the draft Servicing Allocation Policy, updated in July 2017, included as Attachment 1 to this Report, has been circulated to York Region and the development industry for review and comments for a period of 14 days.

HUMAN RESOURCE CONSIDERATIONS

There are no direct human resource impacts associated with this report.

BUDGET IMPACT

There are no direct budget impacts associated with this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well-planned & Connected:

- Implement key elements of the Town's Strategic Plan, Official Plan and Secondary Plan.
- long-term strategy matched with short-term action plan

Living well:

- sustainable practices (traffic and growth management)

CONTACT

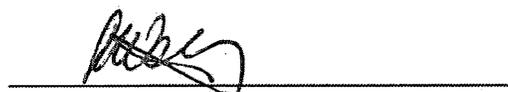
For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca



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Senior Planner, Policy



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Assistant Director of Planning



Rick Nethery, MCIP, RPP
Director of Planning & Building Services



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

Attachment(s):

Attachment 1 – Proposed Servicing Allocation Policy, revised July 2017



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Town of Newmarket Servicing Allocation Policy

(Adopted by Council August 2009, as amended May 2011, and July 2017)

1. Prioritization of Servicing Allocation

It is the policy of the Council of the Town of Newmarket that, upon the York Region making available servicing capacity for allocation by the Town, the Town shall evaluate development applications in accordance with the following criteria:

- a) Applications within the Urban Centres Secondary Plan area as shown on Schedule "1", Study Area to the Town of Newmarket Urban Centres Secondary Plan shall be considered first for the allocation of servicing capacity.

Where there are multiple applications within the Urban Centres, applications will be prioritized based on points awarded to the application using the following metrics:

Metric	Available Points
Applications that participate in the Region's "Sustainable Development Through LEED®" servicing efficiently incentive program (minimum requirement of 4 storeys).	3
Applications that will not require an amendment to the Urban Centres Secondary Plan.	3
Applications that will not require an amendment to the Urban Centres Zoning By-law. <i>Note: Not applicable until the UC ZBL is in force and effect.</i>	2
Applications that include a conveyance of lands to the Town to implement the future public street network, as per Schedule 5 of the Urban Centres Secondary Plan.	2
Applications that are located in the Provincial Urban Growth Centre.	1
Applications that are located in the portion of the Newmarket GO Station Mobility Hub Study area that falls within the Urban Centres Secondary Plan area.	1
Total Available Points	12 (10 until the UC ZBL is in force and effect)

Applications will be assessed using the above metrics and servicing allocation shall be given to the application having the highest point total. Where there are multiple applications within the Urban Centres Secondary Plan area that have the same point total, an analysis shall be undertaken by the Town

to assess the objectives of the Official Plan, Urban Centres Secondary Plan, and/or any other Town, Regional or Provincial goals that may be supported.

- b) After consideration has been given to applications within the Urban Centres Secondary Plan area, consideration shall then be given to providing allocation to those applications in the Historic Downtown Centre as shown on Schedule "A", Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Historic Downtown Centre that together exceed the available allocation, an analysis shall be undertaken by the Town to assess the objectives of the Official Plan and/or any other Town, Regional or Provincial goals that may be supported.
- c) After consideration has been given to applications within the Historic Downtown Centre, consideration shall then be given to providing allocation to those applications in the Emerging Residential Areas as shown on Schedule "A", Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Emerging Residential Areas that together exceed the available allocation, an analysis shall be undertaken by the Town to assess the objectives of the Official Plan and/or any other Town, Regional or Provincial goals that may be supported.
- d) After consideration has been given to applications within the Emerging Residential Areas, consideration shall then be given to providing allocation to those applications in the Stable Residential Areas as shown on Schedule "A", Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Stable Residential Areas that together exceed the available allocation, an analysis shall be undertaken by the Town to assess the objectives of the Official Plan and/or any other Town, Regional or Provincial goals that may be supported.

2. Participation in York Region's Sustainable Development Incentive Programs

- a) In order to maximize servicing, all proposals for residential developments up to and including 3 storeys in height are required to participate in York Region's Servicing Incentive Program (SIP).
- b) In order to maximize servicing, all proposals for residential developments of 4 storeys or higher are encouraged to participate in York Region's Sustainable Development Through LEED® incentive program.

3. Allocation Tied to Land

For the purpose of the Servicing Allocation Policy, any allocation granted shall be tied to the land itself, and any timing of allocation contemplated shall not be affected by ownership changes, assignments of obligations by an owner, or agreements of purchase and sale.

4. Rescinding and Reallocation of Servicing

Where servicing capacity has been allocated to land and actual development of such land has not taken place within 1 year from the date that servicing capacity was first allocated to such land, such allocation shall be deemed to be rescinded and the Town may re-allocate such servicing capacity to other development(s).

5. Extension of Allocated Servicing

An owner of land to which servicing capacity has been allocated and who wishes to retain its allocation shall make application to the Town within one year from the date that servicing capacity was first allocated to its land, and at least 60 days prior to expiry, for an extension of time to preserve its servicing allocation.

6. Modification or Replacement

Council reserves the right to alter, modify or replace this policy and/or any servicing capacity allocations as granted as a result hereof in the event that it should determine the same is necessary for strategic planning reasons.



PLANNING AND BUILDING SERVICES

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August 28, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-28

TO: Committee of the Whole

SUBJECT: Height and Density Bonusing Implementation Guidelines

ORIGIN: Planning and Building Services

RECOMMENDATIONS

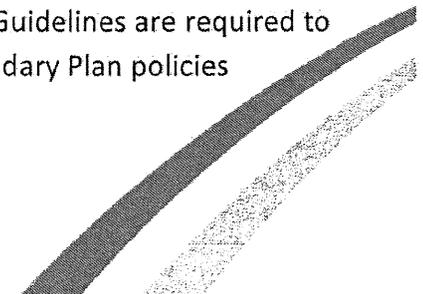
THAT Development and Infrastructure Services/Planning & Building Services Report 2017-28 dated August 28, 2017 regarding the Town of Newmarket's Height and Density Bonusing Implementation Guidelines be received and that the following recommendation(s) be adopted:

- 1. THAT Council adopt the Height and Density Bonusing Implementation Guidelines, dated August 2017, included as Attachment 1 to Report 2017-28.**

BACKGROUND

Height and density bonusing is additional height and/or density given to a development in exchange for specified community benefits. Section 37 of the Planning Act allows a municipality to pass a by-law authorizing increases in the height and density of a development in exchange for the provision of "facilities, services or matters" as set out in the by-law (aka "community benefits").

These will be Newmarket's first Section 37 Height and Density bonusing Guidelines. Indicative of where the Town is regarding its growth and development, these Guidelines were not required before this time. However, the Town is now processing an increased amount of high-rise development applications and therefore these Guidelines have become necessary. These Guidelines are required to provide a clear framework to implement legislation and Urban Centres Secondary Plan policies regarding height and density bonusing.



The types of community benefits acceptable by a municipality must be provided for in its Official Plan / Secondary Plan policies. In Newmarket's case, Section 14.2.9 of the Urban Centres Secondary Plan provides this policy basis.

COMMENTS

Objective and Policy Basis

Section 37 monies are typically used by municipalities to fund streetscape improvements, parks improvements, community service facilities, affordable housing, and cultural facilities, above levels that would otherwise be required. More well-known, specific uses of Section 37 funds include public art instalments, enhanced parkland elements, traffic calming strategies and school playground improvements. These are often specific community uses deemed to be needed at the neighbourhood level by Town staff in consultation with Council.

Specific to Newmarket, Section 14.2.9 ii of the Urban Centres Secondary Plan provides a list of the types of public benefits deemed acceptable to the Town, which the Guidelines reference. These benefits include:

- a. cultural facilities;
- b. special park or recreational facilities and improvements, above levels otherwise required;
- c. permanent pathways, recreational trails and bridges;
- d. public art, , above levels otherwise required;
- e. structured parking for vehicles where a significant portion of the parking is to be transferred to a public authority for use as public parking;
- f. streetscape, gateway features, *pedestrian mews* and open space design enhancements, above levels otherwise required;
- g. private roads that are to remain accessible to the public;
- h. the provision of, or upgrades to existing seniors and youth facilities and other community facilities;
- i. inclusion of energy or water conservation measures, above levels otherwise required;
- j. affordable housing units, above levels otherwise required;
- k. rental housing; and
- l. social housing.

As per the Secondary Plan policy direction, the proposed Guidelines allow for the provisions of the actual Community Benefits themselves (e.g. a public art installation) or the cash equivalent.

Recent legislative requirements (Bill 73) require these funds to be held in a dedicated "Section 37 Reserve Fund" managed by Town staff, and the preparation of an annual financial statement detailing monies collected under Section 37 bonusing, to be made available to the public.

Summary of the Proposed Guidelines

The proposed Guidelines are provided in their entirety as Attachment 1 to this Report. These Guidelines set out to:

1. Describe the process for negotiating Section 37 Agreements;
2. Identify which developments will be eligible for consideration of Section 37 bonusing; and
3. Provide a methodology to calculate valuations for Section 37 contributions.

Regarding procedure, the Guidelines propose the following:

1. The development application is submitted to Planning and Building Services, requesting additional height and /or density. The submission is to include a Bonusing Justification Report.
2. The Mayor and Council shall be notified of the development application, and requested Section 37 bonusing, through the circulation of the Notice of Complete Application. Such notification shall include application details, the increase in height and/or density being sought and a description of the proposed Public Benefit(s).
3. Following the circulation of the Notice of Complete Application, Planning staff will prepare the Preliminary Report which will outline the details of the proposed Section 37 Public Benefit for Committee of the Whole's consideration (including rational for the increased building height and/or density and an explanation of the nature of the proposed Public Benefit(s)), and include a recommendation that the application proceed to a statutory Public Meeting (if appropriate).
4. The statutory Public Meeting is held, including a discussion regarding the proposed increased building height and/or density and the nature of the proposed Public Benefit(s).

5. Following the statutory Public Meeting, Planning staff and elected officials may work with the applicant/owner to confirm the appropriateness of the proposed Public Benefit(s) and ensure that the associated calculations are completed in conformity with these Guidelines. These details will form the basis of the Section 37 Agreement and implementing Zoning By-law.
6. Once the bonusing details are agreed upon, Planning staff will prepare the final Report which will recommend (if appropriate):
 - i. The preparation of the Section 37 Agreement by Town staff; and
 - ii. Approval of the Zoning By-law Amendment (subject to securing the Public Benefit(s)).

Increase in Land Value Formula

The proposed Guidelines require that the Town will receive Section 37 contributions that equal at least 25% of the increase in land value resulting from the granted additional height and/or density. This 25% is competitive when compared to other municipal jurisdictions.

Typically municipalities set this contribution between 25% and 35% of the value of the granted additional height and/or density. Given the current Marketing the Corridors initiative, staff feel that the lower end of this range (25%) should be implemented first, then re-examined in the future as development levels increase in the Urban Centres.

COMMUNITY CONSULTATION

No community consultation is required for the creation of these Guidelines. The community consultation occurred during the preparation of the Urban Centres Secondary Plan which provides the policy basis of these Guidelines and details the community benefits acceptable to the Town.

HUMAN RESOURCE CONSIDERATIONS

There are no direct human resource impacts associated with this report.

BUDGET IMPACT

There are no direct budget impacts associated with this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well-planned & Connected:

- Implement key elements of the Town's Strategic Plan, Official Plan and Secondary Plan.
- long-term strategy matched with short-term action plan

CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca



Adrian Cammaert, MCIP, RPP, CNU-A
Senior Planner, Policy



Jason Unger, MCIP, RPP
Assistant Director of Planning



Rick Nethery, MCIP, RPP
Director of Planning & Building Services



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

Attachment(s):

Attachment 1 – Proposed Density Bonusing Implementation Guidelines - August 2017

IMPLEMENTATION
GUIDELINES FOR SECTION 37
OF THE *PLANNING ACT*
IN THE URBAN CENTRES
(HEIGHT & DENSITY BONUSING)

Prepared: August, 2017



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1.0 Introduction

The purpose of these Guidelines is to provide a clear implementation structure for the bonusing policies of the Urban Centres Secondary Plan (Section 14.2.9) by:

1. Describing the process for negotiating Section 37 Agreements;
2. Identifying which developments will be eligible for consideration of Section 37 bonusing; and
3. Setting out a methodology to calculate valuations for Section 37 contributions.

Section 37 of the *Planning Act* permits a municipality to pass a by-law under Section 34, authorizing increases in the height and density of a development in exchange for the provision of “facilities, services or matters” as set out in the by-law.

Subsection 37(2) of the *Planning Act* makes it clear that there must be an Official Plan in effect containing bonusing provisions relating to the authorization of increases in height and density. Section 14.2.9 (Bonusing) of the Urban Centres Secondary Plan provides these policies.

Section 37 does not outline a detailed list of the nature of the “facilities, services or matters” to be provided under Section 37, in exchange for increases in height and/or density, however Section 14.2.9 (Bonusing) of the Urban Centres Secondary Plan sets out these policies (the “Public Benefits”).

Any development application seeking increases in height and/or density within the Urban Centres Secondary Plan area are subject to these guidelines. These Guidelines must be read in conjunction with the policies of the Town Official Plan and the Urban Centres Secondary Plan. If any conflicts arise between Official Plan provisions / Urban Centres Secondary Plan and these Guidelines, the Official Plan / Secondary Plan provisions shall prevail.

2.0 Procedure

This procedure will be managed by Planning & Building Services and any recommendations in this regard will be made by Planning staff, with input from other Town departments and agencies as required, and approved by Council.

The Procedure regarding Section 37 Public Benefit negotiations for the Town is as follows:

1. The development application is submitted to Planning and Building Services, requesting additional height and /or density. The submission is to include a Bonusing Justification Report which must address all the elements outlined in Section 7 of these Guidelines.
2. The Mayor and Council shall be notified of the development application, and requested Section 37 bonusing, through the circulation of the Notice of Complete Application. Such notification shall include application details, the increase in height and/or density being sought and a description of the proposed Public Benefit(s).
3. Following the circulation of the Notice of Complete Application, Planning staff prepare the Preliminary Report which will outline the details of the proposed Section 37 Public Benefit for Committee of the Whole's consideration (including rationale for the increased building height and/or density and an explanation of the nature of the proposed Public Benefit(s)), and include a recommendation that the application proceed to a statutory Public Meeting (if appropriate).
4. The statutory Public Meeting is held, including a discussion regarding the proposed increased building height and/or density and the nature of the proposed Public Benefit(s).
5. Following the statutory Public Meeting, Planning staff and elected officials may work with the applicant/owner to confirm the appropriateness of the proposed Public Benefit(s) and ensure that the associated calculations are completed in conformity with these guidelines. These details will form the basis of the Section 37 Agreement and implementing Zoning By-law.
6. Once the bonusing details are agreed upon, Planning staff will prepare the final Report which will recommend (if appropriate):
 - i. The preparation of the Section 37 Agreement by Town staff; and
 - ii. Approval of the Zoning By-law Amendment (subject to securing the Public Benefit(s)).

3.0 Implementation Principles of Section 37

The following principles must be followed when negotiating Public Benefits under Section 37 of the Planning Act:

1. Planning staff shall be involved in discussing or negotiating Section 37 Public Benefit(s) with applicant/owner.
2. The proposed development must be consistent with the policies of the Urban Centres Secondary Plan and represent good planning as determined by Planning staff.
3. An increase in height and/or density shall not exceed the Discretionary Maximum Height with Bonusing or the Discretionary Maximum FSI with Bonusing identified on Schedule 4 of the Urban Centres Secondary Plan.
4. Section 37 Public Benefit(s) shall be generally consistent with those provided in Section 14.2.9 ii. of the Urban Centres Secondary Plan, or cash-in-lieu of such benefits.
5. Calculations determining the required level of Section 37 benefits shall be consistent with the formulas provided in Section 9 (Valuation Methodology) of these Guidelines.
6. Specific Public Benefit(s) and the specific increase(s) in height and/or density shall be set out in the implementing zoning by-law.
7. There shall be a reasonable planning relationship between the secured Public Benefit(s) and the increase in height and/or density in the contributing development, as determined by Planning staff.
8. Good architecture and good design are expected of all developments, as a matter of course, and are not eligible Section 37 benefits.
9. Council has the discretion on a case by case basis, whether or not to exempt certain development applications from providing Section 37 Public Benefit(s) in exchange for additional heights and/or densities.
10. Council has the discretion on a case by case basis, whether or not to amend any Section 37 agreements that Planning staff have made with applicant/owner.
11. The value of all contributions will be indexed with the Statistics Canada Construction Price Index from the date of the agreement to the date of payment.

12. Other matters required to support a development may also be secured in a Section 37 Agreement, as a legal convenience.
13. If applicable, when reviewing an application for a minor variance involving an increase in height and/or density, Planning staff shall advise the Committee of Adjustment of the Town's interest in negotiating Section 37 Public Benefit(s).

4.0 Geographic Location of the Public Benefit

It is the Town's preference that the Public Benefit(s) provided in exchange for additional height and/or density for a development project be provided in the vicinity (i.e. on the same site or neighbourhood) of the development project. Planning staff shall determine appropriateness of the geographic acceptability of any proposed Public Benefit(s).

In some cases, Public Benefit(s), or the cash equivalent, may be accepted to address particular Town-wide needs which cannot be adequately addressed in the vicinity of the development.

5.0 Eligible Development Applications

Development applications eligible for bonusing must meet the following criteria:

1. The development property must entirely be located within the Urban Centres Secondary Plan area;
2. The portion of the property proposed for development must be designated Medium Density, Medium-High Density or High Density on Schedule 4 of the Urban Centres Secondary Plan.

6.0 Exemptions

Council has the discretion on a case by case basis, whether or not to exempt certain development applications from providing Section 37 Public Benefit(s) in exchange for additional heights and/or densities.

7.0 Determination of Appropriate Types of Public Benefit(s)

The Urban Centres Secondary Plan (Section 14.2.9 ii) provides a list of the general types of Public Benefit(s) that are acceptable to the Town. The determination of appropriate Public Benefit(s) for a specific application shall conform to Section 14.2.9 ii of the Secondary Plan as well as the other "Bonusing" policies of the Urban Centres Secondary Plan.

In accordance with Section 14.2.9 iii of the Urban Centres Secondary Plan, development applications requesting bonusing shall be required to be supported by a Bonusing Justification Report that sets out the Public Benefits proposed to be provided, the increase in density and/or height requested, the planning rationale for the requested increase in density and/or height, and demonstrate, to the satisfaction of Planning staff, that the development:

1. Represents good planning;
2. Is consistent with the objectives of the Urban Centres Secondary Plan;
3. Meets the applicable urban design and built form policies of the Urban Centres Secondary Plan;
4. Represents appropriate development in the context of the surrounding character;
5. Can be accommodated by existing or improved infrastructure; and
6. Will not adversely impact the transportation network or, where cumulative impacts are identified, such impacts are accommodated through existing or planned road, transit improvements and/or other Transportation Demand Management measures.

Following submission of the application, including the Bonusing Justification Report, Planning staff will circulate the Notice of Complete Application to Council advising that Section 37 bonusing is being requested.

Planning staff will then prepare the Preliminary Planning Report describing details of the requested height/density and proposed Public Benefit(s) and, if appropriate, recommend that the application proceed to a statutory Public Meeting where public feedback can take place.

Following the Public Meeting, if appropriate, Planning staff and elected officials (including the Ward Councillor) will work with the applicant/owner on the bonusing details including the form of Public Benefit(s). The following additional matters may also play a role in determining the appropriate types of Public Benefit(s):

1. Consultation with Ward Councillor and Council;
2. Consultation with other Town Departments;
3. Knowledge on the part of Town Planning staff, Ward Councillor or other Town staff of local community needs;
4. Council approved studies or assessments outlining community needs; and/or
5. Additional consultation with the local community.

Planning staff will then prepare the final Report to be considered by Committee of the Whole. If appropriate, this Report will recommend: (i) the preparation of the Section 37 Agreement by Town staff; and (ii) approval of the Zoning By-law Amendment (subject to securing the Public Benefit(s)).

8.0 Securing the Public Benefit(s)

Prior to the enactment of the zoning by-law amendment, the applicant/owner will execute a Section 37 Agreement securing the Public Benefit(s). The agreement will be registered on title and will identify the Public Benefit(s), and how any cash benefit will be used. Cash contributions will be paid prior to the issuance of the first full (above-grade) building permit for the respective development.

Proceeds will be placed in a dedicated "Section 37 Reserve Fund" managed by Town staff. In accordance with legislative requirements, the Town will prepare an annual financial statement detailing monies collected under Section 37 bonusing, and make it available to the public.

Should excess funds remain after the reasonable completion and closing of a Public Benefit project, the Town shall maintain the excess funds in the Section 37 Reserve Fund to be used at the Town's discretion towards other Public Benefit projects.

9.0 Valuation Methodology of Public Benefits

An "increase in land value" approach will be utilized as a means of setting the maximum upset limit for Section 37 contributions, whereby the maximum contribution for Public Benefit(s) represents a reasonable portion of the increase in the land value resulting from an increase in height and/or density over the limits (i.e. "Base Density") identified in the Urban Centres Secondary Plan.

The Town will seek to achieve a value for Public Benefit(s) of at least 25% of the increase in land value resulting from the increase in height and/or density.

9.1 Increase in Land Value Formula

The Increase in Land Value Formula shall be implemented using the following steps:

1. Determine "Base Density"
2. Determine the Buildable Gross Floor Area (GFA) from Base Density

3. Determine the Land Value that corresponds to Base Density
4. Determine the Land Value that corresponds to the Proposed Density
5. Calculate the Increase in Land Value and Maximum Section 37 Contribution (being at least 25% of the increase in land value resulting from the increase in height and/or density)

9.1.1 Determine the "Base Density"

The "Base Density" represents the maximum height and FSI permitted (without the respective discretionary maximums for height and FSI with bonusing) of a development site according to the Urban Centres Secondary Plan.

9.1.2 Determine the Buildable Gross Floor Area (GFA) of Base Density

$$\begin{array}{l} \text{Lot Area} \\ (\text{sq m}) \end{array} \times \begin{array}{l} \text{Base} \\ \text{Density} \end{array} = \begin{array}{l} \text{Buildable GFA of} \\ \text{Base Density} \end{array}$$

9.1.3 Determine the Land Value that corresponds to Base Density

A land value per square foot of buildable GFA shall be calculated according to the location and size (buildable floor area) of the development parcel. The values provided will be determined by an appraisal prepared by an accredited professional appraiser selected by the Town and at the sole expense of the applicant/owner, or by such other reasonable method as determined by the Town using MPAC and/or recent sale values for the property.

The total value of the development site according to Base Density will be calculated as follows:

$$\begin{array}{l} \text{Buildable GFA of} \\ \text{Base Density} \end{array} \times \begin{array}{l} \text{Est. Value per sq. m of GFA} \\ (\text{est. by appraiser}) \end{array} = \begin{array}{l} \text{Total Land Value} \\ \text{under Base Density} \end{array}$$

9.1.4 Determine the Land Value that corresponds to the Proposed Density

The corresponding Land Value to the Proposed Density shall be calculated as follows:

$$\begin{array}{l} \text{Buildable GFA of} \\ \text{Proposed Density} \end{array} \times \begin{array}{l} \text{Est. Value per sq. m of GFA} \\ (\text{est. by appraiser}) \end{array} = \begin{array}{l} \text{Total Land Value} \\ \text{under Proposed Density} \end{array}$$

9.1.5 Calculate the Increase in Land Value and Maximum Section 37 Contribution

The Increase in Land Value and Section 37 contribution shall be calculated as follows:

Step 1

$$\begin{array}{l} \text{Total Land} \\ \text{Value under} \\ \text{Proposed} \\ \text{Density} \end{array} - \begin{array}{l} \text{Total Land} \\ \text{Value under} \\ \text{Base Density} \end{array} = \begin{array}{l} \text{Increase in} \\ \text{Land Value} \end{array}$$

Step 2

$$\begin{array}{l} \text{Increase in} \\ \text{Land Value} \end{array} \times \begin{array}{l} \% \text{ of Increase} \\ \text{in Land Value} \\ \text{(at least 25\%)} \end{array} = \begin{array}{l} \text{Upset Limit} \\ \text{of Section 37} \\ \text{Contribution} \end{array}$$

9.2 Phased Developments

The appraisal for phased developments shall proceed in stages. The initial land valuation shall be based on the Phase 1 Site Plan Agreement. The Town will appraise each additional phase at the time of building permit issuance. The appropriate Section 37 benefits may be collected in stages according to the timing of each phase.

10.0 Altering, Modifying or Replacing Guidelines

Council reserves the right to alter, modify or replace these Guidelines as deemed appropriate.

**PLANNING AND BUILDING SERVICES**

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August 28, 2017

Development and Infrastructure Services – Planning & Building Services Report 2017-31

TO: Committee of the Whole

SUBJECT: Application for Zoning By-law Amendment
Proposed Retail and Office Development
1548373 Ontario Inc. (Oskar Group)
514 Davis Drive
File No.: D14-NP1702

ORIGIN: Application Submitted to the Planning Department

Recommendations

THAT Development and Infrastructure Services – Planning & Building Services Report 2017-31 dated August 28, 2017 regarding application for a Zoning By-law Amendment be received and the following recommendations be adopted:

1. THAT the application for a Zoning By-law Amendment, as submitted by 1548373 Ontario Inc. (Oskar Group) for lands located at 514 Davis Drive, be referred to a public meeting.
2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
3. AND THAT 1548373 Ontario Inc. (Oskar Group), c/o Adam Lennie, 3660 Midland Ave, Suite 200, Toronto Ontario, M1V 0B8, be notified of this action.

Background**Location**

The subject land is located on the south side of Davis Drive, east of Main Street South and west of Charles Street, being Part Lots 2, 3, 4 and 5, South Side of Huron Street, Plan 78 and Part of Block F, Plan 262, Town of Newmarket, municipally known as 514 Davis Drive (see location map attached in Appendix A).

Proposal

Applications have been submitted for a Zoning By-law Amendment and Site Plan Approval. The applicant is proposing to rezone the subject lands from the existing the Healthcare Urban Centre Complementary Use 2 (UC-HC2) Zone to an Urban Centre Complementary Use 2 Zone Exception XX (UC-HC2-XX) to

A decorative graphic consisting of two curved, overlapping lines in shades of grey and blue, located in the bottom right corner of the page.

permit redevelopment of the parking lot currently situated on the lands. The proposed development is a 5-storey commercial building with retail and office uses (approximate GFA of 9,124.2m²). Also proposed is a 5.5 level parkade, at the rear of the property (approximate GFA of 8,017.9m²), providing 257 spaces; an additional 52 parking spaces are proposed at grade. Direct access will be provided through an existing curb cut along Davis Drive, at the northwest corner of the subject lands.

This redevelopment proposal fulfils a tri-party agreement between the owner, the Town, and the LSRCA, wherein the landowner is permitted to redevelop the lands in the footprint of the previous building despite the property being located in the floodplain. The tri-party agreement expires after 10 years.

Site Description

The subject lands have an approximate area of 6,928.4 square metres, with a lot frontage of approximately 52.65 metres on Davis Drive. The property is currently being used as a parking lot for Southlake Regional Health Care Centre staff.

The surrounding land uses are:

- North: Medical building and parking lot (across Davis Drive)
- South: Town-owned Youth Centre and parking lot
- East: Funeral Home and other commercial uses
- West: Recreational trail, the Holland River and other commercial uses

Comments

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters “shall be consistent” with the policy statement.

Section 1.1.1 of the PPS encourages municipalities to provide for an appropriate range of employment. Section 1.1.3 of the PPS communicates that settlement areas shall be the focus of growth and development, and that their vitality and regeneration be promoted. Further, settlement areas shall be based on densities and a mix of land uses that promote appropriate development standards to facilitate intensification, redevelopment and compact form.

The application for a 5-storey building with mixed office and retail uses; and a 5.5 level parkade at the rear, is consistent with the Provincial Policy Statement as it provides for redevelopment and intensification of the subject lands which are located within a Settlement Area, it provides for a mix of land uses within the community, and it provides for a range of employment opportunities.

York Region Official Plan Considerations

The York Region Official Plan (YROP) provides objectives to encourage and accommodate economic activity that diversifies and strengthens the Region’s economic base, employment opportunities for residents and competitive advantages for its businesses. *Map 1: Urban Structure* of the YROP identifies the subject lands to be located within the “Urban Area”, adjacent a Regional Corridor.

Section 4.0 of the Plan speaks to supporting Regional Centres and Corridors as a focus of economic activity and culture within the Region. The YROP policies intend to encourage investment and prosperity, in a manner that creates a competitive business environment. Specifically, Section 4.1.2 of the YROP speaks to creating high-quality employment opportunities for residents, and Section 4.6.2 encourages Regional Centres and Corridors to include a significant amount of mixed-use, pedestrian oriented and street-related uses that include retail.

Section 5 of the YROP highlights that intensification within the “Urban Area” will accommodate the significant growth planned to occur within the Region. The Regional Centres and Corridors are identified to be prominent locations for the greatest levels of intensification in the Region.

The proposed redevelopment is consistent with the York Region Official Plan as it will provide new employment opportunities within the Region, and office and retail uses along the Davis Drive Regional Corridor. Further, it is intensification of the subject lands that encourages the use of infrastructure along Davis Drive, while also providing access to transit and other amenities situated throughout the community.

Newmarket Urban Centres Secondary Plan Considerations

The Newmarket Urban Centres Secondary Plan provides land use policies to guide land use and development in accordance with: provincial plans, the YROP, and the Town of Newmarket Official Plan.

The subject lands are located within the “Regional Healthcare Centre” Character Area as identified by *Schedule 2: Character Areas*, by the Secondary Plan. Section 6.3.9 of the Secondary Plan speaks to having a land use mix of approximately 80% of the total gross floor area of the Regional Healthcare Centre Character Area as commercial and employment uses. Further, this section permits commercial uses that include retail stores and office uses, and private and public parking spaces in above-ground parking structures.

Schedule 3: Land Use in the Secondary Plan further designates the subject lands as “Mixed Use”. This designation allows for commercial, office and employment uses, with the goal of contributing to the establishment of the Urban Centres as a complete community. Schedule 3 and 6 further identify the subject lands to be located within “Floodplain and Hazard Lands”. As per Section 6.4.6 of the Secondary Plan, written approval from the LSRCA is required to permit development, redevelopment or site alteration within Floodplain and Hazard Lands. It has been noted through comments that the LSRCA has no objection to the approval of the application for a Zoning By-law Amendment, and that the application for Site Plan Approval is subject to further review and comments.

Schedule 4: Height and Density identifies the subject lands as “Low Density”, with a maximum permitted height of 6 storeys (20m), and an FSI requirement of 1.5 to 2.0. The proposal conforms to this policy, with an FSI of 1.54, and a building height of 5 storeys.

Based on the analysis above, the proposed 5-storey commercial building and 5.5 level parkade is consistent with the policies of the Newmarket Urban Centres Secondary Plan.

Zoning By-law Considerations

The subject lands are currently zoned Healthcare Urban Centre Complementary Use 2 (UC-HC2) Zone by Zoning By-law 2010-40. The applicant is proposing to rezone the subject lands to an Urban Centre Complementary Use 2 Zone Exception XX (UC-HC2-XX) with site specific provisions reflecting the proposed built form. The following chart outlines the requested changes to the Zone Standards.

Provision:	Required UC-HC2:	Proposed:
Minimum Interior Side Yard Setback	3.0 m	1.0 m
Minimum Rear Yard Setback	9.0 m	1.2 m
Maximum Building Height	18.0 m	30 m
Minimum Entrance/Exit Width at the Street Line	7.9 m	7.0 m
Minimum Two Way Parking Aisle Width	6.7 m	6.0 m
Minimum Number of Loading Spaces Required	4	1
Parking Area Buffer Width	3.0 m	0.90 m
Parking Lot Location Rear Yard	3.0 m	1.2 m
Parking Lot Location Interior Side Yard	3.0 m	0.90 m
Storey	A level of building located between the surface of a floor and ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of the building partly below grade level shall be deemed to be a storey where its ceiling is at least 1.8 metres above established grade. Any portion exceeding 3.6 metres in height shall be deemed to be an additional storey.	Storey shall mean a level of building located between the surface of a floor and ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar.
Parking Area Buffer Width	3.0 m	0.9 m
Parking Area Buffer Coniferous Vegetation Minimum Height	1.5 m	No minimum
Parking Area Buffer Deciduous Vegetation Minimum Height	4.5 m	No Minimum

Section 16.1.1 of the Official Plan sets forth the policies Council must have regard for when considering a Zoning By-law Amendment. Compliance with these policies will be addressed in a comprehensive report to Council following the consultation process including the statutory public meeting.

Site Plan Application

The applicant has applied for Site Plan Approval, which is being concurrently processed with the Zoning By-law Amendment Application. The Site Plan Application was received in December of 2016, and SPRC was made aware that the application was submitted. SPRC has delegated the application to staff for processing, thus granting approval in principle as of February 7, 2017.

A conceptual perspective rendering the building is attached as Appendix B. Staff continues to work with agencies and the applicant to address the Site Plan comments.

Departmental and Agency Comments

The following departments and agencies have provided comments on the application:

Agency Comments

The LSRCA, Regional Municipality of York, Central York Fire Services, Enbridge, and Rogers have reviewed the application and advised that they have no concerns with the proposal. Southlake Regional Health Centre has provided comments and generally has not provided any objections to the Zoning By-law Amendment application. Other agency comments remain outstanding as of the time of writing this report.

Supporting Studies and Reports

In support of the application a Planning Justification Report, a Phase 1 ESA, a Stage 1 – 2 Archaeological Assessment, an Environmental Impact Study, a Flood Conveyance Analysis, a Functional Servicing Report, a Geotechnical Investigation, a Stormwater Management Report, and a Traffic Impact Study have been submitted.

The Phase 1 ESA, the Geotechnical Investigation, the Functional Servicing Report, the Stormwater Management Report, and the Traffic Impact Statement are being reviewed by Engineering Services. The Stage 1 – 2 Archaeological Assessment has been reviewed by the Ministry of Tourism, Culture and Sport.

Conclusion

The subject application for Zoning By-law Amendment is sufficiently advanced to warrant its referral to a statutory public meeting.

Attachments: Appendix A: Location Map
Appendix B: Conceptual Perspective Rendering

Community Consultation

A statutory public meeting will be required as part of the *Planning Act* requirements for the proposed changes to the Zoning By-law.

Human Resource Considerations

Not applicable to this report

Budget Impact

The Town will receive income in the form of building permit fees, and assessment revenue associated with the redevelopment of the subject lands. Should the application be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

Business Plan and Strategic Plan Linkages

The applications for Zoning By-law Amendment and Site Plan Approval support the Community Strategic Plan by being *Well-Balanced* for the potential to encourage a strong sense of community through an appropriate mix of lands uses.

Contact

For more information on this report, contact Meghan White, Planner, at x 2460; mwhite@newmarket.ca



Meghan White, MCIP RPP
Planner



Matthew Peverini, BURPI, B.Sc.
Planner



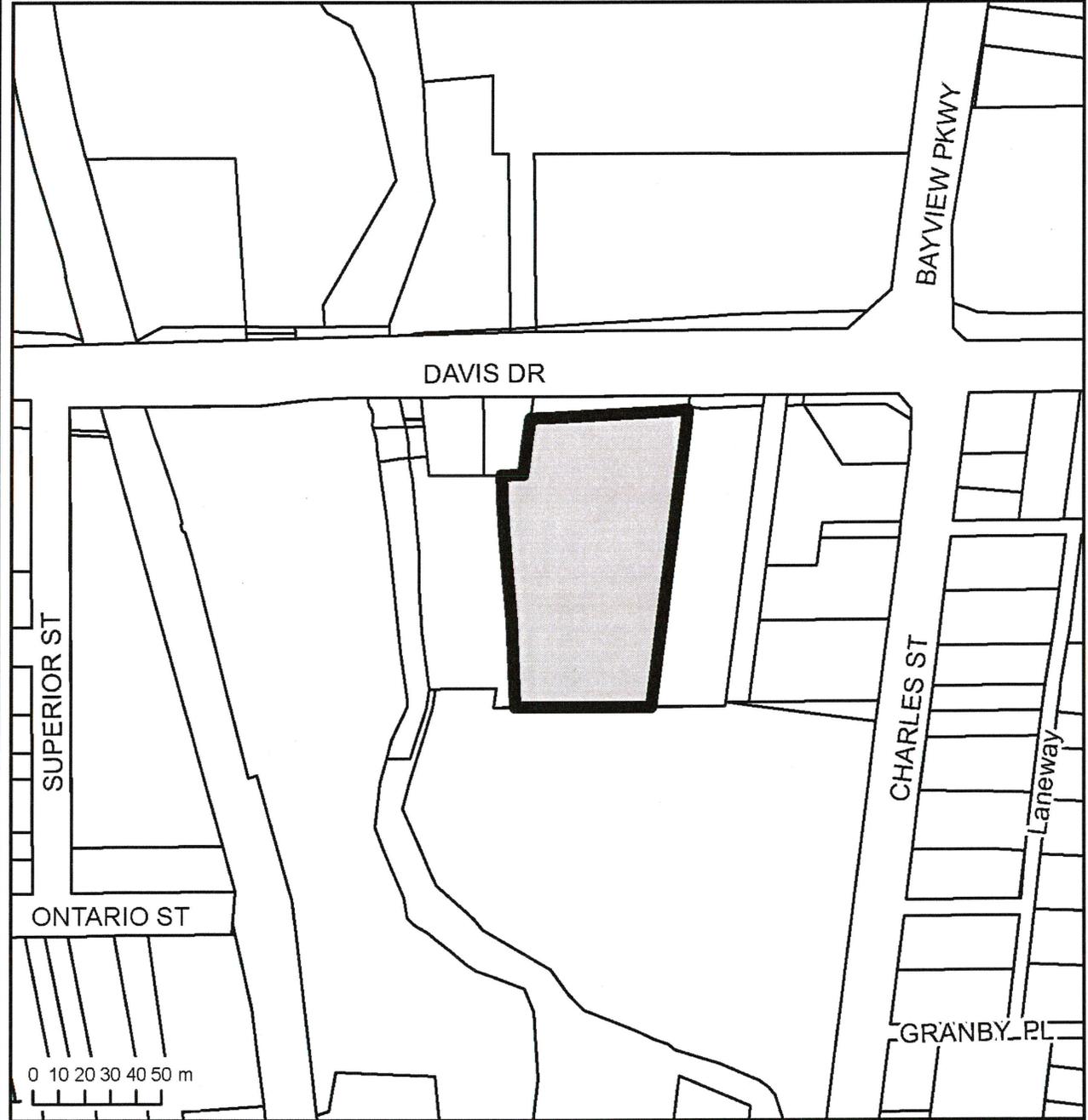
Rick Nethery, MCIP, RPP
Director of Planning & Building Services



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

APPENDIX A

LOCATION MAP
514 Davis Drive



0 10 20 30 40 50 m

 Subject Lands

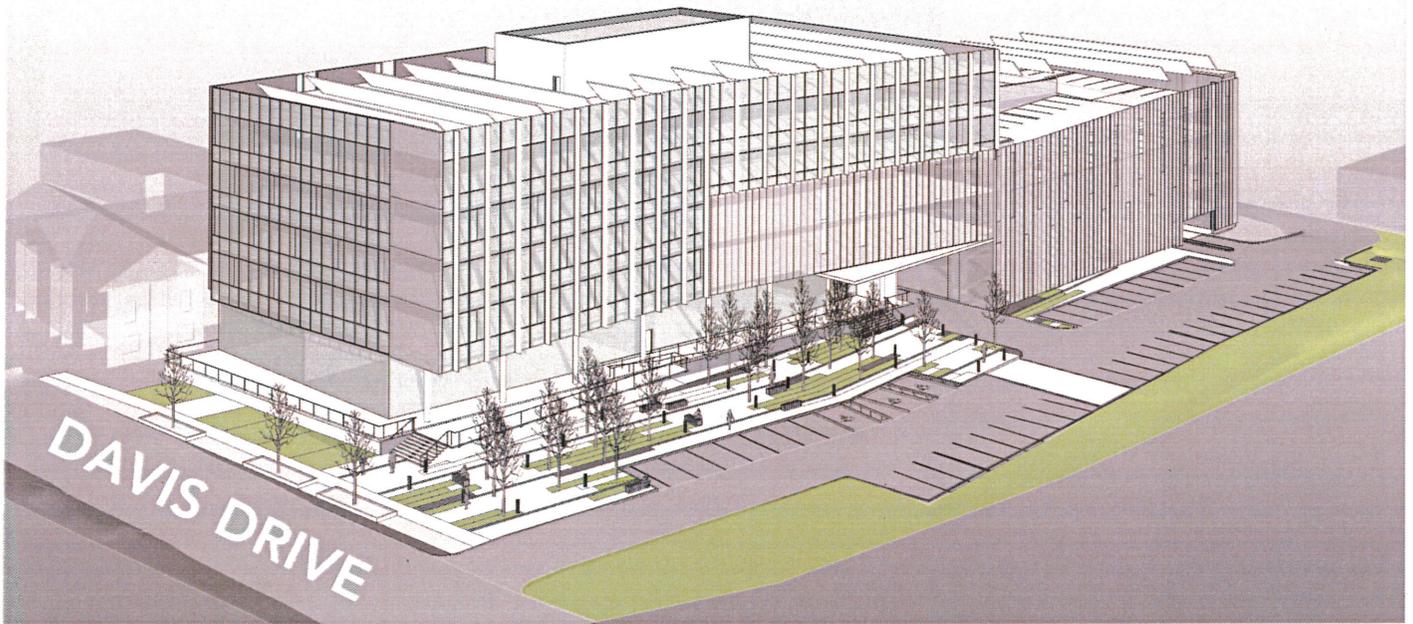


TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology – GIS Printed: 13/01/2017 Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2017. 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. It is not a substitute for a legal survey. Document Path: G:\Projects\10\Development and Infrastructure Services\Planning\Map Documents\514 Davis Dr_LocationMap.mxd

**APPENDIX B:
CONCEPTUAL PERSPECTIVE RENDERING**





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July 4, 2017

Corporate Services Information Report – Legislative Services 2017-11

TO: Mayor and Members of Council

SUBJECT: The use of an Administrative Monetary Penalty System for Automated Speed Enforcement in York Region

ORIGIN: Legislative Services

In accordance with the Procedure By-law, any Member of Council may request that this Information Report be placed on an upcoming Committee of the Whole or Council agenda for discussion.

Background

In Ontario, municipal parking, licensing and by-law violations are generally enforced through a system regulated by the Provincial Offences Act and are processed through the Ontario Court of Justice (Court). Ontario Regulation 333/07, enacted in 2007, established the requirements for municipalities using an Administrative Monetary Penalty System (AMPS). AMPS programs are also being used in all levels of government as well as other jurisdictions within Canada, for example, the Alcohol and Gaming Commission of Ontario and Metrolinx.

AMPS is a municipally administered program that replaces the current Court system with a faster, more flexible and customer focused adjudication process for by-law offences. One of the main objectives of an AMPS program is to create a simple, accessible, fair and cost-effective system of dealing with by-law violations.

AMPS was introduced as a means to reduce the current Court backlog. The Town of Newmarket receives limited Court time, which is caused by backlog and the Court's requirement to provide time to all nine York Region municipalities. The Region prosecutes all Provincial Offences Act (POA) matters on behalf of the Town, and once Court proceedings are initiated, the Town is subject to the Court's scheduling pressures. In general, more serious offences take precedence over minor offences (for example, parking violations) and consequently non-serious matters may not be scheduled within a reasonable timeframe. This means that parking violations often being voided or withdrawn due to the time between the ticket issued and the Court date scheduled, which ultimately results in lost revenue for the municipality. Under an AMPS program, there are increased opportunities for early dispute resolution and the ability to recover costs associated with the administration of the system.

Most municipalities that have enacted an AMPS program have done so by converting their parking enforcement programs to AMPS. Markham, Richmond Hill and Vaughan have enacted AMPS for parking by-law violations, and Vaughan has even expanded the use of AMPS to licensing offences.

Difference between the Court system and AMPS

Under the current Court regime, a person receives a POA ticket for failing to comply with a municipal by-law. If the person wishes to dispute the ticket, he/she can do so by requesting a trial and the matter is subsequently heard by a Justice of the Peace in Court.

Under an AMPS program, a person receives a penalty notice rather than a POA ticket, and person who wishes to dispute a penalty notice can request a review by a Screening Officer, and can subsequently appeal the Screening Officer's decision to a Hearing Officer. The Court's adjudication role is no longer required when an AMPS program is implemented.

The use of AMPS for Automated Speed Enforcement

In May 2017, the Provincial Legislature enacted Bill 65, the Safer School Zones Act which permits municipalities to utilize automated speed enforcement in designated community safety zones or in school zones. Given the Municipal Act provides the authority for municipalities to adopt an AMPS program for failing to comply with by-laws, the use of AMPS for automated speed enforcement cameras has been considered.

All local Regional municipalities, along with staff from York Region have formed a working group whose mandate is to review options related to an expanded and collaborative use of AMPS throughout York Region. It is expected that the working group will provide options for consideration by the end of 2017.

Next Steps:

Upon receiving the Regional working group's recommendations, staff will provide Council with options for consideration.

Business plan and strategic plan linkages

Various aspects of Bill 68 align with Council's strategic priority to ensuring effective and efficient services.

Consultation

None.

Human resource considerations

There may be future human resource considerations if a Regional AMPS program is adopted; however, there are also opportunities for cost sharing as this likely would be a collaborative program.

Budget impact

Budget impacts will be identified when staff report back with options for Council's consideration.

Appendices

None.

Contact

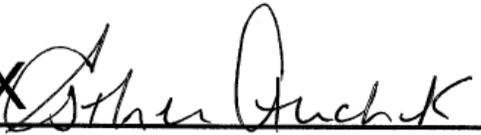
For more information on this report, contact: Kiran Saini, Deputy Town Clerk,
ksaini@newmarket.ca

X 

Kiran Saini
Deputy Town Clerk

X 

Lisa Lyons
Director of Legislative Services/Town Clerk

X 

Esther Armchuk
Commissioner of Corporate Services



Legislative Services
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August 14, 2017

Corporate Services- Legislative Services Report 2017-14

TO: Mayor Van Bynen and Members of Council

SUBJECT: 2018 Schedule of Council and Committee of the Whole Meetings

ORIGIN: Kiran Saini, Deputy Clerk, Legislative Services
Hannah Leznoff, Council/Committee Coordinator, Legislative Services

Recommendations

1. That Corporate Services Report – Legislative Services – 2017-14 dated August 14, 2017 entitled “2018 Schedule of Council and Committee of the Whole Meetings” be received; and,
2. That the 2018 Council and Committee of the Whole meeting schedule be adopted.

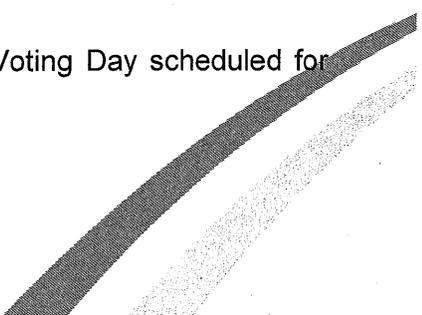
Comments

The attached schedule of meetings calendar for Council, Committee of the Whole, and Committee of the Whole (Public Session) has been prepared for Committee’s consideration (**Appendix A**). There may be occasions when additional special meetings are required, and the Procedure By-law does provide that special meetings may be called by the Mayor or upon receipt of a petition signed by a majority of the Members of Council.

Variations of the regular schedule include:

- In January only one Committee of the Whole/Council cycle has been scheduled to accommodate the provision of the agenda being available 10 days prior to the meeting;
- A Committee of the Whole meeting is scheduled for Tuesday, May 22, 2018 as the offices are closed on Monday, May 21 for Victoria Day.
- There is an extra week between the August 27, 2018 Committee of the Whole Meeting and the September 10, 2018 Council meeting due to Labour Day.
- There is no usual one week break between Committee of the Whole and Council in the end of September, as the meeting cycle must be completed before October 2018 due to the election.
- A Council meeting has been scheduled for Monday, November 17, 2018 for the recognizing Council members from the 2014-2018 term.

2018 Municipal Election

- Regular Committee of Whole/Council cycle will end in September with Voting Day scheduled for October 22, 2018;
 - The Inaugural Council Meeting will be held on December 3, 2018; and,
- 

- Council Workshops have been scheduled on November 26, November 27 and December 5, to facilitate Council Orientation Sessions.

Business Plan and Strategic Plan Linkages

This report relates to the Well-equipped and Managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

Consultation

The 2018 Schedule of Council and Committee of the Whole Meetings calendar, once adopted by Council, will be placed on the Town's website and will be regularly updated throughout the year. Also, a notice will be placed on the Town Page advising the public that the calendar is available for viewing.

Human Resource Considerations

Not applicable to this report.

Budget Impact

None

Contact

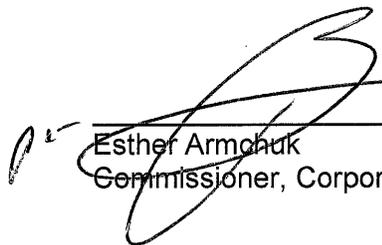
For more information on this report, contact Kiran Saini, Deputy Clerk at 905-953-5300 extension 2203 or at ksaini@newmarket.ca

Appendices

Appendix A - 2018 Meeting Schedule

for 

Lisa Lyons
Director of Legislative Services/Town Clerk



Esther Armchuk
Commissioner, Corporate Services

JANUARY 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2 New Year's Day Town Offices Closed	3	4	5	6	
7	8	9	10	11	12	13
14	15 1:30 PM – CoW (CC) +/- 3:00 PM – CoW (Closed, if req'd) 7:00 PM – CoW – Public Planning Session (CC)	16	17	18	19	20
21	22 2:00 PM – Site Plan Review (CC, if required) 7:00 PM – CL (CC)	23	24	25	26	27
28	29	30	31			

FEBRUARY 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
				1	2	3
4	5 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– CoW – Public Planning Session (CC)	6	7	8	9	10
11	12 2:00 PM– Site Plan Review (CC, if required) 7:00 PM– CL (CC)	13	14	15	16	17
18	19 Family Day Town Offices Closed	20	21	22	23	24
25	26 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– CoW – Public Planning Session (CC)	27	28			

MARCH 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
				1	2	3
4	5 2:00 PM– Site Plan Review (CC, if required) 7:00 PM– CL (CC)	6	7	8	9	10
11	12 March Break	13	14 March Break	15 March Break	16 March Break	17
18	19 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– CoW – Public Planning Session (CC)	20	21	22	23	24
25	26 2:00 PM– Site Plan Review (CC, if required) 7:00 PM– CL (CC)	27	28	29	30 Good Friday Town Offices Closed	31



Newmarket

Appendix A

APRIL 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2 Easter Monday (Town Offices Closed)	3	4	5	6	7
8	9 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– CoW – Public Planning Session (CC)	10	11	12	13	14
15	16 2:00 PM– Site Plan Review (CC) 7:00 PM– CL (CC)	17	18	19	20	21
22	23	24	25	26	27	28
29	30 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– CoW – Public Planning Session (CC)					



Newmarket

Appendix A

MAY 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
		1	2	3	4	5
6	7 2:00 PM– Site Plan Review (CC) 7:00 PM– CL (CC)	8	9	10	11	12
13	14	15	16	17	18	19
20	21 Victoria Day Town Offices Closed	22 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– CoW – Public Planning Session (CC)	23	24	25	26
27	28 2:00 PM– Site Plan Review (CC) 7:00 PM– CL (CC)	29	30	31 FCM Conference (Halifax)		

JUNE 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1 FCM Conference	2 FCM Conference
3 FCM Conference	4	5	6	7	8	9
10	11 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– Public Planning Session	12	13	14	15	16
17	18 2:00 PM– Site Plan Review (CC) 7:00 PM– CL (CC)	19	20	21	22	23
24	25	26	27	28	29	30

JULY 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1 Canada Day	2 Canada Day Observance Town Offices Closed	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Newmarket

Appendix A

AUGUST 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
			1	2	3	4
5	6 Civic Holiday <i>Town Offices Closed</i>	7	8	9	10	11
12	13	14	15	16	17	18
19 AMO Confere nce (Ottawa)	20 AMO Conference (Ottawa)	21 AMO Conference (Ottawa)	22 AMO Conference (Ottawa)	23	25	25
26	27 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– Public Planning Session	28	29	30	31	

SEPTEMBER 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
						1
2	3 Labour Day Town Offices Closed	4	5	6	7	8
9	10 2:00 PM– Site Plan Review (CC) 7:00 PM– CL (CC)	11	12	13	14	15
16	17 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– Public Planning Session	18	19	20	21	22
23	24 2:00 PM– Site Plan Review (CC) 7:00 PM– CL (CC)	25	26	27	28	29
30						



Newmarket

Appendix A

OCTOBER 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2	3	4	5	6	
7	8 Thanksgiving Day Town Offices Closed	9	10	11	12	13
14	15	16	17	18	19	20
21	22 Voting Day	23	24	25	26	27
28	29	30	31			



Newmarket

Appendix A

NOVEMBER 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
				1	2	3
4	5	6	7	8	9	10
11 Remembrance Day	12	13	14	15	16	17
18	19 7:00 - CL (CC)	20	21		23	24
25	26 10:00 AM - Council Orientation Workshop Session #1 (CC)	27 10:00 AM - Council Orientation Workshop Session #2 (CC)	28	29	30	



Newmarket

Appendix A

DECEMBER 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
						1
2	3 7:00 PM - Inaugural Council Meeting	4	5 10:00 AM - Council Orientation Workshop #3	6	7	8
9	10 1:30 PM- CoW (CC) +/- 3:00 PM- CoW (Closed, if req'd) 7:00 PM- Public Planning Session	11	12	13	14	15
16	17 7:00 PM - CL (CC)	18	19	20	21 Town Offices Close at 12:00 PM (noon)	22
23	24 Town Offices - Soft Close	25 Christmas Day Town Offices Closed	26 Boxing Day Town Offices Closed	27 Town Offices - Soft Close	28 Town Offices - Soft Close	29
30	31					



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July 28, 2017

OFFICE OF THE CAO/STRATEGIC INITIATIVES AND
DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMISSION
REPORT 2017-06

TO: Mayor Van Bynen and Members of Council

SUBJECT: Canada 150 Community Infrastructure Program Contribution Agreement

ORIGIN: Strategic Initiatives Office

RECOMMENDATIONS

THAT Office of the CAO/Strategic Initiatives and Development and Infrastructure Services Commission Report 2017-06 dated July 28, 2017 regarding the Canada 150 Community Infrastructure Program Contribution Agreement be received and the following recommendations be adopted:

- 1) **THAT Council approve and authorize Robert N. (Bob) Shelton, Chief Administrative Officer and Peter Noehammer, Commissioner, Development and Infrastructure Services to enter into a Contribution Agreement with Her Majesty the Queen in Right of Canada to receive funds through the Federal Economic Development Agency for Southern Ontario under the Canada 150 Community Infrastructure Program for the following four projects and funding amounts approved under the Canada 150 Community Infrastructure Program:**
 - a) 809957 Replacement of Clare Salisbury Park Playground Equipment - \$63,954;
 - b) 809958 Replacement of Ken Sturgeon Park Playground Equipment - \$75,922;
 - c) 809960 Replacement of Paul Semple Park Playground Equipment - \$45,254;
 - d) 809962 Replacement of Audrie Sanderson Park Playground Equipment - \$36,091; and
 - e) 810139 Renovation of Newmarket Recreation Youth Centre - \$70,890

COMMENTS

Similar to CAO/Strategic Initiatives Report 2017-02 regarding Ontario Community Infrastructure Funding and need for Council's authorization for staff to sign a Contribution Agreement, the Government of Canada also requires formal documentation in the form of a Council Resolution indicating Council has authorized staff to enter into the Contribution Agreement in order the Town to receive funding for the specific projects approved.

This Report serves to provide Her Majesty with formal documentation that Council has granted authority to two staff, as noted in the above recommendation, to sign the Contribution Agreement which will enable the Town to receive funding from the Federal Economic Development Agency for Southern Ontario through the Canada 150 Community Infrastructure Program.

The projects the Town will be receiving funding for include:

Project	Federal Funding Allocation	Total Eligible Costs	Newmarket's Contribution
Clare Salisbury Park Playground Equipment Replacement (#809957)	\$63,954	\$188,100	\$124,146
Ken Sturgeon Park Playground Equipment Replacement (#809958)	\$75,922	\$223,300	\$147,378
Paul Semple Park Playground Equipment Replacement (#809960)	\$45,254	\$133,100	\$87,846
Audrie Sanderson Park Playground Equipment Replacement (#809962)	\$36,091	\$106,150	\$70,059
Renovation of the Recreation Youth Centre (#810139)	\$70,890	\$208,500	\$137,610

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report supports the Town's Strategic Plan's vision of "Being Well beyond the ordinary" in the strategic directions "Well-equipped and managed", as well as Council's Strategic Priority theme of Efficiency / Financial Management.

CONSULTATION

This report has been prepared in consultation with members of the Strategic Leadership Team.

Staff have been in consultation with the Federal Economic Development Agency in meeting the requirements of the Contribution Agreement.

HUMAN RESOURCE CONSIDERATIONS

The recommendations contained in this report have no impact on staffing levels.

BUDGET IMPACT

Operating and Capital Budgets (Current and Future)

The recommendations contained in this report have no direct impact on the Town's operating and capital budgets. Funds received will be allocated to capital project accounts and/or Asset Replacement Fund as noted above or as appropriate.

CONTACT

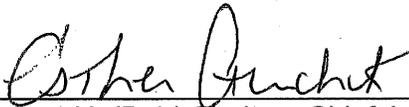
For more information on this report, contact Cindy Wackett, Strategic Initiatives at 905-953-5300 Ext. 2048 cwackett@newmarket.ca.



Cindy Wackett, Corporate Project Consultant
Strategic Initiatives



Peter Noehammer
Commissioner, Development and Infrastructure Services



for: Robert N. (Bob) Shelton, Chief Administrative Officer

PN/cw



Paul Voorn, B.A. (Hons.), LL.B.

Associate Solicitor
Town of Newmarket
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

pvoorn@newmarket.ca
tel.: 905-953-5300, Ext. 2436

August 28, 2017

CORPORATE SERVICES (LEGAL SERVICES) REPORT 2017-15

TO: Committee of the Whole

SUBJECT: Appeal to the Ontario Municipal Board from a decision of the Committee of Adjustment denying an application for Consent to Sever and Minor Variances re: 770 Gorham Street

ORIGIN: Associate Solicitor, Legal Services

THAT Corporate Services (Legal Services) Report 2017-15 dated August 28, 2017 regarding the appeal to the Ontario Municipal Board (“OMB”) by the Owner of 770 Gorham Street (“the Lands”) from a decision of the Committee of Adjustment to deny an application for Consent to Sever and for Minor Variances be received, and the following recommendations be adopted:

1. THAT staff be directed to advise the OMB that:

- a. Council supports the Committee of Adjustment’s decision to deny the applications for a Consent to Sever and Minor Variances in connection with the Lands;
- b. The Town will not be appearing as Party at the OMB hearing in this matter; and
- c. In the event that the OMB decides to allow the appeal, the Town will request the following conditions as part of any Order approving the Consent to Sever and Minor Variances:

“That Consent to Sever Application D10-B03-16 and Minor Variance Applications D13-A18-16 and D13-A19-16 be approved, subject to the following conditions:

- A. That the variances pertain only to the requests as submitted with the application;
- B. That the owner enter into a Site Plan Agreement with the Town for the future development of the lands;
- C. That the applicant be advised that compliance will be required with the provisions of the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy; and
- D. That the development be substantially in accordance with the Site Plan and Elevations submitted with the application.”

COMMENTS

The Lands are located on the south side of Gorham Street, between Stewart Street to the west and Maple Street to the east, as shown on the attached overhead maps at Schedules A and B and the Google photos at Schedule C. The homes in this area of Gorham Street, including the Lands, are residential detached and are zoned R1-D. The Lands are in Ward 2.

The existing residential home situated on the Lands is on the Town's non-designated heritage registry.

In October of 2016, the Owner of the Lands filed applications for a Consent to Sever and for two Minor Variances. The Owner sought to sever a portion of the westerly side of the Lands to create a lot for a new detached residential home (set out as Lot A in Schedule B). The existing residential home would remain within Lot B as set out in Schedule B.

The Minor Variances were required to reduce the required lot frontage for the new residential Lot A and to reduce the required setbacks for both the existing residential home in Lot B in Schedule B and the proposed new structure at Lot A.

The Variance sought for the new Lot A would reduce the frontage from the required 15 meters to 12.19 meters. The required side yard setback would be reduced from the required 1.8 meters to 1.27 meters on the east and 1.31 meters on the west. For the existing residential home that would remain on Lot B, the Owner sought a Variance to reduce the required side yard setback of 1.8 meters from Lot A down to 1.04 meters.

Planning staff reviewed the applications for the Consent to Sever and the Minor Variances and prepared a report dated March 7, 2017 in which staff recommended denial of the Consent to Sever and the two Minor Variances. While Planning staff believed that the variances sought conformed with the official plan and that they were minor in nature, the staff report concluded that the general intent of the zoning by-law was not met and that the proposed variances would not result in a desirable development of the Lands. As the Consent to Sever depended on approval of the Minor Variances, the Consent should similarly be denied.

On March 15, 2017, the Committee of Adjustment met to review the three applications, hear the submissions of the Owner's representative and to hear from the Town residents who attended the hearing. The Committee had previously received 5 written submissions from Town residents. At the hearing, 10 individuals gave verbal statements addressing concerns with the applications. The minutes of the Committee of Adjustment decision contains a summary of the verbal statements of the residents. Those minutes, along with the written statements are included in the appeal materials filed with the OMB.

After considering the matter, the Committee of Adjustment denied the Consent to Sever and the Minor Variance applications.

The Owner of the Lands appealed the decision of the Committee of Adjustment to the OMB. A hearing date of **September 7, 2017** has been scheduled by the OMB.

The Owner of the Lands has the burden of proving its case before the OMB through evidence that the following Planning Act criteria for the Consent to Sever and the Minor Variance Applications have been satisfied:

- (a) the Applications conform to the Official Plan;
- (b) the general intent of Zoning By-Law 2010-40 as amended is maintained;
- (c) the proposed development is desirable and permitted by the Official Plan and the Zoning By-Law;
and
- (d) the requested variances are minor in nature.

On that basis, it is not necessary for the Town to participate as a party. The Planning staff report submitted to the Committee of Adjustments provided detailed recommendations arguing against granting the two requested Minor Variances. The report correctly noted that, if the Minor Variances were approved by the Committee of Adjustment, then the conditions necessary to grant the Consent would also be fulfilled. That

report, along with all other materials that were originally before the Committee of Adjustment, will be considered by the OMB when it makes its decision.

Should Council adopt the recommendations in this Report, Town staff will advise the Owner's solicitor and the OMB that (a) the Town supports the decision reached by the Committee of Adjustment; (b) the Town will not participate in the appeal; and (c) in the event that the OMB decides to allow the appeal, the Town will request the following conditions as part of any Order approving the Consent to Sever and Minor Variances:

“That Consent to Sever Application D10-B03-16 and Minor Variance Applications D13-A18-16 and D13-A19-16 be approved, subject to the following conditions:

- A. That the variances pertain only to the requests as submitted with the application;**
- B. That the owner enter into a Site Plan Agreement with the Town for the future development of the lands;**
- C. That the applicant be advised that compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; and**
- D. That the development be substantially in accordance with the Site Plan and Elevations submitted with the application.”**

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The recommendations support the well-equipped and managed objectives of the strategic plan by providing for the efficient management of litigation involving the Town.

CONSULTATION

The Planning department was consulted.

HUMAN RESOURCE CONSIDERATIONS

There are no Human Resource requirements as a result of the recommendations in this Report.

BUDGET IMPACT

There is no budget impact as a result of the recommendations in this Report.

CONTACT

For more information on this report, please contact: Paul Voorn, Associate Solicitor, Legal Services at 905-953-5300, Ext. 2436.



Paul Voorn
Associate Solicitor, Legal Services

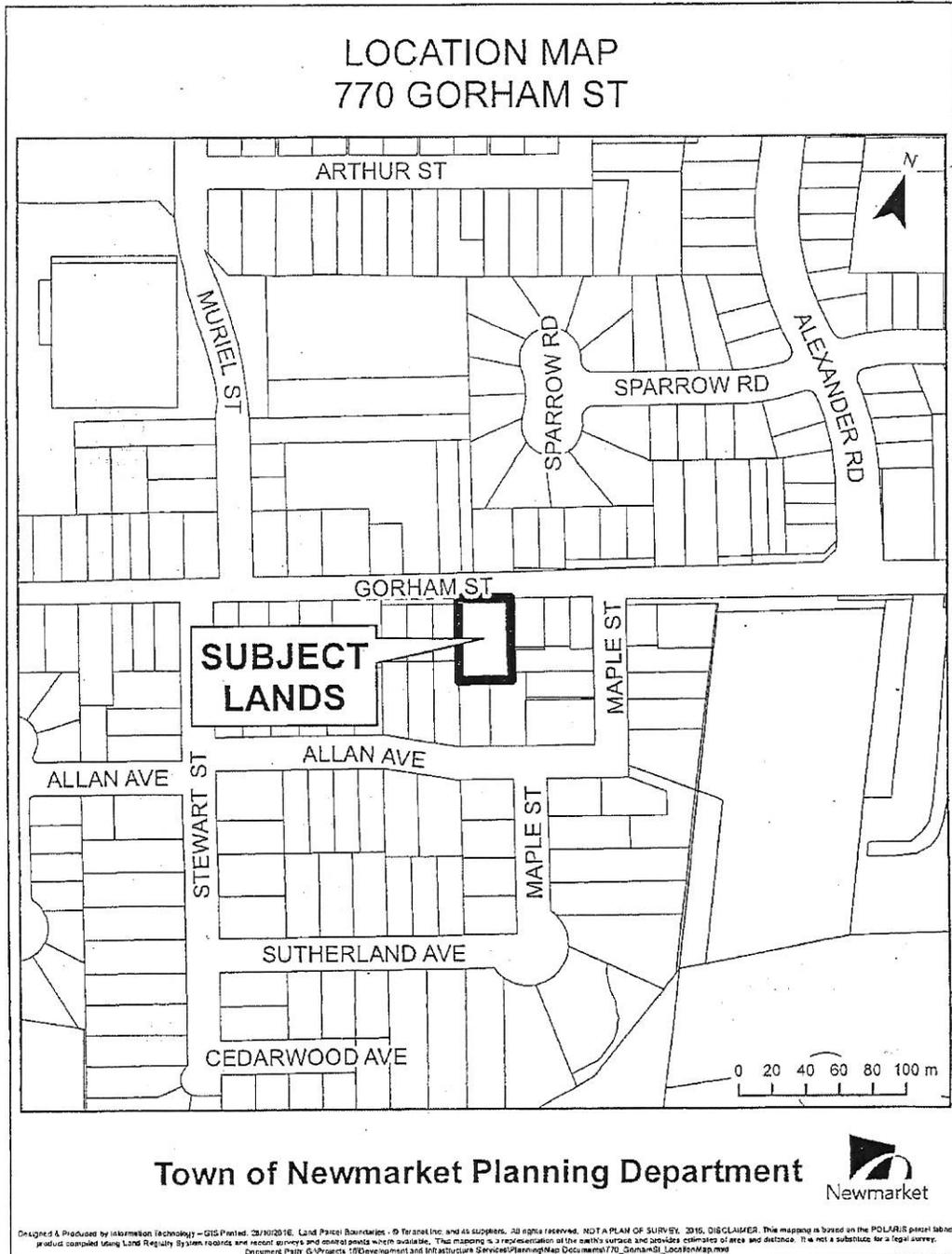


Karen Reynar
Director, Legal Services/Municipal Solicitor

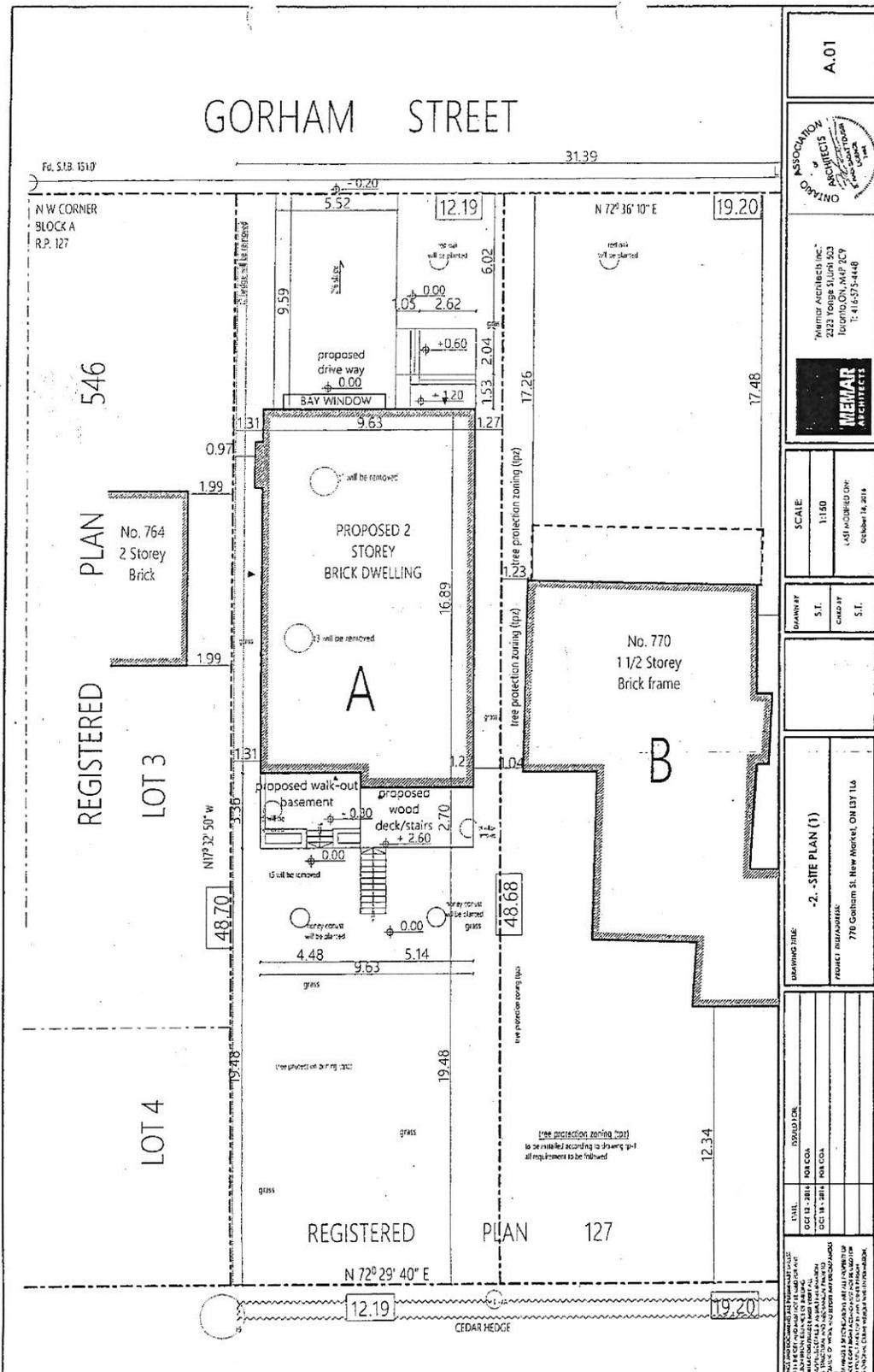


Esther Armchuk
Commissioner, Corporate Services

SCHEDULE "A"

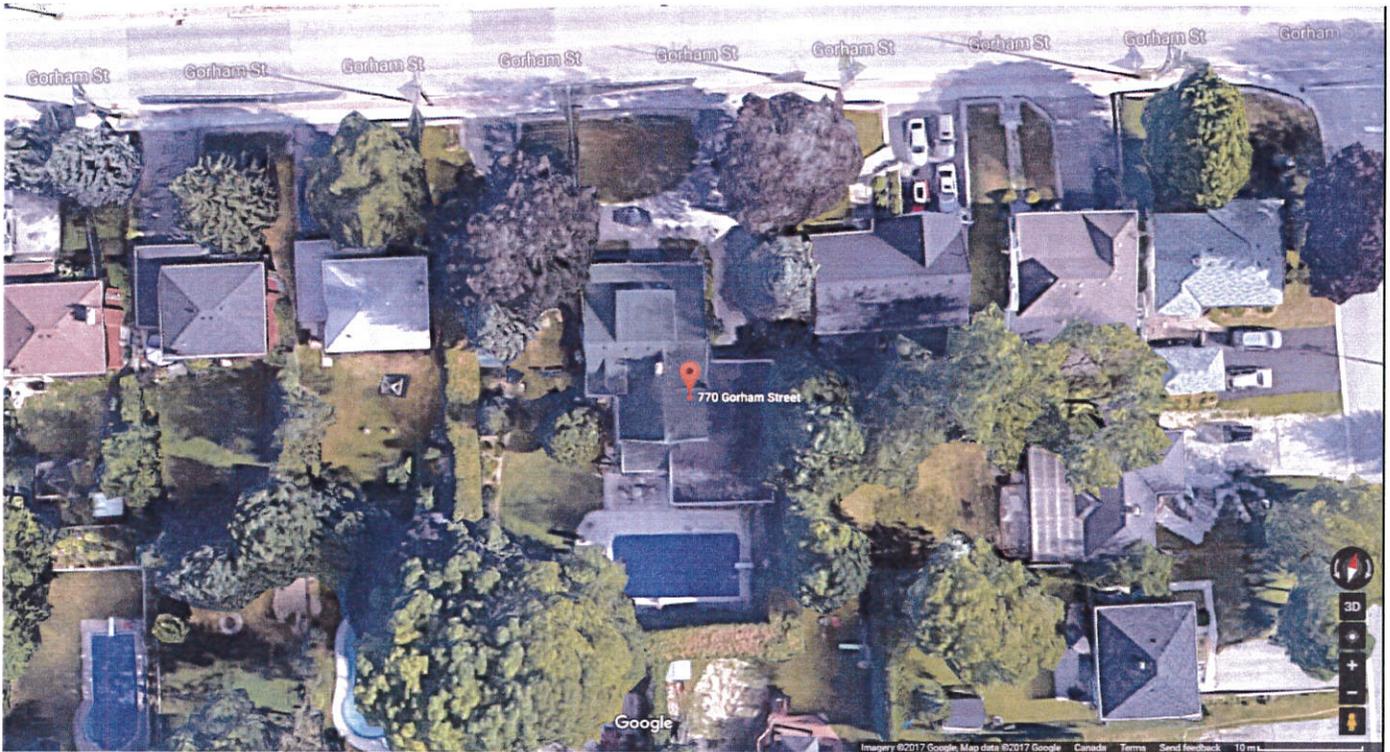


SCHEDULE "B"



A.01	
"Memor Architects Inc." 2023 Yonge St Unit 503 Toronto, ON M4P 2C9 T: 416-975-4148	
SCALE	1:150
DATE	October 14, 2014
DRAWN BY	S.T.
CHECK BY	S.T.
-2.- SITE PLAN (1) PROJECT: 1414/04/04 770 Gorham St. New Market, ON B3Y 1L4	
TITLE	ISSUED FOR
DEC 13 - 2014	FOR LOCAL
DEC 18 - 2014	FOR LOCAL
THIS DRAWING IS THE PROPERTY OF MEMOR ARCHITECTS INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MEMOR ARCHITECTS INC.	

SCHEDULE "C"





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

July 20, 2017

**DEVELOPMENT AND INFRASTRUCTURE SERVICES
 ENGINEERING SERVICES 2017 - 26**

TO: Committee of the Whole

SUBJECT: **Parking Amendments – Marianneville, Sundial Homes and National Homes Subdivisions**

ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report ES 2017-26 dated July 20, 2017 entitled “Parking Amendments – Marianneville, Sundial Homes and National Homes Subdivisions” be received and the following recommendations be adopted:

1. THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by adding the following:

<u>ROAD</u>	<u>SIDE</u>	<u>BETWEEN</u>	<u>PROHIBITED TIMES</u>
Alf Neely Way	East/ South	Millard Avenue West to Eagle Street West	Anytime
Mitchell Place	East	Davis Drive West to terminus	Anytime
Mitchell Place	West	Davis Drive West to a point approximately 100 metres south	Anytime
Brown Court	North	Mitchell Place to terminus	Anytime
Reg Harrison Trail	West	Alex Doner Drive to #282 Reg Harrison Trail	Anytime
Reg Harrison Trail	East	#287 Reg Harrison Trail to Crossland Gate	Anytime
Vantage Loop	North	William Booth Avenue to Woodland Hills Park	Anytime
Vantage Loop	West	Woodland Hills Park to 50 metres west of Allure Street	Anytime
Vantage Loop	North /West	50 metres west of Allure Street to Delano Way	Anytime

Vivant Street	North	William Booth Avenue to Allure Street	Anytime
Delano Way	North	William Booth Avenue to Allure Street	Anytime
Delano Way	Both	William Booth Avenue to east limit	Anytime
Bravo Lane	North	Vantage Loop to Allure Street	Anytime
Allure Street	West	Vantage Loop to Vantage Loop	Anytime
Tango Crescent	North /East/ South	William Booth Avenue to William Booth Avenue	Anytime
Capella Street	West	Solstice Circle to Solstice Circle	Anytime
Urbana Lane	West	Delano Way to Solstice Circle	Anytime
Solstice Circle (north)	East/ West/ North	Delano Way to Delano Way (outer side)	Anytime
Solstice Circle (south west)	West/ North	Delano Way to Capella Street	Anytime
Solstice Circle (south and east)	East/ North	Delano Way to Capella Street	Anytime
William Booth Avenue	Both	Knapton Drive to Davis Drive	Anytime
Carm Shier Court	North	Harry Douglas Street to terminus	Anytime
Helena Court	North	Somerville Drive to Harry Douglas Street	Anytime
Mickleburgh Drive	North	Somerville Drive to Harry Douglas Street	Anytime
Somerville Drive	West	Dillman Avenue to terminus	Anytime
Harry Douglas Street	South /East	Dillman Avenue to Somerville Drive	Anytime

2. AND THAT the necessary By-law be prepared and submitted to Council for its approval.

COMMENTS

This is a housekeeping amendment to the Parking Bylaw for the Marianneville, Sundial Homes and National Homes subdivisions. These additions to the Parking Bylaw correspond to the Traffic Management Plans as created by the developer's traffic consultant during the subdivision approvals process.

Therefore, it is recommended that these amendments be adopted.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

CONSULTATION

There has been no public consultation on these amendments. The amendments were derived from the subdivision approvals process and prepared by the developer's traffic consultant. In most cases, there are no homes or streets currently built within the subdivision.

HUMAN RESOURCE CONSIDERATIONS

No impact on current staffing levels.

BUDGET IMPACT

Operating Budget (Current and Future)

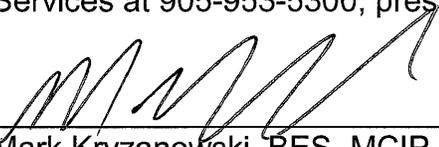
No impact on current Operating Budget. Parking signs are funded by the developer through the subdivision approvals process.

Capital Budget

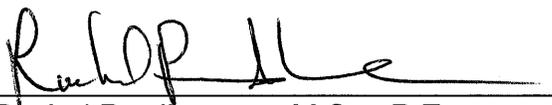
No impact on current Capital Budget.

CONTACT

For more information on this report, please contact Mark Kryzanowski, Manager, Transportation Services at 905-953-5300, press "2", then extension 2508, or MKryzanowski@Newmarket.ca.



Mark Kryzanowski, BES, MCIP, RPP
Manager, Transportation Services



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



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



DEVELOPMENT AND INFRASTRUCTURE SERVICES – PUBLIC WORKS SERVICES
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July 28, 2017

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
PUBLIC WORKS SERVICES 2017-25**

TO: Committee of the Whole

SUBJECT: Water Meter Bylaw – New Bylaw to regulate water meter use within the serviced area of The Corporation of the Town of Newmarket

ORIGIN: Director, Public Works Services

RECOMMENDATIONS

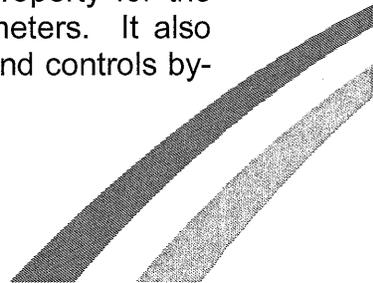
THAT Development and Infrastructure Services Report 2017-25 dated July 28, 2017, entitled Water Meter Bylaw – New Bylaw to regulate water meter use within the serviced area of The Corporation of the Town of Newmarket, be received and the following recommendations be adopted:

- 1. THAT Council adopt a New Water Meter Bylaw to regulate the use of residential and commercial water meters, as described in this report and set out in By-Law 2017- 49 (Attachment 1);**
- 2. AND THAT a copy of The Water Meter Bylaw 2017- 49 be placed on the Town of Newmarket website.**

COMMENTS

The new Water Meter Bylaw is required to enact rules and regulations for the installation, repair, maintenance, and access to Water Meters and related appurtenances within the serviced area of The Corporation of the Town of Newmarket.

The Town is responsible to ensure that all properties within the service area are fully metered and that all meters owned by the Town of Newmarket are maintained and replaced as required. The new Bylaw aligns with the approved Advanced Metering Infrastructure AMI Program currently underway which will see the replacement and upgrade of approximately 26,000 water meters to smart meter technology. The Bylaw enables Town staff and contracted representative's to gain access to property for the installation of the new meters and reading and inspection of existing meters. It also specifically describes the prohibition of tampering with meters and limits and controls by-passing of meters.



The new Bylaw includes enhanced definitions, requirements on construction and placement of meters and access for inspection and replacement ensuring meters are installed and operating as expected. The new Bylaw also clearly identifies the process for new Residential homes, including infill lots and Industrial – Commercial – Institutional (ICI) meters to be sized, purchased and installed. This process provides designers, builders and installers with clear direction when engineering, constructing and placing meters.

The Town is also responsible for obtaining meter reads and for the accounting, billing and collection of Waterworks User Fees and Water Rates charged in accordance with the Fees Bylaw. This is currently completed by physical water meter reading. After the implementation of the AMI project, the readings will be automated and the meters will provide more data reads and more accurate readings multiple times per hour compared to the current readings of once a month. For this program to be successful, the proper placement of the meters is required so that the signal can be transmitted and received by the appropriate infrastructure. This new Bylaw ensures that ability and conformity when a meter is replaced.

Town Staff are responsible for the administration and enforcement of this Bylaw, including prescribing the content of any forms or other documents required under this Bylaw from time to time. The Bylaw also includes charges for tampering of devices, bypassing of meters and improves enforcement abilities in case of an activity that contravenes the Bylaw. Maximum fines for offences have been identified and powers of enforcement clearly set out.

STRATEGIC AND BUSINESS PLAN LINKAGES

This report supports and aligns with:

- the Town's Strategic Plan vision of "Being Well beyond the ordinary" in all five strategic directions;
- Council's Strategic Priority theme of Efficiency / Financial Management

CONSULTATION

Consultation on the proposed Water Meter Bylaw included internal review by the Town's Legal Services, Legislative Services and Financial Services.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels are not impacted as a result of the recommendations in this report.

BUDGET IMPACT

Operating Budget (Current and Future)

There is no financial impact as a result of the recommendations of this report beyond those already identified and approved in the 2017 Water and Wastewater operating budget.

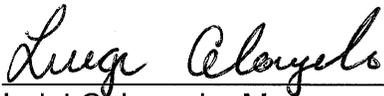
Future costs associated with the Water Meter Bylaw will be included in the annual water operating budget.

Capital Budget

Any required upgrades to water meters as part of this bylaw will be covered under the approved Advanced Metering Infrastructure program currently underway.

CONTACT

For more information on this report, contact: Luigi Colangelo, Manager Water/Wastewater Services, at extension 2553.



Luigi Colangelo, Manager
Water/Wastewater Services

for 
Christopher Kalimootoo, Director
Public Works Services



Peter Noehammer, Commissioner
Development and Infrastructure Services



Corporation of the Town of Newmarket

By-law Number 2017-49

A By-law to regulate water meters.

A By-law to enact rules and regulations for the installation, repair, maintenance, and access to Water Meters and related appurtenances within the serviced area of The Corporation of the Town of Newmarket.

WHEREAS The Corporation of the Town of Newmarket (hereinafter referred to as the "Town") is a lower-tier municipality within the Regional Municipality of York in the Province of Ontario;

AND WHEREAS subsection 11(3) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended (the "Municipal Act"), states that the Town may pass by-laws respecting public utilities including systems that distribute Drinking Water to the public;

AND WHEREAS the Town has certain responsibilities for the distribution of Drinking Water within the jurisdiction of the Town of Newmarket;

AND WHEREAS the Town is deemed to be the "water purveyor" as defined in subsection 1.4.1.2(1)(b) of the Ontario Building Code;

AND WHEREAS Part 7 of the Ontario Building Code, as amended, authorizes a municipality to regulate the connection of individual water services to a municipal potable water works;

AND WHEREAS subsection 7.6.1.3 (5) of the Ontario Building Code states that where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation, shall be according to the water purveyor's requirements;

AND WHEREAS subsection 80(1) of the Municipal Act, 2001, S.O. c. 25, states that a municipality may, at reasonable times, enter on land to which it supplies a public utility,

(a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or

(b) to inspect, install, repair, replace or alter a public utility meter.

AND WHEREAS subsection 391(1) of the Municipal Act, 2001, S.O. c. 25, states that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS subsection 398(1) of the Municipal Act, 2001, S.O. c. 25, states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

AND WHEREAS subsection 398(2) of the Municipal Act, 2001, S.O. c. 25, states that a municipality may add fees and charges to the tax roll of the property to which the public utility is supplied and collect them in the same manner as municipal taxes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET HEREBY ENACTS AS FOLLOWS:

1.0 – Definitions

For the purpose of this By-law, the following definitions and interpretations shall govern:

“Account” means the record of Water consumption and all fees and charges relating to a Property;

“Advanced Metering Infrastructure (AMI)” means all aspects related to collection, transmission, storage and monitoring of consumption, diagnostic and status data from metering devices by an automatic two-way metering infrastructure including the related equipment, software and hardware as may be adopted by the Town for the purposes of billing, data analyzing and remote utility management;

“Applicable Law” means any applicable federal, provincial or municipal laws, statutes, by-laws, rules, regulations, orders, directives and codes including the Ontario Building Code and Fire Code as may be amended from time to time;

“Applicant” means any Person who makes an application under this By-law;

“AWWA Standards” means the standards adopted by the American Water Works Association, as amended from time to time;

“Back Charges” means additional charges made by the Town to correct deficiencies in an Account, and it may refer to stopped Water Meter, illegal connections, Water Meter in by-pass, tampered Water Meter, open by-pass valve, Water Meter Reversal, incorrect Water Meter conversion multiplier, non-sewer charges, and other applicable situations which may cause the Town to lose water sale revenue because of improper use of Water and Waterworks System;

“Backflow” means the flowing back of or reversal of the normal direction of flow of water, as defined by the Ontario Building Code, as amended;

“Backflow Preventer” means a device that prevents Backflow in a water distribution system, as defined by the Ontario Building Code;

“Building” means as defined by subsection 1(1) of the Building Code Act;

“Business Day” means any working day, Monday to Friday inclusive, but excludes public holidays as defined in Part I of the Employment Standards Act, 2000, S.O. c.41;

“Consumer” means any or all of the Owner, Occupier, builder or developer of Property which is serviced by, connected to or uses the Municipal Drinking Water System;

“Continuing Offence” means a Person can be charged with a separate offence for each day on which the offence was committed or continued;

“Council” means the Council of The Corporation of the Town of Newmarket;

“Drinking Water” means as defined by subsection 2(1) of the Safe Drinking Water Act.

“Dwelling” means “Dwelling Unit” as defined by subsection 1.4.1.2 of the Ontario Building Code;

"Fees and Charges By-law" means a Town by-law to impose fees or charges for services or activities provided or done by the Town, as may be amended from time to time;

"ICI" means industrial, commercial and institutional;

"Infill home" means the use of land within a built-up area for further housing development, especially as part of a community redevelopment or growth management program or as part of smart growth;

"Irrigation System" means fixed equipment, which includes sprinkler heads, piping and other components that are used primarily to apply Water to vegetation;

"Municipal Drinking Water System" means municipal drinking-water system as defined by subsection 2(1) of the Safe Drinking Water Act;

"Occupancy Certificate" means a document issued by the Town certifying a building's compliance with Ontario Building Code and other applicable laws, and indicating it to be in a condition suitable for occupancy;

"Occupier" means a Person residing on or in a Property; a Person entitled to the possession of the Property if there is no other Person residing on or in the Property; and a tenant or leaseholder; and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation. An Occupier includes an occupant;

"Ontario Building Code" means O. Reg. 350/06, of the Building Code Act, 1992, S.O. 1992, c.23, as amended (the "Building Code Act") or any successor thereof;

"Ontario Fire Code" means O. Reg. 388/97 of the Fire Protection and Prevention Act, 1997, S.O. c.4, as amended or any successor thereof;

"Order" includes Notice, Work Order, Order to Comply, Order to Discontinue

"Owner" means a Person who has any right, title, estate, or interest in a Property, other than that of only an occupant and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any Person with authority or power over or control of that Property on the behalf of an Owner. An Owner includes a developer;

"Person" means an individual, sole proprietorship, partnership, municipality, unincorporated association, unincorporated organization, corporation, trustee, heir, executor, administrator or other legal representative, Owner and Occupier of a Property, and includes an agent or employee of any of them;

"Plumbing" means a drainage system, a venting system and a water system or parts thereof as defined in subsection 1(1) of the Building Code Act;

"Private Fire Service Main" means pipes, fittings and appurtenances from the Water Service Connection conveying water for fire protection or suppression only to all points in a fire protection or suppression system;

"Private Meter" means a Water Meter which is not owned, serviced or maintained by the Town;

"Private Water Service Pipe" means the pipe and fittings which convey Water from the Water Service Connection to a Water Meter, or to the point where the pipe and fittings connected to the Water Service Connection enters a Building or structure if there is no Water Meter;

“Private Water System” means an assembly of pipes, fittings, valves and appurtenances that convey Water from the Private Water Service Pipe to Water supply outlets, fixtures, Plumbing appliances, devices, and appurtenances and all other points downstream of the Street Line or downstream of the point where the Private Water Service Pipe enters a Building or structure if there is no Water Meter;

“Property” means a house, Building, structure, or any part of a house, Building, structure, lot or part of a lot which has a unique municipal address, adjacent to the Municipal Drinking Water System;

“Remote Readout Unit” means any device which is used to record or transmit the meter register reading of a Water Meter whether or not it is installed at a separate location from the Water Meter but does not include the Water Meter register;

“Renovated Building” means any Building or structure where the Plumbing or piping around or adjacent to a Water Meter is changed or altered after the Water Meter is installed;

“Road Allowance” means any right of way for the purpose of a road dedicated to the Town or Regional Municipality of York;

“Sprinkler Meter” means any Water Meter which is installed separately for the purpose of metering water used by irrigation systems;

“Street Line” means the boundary of a Property adjoining a Road Allowance;

“Tax Assessment Roll” means public record of the assessed value of property in a taxing jurisdiction;

“Temporary Water Supply Connection” means a water supply pipe which is installed for a specific short term purpose;

“Town” means The Corporation of the Town of Newmarket and includes its employees, municipal law enforcement officers and agents;

“Town Standards and Specifications” means the Town’s current Material Specifications for Watermains and Appurtenances, Engineering Design Criteria and Standard Drawings, Standard Construction Specifications and Drawings for Sewers and Watermains, as may be amended from time to time or any other document replacing same;

“Water” means Drinking Water;

“Water Meter” means the meter read, serviced, maintained or supplied by the Town to measure the quantity of Water consumed at, in or upon a Property;

“Water Meter Chamber” means the underground structure housing a Water Meter which is located within three (3) metres of the Street Line of the Owner’s Property;

“Water Meter Replacement Program” means an annual capital program implemented by the Town of Newmarket to replace water meters at or near the end of their lifespan of approximately 20 years. This proactive annual program reduces maintenance costs, risks of water leaks at the meter and provides accurate measurement of water consumption by end users.

“Water Rates” means the rates set out in the Fees and Charges By-law;

"Water Service Box" means the vertical pipe and cap installed over the Water Shut off Valve and stem on the Water Service Connection;

"Water Service Connection" means the pipes, fittings and appurtenances used for the purpose of supplying any Property in the Town of Newmarket with Water from the Municipal Drinking Water System and situated between the Street Line and the watermain;

"Water Shut off Valve" means the valve on the Water Service Connection located at property line, owned and used by the Town to shut off or turn on the Water supply from the Municipal Drinking Water System to any Properties;

"Waterworks System" means the Municipal Drinking Water System which is owned and operated by the Town licensed pursuant to the Safe Drinking Water Act;

"Waterworks User Fees" means waterworks fees, charges and rates as set out in the Fees and Charges By-law, except Water Rates;

"Work" means all activities related to Water Meter inspection, reading, testing, repair, maintenance, alteration, disconnection, removal, replacement, relocation, sealing, and all miscellaneous work.

2.0 – Application of By-law

2.1 This By-law shall apply to:

- (a) Every Person using or drawing Water from the Waterworks System;
- (b) The Owner or Occupier of every Property upon which Water is used, unless the Water being used is not supplied by the Waterworks System; and
- (c) All Properties with a connection to the Waterworks System whether metered or not, whether the connection is permanent or temporary.

3.0 – Water Use and Receipt of Water

- 3.1 No Person shall sell or dispose, or permit the sale or disposal of Water without the prior written permission of the Town.
- 3.2 No Person shall obtain Water, without making an application to the Town and paying the appropriate charges, fees or rates for it, unless they have the prior written approval of the Town.

4.0 – Water Meter

- 4.1 No Person, except authorized Town personnel acting in the course of their duties, or authorized agents or contractors expressly acting within the scope of their contract, shall use or permit the use of Water that has not passed through a Water Meter.
- 4.2 All Owners shall have a Water Meter installed and in use at the Owner's Property where such Property is supplied with Water by the Town
- 4.3 Notwithstanding subsections 4.1 and 4.2 of this by-law the following shall not apply :
 - (a) Water is used by the Town for firefighting;

(b) Water is used by Consumers at a Property serviced by the Town on a flat rate water charge as of the date of the coming into force of this By-law;

(c) Water is used for construction approved by the Town; or

(d) The use of un-metered Water is otherwise permitted by this By-law.

- 4.4 All Water Service Connections to the Municipal Drinking Water System are required to be metered. Any Owner in a residential unit who does not have a Water Meter installed shall pay the Town a flat-rate water charge as set out in the Fees and Charges By-law.
- 4.5 Any existing Property serviced by the Municipal Drinking Water System, on a flat-rate water charge, is required to have a new Water Meter installed within one (1) year from the day the flat rate charges started or the enactment of this By-law, whichever is earlier.
- 4.6 If two or more Water Service Connections supply Water to a Property, each Water Service Connection shall be separately metered.

5.0 – Installation of Residential Water Meter

- 5.1 All Water Meter installed must be inspected and sealed by the Town prior to turning on the supply of Water.
- 5.2 It is the responsibility of the Owner/Occupier to arrange with their own plumber/contractor the installation of the water meter.
- 5.3 The Town reserves the right to shut off the supply of water if the Property does not have a Water Meter once an Occupancy Certificate has been issued.
- 5.4 Notwithstanding the issuance of an Occupancy Certificate, no Person shall occupy or permit occupancy of any Buildings or part thereof for which the Occupancy Certificate was issued prior to the installation of the Water Meter. In the event that a Building or part thereof is occupied contrary to the above, the Owner shall pay the Town a flat-rate water charge as set out in the Fees and Charges By-law from the time of issuance of Occupancy Certificate to the time of new Water Meter installation. In the case of Infill Home, the Town will issue the Water Meter, as the Town considers appropriate, in which event the Owner shall pay to the Town the cost of the new Water Meter outlined in the Fees and Charges By-law.
- 5.5 In the case of Infill Home:
- (a) The Town shall send a Notice to the Owner/Occupier advising the Owner/Occupier to submit a Water Meter Application and schedule the inspection and sealing of a new Water Meter with the Town within thirty (30) days upon receipt of such Notice;
- (b) The Notice may be served:
- (i) personally upon the Owner or Occupier.
- (ii) mailed by regular mail to the last known address of the owner according to the current assessment rolls.
- (iii) the owner shall pay to the town the full cost of the installation a new Water Meter plus overhead and applicable tax;

- 5.6 In the case of a Property subject to meter replacement or installation in accordance with the Town's meter maintenance program or AMI program, the Town may install such Water Meter, conduit and wire for Remote Readout Unit and AMI equipment at no expense to the Owner.

6.0 – Installation of ICI Water Meter

- 6.1 The Owner or his authorized agents shall install a Water Meter in accordance with this By-law on his Property in a secure and accessible location within five (5) Business Days prior to occupancy.
- 6.2 The Owner or his authorized agents shall install the Plumbing and appurtenances related to the Water Meter, including conduit for wiring as per the Town Standards and Specifications at the sole expense of the Owner.
- 6.3 Notwithstanding any other provisions of this By-law, the wire and the Remote Readout Unit or AMI equipment shall be installed by the Town prior to the Owner's occupancy of a new or Renovated Building or part thereof.
- 6.4 Except as otherwise provided for in this By-law, the Water supply to a Property will not be turned on until the Town has inspected and sealed the Water Meter installed at the Property as set out in this By-law.
- 6.5 In the event that Water supply to a Property has been turned on prior to the Town inspection and sealing of the Water Meter at the Property, the Town reserves the right to shut off the supply of Water to the Property.
- 6.6 To allow for proper flow of Water or maintenance of equipment or both, the Town may require an Owner to install the proper valving arrangement in respect of the supply of Water to the Property in accordance with the Town Standards and Specifications at the sole expense of the Owner.
- 6.7 In the case of a Property subject to meter replacement or installation in accordance with the Town's meter maintenance program or AMI program, the Town may install such Water Meter, conduit and wire for Remote Readout Unit and AMI equipment at no expense to the Owner.

7.0 – Supply of Water Meter

- 7.1 All Water Meters, including Remote Readout Unit and AMI equipment, that register Water supplied and billed by the Town or authorized agents, are owned by the Town. For the Town's billing purpose, Water Meter for new development shall be supplied by the Town at the Owner's cost, as per the Town Standards and Specifications.

8.0 – Application for Water Meter

- 8.1 This section only applies to Infill Home and ICI Water Meter application. An Owner/Applicant shall submit a Water Meter application on the prescribed form to the Town for a new or Renovated Building, or for changing Water Meter size in an existing Building.
- 8.2 For ICI Water Meter application only, the Owner/Applicant shall provide the Town with calculated peak flow rate, to be supplied and certified by a professional engineer, to pass through the Water Service Connection, type of business, and number of occupants or employees.

- 8.3 The Owner/Applicant shall be responsible for the completeness and accuracy of all information furnished with the application, and shall sign the application.
- 8.4 The application fee shall be at the sole expense of the Owner and paid at the time of submission of application.
- 8.5 All applicable Water Meter fees and charges in the amounts as set out in the Fees and Charges By-law must be received prior to the application being processed.

9.0 – Size of Water Meter

- 9.1 For ICI, the water service and meter size shall be determined by the Consulting Engineer based upon the flow rate and water demand,
- 9.2 In the case where the Owner/Applicant of an existing ICI facility wishes to downsize their existing meter, a Consulting Engineer must confirm in writing that the reduced size meets the minimum flow requirements.
- 9.3 Unless approved by the Town, the size of residential Water Meter shall not be in excess of twenty-five (25) mm (one (1) inch) in diameter.

10.0 – Water Meter Loss or Damage

- 10.1 Every Owner shall be responsible for Water Meter lost or damaged by the carelessness or neglect of any Person other than the Town, including damage from freezing.
- 10.2 The Owner shall pay the Town the cost of making the necessary repair or replacement to such Water Meter.

11.0 – Notification by Owner

- 11.1 The Owner shall immediately notify the Town that the Property is ready for the installation of a Water Meter and inspection where a Water Meter is required to be installed.

12.0 – Provision for Installation of a Water Meter

- 12.1 The Owner shall ensure that provision is made in the piping system of all existing, new and Renovated Buildings or structures for the installation of a Water Meter of the same diameter as the Private Water Service Pipe in accordance with the Town's Standards and Specifications.

13.0 – Main Water Meter By-pass Piping

- 13.1 If the main Water Meter size is greater than twenty-five (25) mm (one (1) inch) in diameter The Owner shall install by-pass piping and maintain same in good working order as per the Town's Standards and Specifications at the sole cost of the Owner.
- 13.2 The by-pass line shall also have a Water Meter of appropriate size and a backflow preventer installed on the by-pass piping
- 13.3 The Town shall seal the by-pass valve, in the closed position upon notification of its installation by the Owner.
- 13.4 Where the by-pass pipe or valves of a Property are not in accordance with the Town Standards and Specifications, the Town may order the Owner:

(a) To install a new or replace the by-pass pipe or valves at the sole expense of the Owner; or

(b) To remove any defective pipe or valves and install a new pipe or valves; or

(c) To install a Water Meter and/or backflow preventer on the by-pass pipe

13.5 An Owner shall comply with an order made under this By-law regarding by-pass piping within thirty (30) days from receipt of the order from the Town.

13.6 If an Owner fails to:

(a) Supply, install or maintain the by-pass pipe, Water Meter, backflow preventer and valves in proper working order in accordance with subsection 13.1; or

(b) Comply with an order of the Town made pursuant to this By-law within the time required,

The Town may supply, install, repair, replace or otherwise maintain the by-pass pipe, Water Meter, backflow preventer and valves, as the Town considers appropriate, in which event the Owner shall pay to the Town the full cost of the work and the inspection fee for each attendance at the Property, including the cost incurred by the Town to perform the inspection plus overhead and applicable tax.

14 – Water Meter Chamber

14.1 If the Town is of the opinion that a Water Meter cannot be conveniently located inside a Building or structure in accordance with the Town Standards and Specifications or where the Town does not have access to the Water Meter, the Town may require the Water Meter to be installed in a Water Meter Chamber constructed by the Owner or his authorized agents in accordance with the Town Standards and Specifications, at the sole expense of the Owner.

14.2 Pursuant to subsection 14.1, the Water Meter Chamber shall be placed in a location approved by the Town, prior to construction.

14.3 No Person shall obstruct or permit the obstruction of a Water Meter Chamber and associated valves.

14.4 No Person shall place shrubs, trees, or other landscaping within one and one half (1.5) metres (4.9 feet) of the outer perimeter of a Water Meter Chamber.

14.5 The Owner shall keep all landscaping on his Property, cut back and clear of a Water Meter Chamber and the access to the Water Meter Chamber.

14.6 To facilitate the reading of a Water Meter, the Town may require the Owner to prepare the Water Meter Chamber cover for the installation of a chamber cover type Remote Readout Unit in accordance with the Town Standards and Specifications at the sole expense of the Owner.

14.7 If the Town determines a chamber cover type Remote Readout Unit device is not appropriate for a location, the Town may:

(a) Determine the appropriate type and location of the Remote Readout Unit and the Owner shall install such unit at the sole expense of the Owner according to the Town Standards and Specifications.

(b) Require the Owner to install a mounting post and plate to accommodate the Remote Readout Unit at the sole expense of the Owner.

15.0 – Water Meter Inspection and Sealing

15.1 Every Water Meter on a Property shall be inspected and sealed by the Town at or about the time of installation or relocation.

16.0 – Water Meter Access

16.1 The Owner or Occupier shall, within the time set out in the Town notice, permit the Town to have free, clear and unobstructed access to the Water Meter. The Water Meter is to be installed in or on that Property where it is convenient for the Town to inspect, test, read, repair, maintain, alter, disconnect, remove, replace or seal a Water Meter which has been installed. The location of a Water Meter shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.

16.2 When requested by the Town, an Owner or Occupier, as the case may be, shall remove any insulation or other material from, on or around a Water Meter in order to provide the Town with full, unobstructed access to the Water Meter. Any replacement of such material shall be done by the Owner at his sole expense in accordance with the Town Standards and Specifications and all Applicable Law.

16.3 If the Owner does not carry out the work as required by the Town within thirty (30) days from receipt of the order from the Town, then the Town reserves the right to remove any insulation or other material blocking the Water Meter and all necessary work. The Town shall not be liable for any loss or damage to the Owner's Property or loss or damage otherwise suffered by the Owner arising from such work.

16.4 The Owner shall pay all costs incurred by the Town as a result of the Owner failing to remove the insulation or other material blocking the Water Meter. The Owner shall also pay the inspection fee, if any, for each attendance at the Property by the Town, including the cost incurred by the Town to perform the inspection plus overhead and applicable tax.

16.5 As part of an inspection, the Town shall at all times be permitted to take photographs, including digital images, of any Plumbing, Water Meter, Private Meter, by-pass pipe and valves, inlet and outlet valves, Backflow Preventer, Private Water System, Private Water Service Pipe, Private Fire Service Main or Water Meter Chamber.

16.6 Water Meter shall be placed in such location as per the Town Standards and Specifications.

16.7 The Owner or the Occupier shall, within the time set out in the Town notice, permit the Town to inspect the Private Water Service Pipe, Private Water System, Private Fire Service Main, or the inlet, outlet, flushing, drainage and by-pass valves on piping adjacent to or around the Water Meter.

- 16.8 The Owner or the Occupier with a Water Meter not equipped with Remote Readout Unit, within the time set out in the Town notice, shall permit the Town to have free, clear and unobstructed access to the Water Meter for visual Water Meter reading a minimum of two (2) times per calendar year.

17.0 – Water Meter Interference Prohibited

- 17.1 No Person, except authorized by the Town, shall reverse, tamper, un-seal, or alter a Water Meter in any way which may interfere with the proper registration of the quantity of Water that passes through a Water Meter or ought to pass through a Water Meter.
- 17.2 No Person, except authorized by the Town, shall permit, perform or cause to permit or to have performed tampering, un-sealing, reversal, and alteration of a Water Meter in any way which may interfere with the proper registration of the quantity of Water that passes through a Water Meter or ought to pass through a Water Meter.
- 17.3 No Person shall connect any pipes or other appurtenances to direct flow from a Private Water Service Pipe upstream of a Water Meter or the by-pass pipe and valves.
- 17.4 If the Town determines that a seal on a by-pass and/or a Water Meter has been tampered with or is broken, then the Town will reset the by-pass valves in the closed position and re-seal the Water Meter.

18.0 – Maintenance of Water Meter Appurtenances and Piping

- 18.1 The Owner shall ensure that all valves are fitted with proper handles and that all valves to, from and around the Water Meter are installed and properly maintained in accordance with the Town Standards and Specifications.
- 18.2 The Owner shall maintain all Plumbing including all piping, fittings and valves to and from and around a Water Meter in good working order and shall replace and repair them as necessary in accordance with the Town Standards and Specifications. The Owner is not responsible for maintaining the Water Meter and/or the associated strainer.
- 18.3 If the Town determines that the condition of a Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves on piping adjacent to the Water Meter is such that the Water Meter cannot be properly or conveniently tested, calibrated or repaired in place or removed for the purpose of testing, replacing or repairing, the Owner shall, at his sole expense, repair or, if necessary, replace the Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves, as the case may be, to enable the Town to test, calibrate, repair or remove the Water Meter.
- 18.4 Where the Town makes the determination in accordance with subsection 18.3, the Town may issue an order to the Owner to repair or replace the Private Water Service Pipe or Private Water System or valves, as the case may be, within thirty (30) days from the receipt of such order, at the sole expense of the Owner. The Owner shall obtain a building permit from the Town prior to the repair or replacement of the Private Water Service Pipe or Private Water System.

- 18.5 If the Owner or his authorized agents does not carry out the work as required in an order under subsection 18.4 the Town reserves the right to carry out the work and shut off the Water supply to the Property during the removal, replacement, repair, testing and calibration of the Water Meter. The Town is not liable for any loss or damage to the Owner's Property or loss or damage otherwise suffered by the Owner arising from such work or the shut off of the Water supply.
- 18.6 The Owner shall pay all costs incurred by the Town for carrying out the work as required under subsection 18.5, as a result of the Owner failing to make the necessary repair or replacement. The Owner shall also pay the inspection fee for each attendance at the Property made by the Town, including the cost incurred by the Town to perform the inspection plus overhead and applicable tax.

19.0 – Maintenance of Chambers

- 19.1 This section applies to all chambers including Water Meter Chambers and chambers for Sprinkler Meters if installed.
- 19.2 The Owner shall be responsible for maintaining, repairing and replacing any chamber, and for keeping it in a safe condition.
- 19.3 The Owner shall remove and dispose of all solid and liquid debris, waste and other materials which are non-essential to the proper functioning of the Water Meter or Sprinkler Meter and which may be hazardous, toxic, combustible or explosive in nature, both inside and above a chamber. The removal and disposal of such material is subject to all Applicable Law.
- 19.4 At the request by a Town notice and within the time set out in the Town notice, the Owner shall provide the Town, with access to any chamber, to permit the Town to inspect, maintain, repair, replace or read the Water Meter or Sprinkler Meter.
- 19.5 Pursuant to subsection 19.4 the Owner shall ensure that all solid and liquid material is removed from the chamber to allow access. If the Owner is unable to remove material from the chamber, within the time set out in the notice, the Owner shall notify the Town no less than forty-eight (48) hours before the scheduled inspection or other purpose for which the access is required. In addition, the Owner shall at the same time, advise the Town of a date and time, no more than five (5) Business Days later, when access will be provided.
- 19.6 If the Owner fails to provide the Town with access to a chamber in accordance with subsection 19.4, or the required notice in subsection 19.5, the Owner shall pay the inspection fee for each subsequent attendance at the Property made by the Town, including the cost incurred by the Town to perform the inspection plus overhead and applicable tax.

20.0 – Water Meter Accuracy

- 20.1 Under this By-law, the testing, flow rates and procedures used to determine Water Meter (all types and sizes) accuracy will be in accordance with the current AWWA Standards.
- 20.2 The Owner, upon written application to the Town, on the prescribed form, may have the Water Meter at his Property tested by the Town to determine if the Water Meter is over-registering. The Owner shall pay to

the Town the fee as set out in the Fees and Charges By-law for such testing.

- 20.3 If a Water Meter is found to be over-registering in excess of one and one half percent (1.5%) in favour of the Town, the Town shall credit the Owner's Account with an amount based on the percent average of the 3 tests performed (high, medium and low) over and above the 100% accuracy. Such credit adjustment shall cover the period in which the billing first increased and for a period of no more than twenty-four (24) months.
- 20.4 In the event the accuracy test indicates over-registering by the Water Meter in an amount less than or equal to one and one half percent (1.5%) then no credit shall be applied to the Owner's Account. In addition, the Owner shall pay to the Town all expenses incurred by the Town in removing, replacing, flow monitoring or testing the Water Meter, as set out in the Fee By-law.
- 20.5 Positive displacement or electromagnetic type Water Meters up to and including fifty (50) mm (two (2) inches) in diameter shall be removed by the Town and tested at an off-site location specified by the Town. Compound, turbine, electromagnetic and fire service Water Meters equal and greater than fifty (50) mm (two (2) inches) in diameter shall, at the Town's sole discretion, be tested either on site or at an off-site location specified by the Town.
- 20.6 If a Water Meter fails to register, the Town will Back Charge the Owner a water consumption fee based on previous year consumption as determined by the Town for a period during which the Water Meter failed to register but no more than twenty-four (24) months.

21.0 – Relocation of the Water Meter

- 21.1 No Person shall relocate a Water Meter on a Property without the written consent of the Town, once the Water Meter is installed to the satisfaction of the Town.
- 21.2 No Person shall disconnect a Water Meter for maintenance or repair without the written consent of the Town.
- 21.3 The Owner/Applicant may make an application, on the prescribed form to the Town, to relocate a Water Meter on a Property. The Owner/Applicant shall pay all costs associated with any relocation of the Water Meter as set out in the Fees and Charges By-law, if approved by the Town.
- 21.4 The Town shall not approve the application for Water Meter relocation if:
- (a) The application is incomplete;
 - (b) The prescribed fee is not paid; or
 - (c) The proposed relocation is not in accordance with the Town Standards and Specifications with respect to the location of the Water Meter or otherwise.
- 21.5 The Town may require the relocation of an installed Water Meter at the sole cost of the Owner if its location is not in compliance with the Town Standards and Specifications.

- 21.6 All Water Meter relocation work and material shall conform to the Town Standards and Specifications and comply with the requirements of the Ontario Building Code.
- 21.7 If the Owner or his authorized agents does not carry out the work as required by the Town under subsection 21.5, then the Town reserves the right to carry out the Water Meter relocation and all necessary work. The Town shall not be liable for any loss or damage to the Owner's Property or loss or damage otherwise suffered by the Owner arising from such work.
- 21.8 The Owner shall pay all costs incurred by the Town as a result of the Owner failing to relocate the Water Meter under subsection 21.5. The Owner shall also pay the inspection fee for each attendance at the Property made by the Town, including the cost incurred by the Town to perform the inspection plus overhead and applicable tax.

22.0 – Water Meter Leaks

- 22.1 The Owner or Occupier shall immediately notify the Town if any leaks develop at the Water Meter or its couplings.
- 22.2 The Town will repair the leaks at the Water Meter or its couplings with no charge to the Owner. The Town shall not be liable for any damage or loss to the Owner's Property as a result of any such leaks at the Water Meter or its couplings.

23 – Water Meter Replacement

- 23.1 A Water Meter will be scheduled for replacement when approaching the end of its lifecycle under the Town's annual Water Meter replacement program.
- 23.2 The Town shall send a Notice to the Owner/Occupier advising the Owner/Occupier to schedule and replace the water meter with the Town or a Town authorized third party agent within thirty (30) days pursuant to the Water Meter Replacement Program.
- 23.3 Where an Owner/Occupier fails to comply with the Town's Notices, the Town shall serve on the Owner/Occupier an Order to schedule and replace the water meter with the Town or a Town authorized third party agent.
- 23.4 The Notice or Order may be served:
- (a) Personally upon the Owner or Occupier.
 - (b) Mailed by regular mail to the last known address of the owner according to the current assessment rolls.
- 23.5 It is an offence when,
- (a) Owner/Occupier, fails to comply with an Order to schedule and replace the water meter with the Town or a Town authorized third party agent.
 - (b) An Owner/Occupier, fails to comply with an Order to allow the Town access to replace the water meter scheduled for replacement under the Town's Water Meter Replacement Program.

24.0 – Sprinkler Meter

- 24.1 The Owner or Occupier with a Sprinkler Meter shall pay the Town the Turn Water ON/OFF fee as set out in the Fees and Charges By-law, for each attendance at the Property as requested by the Owner or Occupier.

25.0 – Building Demolition

- 25.1 No Person shall demolish a Building until the final Water Meter reading is obtained and the Water Meter and Remote Readout Unit are recovered by the Town.
- 25.2 The Owner who has received a permit to demolish a Property shall notify the Town in writing minimum five (5) Business Days in advance of the date on which the Water supply to the Property is no longer required. The Owner shall also make an appointment with the Town to take a final Water Meter reading, remove the Water Meter and the Remote Readout Unit from the Property and turn off the Water supply at the Water Shut Off Valve.
- 25.3 The Owner shall pay the Town the Water Meter removal cost as set out in the Fees and Charges By-law.
- 25.4 The Owner or his authorized agents shall be present at the Property when the final Water Meter reading is taken, the Water Meter is removed and the Water supply is turned off.
- 25.5 In the event an Owner or his authorized agents fails to attend at the Property and provide access to the Town at the appointment time set under this By-law, the Owner shall pay the Town the missed appointment fee as set out in the Fees and Charges By-law.
- 25.6 In the event an Owner fails to provide access to a Property prior to the demolition of a Building or structure on the Property, in accordance with this By-law, the Owner shall pay to the Town an amount equal to the cost of a new Water Meter and Remote Readout Unit of the same type and size in accordance with the fees and charges set out in the Fees and Charges By-law. The Owner shall also pay the amount of Water consumption, from the last Water Meter reading date to the date of disconnection of the Private Water Service Pipe or Water Service Connection from the Municipal Drinking Water System, as estimated by the Town.
- 25.7 If the Town determines that it is not necessary to recover a Water Meter from a Property to be demolished, then the Town will notify the Owner in writing after receipt of the notice from the Owner to demolish a Building or structure. Upon receipt of the notice from the Town and after the disconnection of the Private Water Service Pipe or Water Service Connection from the Municipal Drinking Water System, the Owner or his authorized agents may proceed with the demolition of the Building. In such case, the Owner shall be responsible for the removal and disposal of the Water Meter.

26.0 – Take Water from Fire Hydrant

- 26.1 No Person, except authorized by the Town, shall operate or take Water from any Town hydrant unless such Person is the holder of a hydrant permit issued under this By-law.

27.0 – Fire Hydrant Permits

- 27.1 A Person may make an application on a form provided by the Town for a temporary supply of Water from a fire hydrant. The Applicant shall pay in advance the charges, as set out in the Fees and Charges By-law for the use of the fire hydrant and the rental fee for a hydrant meter and a Backflow Preventer.
- 27.2 Once an application has been approved for a temporary supply of Water from a fire hydrant, the Town will provide and install a Backflow Preventer, a valve and a temporary Water Meter on the fire hydrant. The supplied Backflow Preventer, valve and temporary Water Meter shall not be removed or tampered with. Water will only be supplied through the Water Meter. Connection to the fire hydrant and taking of Water from the hydrant except through the temporary Water Meter is not permitted.
- 27.3 The Applicant shall provide a security deposit as set out in the Fees and Charges By-law to ensure the safe return and proper working condition of any Backflow Preventer, temporary Water Meter or valve supplied by the Town and payment for Water consumption registered on the Water Meter.
- 27.4 The Town may, by issuing a hydrant permit, authorize the use of a specified Town hydrant for a specified time and under specified conditions, including the supervision of such use by the Town. A hydrant permit may, at the discretion of the Town, be suspended for any length of time.

28.0 – By-Law Wording

- 28.1 Unless the context requires otherwise, a word importing the singular number is used in this By-law, such word shall include the plural and vice versa, and word importing gender shall include all genders. The grammatical changes required to make the provisions of this By-law apply to individuals (male or female), sole proprietorships, partnerships, unincorporated associations, unincorporated organizations, corporations, trustees, heirs, executors, administrators and other legal representatives where the context so requires shall be assumed as though in each case fully expressed.

29.0 – Administration and Enforcement

- 29.1 The Town shall be responsible for reading Water Meters and for the accounting, billing and collection of Waterworks User Fees and Water Rates charged in accordance with the Fees and Charges By-law.
- 29.2 The Water Rates, Waterworks User Fees and Back Charges shall be charged in accordance with the Fees and Charges By-law.
- 29.3 Consumers shall pay Water Rates on the basis of their consumption of Water billed in accordance with the Water Rates as set out in the Fees and Charges By-law.

30.0 – Powers of Entry

- 30.1 The Town may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) The provisions of this By-law;
 - (b) An order issued under this By-law; or

- (c) An order made under section 431 of the Municipal Act.
- 30.2 Pursuant to Section 435 of the Municipal Act, 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 Service, as well as by any person under his direction.
- 30.3 When entering a property under this By-law, the person exercising the power of entry:
- (a) Shall provide identification to any person requesting identification during the course of the entry;
 - (b) May be accompanied by a person or persons under his direction; and
 - (c) Shall not enter or remain in any room or place actually used as a dwelling unless at least one of the conditions set out in section 437 of the Municipal Act is met.
- 30.4 The Town may, in accordance with the requirements of this By-law, enter upon a Property to which Water is supplied by the Town to undertake, among other things:
- (a) To read, inspect, install, repair, replace, maintain or alter or remove a Water Meter;
 - (b) To shut off or reduce the supply of Water.
- 30.5 Service of an order shall be posted at the site of the address of the Owner shown on the most current tax assessment roll or delivered through regular mail to the address of the Owner shown on the most current "Tax Assessment Roll". Where service is made by regular mail, it shall be deemed to have been received by the Owner on the fifth Business Day after the date of mailing.
- 30.6 Wherever this By-law directs or requires any work or thing to be done, in default of it being done by the Person directed to do it, such work may be done by the Town at the expense of the Person. Under this By-law pursuant to subsection 398 (2) of the Municipal Act, the Town may recover all expenses incurred in doing the work by action or by adding the costs to the tax roll and collecting them in the same manner as taxes, and any unpaid outstanding fines will also be added to the tax roll and be collected in the same manner as taxes.
- 30.7 No Person shall hinder or obstruct, or attempt to hinder or obstruct an employee, officer, agent or contractor of the Town or other Person so authorized by the Town who is performing a duty or exercising a power under this By-law pursuant to section 426 of the Municipal Act.
- 30.8 When the Town has provided advance notice to exercise a power of entry in accordance with the requirements of this By-law and the Owner or Occupier, within the time set out in the Town notice, has not provided access, the Owner will be charged a "missed appointment or service refusal" fee as set out in the Fees and Charges By-law to compensate the Town for costs incurred in attempting access and for each subsequent attempt.

31.0 – Penalty Provisions

- 31.1 Every Person who contravenes a provision of this By-law, including an order issued under this by-law is guilty of an offence.
- 31.2 Any person who is in contravention of any provision of this By-law, or who fails to comply with an order issued under this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected
- 31.3 If any 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.
- 31.4 Any person who is guilty of an offence under this By-law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act:
- (a) Upon first conviction, the minimum fine shall be Three Hundred Dollars (\$300.00) and the maximum fine shall be Fifty Thousand Dollars (\$50,000.00)
- (b) Upon a second or subsequent conviction for the same offence a fine shall be a minimum of Four Hundred Dollars (\$400.00) and the maximum fine shall be One Hundred Thousand Dollars (\$100,000.00)
- (c) Upon conviction for a continuing offence, the minimum fine shall be One Hundred Dollars (\$100.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00)."
- 31.5 For the purposes of this By-law, "multiple offences" means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 31.6 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 31.7 Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

32.0 – Proceeds of Fines

- 32.1 Pursuant to subsection 433 (1) of the Municipal Act, where a Person has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the Town.

33.0 – Special Fines

- 33.1 In addition to any other fine, every Person who gains an economic advantage or economic gain from contravening this By-law, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from such contravention. A special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

34.0 – Unpaid Fines

- 34.1 Pursuant to Subsection 441.1 of the Municipal Act, 2001, S.O. 2001, c. 25, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as taxes.

35.0 – General By-Law Enforcement Powers/Order to Discontinue Activity

- 35.1 Pursuant to section 444 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the contravening activity.

36.0 – Work Order

- 36.1 Pursuant to section 445 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to do work to correct the contravention.

37.0 – Obstruction

- 37.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

38.0 – Notice

- 38.1 Where an order is issued by the Town, the Person is in receipt of the order on the date it is posted in a conspicuous place at the subject Property. The Person is deemed to be in receipt of the order, if the order is delivered personally or posted by mail five (5) Business Days at the last known address provided to the Town. If no address for the Person has been provided, then the Town will send the notice by mail to the Property address identified on the tax rolls.

39.0 – Fees

- 39.1 Any fees and administrative costs associated with this By-law are non-refundable and are either indicated in the Town's Fees and Charges By-law, as amended, or in this By-law.

40.0 – General Provisions

- 40.1 Where a timeframe is set out in this By-law for carrying out any action, the Town may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Town.
- 40.2 The AWWA Standards referred to herein shall form part of this By-law.

41.0 – Severability

- 41.1 Notwithstanding that any section, or any part or parts thereof, of this By-law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that

such section, or part or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and enacted as such.

42.0 – Repeal

42.1 All By-laws of the Town previously providing for installation, inspection, repair, maintenance, and access to Water Meters and related appurtenances are hereby repealed.

43.0 – Interpretation

43.1 The provisions of Part VI of the Legislation Act, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-law.

44.0 – Short Title

44.1 This By-law shall be known as the “Water Meter By-law”.

45.0 – Effective Date

45.1 This By-law comes into force on the day it is passed.

Enacted xx this day of xxxx, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



August 28, 2017

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
PUBLIC WORKS SERVICES 2017 - 24**

TO: Committee of the Whole

SUBJECT: Sewer Use By-law Update - Discharge of Sewage, Storm Water and Land Drainage By-law within the serviced area of The Corporation of the Town of Newmarket

ORIGIN: Director, Public Works Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report - PWS 2017-24 dated August 28, 2017, entitled "Sewer Use By-law Update - Discharge of Sewage, Storm Water and Land Drainage By-law within the serviced area of The Corporation of the Town of Newmarket" be received and the following recommendations be adopted:

- 1. THAT Council adopt an updated Sewer Use By-law to protect the environment, public health and the Town's infrastructure, as described in this report and set out in By-law 2017-50 (Attachment 1);**
- 2. AND THAT Council repeal the current Sewer Use By-law No. 2006-111, as amended;**
- 3. AND THAT a copy of The Town of Newmarket's Sewer Use By-law No. 2017-50 be forwarded to the Regional Clerk York Region for information.**

COMMENTS

The updated Sewer Use By-law will be of benefit to citizens and businesses in the Town by protecting the environment and public health, and managing costs for sewer pipe repair, replacement, operations and maintenance.

The Sewer Use By-law No. 2017-50 is a By-law designed to regulate discharges to Municipal Sewers in The Town of Newmarket. The new By-law update reflects current standards, continues to protect Town infrastructure and the environment, improves enforcement abilities and limits types and quantities of discharges into sewer systems.

York Region has replaced its Sewer Use By-law # S-0064-2005-009 dated January 2006 with an updated By-law 2011-56 dated November 2011. The Town's By-law has not been updated since 2006 and should reflect current sewer use best practices and align with the Region's Sewer Use By-law.

The Town of Newmarket is responsible for the collection and conveyance of wastewater within The Town of Newmarket to York Region sewage facilities. The wastewater is conveyed by the York-Durham Sewage System (YDSS) and is treated at the Duffin Creek Water Pollution Control Plant in Durham Region and the treated wastewater is discharged into Lake Ontario.

The Town of Newmarket is also responsible for the operation, maintenance, repair and replacement of sanitary and storm water collection systems, four (4) sewage pumping stations and storm water maintenance ponds within the Town.

The Sewer Use By-law regulates and limits the types and quantities of influent that can be discharged into the sewer systems to ensure the protection of both local and regional staff, infrastructure and the environment.

The Sewer Use By-law and the sewer compliance program embedded within the By-law will help reduce the impact of industrial, commercial and institutional discharges on sewer infrastructure. By minimizing impact on sewer infrastructure, users will have a wastewater system that is more reliable, less expensive to maintain and incurs less repair and replacement costs.

The proposed Sewer Use By-law is set out in Attachment 1. The underlying framework remains largely unchanged, but numerous improvements have been incorporated.

Improved clarity:

- New definitions have been added and existing definitions have been clarified.
- Discharger responsibility for sampling and ensuring an on-site maintenance access hole is available has been clarified.
- Activities that contravene the Sewer Use By-law have been clarified.

Improved administration and flexibility:

- Dischargers are required to provide the Region with specified information regarding discharges to the sewer system.
- New dischargers (those who initiate a discharge to the sanitary sewer after the date the By-law is enacted) are required to inform the Region and Town before the first discharge occurs and provide information on the nature of the intended discharge.
- New requirements for the retention and production of maintenance records have been incorporated.
- A new section has been added to direct how documents under the Sewer Use By-law are to be formally served.

Improved enforcement abilities:

- A rebuttable presumption clause has been added to aid in prosecutions.

- When there is reason to believe a contravention has occurred, an enforcement officer can issue orders that require a discharger to stop a discharge or take corrective action.
- The maximum fines for offences have been increased and a system to recognize situations of continuing and multiple offences has been created.
- The powers of enforcement officers to enter onto property for purposes related to the Sewer Use By-law have been expanded and clarified.

Improved protection of infrastructure and the environment:

- Existing restrictions for discharges to the sanitary sewer have been expanded to, among other things, prohibit the discharge of non-contact cooling water, substances causing a hazard or adverse effect on infrastructure and the environment and unauthorized discharges of liquids or materials pumped out of catch-basins.
- Clearer regulation of acceptable discharges to storm sewers and land drainage works, including the new prohibition of the discharge of oil and grease, cooling water, non-contact cooling water, any substance or thing that would contravene provincial or federal environmental legislation, and unauthorized discharges of liquids or materials pumped out of catch-basins.
- Discharges from dewatering activities have been expressly regulated, addressing past confusion in this area.
- As part of a compliance program, a discharger may be required to install a pre-treatment facility.
- Should there be a spill to sewage works, more stringent information requirements have been added.
- New and enhanced requirements have been included to address the installation of food-related oil and grease interceptors, vehicle and equipment service oil and grease interceptors and sediment interceptors at industrial and commercial facilities that also specify standards for maintenance and use.
- A number of new prohibitions related to damage or entry to, and tampering with, sewage works.

The revised Town of Newmarket's Sewer Use By-law aligns with York Region's Sewer Use By-law

Town staff has had numerous discussions with York Region staff regarding roles and responsibilities with respect to two tier sewer use service delivery. The areas of governance, communication, stakeholder management as well as monitoring and enforcement continue to be the guiding principles of the two tier service delivery model. The Sewer Use Program Collaborative Framework, developed by the Region and its municipalities in 2013, provides the framework for a collaborative sewer use program within York Region.

Accordingly, roles and responsibilities on implementation of the sewer compliance program and sewer use activities were reviewed with York Region and established through the "Responsibility Matrix" (Attachment 2). The Responsibility Matrix is categorized into sampling and monitoring, enforcement and compliance, administration, special agreements as well as communication and outreach. The Responsibility Matrix is not a legally binding document, but it provides a foundation to achieve a collaborative sewer use program.

The monitoring of industrial discharges within the Town will be carried out collaboratively by York Region and the Town. Both York Region and the Town will enforce their own Sewer Use By-law; however, enforcement pertaining to discharges impacting local systems will primarily be done by the Town, whereas York Region will focus on the enforcement of the matters that have an impact on Regional infrastructure.

To meet the Town's requirement to enforce the Town's Sewer Use By-law, Public Works Services staff will consult with Legislative Services staff to determine the most efficient and effective method for enforcement.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The Sewer Use By-law and Enforcement Program are linked to the Town of Newmarket's Vision; "Well beyond the ordinary" in all five strategic directions and Council's Strategic Priority theme of Efficiency / Financial Management

CONSULTATION

Consultation on the proposed Sewer Use By-law included internal review by the Town's Legal staff, Legislative Services, By-laws and Water and Wastewater Operations. External consultation included York Region staff and a review of best practices of other York Region municipalities

HUMAN RESOURCE CONSIDERATIONS

Current staffing levels are not impacted as a result of the recommendations in this report.

BUDGET IMPACT

Operating Budget (Current and Future)

Enactment of the proposed Sewer Use By-law would assist in taking a proactive approach and preventing and mitigating the premature degradation of Regional and local municipal wastewater infrastructure.

There is no financial impact as a result of the recommendations of this report beyond those already identified and approved in the 2017 Water and Wastewater operating budget. Also, the costs associated with equipment and sampling for implementation of the proposed Sewer Use By-law have been approved in the 2017 Water and Wastewater operating budget.

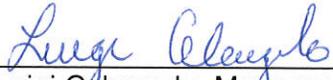
Future costs and resources associated with the Sewer Use By-law will be included in the annual water and wastewater operating budget.

Capital Budget

There is no immediate impact on the Capital Budget.

CONTACT

For more information on this report, contact: Luigi Colangelo, Manager Water/Wastewater Services, at extension 2553.



Luigi Colangelo, Manager
Water/Wastewater Services



Chris Kalimootoo, Director
Public Works Services



Peter Noehammer, Commissioner
Development and Infrastructure Services

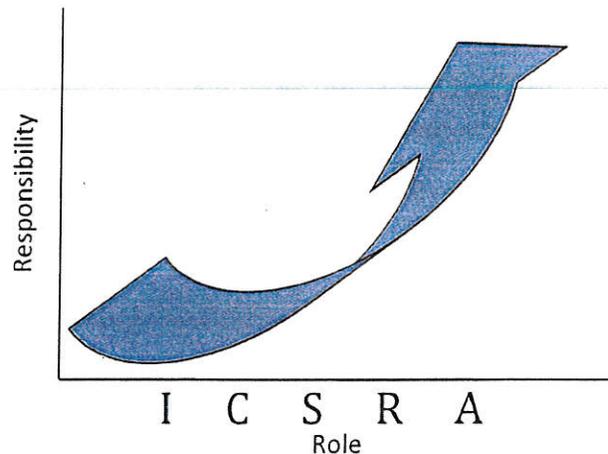
Responsibility Matrix – York Region and the Town of Newmarket

The purpose of this matrix is to establish roles and responsibilities of the Regional Municipality of York's (the "Region") and the Town of Newmarket's (the "Town") sewer use bylaw program in order to enhance the effectiveness and efficiency of program delivery. This collaborative effort will:

- minimize duplicated sampling tasks
- increase monitoring coverage of ICI dischargers
- allow better information sharing
- better protect the overall wastewater systems
- help reduce program expenditures
- facilitate enforcement of the bylaws

The definition for each of the roles is as follows:

- "A" Accountable, 'The Buck Stops Here'
- "R" Responsible, 'The Doer'
- "S" Support
- "C" Consult, 'In the loop'
- "I" Inform, 'Keep in the picture', provide input when requested or required



The role of "I" (inform) involves the least responsibility while the role of "A" (accountable) involves the most. Where two parties share the role of "R" indicates collaboration.

Activity	York Region	Newmarket	ICI
1. Sampling and Monitoring			
Includes regular sampling and monitoring, legal sampling, site inspections, fats, oil and grease			

1.1 Local Impact Sampling and Monitoring Policies

Create, review, update	SC	AR	I
Communicate with ICIs	C	AR	I

Activity	York Region	Newmarket	ICI
1.2 Regional Impact Sampling and Monitoring Policies			
Create, review, update	AR	SC	I
Communicate	AR	C	I
1.3 Surcharge Monitoring in Newmarket			
Surcharge ICIs	AR	SI	I
Inspect Surcharge ICIs	AR	SI	
Provide Surcharge ICI Listing	AR	CI	
Communicate with surcharge ICIs for all violations	AR	I	
Communicate with customers if surcharge ICIs affect/damage the local pipe integrity.	CI	AR	
1.4 Surcharge Agreements			
Create, review, update and communicate policy	AR	SC	
Prepare, process and cancel/end surcharge agreements	AR	SC	
Issue surcharge agreements	AR	SCI	I
Monitor surcharge industries and upload data to the portal	AR	I	
Communicate and prepare surcharge billing invoices	AR	I	
Review and comment surcharge agreements within 1 week of receipt	SC	AR	
1.5 Routine Monitoring in Newmarket			
Region - Sampling High, Medium, Low Risk ICIs	AR	CI	I
o Determine which parameters are sampled at each location	AR	SI	
o Prepare COCs and sampling bottles; take samples and deliver them to the Lab; pay lab fee	AR		
o Inspect industries	AR	CI	
1.6 Ensuring Grease Traps in Food Establishments			
Education materials - development	AR	SC	C
Education materials – delivery to customers	AR	SC	
On-site inspections and communication	AR	SC	

Activity	York Region	Newmarket	ICI
1.7 Identification of New Businesses			
Newmarket to liaise with appropriate departments and agencies to get annual updates on new businesses and share with York Region annually	CI	AR	S
1.8 Discharger Information Report			
Collect information from Surcharge ICIs	AR	CI	CI
Collect information from ICIs other than surcharges	AR	AR	S
Collect and analyze initial characterization samples	AR	I	S
Conduct Risk Assessment for all parameters	AR	CI	S
Determine if new ICI to be monitored by Town or Region	AR	AR	
1.9 Regional Asset Management			
Proactive infrastructure inspection	AR	SC	
Investigation (e.g.) tracing questionable discharges up the sewer system to identify potential source	AR	SC	
1.10 Town Asset Management			
Proactive infrastructure inspection	SC	AR	
Investigation (e.g.) tracing questionable discharges up the sewer system to identify potential source	SC	AR	
Billing ICIs for damages	SC	AR	I
2. Enforcement and Compliance			
Includes escalation protocol for non-compliant dischargers: Violation notices, issuing of tickets, orders, compliance programs, investigations, collection of evidence, court proceedings.			
The monitoring of industrial discharges within the Town will be carried out collaboratively by the Region and the Town. Both the Region and the Town will enforce their own Sewer Use Bylaw. Enforcement will typically be conducted by the municipality that has conducted the investigation and that has a history with the ICI.			
2.1 Local Impact Enforcement and Compliance			
Create, review, update policies	SC	AR	C
Communicate policies	SI	AR	I

Activity	York Region	Newmarket	ICI
Take enforcement action <ul style="list-style-type: none"> • Violation Notices • Compliance Orders • Legal Proceedings • Recover repair costs from dischargers for infrastructure damages 	SC	AR	I
2.2 Regional Impact Enforcement and Compliance			
Create, review, update policies	AR	CI	I
Communicate policies	AR	CI	I
Take enforcement action <ul style="list-style-type: none"> • Violation Notices • Compliance Orders • Legal Proceedings 	AR	SC	I
2.3 Industrial Sanitary Spill Response			
Create, review, update and communicate policy	AR	SC	C
Respond	AR	SC	R
2.4 Compliance Program			
Create, review, update and communicate policy	AR	SC	
Process and review applications	AR	SC	
Issue compliance approval	AR	CI	
Monitor compliance plan progress	AR	SI	I
Conduct Compliance Program Close-out Inspection	AR	I	
Review new Compliance Program applications within 1 week of receipt	SC	AR	

3. Administration

Includes activities and tools for the entire program

* The Region and local municipalities will each be responsible for their respective bylaws and program data

3.1 Data Management

Collect and store the testing data conducted by the Region	AR	SC	I
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Activity	York Region	Newmarket	ICI
• Surcharges/compliance program/dewatering discharge program	AR	SCI	I
• Regular monitoring	AR	I	I
• Sharing DIR data	AR	AR	I
• Review Data	AR	SC	I

Dewatering Discharge Program

4.1 Dewatering Discharge Requests - (Local infrastructure impacted first)

Create, review, update and communicate policy	SC	AR	I
Process and review dewatering discharge applications	SC	AR	
Issue dewatering discharge approval	SC	AR	I
Conduct dewatering discharge inspections	SC	AR	I
Monitor dewatering discharge quality and quantity	I	AR	
Provide discharge quantities to York Region at completion of project	I	AR	R

4.2 Dewatering Discharge Requests (Regional infrastructure impacted first)

Create, review, update and communicate policy	AR	SC	
Process and review dewatering discharge applications	AR	SC	
Issue dewatering discharge approval	AR	I	I
Conduct dewatering discharge inspection	AR	I	I
Monitor dewatering discharge quality and quantity	AR	I	I

Activity	York Region	Newmarket	ICI
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4. Communication and Outreach

Includes communication to Council, ICI dischargers, residents, and industry organizations/associations

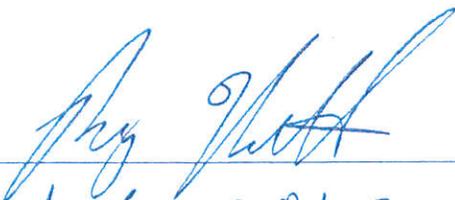
* The Region and the Town will work collaboratively to develop reports, presentations, and promotional/educational materials. Each party, however, will be responsible for its own production of the materials.

Council Reports and Presentations – to ROY’s Council	AR	CI
Council Reports and Presentations – to Newmarket’s Council	CI	AR
Distributing promotional and educational materials – Regional Impacts	AR	SI
Distributing promotional and educational materials – Local Impacts	SI	AR
Complaints – Regional infrastructure	AR	SI
Complaints – Local Infrastructure	SI	AR

This York Region – Newmarket Responsibility Matrix is not a legally binding document; rather it provides the foundation in which both municipalities will work to achieve a collaborative sewer use program. Staff endorse the principles set out in the Matrix.

Signatures:

Roy Huetl, Director, Operations,
Maintenance and Monitoring
York Region



 Date July 28/17

Chris Kalimootoo, Director, Public Works
Services, Town of Newmarket



 Date July 27, 2017

**Corporation of the Town of Newmarket****By-law Number 2017-50**

A by-law to enact rules and regulations for the installation and connection of private sewers to sewage works, and the discharge of sewage, storm water and land drainage within the serviced area of The Corporation of the Town of Newmarket.

WHEREAS The Corporation of the Town of Newmarket (hereinafter referred to as the "Town") is a local municipality within the Regional Municipality of York in the Province of Ontario;

AND WHEREAS section 11(3) of the Municipal Act, 2001, S.O. 2001 c. 25, authorizes a municipality to pass by-laws respecting matters concerning public utilities;

AND WHEREAS the Town has the responsibility for the Town's sewer infrastructure to:

- a) maintain and protect the integrity of the Town's sewer infrastructure;
- b) control the quality and quantity of sewage or storm water or land drainage entering sewage works; and
- c) prevent adverse effects to persons, property and the natural environment from discharges to the Town's infrastructure.

AND WHEREAS section 391(1) of the Municipal Act, 2001, S.O. c. 25, provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 398(1) of the Municipal Act, 2001, S.O. c. 25, provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

AND WHEREAS section 398(2) of the Municipal Act, 2001, S.O. c. 25, provides that a municipality may add fees and charges to the tax roll of the property to which the public utility is supplied and collect them in the same manner as municipal taxes;

AND WHEREAS Section 436(1) of the Municipal Act, 2001, S.O. c. 25, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

AND WHEREAS Section 429(1) of the Municipal Act, 2001, S.O. c. 25, provides that a municipality may establish a system of fines for a by-law passed under the Municipal Act;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. c. 25, provides that a municipality may proceed to do things at a Person's expense which that Person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes.

1.0 – Definitions and Interpretation

1.1 In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.

1.2 For the purposes of this By-law:

"Accredited laboratory" means any laboratory accredited by an authorized accreditation body in accordance with a standard based on CAN-P-1585 "Requirements for the Accreditation of Environmental Testing Laboratories established by the Standards Council of Canada, as amended, or ISO/JEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories" established by the International Organization for Standardization, as amended;

"Biochemical oxygen demand" or "BOD" means the molecular oxygen utilized in a sample, including sewage, storm water, uncontaminated water, and any other substance to which this By-law applies during a 5-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides, ferrous iron, and the amount of oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) as determined by the appropriate procedure in Standard Methods;

"Biosolids" means organic solid material recovered from the sewage treatment process;

"Blowdown water" means recirculation water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or might impair the operation of the system;

"Building Code Act" means the Ontario Building Code Act, 1992, S.O. 1992, c.23, as amended, or any successor thereof;

"Combustible liquid" means any liquid having a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius;

"Compliance program" means the necessary steps undertaken by a discharger to bring sewage discharged into the sewage works into compliance with the terms and conditions of this By-law or related permit.

"Composite sample" means two or more grab samples of a discharge to the sewage works taken at intervals during the sampling that have been combined automatically or manually;

"Connection" means that part or those parts of any pipe or system of pipes leading directly to sewage works;

"Contact cooling water" means water that is used in an industrial process, for the purpose of removing heat, that comes into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water;

"Council" means the Council of The Corporation of the Town of Newmarket;

"Dental amalgam" means a dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc;

"Dental amalgam separator" means any technology, or combination of technologies, designed to separate dental amalgam particles from dental operation sewage;

"Dewatering activity" means, taking water from a well or otherwise extracting groundwater; draining water from a permanent or temporary pond or other surface water body, whether natural or man-made; releasing water previously stored in a tank, tanker truck, vessel, or other means of water storage; the permanent or temporary alteration of a natural or pre-existing drainage pattern above or below ground; or any combination of the above-noted activities, where the water from such activity would be discharged to a sewage works and such activity is related to a construction, land development, renovation, repair, maintenance or demolition activity at a property;

"Director of Public Works Services" shall mean the person designated as the Director for the Department of Public Works Services of the Town or his or her designate;

"Discharge" when used as a verb, includes add, deposit, emit, release or leak and, when used as a noun, includes addition, deposit, emission, release or leakage;

"Discharger" includes a person, a person who is the owner, is in occupation of, or has charge, management or control of a site that discharges sewage, storm water, uncontaminated water or other substance or thing to which this By-law applies to sewage works;

"Drain" means that part or those parts of any pipe or system of pipes leading directly to sewage works;

"Emergency" means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;

"Environmental Protection Act" means the Ontario Environmental Protection Act, R.S.O. 1990, c. E.19, as amended from time to time;

"Fees and Charges By-law" means a Town by-law to impose fees and charges for services or activities provided or done by the Town, as may be amended from time to time;

"Fisheries Act" means the Fisheries Act, R.S.C. 1985, c. F-14, as amended from time to time;

"Flammable liquid" means a liquid having a flash point below 37.8 degrees Celsius and a vapour pressure not more than 275.8 kPa (absolute) at 37.8 degrees Celsius as determined by the American Society for Testing and Materials D323-99a, "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)";

"Fuel" includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;

"Grab sample" means a sample of a discharge into a sewage works, which is collected continuously over a period not exceeding 15 minutes;

"Groundwater" means subsurface water including water held in soil, in pores, cracks or crevices in rocks or as a free standing body beneath the existing ground surface;

"Hauled sewage" includes sewage which is removed from a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, a sewage holding tank or any sewage infrastructure and is transported for discharge, but does not include hauled waste;

"Hauled waste" means liquid industrial waste (as this term is defined by Reg. 347) that is transported for discharge and that must be transported with a manifest in accordance with Reg. 347, but does not include hauled sewage;

"Hazardous waste" includes a waste that is an acute hazardous waste chemical, hazardous industrial waste, hazardous waste chemical, corrosive waste, ignitable waste, pathological waste, reactive waste, radioactive waste, PCB waste, leachate toxic waste or severely toxic waste, or any combination thereof, each as defined by Reg. 347;

"Industrial" means of or pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from residential;

"Interceptor" means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into sewage works;

"Land drainage works" includes a drain constructed by any means which is owned by the Town and is located within the limits of a public road allowance or other public lands or public land interests held for public utility purposes which may or may not connect to a storm sewer, or a drain constructed by any means that connects directly or indirectly to a Town's storm sewer or any other sewage works;

"Leachate" means the liquid produced by water or other liquids percolating through waste or by liquid in the waste;

"Maintenance access hole" means an access point in a sewer connection to a municipal sewage works that allows for the observation, monitoring, sampling, flow measurement and other related activities of the sewage, storm water, uncontaminated water or other substance therein;

"Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended from time to time;

"Municipal sewer connection" means that part of any drain leading from the private sewer connection and connected to the municipal sewage work and located within the limits of the public road allowance, or other public lands or public land interests held for public utility purposes;

"Natural environment" means the air, land and water, or any combination or part thereof;

"Non-contact cooling water" means water that is used in an industrial process, for the purpose of removing heat, that has not come into contact with any raw material, intermediate product, waste product or finished product of the industrial process other than heat, but does not include blowdown water;

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

"Order" includes an Order made under this By-law or the Municipal Act;

"Ontario Water Resources Act" means the Ontario Water Resources Act, R.S.O. 1990, c. 0.40, as amended from time to time;

"PCBs" means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them and includes PCB waste as defined by R.R.O. 1990, Reg. 362 (Waste Management-PCBs) made under the Environmental Protection Act, as amended from time to time;

"Person" includes an individual, association, organization, partnership, municipality or other corporation and includes an agent or employee of any of them;

"Pesticide" means a pesticide as defined by and regulated under the Pesticides Act, R.S.O. 1990, c. P.11, as amended from time to time;

"PH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per litre of solution;

"Phenolics or Phenolic Compounds" means those hydroxyl derivatives of benzene, or its condensed nuclei, which can be identified by the 4-

Aminoantipyrene method in accordance with Standard Methods, or the Gibbs procedures, as set out in the Standard Methods;

"Pollution prevention" means the use of processes, practices, materials or products that avoid, reduce or control pollution, which may include recycling, treatment, process changes, control mechanisms, efficient use of resources and material substitution;

"Pollution prevention plan" means a detailed plan that identifies operation or activities of a discharger and identifies specific pollution prevention methods to be implemented within a specific timeframe;

"Pre-treatment" means the reduction, elimination or alteration of pollutants in sewage or storm water prior to discharge into a sewage works. This reduction or alteration can be achieved by physical, chemical, or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants;

"Private sewage disposal system" means a sewage system that is not owned and operated by the Crown, a municipality or an organization acceptable to the Provincial government Director who is responsible for issuing a Certificate of Approval under the Ontario Water Resources Act, R.S.O. 1990, c. 0.40. It includes any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage;

"Private sewer connection" means that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building lying within the limits of the private lands and leading to a municipal sewer connection whose responsibility for maintenance is the property owner's;

"Property" means any land, whether vacant or occupied by a building or structure and includes such building or structure or part of a building or structure, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes a site;

"Reg. 347" means R.R.O. 1990, Reg. 347 (General - Waste Management) made under the Environmental Protection Act, as amended from time to time;

"Region" means The Regional Municipality of York, including enforcement officers and its designated representatives;

"Roof water leader" means a pipe that is installed to carry storm water from a roof to a place of disposal;

"Sanitary sewer" means any part of the sewage works that is intended to collect and convey sewage to a sewage pumping station and treatment facility;

"Sediment interceptor" means a device or structure that is utilized to separate sediment from the sewage. It can include catch-basin sumps or manufactured oil/grit separators;

"Sewage" means any liquid containing organic, inorganic, animal, vegetable or mineral matter in solution or in suspension, including floating materials, but does not include storm water or uncontaminated water alone;

"Sewage works" means any works owned by the Town used for the collection, transmission, treatment or disposal of sewage, storm water or uncontaminated water and includes a sanitary sewer, storm sewer and land drainage works;

"Site" means a property where a business activity takes place that is capable of discharging to a sewage works;

"Spill" means a discharge of any substance to a sewage works or to the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge;

"Standard Methods" means a procedure or method set out in "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, as amended from time to time;

"Storm sewer" means any part of the sewage works that is intended to collect and convey storm water, uncontaminated water, surface runoff or drainage from land or from a watercourse or any combination thereof;

"Storm water" includes water from rainfall or other precipitation or from the melting of snow or ice;

"Subsurface drainage pipe" means a pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes;

"Substance" means any physical matter, whether solid, liquid or gas;

"Surcharge agreement" means an agreement that the Region, at its discretion, may enter into with a discharger to permit the discharge of sewage into its sanitary transmission sewer and sewage treatment plant that would otherwise be prohibited by this By-law;

"Town" means The Corporation of the Town of Newmarket, including enforcement officers and its designated representatives;

"Uncontaminated water" means water with a level of quality which is typical of potable water normally supplied by the Town or whose quality does not exceed the values in "Table 2 - Limits for Storm Sewer Discharge";

"Waste radioactive prescribed substances" means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Canadian Nuclear Safety Commission, or its successor, may designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy;

"Watercourse" means an open channel, ditch or depression, either natural or artificial in which flow of water occurs either continuously or intermittently;

"Wye connection" means a single private sewer connection that is intended to service two properties.

2.0 – Administration

2.1 Subject to the terms of this or other By-laws, or the directions of Council:

- a) Administration of this By-law shall be by the Director of Public Works Services; and
- b) Enforcement of this By-law shall be by enforcement officers appointed for the purpose of enforcing the provisions of this By-law, which shall include the following:
 - i. any Staff designated or delegated by the Director of Public Works Services;
 - ii. Municipal Law Enforcement Officers

3.0 – Sanitary Sewer Requirements

3.1 Prohibition of Discharge into Sanitary Sewers – No person or discharger shall discharge or cause or permit the discharge of a substance to a sanitary sewer in circumstances where;

- a) to do so may cause or result in;
 - i. a health or safety hazard to a person authorized to inspect, operate, maintain, repair or otherwise work on, in or around a sewage works;
 - ii. a hazard or other adverse effect, to any person, animal, property, vegetation or the natural environment;
 - iii. an offence under the Ontario Water Resources Act or the Environmental Protection Act or any regulation made thereunder;
 - iv. biosolids from the sewage works which sewage discharges to, failing to meet the objectives and criteria set out in the Ministry of the Environment and Climate Change publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land" dated March 1996, as amended from time to time;
 - v. dyes or colouring materials to pass through a sewage works which could discolour the sewage works effluent; except where the Town is required to perform a dye test for a cross connection inspection;
 - vi. interference with the inspection, operation, maintenance or repair of a sewage works or which may impair or interfere with any sewage treatment process; or

- vii. an offensive odour to emanate from the sewage works that is detectable within the vicinity of the sewage works, and includes, without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantities as may cause an offensive odour;
 - viii. damage to a sewage works or any part thereof; and/ or
 - ix. an obstruction or restriction to the flow in the sanitary sewer;
- b) the sewage has or exhibits;
- i. a pH less than 6.0 or greater than 10.5;
 - ii. two or more separate liquid layers; and/or
 - iii. a temperature greater than 60 degrees Celsius.
- c) the sewage contains or is likely to contain,
- i. combustible liquid;
 - ii. flammable liquid;
 - iii. fuel;
 - iv. hauled sewage;
 - v. hauled waste;
 - vi. hazardous waste;
 - vii. PCBs;
 - viii. a pesticide;
 - ix. waste radioactive prescribed substances;
 - x. leachate, unless otherwise permitted by the Town;
 - xi. a liquid or material resulting from the pump-out or cleaning of a catch-basin, sediment interceptor, or maintenance access hole, except where any grit or other contaminants have been removed or reduced to levels acceptable to the Town, and the prior written approval for the discharge has been obtained from the Town under subsection 3.2(b) herein;
 - xii. any quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage works and without limiting the generality of the foregoing, any such quantity of ashes, cinders, garbage, sand, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood, cellulose, oil,

fat and grease of animal or vegetable origin, oil grease and tar of mineral origin;

- xiii. sewage containing animal waste, and without limiting the generality of the foregoing, containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones or poultry heads or sewage containing hair, wool, fur, feathers, paunch manure or fleshings in a quantity sufficient to interfere with the proper operation of the sewage works; and/or
 - xiv. any contaminant at a concentration that exceeds any one or more of the limits in Table 1 as set out in Schedule "A" of this By-law, entitled "Limits for Sanitary Sewer Discharge", except where the discharge is proceeding under and carried out in accordance with and only to the extent expressly permitted by all terms and conditions of a surcharge agreement, compliance program or pollution prevention plan which has been previously authorized or approved in writing by the Town and/or the Region with respects to applicable section, prior to the discharge in accordance with the provisions of this By-law.
- d) the discharge is storm water, non-contact cooling water, water from a dewatering activity, or uncontaminated water.

3.2 Request and Approval of Special Discharge into Sanitary Sewers

- a) Notwithstanding subsection 3.1(d) of this By-law, the Town, in its sole discretion, may give a written approval for a temporary discharge of
 - i. storm water,
 - ii. non-contact cooling water,
 - iii. water from a dewatering activity,
 - iv. uncontaminated water,
 to a sanitary sewer, where,
 - i. the discharge is requested as a result of a situation that the Town, in its sole discretion, considers to be an emergency; or
 - ii. in the case of a proposed building, no storm sewer exists adjacent to the building; or
 - iii. in the case of an existing building, no storm connection exists to the building.
- b) The Town, in its sole discretion, may approve a discharge described in subsections 3.2(a) or 3.1(c) (xi) herein on such terms and conditions as it may deem appropriate, including terms and conditions in respect of protecting the sewage works and other infrastructure, compensating the Town for costs related to the extra maintenance or repair of the sewage works and facilitating

administration of the approval. To assess a proposed discharge under subsections 3.2(a) or 3.1(c) (xi) herein; the Town must be provided with, 1. written request to the Town for the proposed discharge which includes,

- i. the reason for the need for special discharge;
 - ii. the volume rate and duration of water to be discharged;
 - iii. the location of the water source;
 - iv. the address of the property where the water is being used and from which it is being discharged;
 - v. the details of the proposed discharge plan to include sampling, monitoring and contingency plan;
 - vi. a copy of a valid Permit to Take Water issued by the Ministry of the Environment and Climate Change in respect of the taking of the water that would be discharged, where such Permit to Take Water is required by the Ontario Water Resources Act;
 - vii. a copy of approval from other appropriate government agencies if applicable; and
 - viii. payment for any application fees for reviewing a request for a discharge application and temporary discharge fees under this section that may be imposed by the Town from time to time.
- c) For the purposes of this Part, the Town may require a person to provide plans, specifications, reports, studies, data, analytical results, documentation or other information to the satisfaction of the Town to assess whether or not an actual or potential discharge may or could interfere with the Town's sanitary sewer works or contravene Part 3 of this By-law.

4.0 – Storm Sewer Requirements

4.1 No person or discharger shall discharge or cause or permit the discharge of a substance to a storm sewer or to land drainage works in circumstance where;

- a) the discharge is not storm water or not uncontaminated water in accordance with this By-law;
- b) to do so may cause or result in,
 - i. health or safety hazard to a person authorized to inspect, operate, maintain, repair or otherwise work on, in or around a sewage works;
 - ii. interference with the proper operation of a storm sewer or land drainage works; or

- iii. an obstruction or restriction to a storm sewer or land drainage works or the flow therein;
- iv. damage to a storm sewer or land drainage works;
- v. a hazard or other adverse effect to any person, animal, property, vegetation or the natural environment;
- vi. impairment of the quality of any water including water in any well, aquifer, lake, river, pond, spring, stream, reservoir or other watercourse;
- vii. an offence under the Ontario Water Resources Act, the Environmental Protection Act or the Fisheries Act with respect to the storm sewer or land drainage works and/or the direct or indirect discharge from the storm sewer or land drainage works into any watercourse; and/or
- viii. not satisfying the criteria for environmentally sensitive water courses

c) the water has or exhibits,

- i. two or more separate liquid layers;
- ii. a visible film, sheen or discoloration;
- iii. a temperature greater than 4 0 degrees Celsius; and/or
- iv. a pH less than 6.0 or greater than 9.0;

d) the discharge contains or is likely to contain,

- i. blowdown water;
- ii. water from a dewatering activity;
- iii. combustible liquid;
- iv. flammable liquid;
- v. floating debris;
- vi. fuel;
- vii. oil and/or grease;
- viii. hauled sewage;
- ix. hauled waste;
- x. hazardous waste;
- xi. PCBs;
- xii. pesticides;

- xiii. sewage;
- xiv. waste radioactive prescribed substances;
- xv. leachate;
- xvi. a substance from raw materials, intermediate or final materials, used or produced in, through or from an industrial process;
- xvii. a substance used in the operation or maintenance of a site;
- xviii. any contaminant at a concentration that exceeds any one or more of the limits in Table 2 as set out in Schedule "A" of this By-law, entitled "Limits for Storm Sewer Discharge"; and/or
- xix. a liquid or material resulting from the pump-out or cleaning of a catch-basin, sediment interceptor, or maintenance access hole, except where any grit or other contaminants have been removed or reduced to levels acceptable to the Town, and the prior written approval for the discharge has been obtained from the Town under subsection 4.2(b).

4.2 Notwithstanding subsections 4.1(a) and 4.1(d)(iii) of this By-law, the Town, in its sole discretion, may give a written approval for a discharge of water from a dewatering activity, to a storm sewer or land drainage works on such terms and conditions as it may deem appropriate including but not limited to terms and conditions in respect of protecting the sewage works, other infrastructure and the natural environment, standards for parameters in the discharge, volume of the discharge, compensating the Town for costs related to extra maintenance or repair of the sewage works and facilitating administration of the approval.

Where the Town has given prior written approval for a discharge in accordance with subsections 4.2(a) or 4.1(d)(xix) herein, a person may discharge the pump-out, cleaning of a catch-basin, sediment interceptor, or storm maintenance access hole, or water from a dewatering activity to a storm sewer or land drainage works only to the extent permitted by and where the person is complying with all terms and conditions of the prior written approval. To assess a proposed discharge under subsections 4.2(a) or 4.1(d)(xix), the Town must be provided with,

- a) written request to the Town for the proposed discharge which includes,
 - i. the reason for the need for special discharge;
 - ii. the volume, rate and duration of water to be discharged;
 - iii. the location of the water source;
 - iv. the address of the location where the water is being discharged; and
 - v. the details of the proposed discharge plan to include sampling, monitoring and contingency plan;
- b) a copy of a valid Permit to Take Water issued by the Ministry of the Environment and Climate Change in respect of the taking of the water that would be discharged, where such Permit to Take Water is required by the Ontario Water Resources Act;
- c) a copy of approval from other appropriate government agencies if applicable; and

- d) payment for any application fees for reviewing a request for a discharge under this section that may be imposed by the Town from time to time.

- 4.3 For the purposes of this Part, the Town may require a person to provide plans, specifications, reports, studies, data, analytical results, documentation or other information to the satisfaction of the Town to assess whether or not an actual or potential discharge may or could interfere with the Town's storm sewer or contravene Part 4 of this By-law.

5.0 – Prohibition of Dilution

- 5.1 No person or discharger shall discharge or cause or permit the discharge of a substance into a sewage works in circumstances where water has been added to the discharge for the purposes of dilution such that after dilution the discharge does not contravene Part 3 or Part 4 of this By-law.

6.0 – Discharger Information Request

- 6.1 A discharger shall complete a Discharger Information Report form provided by the Town and submit it to the Town within thirty (30) calendar days of written notification by the Town that such report is required.
- 6.2 Where a discharger is required by the Town to complete a Discharger Information Report, the discharger shall provide written notice of any change in the information requested in the Discharger Information Report a minimum of thirty (30) calendar days prior to the effective date of such change. Such notice shall include pertinent details of any change to the operation, process, or pre-treatment facilities, and shall include any analyses of the sewage and any other information related to the discharge as may be required by the Town.

7.0 – Surcharge Agreement

- 7.1 Only through an approved surcharge agreement entered into with the Region, will a discharger be allowed to discharge or deposit sewage containing parameters set by that surcharge agreement in excess of limits established by this By-law.
- 7.2 Nothing in this by-law should be construed to constrict the Region's ability to enter into surcharge agreements pertaining to properties under the jurisdiction of the Town. Any such agreement shall be governed under the provisions of the Regional Sewer Use By-law and be applicable to any sewage works governed by this By-law. The Region may enter into surcharge agreements with a discharger at the Region's sole discretion.

8.0 – Compliance Program

- 8.1 A discharger may submit to the Town, or submit and resubmit where required by the Town, a proposed compliance program to prevent, reduce or control a discharge of sewage which does not comply with the requirements of this By-law.
- 8.2 Upon receipt and review of a proposed compliance program pursuant to section 8.1 herein, the Town, at its sole discretion, may issue a compliance program approval with such terms and conditions the Town deems to be appropriate for any discharge which would otherwise not comply with this By-law. A non-compliant discharge authorized under an approval is only authorized in the amount and to the extent set out in the approval, during the period of planning, design, construction and

installation of facilities or works necessary to implement the approved compliance program.

- 8.3 The Town may terminate the compliance program by giving written notice to the discharger,
- a) at any time where, in the opinion of the Town, there is an immediate threat or danger to any person, animal, the natural environment, property, vegetation, in which case the termination shall be effective immediately upon receipt of the written notice of termination by the discharger; and/or
 - b) at any time where, in the opinion of the Town, the discharger fails or neglects to implement or pursue implementation of the actions required under the approved compliance program or otherwise fails to comply with the terms and conditions of an approval, in which case the termination shall be effective immediately upon receipt of the written notice of termination.
- 8.4 Where required by the Town pursuant to an approved compliance program, the discharger shall install at the site, and prior to the sampling point, a sewage pre-treatment facility at the discharger's expense and within specified timeframe.
- 8.5 A discharger who is the subject of an approved compliance program in accordance with this Part shall not be prosecuted for a contravention under Part 3 of this By-law for the discharge of sewage to the extent set out in the approved compliance program during the term of the approved compliance program, provided that such discharge is in compliance with the approved compliance program.
- 8.6 Where necessary, in the opinion of the Town, the discharger shall provide, at his expense, such preliminary treatments as may be necessary to reduce objectionable characteristics or constituents to within the limits established by the By-law.
- 8.7 Plans, specifications and any other pertinent information related to a Town Compliance Program shall be submitted for the approval of the Town and no construction of such facilities shall be commenced until said approvals are obtained in writing.

9.0 – Pollution Prevention Plan

- 9.1 The Town may, by written notice, require a discharger to develop a pollution prevention plan for the discharge of one or more of any of the parameters listed in Table 1 as set out in Schedule "A" of this By-law or any other parameter that may be designated by the Town with respect to the site from which the discharge occurs, where,
- a) the discharger is or has been non-compliant with Part 3 of this By-law;
 - b) the discharger is or has been non-compliant with Part 4 of this By-law;
 - c) the discharger is or has been in an approved compliance program with the Town; or
 - d) the discharger is or has been responsible for one or more spill(s) to a sewage works.

- 9.2 A pollution prevention plan shall comply with any guidelines that the Town may establish from time to time.
- 9.3 A pollution prevention plan shall be completed by the discharger and submitted to the Town for approval within six (6) calendar months of notification by the Town that a pollution prevention plan is required.
- 9.4 The discharger shall keep a copy of the current approved pollution prevention plan at the site in respect of which it was prepared and shall make the approved pollution prevention plan available for review by an enforcement officer and, upon request, shall provide a copy of the approved pollution prevention plan in the requested manner and format at no charge to the Town.
- 9.5 The Town may exempt a discharger from the requirements to develop a pollution prevention plan where the discharger has implemented and maintains a currently registered ISO 14001 Program which is accredited by the Standard Council of Canada or the Registrar Accreditation Board and which is currently accredited by a third party auditor. If such an exemption is made, the discharger shall keep a copy of the registered ISO 14001 Program at the site and shall make it available for review by an enforcement officer and, upon request, shall provide a copy in the requested manner and format, at no charge to the Town.

10.0 – Sampling and Analytical Requirements

- 10.1 The Town, by written notice, may require a discharger, at the discharger's expense, to monitor, sample and/or analyze, in accordance with the procedures and methods set out in Standard Methods and through an accredited laboratory, one or more discharges from a site and submit the analysis, results and/or the samples to the Town by the date set out in the notice.
- 10.2 The Town may establish non-compliance with this By-law on the basis of a grab sample or a composite sample of a discharge, which may contain additives for its preservation, that may be collected manually or by using an automatic sampling device, and analyzed in accordance with the procedures and methods set out in Standard Methods.
- 10.3 For each of the metals whose concentration is limited in Table 1 or Table 2 of Schedule "A", the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.
- 10.4 Where there is no maintenance access hole meeting the requirements of Part 17 of this By-law, the Town may, by given a written notice to the discharger, make use of an alternative device for the purpose of sampling a discharge to the sewage works.

11.0 – Spills

- 11.1 In the event of a spill to a sewage works, the person with charge, management or control of the substance spilled or the person who caused or permitted the spill shall immediately notify the Town, provide any information with respect to the spill which the Town advises it requires, and complete any work the Town may require to mitigate the spill.
- 11.2 Notwithstanding section 11.1 herein, the person who gave notice under that section shall do everything possible to stop and contain the spill, protect the health and safety of the public and adjacent occupants, minimize damage to property, protect the natural environment, mitigate actual and potential impacts, clean-up the spill and remediate and restore the affected area to its condition prior to the spill event.

- 11.3 Within five (5) calendar days after the first occurrence of the spill, the person who gave notice under section 11.1 herein shall provide a written report on the spill to the Town containing information to the best of the person's knowledge including,
- a) location where the spill occurred;
 - b) name and phone number of the person who reported the spill and location where such person can be contacted;
 - c) date and time of spill;
 - d) substance that was spilled;
 - e) physical and chemical characteristics of the spilled substance;
 - f) volume of the substance spilled;
 - g) duration of the spill event;
 - h) any relevant information regarding the cause of the spill or the circumstances surrounding the spill event;
 - i) work completed, in progress and/or to be undertaken to mitigate the spill;
 - j) prevention actions being taken to ensure the situation does not occur again; and
 - k) impact of the spill or any other information in relation to the spill the Town may indicate.
- 11.4 If a person to whom this Part applies is not able to provide or otherwise does not provide all of the information required by sections 11.1 and 11.3 herein, the person shall take all reasonable steps to ascertain the missing information and provide it immediately to the Town.
- 11.5 If a person to whom this Part applies becomes aware that any information provided to the Town pursuant to sections 11.1 and 11.3 herein was inaccurate or is no longer accurate, the person shall immediately notify the Town of the inaccuracy and provide corrected information.
- 11.6 The spill reporting requirements set out in this Part are in addition to and do not replace any other reporting obligations imposed upon a person by federal or provincial legislation or the Region.

12.0 – Confidential Information

- 12.1 All information submitted to and collected by the Town under the authority of this By-law, including but not limited to information contained in or obtained through Discharger Information Reports, pollution prevention plans, compliance programs, surcharge agreements, applications, inspection, monitoring or sampling activities will, except where otherwise provided in this section, be available for disclosure to the public in accordance with the Municipal Freedom of Information and Protection of Privacy Act, 2001, S.O. 2001, c. 25 ("MFIPPA"), as amended.

- 12.2 In the event that any person is submitting information, in any form, to the Town as required under this By-law where such information is confidential or proprietary or otherwise may be exempt from disclosure under MFIPPA, the person submitting the information shall so identify that information upon its submission to the Town and shall provide sufficient details as to the reason for its purported exemption from disclosure.

13.0 – Dental Waste Amalgam Separators

- 13.1 Every person who owns or operates a dental practice shall comply with the Dentistry Act, 1991, S.O. 1991, c. 24, and the regulations made thereunder, as amended from time to time, for the management and disposal of amalgam waste.
- 13.2 A maintenance schedule and record of maintenance shall be made available for review by an enforcement officer and, upon request, a copy shall be provided to an enforcement officer in the manner and format requested, at no charge to the Town, for each dental amalgam separator installed.
- 13.3 A record of inspection and any documentation certifying the installation of a dental amalgam separator shall be provided upon request to an enforcement officer and, a copy of the documentation shall also be provided in the requested manner and format at no charge to the Town.

14.0 – Food Related Oil and Grease Interceptors

- 14.1 Every discharger whose site is, or contains, a restaurant or other industrial premises where food is cooked, processed or prepared shall take all necessary measures to ensure that oil and grease are prevented from discharging to,
- a) a sanitary sewer in excess of the limits in Table 1 as set out in Schedule "A" of this By-law; or
 - b) a storm sewer or land drainage works
- 14.2 A discharger to whom this Part applies shall install, operate, and properly maintain, in accordance with the requirements of this Part, an oil and grease interceptor in any piping system at its site that connects directly or indirectly to a sewage works.
- 14.3 The installation and operation of each oil and grease interceptor shall be,
- a) in compliance with the current requirements of the Building Code Act and its regulations; and
 - b) in accordance with the requirements of the Canadian Standards Association national standard CAN/CSA B481, as amended from time to time.
- 14.4 The discharger shall ensure all oil and grease interceptors are maintained in good working order, including the requirements that every oil and grease interceptor shall,
- a) be tested and maintained in accordance with the requirements of CAN/CSA B481, as amended from time to time;
 - b) have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor; and

- c) be cleaned before the thickness of the organic material and solids residuals becomes greater than twenty-five percent of the available volume, with a cleaning frequency of at least once every four weeks.
- 14.5 The discharger must provide the maintenance schedule and record of maintenance for each oil and grease interceptor upon request to an enforcement officer and, a copy shall also be provided in the requested manner and format at no charge to the Town, and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.
- 14.6 Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the Town, the Town may require an alarmed monitoring device or such other device to be installed at the expense of the discharger which the discharger shall then install at its expense, in accordance with specifications of CAN/CSA B481, as amended from time to time.
- 14.7 No discharger shall discharge or cause or permit the discharge of emulsifier to an interceptor to which this Part applies.
- 14.8 No discharger shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor to which this Part applies except where a fixture is installed in accordance with the Building Code Act and its regulations.

15.0 – Vehicle and Equipment Service Facility Oil and Grease Interceptors

- 15.1 Every discharger whose site is a vehicle or equipment service station, repair shop, garage or other industrial premises where motor vehicles are repaired, lubricated, washed or maintained shall take all necessary measures to ensure that oil and grease are prevented from discharging to a sanitary sewer in excess of the limits in Table 1 as set out in Schedule "A" of this By-law or a storm sewer or land drainage works.
- 15.2 A discharger to whom this Part applies shall install, operate and properly maintain, in accordance with the requirements of this Part, an oil and grease interceptor in any piping system at its site that connects directly or indirectly to a sewage works.
- 15.3 Each oil and grease interceptor required to be installed under this Part shall be installed in compliance with the current requirements of the Building Code Act and its regulations and in accordance with the requirements of the Canadian Standards Association national standard CAN/CSA B481, as amended from time to time.
- 15.4 The discharger shall ensure all oil and grease interceptors are maintained in good working order, including the requirements that every oil and grease interceptor shall,
- a) be maintained as recommended by the Canadian Petroleum Products Institute and in accordance with the manufacturer's guidance and recommendations;
 - b) be inspected regularly to ensure performance is maintained and to ensure the surface oil, grease and sediment levels do not exceed the recommended level; and
 - c) have the maintenance requirements posted at the site in a conspicuous location in proximity to the oil and grease interceptor.

- 15.5 The discharger must provide the maintenance schedule and record of maintenance for each oil and grease interceptor upon request to an enforcement officer and, a copy shall also be provided in the requested manner and format at no charge to the Town, and must keep documentation of proof of interceptor clean-out and oil and grease disposal at the site for a minimum of two years.
- 15.6 Where a discharger fails to adequately maintain the oil and grease interceptor to the satisfaction of the Town, the Town may require an alarmed monitoring device or such other device be installed at the expense of the discharger.
- 15.7 No discharger shall discharge or cause or permit the discharge of emulsifier to an interceptor to which this Part applies.
- 15.8 No discharger shall use or cause or permit the use of enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an interceptor to which this Part applies except where a fixture is installed in accordance with the Building Code Act and its regulations.

Section 16.0 – Sediment Interceptors

- 16.1 Where sediment may be discharged to a sewage works from the site of a discharger, including but not limited to sites using a ramp drain or area drain and vehicle wash establishments, the discharger shall take all necessary measures including an installation of sediment interceptor, if required to ensure that such sediment is prevented from discharging to,
- a) a sanitary sewer in excess of the limits in Table 1 as set out in Schedule "A" of this By-law; or
 - b) a storm sewer in excess of the limits in Table 2 as set out in Schedule "A" of this By-law.
- 16.2 A discharger shall ensure that all sediment interceptors are maintained in good working order, including the requirements that every sediment interceptor shall be,
- a) maintained in accordance with the manufacturer's guidance and recommendations; and
 - b) inspected regularly to ensure performance is maintained to the manufacturer's specifications.
- 16.3 The discharger must provide the maintenance schedule and record of maintenance for each sediment interceptor upon request to an enforcement officer and, a copy shall also be provided to the Town in the manner and format requested at no charge to the Town, and must keep documentation of interceptor clean-out and sediment disposal at the site for a minimum of two years.

17.0 – Maintenance Access Holes

- 17.1 A discharger of commercial, institutional or industrial premises or multi-storey residential buildings with one or more sewer connections to a sewage works, at the discharger's expense, shall install or cause to install a maintenance access hole for each connection for the purpose of inspection, sampling, maintenance, flushing, and measurement of the flow of discharges therein in accordance with the requirements of this Part.

17.2 Notwithstanding section 17.1 herein, where the installation of a maintenance access hole is not possible or is not acceptable to the Town, an alternative device may be substituted with the prior written approval of the Town.

17.3 A maintenance access hole or an alternative device shall be,

- a) located inside the property line of the discharger's site as per the Town's Engineering Design Criteria and Standards, unless the Town provides written approval for a different location;
- b) designed and constructed in accordance as per the Town's Engineering Design Criteria and Standards;
- c) accessible at any time to the Town for the purpose of inspection, sampling and measurement of the flow of discharges therein; and
- d) maintained by the discharger in good working condition, and when necessary, shall replace a maintenance access hole, alternative device or facility, at the discharger's expense.

18.0 – Private Sewage Disposal Systems

18.1 Except as hereinafter provided, it shall be unlawful to construct or maintain any private sewage disposal system.

18.2 Where no municipal sanitary sewer is available adjacent to a property, the building sewer shall be connected to a private sewage disposal system to contain the sewage and the private disposal system shall be installed and maintained in compliance with all applicable acts, legislation, regulations and by-laws.

18.3 The owner or occupier of such property shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the Town.

18.4 At such time as a sanitary sewer becomes available to a property served by a private sewage disposal system, if notice has been given by the Town, a direct connection shall be made to the sanitary sewer in compliance with this By-law and the Building Code Act and its Regulations, at the owner's expense, and any private disposal facilities shall be abandoned and filled in compliance with all applicable legislation, regulations and by-laws.

19.0 – Sewer Connections

19.1 For the purposes of application and payment the following requirements shall apply:

- a) No person shall connect or cause to connect any private sewer connection to any municipal sewer connection, including any reconnection of an existing private sewer connection, without the written approval of the Town and compliance with the requirements of this By-law.
- b) No sewer connection shall be constructed on any road allowance, easement, or other public land, except by the Town or, where authorized in writing by the Town, under a written agreement satisfactory to the Town.

- c) The owner or owner's agent of the property seeking a new municipal sewer connection shall make an application on in the prescribed form to the Town, shall make engineering submissions satisfactory to the Town, and shall be responsible for all of the fees applicable which shall be determined by the Town from time to time.
- d) If the owner or owner's agent requests to use the existing connection, the Town will carry out a CCTV (closed circuit television) inspection, at the owner's expense, along the entire municipal portion of the sewer connection, and to ensure that the sewer connection is free of structural and operational defects and it is in accordance with the Town's current Engineering Design Criteria and Standard Drawings as well as the requirements of this By-law.
- e) Whenever a building or structure on a property is demolished, any unused municipal sewer connection(s) serving the property shall be disconnected and capped. The owner or owner's agent of the property shall make an application in the prescribed form to the Town, shall make engineering submissions satisfactory to the Town, and shall be responsible for all of the fees applicable which shall be determined by the Town from time to time.
- f) A single municipal sewer connection will be allowed for a property with multiple units, subject to the approval of the Town.
- g) Any person who requires an additional municipal sewer connection to be supplied to a property or a change or an alteration to the existing municipal sewer connection to a property shall submit an application for such addition, change or alteration to the Town. And it shall be accompanied by engineering studies, monitoring reports, drainage plans, grading plans, engineering plans and other detailed documentation and information as may be required by the Town.

19.2 Requirements for installation of sewer connection and disconnection works shall include;

- a) Upon approval by the Town of an application submitted under section 19.1 herein, a municipal sewer connection or disconnection works shall be performed by the Town, at the expense of the owner, in accordance with the standards and specifications and upon such conditions, rates, fees, charges and costs as may be prescribed or determined by the Town from time to time.
- b) At the sole discretion of the Town, a municipal sewer connection may be installed by the owner's contractor who has been pre-qualified to carry out the work and the installation should be in accordance with the Town's standards and specifications, as may be amended from time to time. The owner of the property shall pay for the cost of the Town's inspection and administration, the amount of which shall be determined by the Town from time to time.

19.3 Sewer connections through neighboring private lands may be considered in circumstances:

- a) Where an owner or owner's agent of a property requires a sewer connection through neighboring private lands, the owner shall obtain a written authorization from those property owners and shall obtain a private easement over the neighboring private lands, to the satisfaction of the Town, for the construction, operation, maintenance and replacement of the sewer connection and its appurtenances at the owner's expenses.
- b) No such sewer connection shall be constructed without first obtaining the authorization from those property owners and a private easement over the said properties.

19.4 In order to reduce and eliminate inflow of storm water into a sanitary sewer;

- a) The owner of any building which has a roof leader discharging storm water, either directly or indirectly, into the sanitary sewer shall disconnect the down-spout pipe at grade and properly capped off and shall convey the storm water away from the building in such a way that the storm water will not accumulate at or near the building and will not adversely affect adjacent properties. All associated costs to disconnect the down-spout pipe, cap off and convey the storm water away from the building will be the responsibility of the property owner.

19.5 Storm water drainage shall meet the following conditions:

- a) An owner of the premises shall discharge storm water, at grade away from any building or structure on that property in such a manner that the storm water will not accumulate at or near the building or structure and will not adversely affect adjacent properties or create a hazardous condition.
- b) For any new or reconstructed buildings, no person shall construct, install, maintain, or cause or permit to be constructed installed or maintained, the direct or indirect connection of any roof water leader into storm drainage system.
- c) For buildings designed with clean water collection system, subsections 19.5(a) and (b) herein may not be possible and they will be exempted from these provisions.
- d) Unless approved by the Town, no person shall permit or maintain the direct or indirect connection of any roof water leader into storm drainage system.
- e) An owner may make an application to the Town for an exemption from the terms and conditions of subsections 19.5(b) and 19.5(c) herein, where, compliance with those provisions would create a hazardous condition or is not technically feasible.
- f) Where an owner makes an application for an exemption under the terms and conditions of subsection 19.1 (e) herein, the owner shall supply such plans, photographs, and other documentation as the Town may request. The determination of an exemption shall be in the Town's sole discretion.
- g) The property owner shall be responsible for maintenance of rear-yard catch basins, infiltration trenches/galleries, soak-away pits or other grassed swales located on private lands.

- h) Any discharge to storm sewer must meet quantity and erosion requirements as per Engineering Design Criteria, and shall be consistent with the approved watershed requirements, as provided by the Town and other approval agencies having jurisdiction.
- i) No owner of industrial, commercial or institutional premises shall alter any storm water control installed on the premises which may increase design peak flow rates of storm water or impair the quality of storm water discharged to a storm sewer.
- j) Discharge from storm sewer systems not connecting to end-of-pipe quality treatments shall, in addition to meeting the contaminant limits in Table 2 as set out in Schedule "A" of this By-law, meet Enhanced Level of protection (80% long term Suspended Solid removal) as per the Ministry of the Environment and Climate Change's Storm Water Management Planning and Design Manual (2003), as amended.

19.6 Requirements for groundwater drainage system and dewatering shall include;

- a) No direct or indirect connection between a groundwater drainage system and the private sanitary drainage system is permitted.
- b) No owner of industrial, commercial or institutional premises shall do anything which may increase design peak flow rates of storm water or impair the quality of storm water discharged to a storm sewer.
- c) The groundwater drainage system set out in this Part shall be installed and maintained by the owner or operator of the premises, at his sole expense.
- d) Temporary and permanent dewatering facilities shall abide by the approval requirements in the Town's latest Engineering Design Criteria, and dewatering activities discharging into the Town's sewage systems shall be subject to the approval in accordance with sections 3.2 or 4.2 of this By-law.

20.0 – Sewage Rates and Charges

20.1 No person may own or maintain any private sewer line or connection that drains or discharges into sewage works without paying the applicable sewage service fees, including the wastewater and storm sewer, to the Town in the amount as set-out in the fees and charges, or as amended.

Section 21.0 – General Prohibition and Liability for Damages

21.1 Protection from Damage or Alteration - No person shall uncover, make any connection with, open into, break, alter, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with any part of a sewage works; or any permanent or temporary device installed in any part of the sewage works for the purposes of flow measuring, flow control, sampling and testing of sewage, uncontaminated water or storm water.

21.2 Damage to the Sewage Works - Any person or discharger discharging sewage, uncontaminated water or storm water to the municipal sewage works shall be responsible for ensuring that such sewage, uncontaminated water or storm water conforms at all times to the provisions of this By-law and shall be liable for any damages or expense arising out of his failure to properly check and control such discharge, including the cost of investigation, repairing or replacing any part of any

municipal sewage works damaged thereby and for any damages or injury to any person or property caused by such discharge.

- 21.3 Unauthorized Entry to Sewage Works - No person shall enter the sewage works unless specifically authorized by the Town in writing.
- 21.4 Removal of Maintenance Access Hole Covers - No person shall remove or tamper with, or cause or permit the removal of or tampering with, any maintenance access hole cover or other opening into the sewage works unless specifically authorized by the Town in writing.

22.0 – Rebuttable Presumption

- 22.1 In a prosecution by the Town for a contravention of this By-law, unless rebutted by evidence to the contrary on a balance of probabilities, a person who owns, is in occupation of or who has charge management or control of a property from which a discharge occurs or who has charge, management or control of sewage, storm water, uncontaminated water or other substance regulated by this By-law, shall be presumed to have discharged, caused or permitted a discharge.

23.0 – Fees

- 23.1 Any municipal service fees for the administration and enforcement of this By-law shall be in accordance with the Fees and Charges By-law, or as amended.
- 23.2 Additional fees applicable to this By-law, not noted in the Fees and Charges By-law, may be imposed by the Town from time to time.
- 23.3 Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by an enforcement officer.

24.0 – Offences

- 24.1 Every person who:
- a) contravenes any of the provisions of this By-law, or
 - b) fails to comply with an Order issued under this By-law, or
 - c) obstructs or attempts to obstruct an enforcement officer or any employee or agent of the Town in carrying out his duties under this By-law, is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the Provincial Offences Act, as amended.
- 24.2 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 24.3 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 24.4 For the purposes of this By-law, "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.

24.5 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

25.0 – Penalties

25.1 Every Person who contravenes a provision of this By-law, including an order issued under this by-law is guilty of an offence..

25.2 Any person who is in contravention of any provision of this By-law, or who fails to comply with an order issued under this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.

25.3 If any 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.

25.4 Any person who is guilty of an offence under this By-law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act:

a) Upon first conviction, the minimum fine shall be Three Hundred Dollars (\$300.00) and the maximum fine shall be Fifty Thousand Dollars (\$50,000.00);

b) Upon a second or subsequent conviction for the same offence a fine shall be a minimum of Four Hundred Dollars (\$400.00) and the maximum fine shall be One Hundred Thousand Dollars (\$100,000.00);

c) Upon conviction for a continuing offence, the minimum fine shall be One Hundred Dollars (\$100.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).

25.5 For the purposes of this By-law, "multiple offences" means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.

25.6 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

25.7 Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

26.0 – Proceeds of Fines

26.1 Pursuant to subsection 433 (1) of the Municipal Act, where a Person has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the Town.

27.0 – Special Fines

27.1 In addition to any other fine, every Person who gains an economic advantage or economic gain from contravening this By-law, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from such contravention. A special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

28.0 – Power of Entry

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

- a) the provisions of this By-law;
- b) an Order issued under this By-law; or
- c) an Order made under Section 431 of the Act;
- d) any other approval issued by the Town under Part 3 or Part 4 of this By-law to permit the discharge of a substance that would otherwise be prohibited by this By-law;

28.2 The Town's power of entry may be exercised by an employee, inspector or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.

28.3 When entering a property under this By-law, the person exercising the power of entry:

- a) shall provide identification to any person requesting identification during the course of the entry;
- b) may be accompanied by a person or persons under his direction; and
- c) shall not enter or remain in any room or place actually used as a dwelling unless at least one of the conditions set out in section 437 of the Municipal Act is met.

28.4 Where an inspection is conducted by the Town, the person conducting the inspection may:

- d) require the production of documents or relevant items for inspection;
- e) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- f) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and,
- g) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

- 28.5 No person shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by an enforcement officer carrying out an inspection.
- 28.6 No person shall hinder or obstruct or attempt to hinder or obstruct the Town, its enforcement officers, employees or agents from carrying out any powers or duties under this By-law.
- 28.7 Cost Recovery- Where the Town, its employees or authorized agents have performed the work required to bring the property into compliance with the By- law, all expenses incurred by the Town in doing the work as well as any related fees, shall be deemed to be a debt to the Town and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.
- 28.8 Collection of unpaid Fines- Pursuant to Subsection 441.1 of the Municipal Act, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

29.0 – Limitation

- 29.1 Nothing in this By-law shall be so construed as to permit anything, which by the provisions of any applicable act, regulation or by-law is otherwise prohibited.
- 29.2 This By-law shall not apply to discharges, activities or matters undertaken by the Region or the Town.
- 29.3 Nothing in this By-law shall be deemed to be contrary to the Regional Sewer Use By- law.

30.0 – Severability

- 30.1 Notwithstanding any section or sections of this By-law, or any part or parts thereof, may be found by a court of competent jurisdiction to be invalid or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and shall continue to be enforceable.

31.0 – Schedules

- 31.1 Schedule "A" forms part of this By-law.

32.0 – Repeal

- 32.1 By-law 2006-111, as amended, is hereby repealed.

33.0 – Short Title

- 33.1 This By-law shall be known and may be cited as the "Sewer Use By-law".

34.0 – Force and Effect

- 34.1 This By-law shall come into force and effect upon the date it is passed by Council.

Enacted this day of xxxx, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

SCHEDULE "A" Table 1 – Limits for Sanitary Sewer Discharge

Type of Parameter	Parameter	Limit
Conventional	Biochemical Oxygen Demand (BOD)	300 mg/L
	Total Kjeldahl Nitrogen	100 mg/L
	Oil & Grease – Mineral & Synthetic	15 mg/L
	Oil & Grease – Animal and Vegetable	150 mg/L
	Phenolics (4AAP)	1 mg/L
	Phosphorous (Total)	10 mg/L
	Suspended Solids (Total)	350 mg/L
Other	Cyanide (Total)	2 mg/L
	Fluoride	10 mg/L
	Sulphate	1500 mg/L
Metals	Aluminum (Total)	50 mg/L
	Antimony (Total)	5 mg/L
	Arsenic (Total)	1 mg/L
	Cadmium (Total)	0.7 mg/L
	Chromium (Total)	2 mg/L
	Cobalt (Total)	5 mg/L
	Copper (Total)	3 mg/L
	Lead (Total)	1 mg/L
	Manganese (Total)	5 mg/L
	Mercury (Total)	0.01 mg/L
	Molybdenum (Total)	5 mg/L
	Nickel (Total)	2 mg/L
	Selenium (Total)	1 mg/L
	Silver (Total)	5 mg/L
	Tin (Total)	5 mg/L
	Titanium (Total)	5 mg/L
	Zinc (Total)	2 mg/L
Organics	Benzene	10 ug/L
	Chloroform	40 ug/L
	1,2-dichlorobenzene	50 ug/L
	1,4-dichlorobenzene	80 ug/L
	Cis-1,2-dichloroethylene	4,000 ug/L
	Trans- 1,3 – dichloropropylene	140 ug/L
	Ethylbenzene	160 ug/L
	Methylene chloride	2,000 ug/L
	1,1,1,2-tetrachloroethane	1,400 ug/L
	Tetrachloroethylene	1,000 ug/L
	Toluene	270 ug/L
	Trichloroethylene	400 ug/L
	Xylenes (Total)	1,400 ug/L
	Di-n-butyl phthalate	80 ug/L
	Bis (2-ethylhexyl) phthalate	12 ug/L
	PCBs	1 ug/L
	Methyl Ethyl Ketone	8000 ug/L
Styrene	200 ug/L	

	Nonylphenols	20 ug/L
	Nonylphenol ethoxylates	200 ug/L

SCHEDULE "A" Table 2 - Limits for Storm Sewer Discharge

Type of Parameter	Parameter	Limit
Conventional	Biochemical Oxygen Demand (BOD)	15 mg/L
	Total Kjeldahl Nitrogen	1 mg/L
	Phenolics (4AAP)	0.008 mg/L
	Phosphorous (Total)	0.400 mg/L
	Suspended Solids (Total)	15 mg/L
	Cyanide (Total)	0.020 mg/L
Metals	Arsenic (Total)	0.020 mg/L
	Cadmium (Total)	0.008 mg/L
	Chromium (Total)	0.080 mg/L
	Copper (Total)	0.050 mg/L
	Lead (Total)	0.120 mg/L
	Manganese (Total)	0.150 mg/L
	Mercury (Total)	0.0004 mg/L
	Nickel (Total)	0.080 mg/L
	Selenium (Total)	0.020 mg/L
	Silver (Total)	0.120 mg/L
	Zinc (Total)	0.040 mg/L
	Organics	Benzene
Chloroform		2.0 µg/L
1,2 -dichlorobenzene		5.6 µg/L
1,4 -dichlorobenzene		6.8 µg/L
Cis-1,2 -dichloroethylene		5.6 µg/L
Trans- 1,3-dichloropropylene		5.6 µg/L
Ethylbenzene		2.0 µg/L
Methylene chloride		5.2 µg/L
1,1,2,2 -tetrachloroethane		17.0 µg/L
Tetrachloroethylene		4.4 µg/L
Toluene		2.0 µg/L
Trichloroethylene		8.0 µg/L
Xylenes (Total)		4.4 µg/L
Di-n-butyl phthalate		15.0 µg/L
Bis (2-ethylhexyl) phthalate		8.8 µg/L
PCBs	0.4 µg/L	



DEVELOPMENT AND INFRASTRUCTURE SERVICES – PUBLIC WORKS SERVICES
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

July 20, 2017

**DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PUBLIC WORKS SERVICES 2017-27**

TO: Committee of the Whole

SUBJECT: Ontario Regulation 366/09 – Display Screens and Hand-Held Devices

ORIGIN: Director, Public Works Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – Public Works Services 2017-27 dated July 20, 2017 regarding Ontario Regulation 366/09 – Display Screens and Hand-Held Devices be received and the following recommendation(s) be adopted:

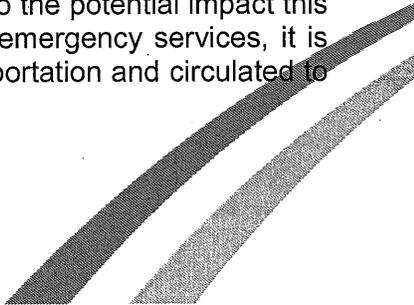
- 1. THAT the Town of Newmarket supports the permanent exemption from Ontario Regulation 366/09 for the use of two way radios for public function drivers;**
- 2. AND THAT this resolution be submitted to the Ministry of Transportation, Road Safety Policy Office, and that it be distributed to the Regional Municipality of York, Ontario Good Roads Association (OGRA), Association of Municipalities Ontario (AMO) and the Local Municipalities of York Region.**

COMMENTS

On May 3, 2017 the Ministry of Transportation posted a public notice to seek comment on the review of the temporary suspension for use of two way radios which is due to expire January 1, 2018. Ontario Regulation 366/09 regulates the use of display screens and hand held devices for the purpose of reducing risks to drivers due to distractions.

A time limited exemption was approved for employees of or persons contracted to a road authority, while they are engaged in road patrol, repair, maintenance or construction activities, which allowed for the use of two way radios while driving a motor vehicle on a highway.

The period for comment to the Ministry concluded June 15, 2017. However, due to the potential impact this may have on road operations and communications with both internal staff and emergency services, it is being brought forward for submission and consideration by the Ministry of Transportation and circulated to AMO, OGRA and York Region partners.



Currently, for two-way radios, the exemption allows a driver to push and hold the button on a hand-held two-way radio device when driving. The driver may push a button to talk and release it to listen, repeating as often as necessary to conduct a conversation.

The current radio system allows for an individual to speak to a broader group of respondents all at once and for the group to hear the same message as they are driving. As Public Works staff are often driving from one location to the next, there is no need to be parked to receive messages with the current system. This way all staff in vehicles are contacted immediately as opposed to only those who are parked. Often the person physically closest to the area in question is the first to respond, creating efficiencies when quick actions are needed. This is particularly effective when responding to emergent conditions during winter storms for snow clearing, flooding or other issues requiring quick and broad communication.

If the hand-held device is a microphone, it must be secured in, or mounted to the vehicle and within easy reach of the driver. Two-way radio hand-held devices that are clipped to the driver's belt or attached to his/her clothing are also exempt. The limited-time exemptions which became effective on January 1, 2013, struck a balance between a real road safety concern related to the risk of distracted driving and the understanding that an additional five years would be enough time for the market to deliver hands-free alternatives to two-way radio technology.

In the absence of any further amendments to the current regulation, expiration of this exemption would prohibit the hand-held use of two-way radios for all road users (aside from law enforcement outlined in the current regulation). For this reason, the Ministry is considering three options to address the expiry of the exemption.

- 1- Extend the exemption for hand-held use of two-way radios for an additional seven years.
- 2- Make the exemption permanent.
- 3- Allow the exemption to expire (making hand-held use of devices illegal and requiring all currently exempted drivers to use hands-free alternatives only).

In order to support road operations for municipalities, it is recommended that this exemption be made permanent similar to the status of fire and emergency services functions.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

There is no direct link to the business plan and strategic plans of the Town.

CONSULTATION

Public Works Staff consulted Central York Fire Services and other municipalities within Simcoe County and York Region.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

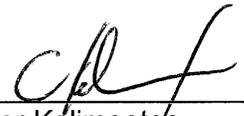
There is no impact to the operating or capital budget.

CONTACT

For more information on this report, please contact Mark Gregory at Ext. 2552 or mgregory@newmarket.ca



Mark Gregory,
Acting Manager Operations



Christopher Kalimootoo,
Director, Public Works Services



Peter Noehammer,
Commissioner, Development and Infrastructure Services

Regulatory Registry Posting

Posting Source: Regulatory Registry

Posting Stage: For Consultation

Title: Display Screens and Hand-Held Devices –
5-Year Limited Exemption Review

Description: The Ministry of Transportation is proposing to amend the 5-year time limited exemption for two-way radios under Ontario's Distracted Driving Law.

Ministry Contact Email: SPEB@ontario.ca

Additional Contact Email:

Ministry Contact Address: Road Safety Policy Office
87 Sir William Hearst Avenue; Room 212,
Toronto, ON M3M 0B4

Instrument Type: Regulation - LGIC

Category: Safety, Health and Labour

Regulation Number: 366/09

Bill or Act: Highway Traffic Act

Summary of Proposal:

The Ministry of Transportation (MTO) recognizes the importance of creating an effective regulatory environment that accommodates the use of new and innovative vehicle technologies which promote economic growth and prosperity in Ontario – however road safety remains a top priority. For the past 15 years, Ontario's roads have been among the safest in North America and MTO continuously strives to maintain and improve on this leading safety record.

On January 1, 2018, specific time-limited exemptions for the holding and use of two-way radios outlined in *Ontario Reg. 366/09 – Display Screens and Hand-Held Devices* are set to expire. These exemptions currently allow the following to hold or use a two-way radio:

- Certain public function employees (eg., bus drivers);

- Commercial drivers;
- Amateur radio operators (eg., an Industry Canada-licensed operator which could include a commercial driver).

For two-way radios, the exemption allows a driver to push and hold the button on a hand-held two-way radio device when driving. The driver may push a button to talk and release it to listen, repeating as often as necessary to conduct a conversation. If the hand-held device is a microphone, it must be secured in, or mounted to the vehicle and within easy reach of the driver. Two-way radio hand-held devices that are clipped to the driver's belt or attached to his/her clothing are also exempt.

The limited-time exemptions which became effective on January 1, 2013, struck a balance between a real road safety concern related to the risk of distracted driving and the understanding that an additional five years would be enough time for the market to deliver hands-free alternatives to two-way radio technology.

In the absence of any further amendments to the current regulation, expiration of this exemption would prohibit the hand-held use of two-way radios for all road users (aside from law enforcement outlined in the current regulation). For this reason, the ministry is considering three options to address the expiry of the exemption.

- 1- Extend the exemption for hand-held use of two-way radios for an additional seven years.
- 2- Make the exemption permanent.
- 3- Allow the exemption to expire (making hand-held use of devices illegal and requiring all currently exempted drivers to use hands-free alternatives only).

For more detailed information, please see the attached backgrounder.

The ministry invites any comments on the expiry of the exemption, as well as any additional suggestions or comments on how the ministry could minimize distracted driving while supporting economic growth and prosperity in the province.

Subject Keywords: Two-way Radios; CB-Radios; Ham Radios; Hand-held; Distracted Driving; Commercial Drivers; Road Safety; Amateur Radio Operator

Comments Due Date: June 14, 2017

BACKGROUNDER: Ontario's Distracted Driving Law – 5-Year Limited Exemption Review

The ban on the use of hand-held communication and entertainment devices and display screens came into force in Ontario on October 26, 2009 and was followed by a three-month education period after which police could begin issuing tickets as of February 1, 2010.

As part of the distracted driving law, a Minister's Regulation (O.Reg 366/09 - Display Screens and Hand-Held Devices) was made under the *Highway Traffic Act* (HTA) that created a three-year exemption for the hand-held use of two-way radios by certain commercial, public transit, and public function drivers, and licensed amateur radio operators which was set to expire on January 1, 2013.

Following consultations with the industry, stakeholders and the public, the Ministry of Transportation (MTO) extended the hand-held two-way radio exemption for an additional five years to January 1, 2018. The extension was granted for the same specified commercial, public transit, and public function drivers, and licensed amateur radio operators.

The limited-time exemption struck a balance between a road safety concern and the understanding that an additional five years would be enough time for the market to deliver hands-free alternatives to two-way radio technology. Stakeholders had informed MTO that such a market was not yet developed.

For two-way radios, the exemption allows a driver to push and hold the button on a hand-held two-way radio device when driving. The driver may push a button to talk and release it to listen, repeating as often as necessary to conduct a conversation. If the hand-held device is a microphone it must be secured in or mounted to the vehicle and within easy reach of the driver. Two-way radio hand-held devices that are clipped to the driver's belt or attached to his/her clothing are also exempt.

In the absence of any further amendments, expiration of this exemption would prohibit the hand-held use of two-way radios.

Distracted Driving Overview

In Ontario, it is against the law to:

- Operate hand-held communication and electronic entertainment devices while you're driving;
- View Display screens unrelated to your driving.

Dear Auto Mayors,

Several years ago, we re-formed the Auto Mayors caucus to promote Canadian auto in light of the severe threat posed by the 2008 economic meltdown. We promoted cooperation between various levels of government in highlighting the importance of Canadian auto, with the long-term vision of developing a National Automotive Strategy.

On November 18, 2016, we gathered with a number of industry and government officials – as well as various policy experts – to further refine our group’s vision and priorities. I have attached a summary document – along with the names of the various participants – in this email.

One notable concern during the workshop was the impact of the then-incoming new US administration on trade relationships within the Great Lakes manufacturing cluster. Since then, the United States has announced its intention to begin NAFTA renegotiations. Several Mayors have shared their concerns with this development as well as their desire to take action.

While the Auto Mayors do not want to impede the execution of the federal government’s negotiation strategy, it is vital that we use our communications platforms to affirm auto’s importance in the days and months leading up to the negotiations. With that in mind, you can find attached a draft resolution – as well as a draft letter to the Prime Minister – urging the federal government to make the growth of Canadian auto a key priority in the negotiations to come.

I also strongly encourage the Auto Mayors to urge their local members of Parliament who have not yet done so to join the parliamentary auto caucus, currently chaired by MP John Oliver.

Please let us know if you are interested in taking action with this resolution and letter, or if you have any questions or concerns. We will keep our members up-to-date on any meetings or workshops in the near future.

Best regards,

Mayor Rob Burton
Chair, Auto Mayors

Mayor Rob Burton, BA, MS
Head of Council & CEO

Town of Oakville
o: 905-842-4111
www.oakville.ca

Vision: To be the most livable town in Canada

Please consider the environment before printing this email.
<http://www.oakville.ca/privacy.html>

August 28

The Right Honourable Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister,

The automotive sector has been a vital part of the Canadian economy for almost a century. Mine is one of dozens of communities who benefit enormously from the growth, innovation and good, middle-class jobs supported by Canada's automotive industry. It is also one of dozens of communities whose residents are deeply concerned by the US government's announcement to renegotiate the North American Free Trade Agreement (NAFTA).

It is difficult to overstate the deep level of integration within the Canadian and American automotive sectors. This special economic relationship was first recognized in 1965 with the signing of the Canada-US Auto Pact. In 2016, Ontario Premier Kathleen Wynne and Michigan Governor Rick Snyder signed a Memorandum of Understanding calling for increased partnership and cooperation within our automotive sectors.

NAFTA governs nearly every aspect of the trade relationships within the Great Lakes manufacturing cluster. Even minor changes to those established relationships could have enormous consequences for jobs and economic growth on both sides of the Canada-US border.

The automotive sector is far too important to be made anything but a key priority in the upcoming NAFTA renegotiations. Over 101,000 Ontarians are directly employed in auto, and an estimated 300,000 additional jobs are created indirectly by the economic activity it supports nationwide. It represents Canada's largest manufacturing sector, Ontario's chief export, and the economic heart of dozens of communities like mine.

On behalf of the Town of Newmarket I urge you to prioritize the protection and growth of Canada's automotive sector in the upcoming NAFTA renegotiations.

Sincerely,

Tony Van Bynen
Mayor

Hon. François-Philippe Champagne

Minister of International Trade
House of Commons
Ottawa, Ontario
K1A 0A6

Hon. Navdeep Bains,

Minister of Innovation, Science and Economic Development
House of Commons
Ottawa, Ontario
K1A 0A6

Kyle Peterson, MP
House of Commons,
Ottawa, Ontario
K1A 0A6

August 28, 2017

Notice of Motion

Protecting the Automotive Sector in the Town of Newmarket

Moved by _____
Seconded by _____

WHEREAS, the auto sector directly employs over 101,000 people in Ontario, and indirectly supports the creation of more than 300,000 good jobs in communities nationwide; and

WHEREAS, the automotive industry represents Canada's largest manufacturing sector, Ontario's chief export and the economic lifeblood of hundreds of Canadian communities; and

WHEREAS, a thriving auto sector is an essential part of Newmarket's local economy, stimulating growth, innovation, and good, high-paying jobs; and

WHEREAS, Canada's auto sector has been deeply integrated with that of the United States since the early-20th century, as indicated by the 1965 Canada-US Auto Pact; and

WHEREAS, the North American Free Trade Agreement governs nearly every aspect of Canada and the United States' economic relationship, including the import and export of auto parts and vehicles; and

WHEREAS, even minor changes to the established trade relationship between Canada and the United States could have enormous consequences for workers and consumers on both sides of the border; and

WHEREAS, in 2016 the government of Ontario and Michigan signed a Memorandum of Understanding calling for increased cooperation and partnership between their two automotive sectors; and

WHEREAS, the United States has announced its intent to renegotiate NAFTA; and

WHEREAS, Canada's economic future and the continued wellbeing of Newmarket's local economy depend on a thriving automotive sector;

THEREFORE, be it resolved, Council:

1. Join with Councils across Ontario in calling on the federal government to make the protection and growth of Canada's automotive sector a key priority in the upcoming NAFTA negotiations;

2. Request the Mayor write a letter to Prime Minister Justin Trudeau and Newmarket's local member of Parliament reinforcing these concerns;
3. Urge those local members of Parliament who have not yet done so to join the parliamentary auto caucus, advocating for the wellbeing of Canada's automotive sector in Ottawa



Tuesday, November 1, 2016 at 5:00 PM
Cane Room

The meeting of the Newmarket Economic Development Advisory Committee was held on Tuesday, November 1, 2016 in the Cane Room, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Jim Gragtmans, Chair
Carin Binder
Donna Fevreau
Rick Henry
Peter Mertens
Paul Montador, Vice-Chair
Gary Ryan (5:06 to 7:04 p.m.)

Absent: R.N. Shelton, Chief Administrative Officer
Beric Farmer

Staff Present: P. Noehammer, Commissioner of Development and Infrastructure Services
I. McDougall, Commissioner of Community Services
S. Chase, Director, IT Innovation
C. Kallio, Economic Development Officer
L. Moor, Council/Committee Coordinator

The meeting was called to order at 5:04 p.m.

J. Gragtmans in the Chair.

Welcome

The Chair welcomed all attendees, introductions were made around the table and Members advised of their professional positions.

The Economic Development officer launched the meeting with a short video profiling the successes and accomplishments in Newmarket over the last eighteen months.

Innovation

1. Results Based Accountability Framework

The Commissioner of Community Services provided a verbal update regarding the Results Based Accountability Framework data point's document that was distributed electronically. He advised that the document is intended to be a starting point in tracking specific data over specific frames of time including historical data and future direction. He advised that the Accountability Framework is well utilized by various Town departments to monitor performance. The Economic Development Officer advised that some figures are tracked annually and some figures are derived from the Town's Community Survey which is completed once every four years.

A query was made regarding tracking of demographic statistics and entry and exit of population by life phases. The Economic Development Officer advised that the only method of tracking demographics is through Census statistics which occur once every five years.

Discussion ensued regarding the strategic initiatives of the Newmarket Economic Development Advisory Committee, the challenge associated with tracking home based occupation figures, benchmarking records for assessment in the Town corridors, objectives of the metrics equations, specificity of goals and using innovative tools to measure data available through technology.

The Commissioner of Community Services advised that as a result of these discussions, he would bring back a more detailed document to a future meeting highlighting some of the analyzed elements.

Urbanization

2. Community Investment Brand Strategy (re: Urbanization)

The Economic Development Officer provided a brief PowerPoint presentation highlighting various components of Newmarket's urbanization including the Yonge/Davis corridor and the adoption of the Town's Secondary Plan.

He advised that meetings have been taking place with landowners and developers in an effort to gauge their interest in re-development with a focus on tracked quality jobs, working towards an Intelligent Community, Marketing and Public Relations, incentives/prospect lists, streamlining processes and identifying high value incentives to accelerate re-development plans.

Collaboration

3. Inaugural Community Congress Agenda/Planning Discussion

The Economic Development Officer advised that preparations are being made to host an Inaugural Community Congress early in 2017 to showcase the 2016 to 2020 Economic Development Strategy Overview, the Community Investment Brand and Marketing as well as a Communications Plan Focus.

The Director of IT Innovation provided a verbal update on an internal innovation strategy and delivered a PowerPoint presentation regarding Smart City initiatives with the emphasis on four fundamentals being:

- Innovate Newmarket supporting innovation and performance and accountability measures
- Open Newmarket supporting an open data project and e-services
- Digital Newmarket supporting the transformation of service delivery and data analytics
- Connected Newmarket supporting all of the above themes

She further advised of a Town idea sharing initiative that was recently launched entitled InTank. She queried the Members about their desire to share the Smart City inception at the proposed Community Congress and the Members unanimously showed their support.

The Chair provided a verbal update regarding the broadband strategy and discussion ensued regarding implementation of broadband within Newmarket.

NEDAC Vice-Chair Discussion

4. The Vice-Chair provided a brief review of the logistics associated with the Vice-Chair position succeeding into the Chair's position and he suggested that Members consider options available for the impending Vice-Chair and Chair positions as their terms are nearing conclusion. Mayor Van Bynen advised of the process that should be followed within the Appointment Committee's mandate and suggested that these Committee Members proceed through that arrangement.

New Business

None.

Next Meeting

There was no discussion with respect to a proposed next meeting date.

Adjournment

Moved by: Rick Henry
Seconded by: Donna Fevreau

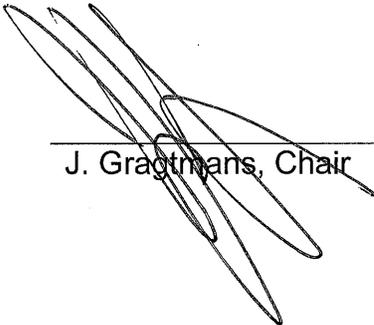
THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 7:04 p.m.

June 21, 2017

Date



J. Graftmans, Chair

The meeting of the Accessibility Advisory Committee was held on Thursday, March 23, 2017 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Coucillor Bisanz
 Sharron Cooke
 Steve Foglia, Chair
 Linda Jones
 Richard Wilson
 Jeremy Slessor

Absent: Stephen Mckenzie

Staff Present: H. Leznoff, Council/Committee Coordinator

Guests: Liz McClounie, Interpreter, Canadian Hearing Society

The meeting was called to order at 10:30 AM.

S. Foglia in the Chair.

Additions & Corrections to the Agenda

None.

Presentations/Deputations

None.

Declarations of Pecuniary Interest

None.

Approval of Minutes

1. Accessibility Advisory Committee Minutes of November 17, 2016.

Moved by: Sharron Cooke
Seconded by: Jeremy Slessor

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

Carried

Items for Discussion

2. Receive the Resignation from Mrs. Gloria Couves

The Committee received Ms. Gloria Couves resignation.

3. Outdoor Patio Project Update

The Chair and Committee members gave feedback and comments regarding the issues at each of the patio locations from the previous summer including crowdedness, wheelchair access to the patio restricted by A frame signs, and lips or stairs. He provided background information about the concern regarding patios being wheelchair accessible. A Planner was present to discuss the designs of the patios from the previous season with the Committee and to provide potential solutions to improve the patio design for the upcoming year. The Planner indicated that he would set up a viewing with Committee members at the four businesses prior to the patios opening in April to identify areas of concern at each location.

Committee members also discussed ways to make downtown Newmarket more accessible.

Moved by: Sharron Cooke
Seconded by: Linda Jones

The Accessibility Advisory Committee recommends to Council:

1. That the committee request that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.
4. Mobile Accessible Washrooms

Councillor Bisanz provided an update regarding the Mobile Accessible Washroom presentation by Mr. Derek Bunn provided to Council in February, 2017. She advised that Council received the presentation and referred the funding request to staff. She further advised that since the presentation to Council, the organization received 50,000.00 from the federal government which covered the cost for such mobile accessible washroom trailer. In addition, the

Regional Accessibility Committee also donated \$5,000.00

The Chair advised that he, Mr. Derek Bunn and Councillor Bisanz met with the management of Upper Canada Mall to discuss renovations to the mall bathrooms and making a fully accessible washroom with lift and table. He provided the Committee with an overview of the current washroom scenario and the discussions with mall management which included input on the renovations and the Committees' involvement in future renovations.

5. Regional Accessibility Advisory Committee Networking Event.

The Chair advised the Regional Accessibility Advisory Committee Networking Event will be on Wednesday, May 31, 2017 at the York Region Offices on Yonge Street from 8:30 to 3:00 PM. He also advised that he is looking for two or three members to attend the event.

6. Accessible Taxi Service Update and Communication Plan Discussion.

The Council/Committee Coordinator provided an overview of the proposed communication plan and asked the Committee for their feedback. A suggestion was made to make posters to display at various Town facilities and at other community organizations. The Committee had a discussion about accessible mobility services. The Council/Committee Coordinator advised that she would work with the Communications Department to develop communication materials and circulate them to the Committee when available.

7. Correspondence from Infrastructure and Environmental Coordinator regarding enhancing accessible parking at Magna.

The Committee reviewed an e-mail and attached drawings and provided feedback. The Committee indicated that the proposed five minute temporary parking would be adequate. However, the Committee does not support either of the two proposed options and indicated that they would like the Infrastructure and Environmental Coordinator to attend the next meeting so that the proposed options can be discussed further.

8. College Manor Park Update.

The Council/Committee Coordinator provided Committee members with a written update from the Director of Engineering Services. Committee Members requested further information and requested confirmation that a report produced by a Committee Member was circulated to the resident involved. The Committee also requested that staff from the Parks Department attend the next meeting to discuss College Manor Park and Glenway developments and that the

Committee be involved with future Town park upgrades and projects.

9. National Access Awareness Week Discussion (deferred from November 17, 2016 Meeting).

The National Access Awareness Week discussion was deferred to the next meeting so that the Recreation Programmer could attend.

Moved by: Councillor Bisanz
Seconded by: Sharron Cooke

The Accessibility Advisory Committee recommends to Council:

1. That the Town of Newmarket proclaim National Access Awareness Week as May 28 to June 4, 2017.

10. Confirmation of the Accessibility Advisory Committee 2017 Meeting Schedule.

The Council Committee Coordinator advised of the proposed 2017 Meeting Schedule. The Committee suggested a few modifications to the dates and meeting locations of the meetings, which included a vote to use the Municipal Offices rather than the Magna Centre for future meetings. The Council/Committee Coordinator advised that she would circulate the new meeting schedule.

11. Workplan Discussion

The Council/Committee Coordinator reviewed the 2014-2018 Workplan and Committee members provided background information, context and updates on for various workplan projects. The Committee requested that Newmarket Theatre be the next facilities to be audited. The Council/Committee Coordinator indicated that she would set up a day and time for the audit and would advise Committee members once it was arranged. The Committee requested an update on the Accessible Logo be provided at the next meeting.

New Business

None.

Adjournment

The meeting adjourned at 12:23 PM.

Date

Steve Foglia, Chair

Item 3 of the Accessibility Advisory Committee Meeting Minutes of March 23, 2017

1. That the Operational Leadership Team recommends that the following recommendations be referred to staff for review and report:

a. The Accessibility Advisory Committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.



**Newmarket Public Library Board
Regular Board Meeting
Wednesday, May 17, 2017
Newmarket Public Library Board Room**

Present: Joan Stonehocker, Chair
Tara Brown, Vice Chair
Kelly Broome
Jane Twinney

Regrets: Darcy McNeill
Venkatesh Rajaraman
Tom Vegh

Staff Present: Todd Kyle, CEO
Linda Peppiatt, Deputy CEO
Lianne Bond, Administrative Coordinator

The Library Board Chair called the meeting to order at 5:35 pm

Adoption of Agenda Items

1. Adoption of Regular Agenda
2. Adoption of the Closed Session Agenda
3. Adoption of Consent Agenda items

The Chair asked if there were any additions to the agenda.

Motion 17.05.200

Moved by Kelly Broome

Seconded by Jane Twinney

That Agenda items 1) to 3) be adopted as presented.

Carried

Declarations

None were declared.

Consent Agenda Items:

4. Adoption of the Regular Board Meeting Minutes for Wednesday, April 19, 2017
5. Adoption of the Closed Session Minutes for April 19, 2017
6. Strategic Operations Report for April, 2017
7. Library Statistical Data for April, 2017
8. Monthly Bank Transfer

Motion 17.05.201
Moved by Tara Brown
Seconded by Jane Twinney

That Consent Agenda items 4) to 8) be received and approved as presented.

Carried

Closed Session

9. Motion to move into Closed Session

Motion 17.05.202
Moved by Jane Twinney
Seconded by Tara Brown

That the Library Board move into a Closed Session for matters pertaining to Labour Relations and matters pertaining to an identifiable individual at 5:38 pm.

Carried

Motion 17.05.203
Moved by Tara Brown
Seconded by Jane Twinney

That the Library move out of Closed Session at 6:00 pm

Carried

Motions arising from Closed Session:

Motion 17.05.204
Moved by Tara Brown
Seconded by Jane Twinney

That the Library Board receive the reports pertaining to Labour Relations and matters pertaining to an identifiable individual.

Carried

Reports

10. 2016 Draft Audited Financial Statements

The Library Board reviewed the draft Audited Financial Statements for 2016 completed by BDO Canada LLP.

Motion 17.05.206
Moved by Tara Brown
Seconded by Jane Twinney

That the Library Board approve the 2016 draft Audited Financial Statement as presented.

Carried

Business Arising

11. Leadership by Design e-Learning

a) Knowledge Gap Analysis

The Library Board will discuss the sections identified in the Board governance knowledge gap analysis over the next three Board meetings.

12. Facility Needs Update

The Town of Newmarket Council at the May 8, 2017 Committee of the Whole deferred considering proceeding with the Facility Needs Study until the joint Newmarket Public Library and Town of Newmarket Efficiency review has been completed.

13. Library Board Action List

The Library Board reviewed and updated the Action list.

Motion 17.05.207

Moved by Jane Twinney

Seconded by Kelly Broome

That the Library Board receive the Library Board Action List.

Carried

New Business

14. York Region Public Library Partnership

All nine York Region Public Libraries have entered into a reciprocal membership agreement and library memberships are now free at all York Region Libraries to those who live, work, attend school, or own property in any York Region municipality as of April, 2017.

Motion 17.05.208

Moved by Tara Brown

Seconded by Kelly Broome

That the Library Board receive the report on the York Region Public Library Partnership.

Carried

15. Preview of Newmarket Public Library's new Website

The Library Board previewed the Newmarket Public Library's new website which is planned to go live May 19, 2017.

Date(s) of Future Meetings

16. The next regular Library Board meeting is scheduled to June 21, 2017 at 5:30 in the Library Board room.

Adjournment

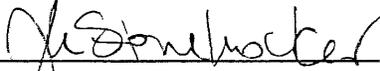
Motion 17.05.209

Moved by Kelly Broome

Seconded by Jane Twinney

That there being no further business meeting adjourned at 6:50 pm.

Carried



Joan Stonehocker
Chair



Todd Kyle, CEO
Secretary/Treasurer

The meeting of the Joint NEDAC & Council Workshop was held on Monday, May 1, 2017 in the Training Room, Operations Centre - 1275 Maple Hill Court, Newmarket.

Members of Council: Councillor Vegh
Councillor Kerwin
Councillor Hempen
Councillor Kwapis
Councillor Bisanz
Councillor Broome

Absent: Councillor Twinney

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Jim Gragtmans, Chair
Carin Binder
Donna Fevreau
Rick Henry
Peter Mertens
Gary Ryan

Absent: Beric Farmer

Staff Present: P. Noehammer, Commissioner of Development and Infrastructure Services
L. Lyons, Director of Legislative Services/Town Clerk
S. Chase, Director of IT Innovation
C. Kallio, Economic Development Officer
E. Bryan, Business Development Specialist
A. Cammaert, Senior Planner – Policy
A. Chard, Senior Communications Officer

Branding Committee: Debra Scott, Jeff Kirke, Matt Haggerty

GCI Group: Sharon Fernandes, Andrew Brinn, Alexander Liatsis, Marion MacKenzie

Forge Media + Stussy Tschudin
Design

Mayor Van Bynen announced the commencement of the workshop at 5:05 PM.

Notice

Mayor Van Bynen advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

Declarations of Pecuniary Interest

None.

1. Welcome and Introductions

Mr. Gragtmans, Chair, welcomed those present and introductions were made by all.

2. The Economic Development Officer provided background information on the policy framework of the Newmarket Economic Development Advisory Committee and offered a PowerPoint Presentation outlining aspects of a marketing plan including financial, urban growth centre role, business growth, labour force, citizen retention and leverage with York Region marketing strategies. The Economic Development Officer advised that this plan supports the 2014-2018 Council strategic themes and priorities.

Ms. Sharon Fernandez, GCI Group and Mr. Stussy Tschudin, Forge Media + Design delivered a PowerPoint Presentation on community investment brand, marketing and communications strategy. They gave background details related to three target groups being: developers, ICI reactors, knowledge based businesses and employees. They advised that the key considerations in a campaign brand strategy are: Establish Newmarket as a preferred market for intensification investment, brand Newmarket as a leader in creative urban, suburban-design and engage stakeholders with compelling messaging to attract investment to Newmarket. They concluded with recommendations for plan execution:

- Online Engagement Hub
- Media Relations
- Social Media Display and Paid Advertising
- Event Strategy

- Organic Social Media and Online Social Newsletter
- Collective Meet-Up
- Lamp Post Advertising

3. Participants generally endorsed the marketing focus and visual imagery presented, with discussion focusing on relative weighting/emphasis within the three target markets. Overall, participants were satisfied with the direction and tactics of this proposed marketing plan.

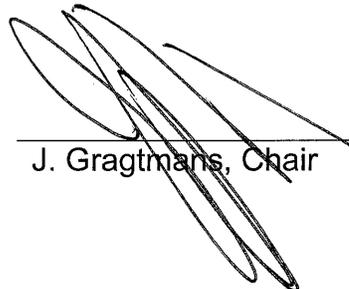
4. Next Steps

Mr. Gragtmans, Chair advised that the Steering Committee will review the overall marketing program based on comments received and finalize an implementation plan that also considers internal staff capabilities and budget resources.

Mayor Van Bynen thanked everyone for their participation in the workshop.

The Workshop adjourned at 6:59 PM.

June 21, 2017
Date



J. Gragtmans, Chair

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, May 2, 2017 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Athol Hart, Chair
Soni Felix-Raj
Councillor Hempen
Billie Locke
Joan Seddon
Rohit Singh
Malcolm Watts

Staff Present: D. Ruggle, Senior Planner – Community Planning
A. Mollicone, Senior Solicitor
M. Mayes, Director of Financial Services/Treasurer
L. Moor, Council/Committee Coordinator

Guests: D. Clark, Acting Design Chief, York Region Rapid Transit
C. Webber, Communications Department, York Region Rapid Transit
W. Morgan, Heritage Consultant

The meeting was called to order at 7:00 p.m.

A.Hart in the Chair.

The Chair advised that the order of the agenda items will be rearranged to accommodate guests in attendance.

Declarations of Interest

None.

Additions & Corrections to Agenda

None.

Presentations/Deputations

1. York Region Rapid Transit – VivaNext

Mr. David Clark, Acting Design Chief, York Region Rapid Transit provided a verbal update regarding the proposed course of action for remediation of the building known as the former Union Hotel at the northeast corner of Davis Drive and Main Street. The Chair requested clarification regarding reference to shiplap and clapboard siding. The Chair provided a fact sheet defining the two types of siding. Mr. Wayne Morgan, Heritage Consultant provided his opinion with respect to the exterior of the building which was wood siding in early years that was then covered with brick overlay. Mr. Clark further advised that the interior of the structure would need significant investment to bring it to a useable standard. Discussion ensued regarding potential salvageable bricks, could they be donated to Heritage Newmarket, storage accommodation and possible re-uses. Mr. Morgan provided a copy of a Heritage detail report to the Chair. Mr. Clark advised that should Town of Newmarket Council choose to designate the building known as the former Union Hotel, that the York Region Rapid Transit Corporation would have no objection.

The Chair thanked Mr. Clark, Mr. Morgan and Ms. Webber for their attendance and advised that the Heritage Newmarket Advisory Committee Members are comfortable with the proposed exterior wood siding remediation efforts to the building known as the former Union Hotel.

2. Items - Financial Statements/Reports

The Chair introduced Mr. Mike Mayes, Director of Financial Services/Treasurer. Mr. Mayes distributed copies of the Heritage Newmarket Advisory Committee's budget balance as of March 31, 2017. The Chair expressed his concern on behalf of the Committee with respect to the budget allotment figures and lack of communication. The Director of Financial Services/Treasurer provided a verbal explanation of the line items contained within the Committee's budget as well as a reserve fund balance. He advised that the Committee does not have the authority to spend the budget monies on behalf of the Town of Newmarket, only the authority to recommend expenditures. Mr. Mayes suggested that the Committee Members compile a business case for submission to the Legislative Services Department in an effort to secure budget allotment for the 2018 fiscal year. Discussion ensued regarding operating expenses/sustainability and potential fundraising methods to increase the reserve fund account. Mr. Mayes advised that he would provide quarterly financial statements to the Committee. The Chair requested that the Council/Committee Coordinator organize a meeting with the Director of Legislative Services/Town Clerk, the Director of Financial Services/Treasurer and the Senior Planner – Community

Planning to examine the requirements of the Heritage Newmarket Advisory Committee and to establish a 2018 budget business case.

3. New Business – Legal Description of 470, 474 Davis Drive

The Senior Planner – Community Planning and the Senior Solicitor provided a verbal update regarding a proposed Amendment to Designating By-law 1987-110, modification to the legal description of the properties known as 470 and 474 Davis Drive by excluding a portion of roadway that was needed for the Davis Drive VivaNext road re-construction project. The Chair advised that the portion of roadway to be excluded has no heritage impact.

Moved by: Billie Locke
Seconded by: Malcolm Watts

1. That the verbal update by the Senior Planner – Community Planning and the Senior Solicitor regarding a proposed Amendment to Designating By-law 1987-110, modification to the legal description of the properties known as 470 and 474 Davis Drive by excluding a portion of roadway be received as information; and,
2. That the Heritage Newmarket Advisory Committee has no objection to the proposed modification to the legal description of the properties known as 470 and 474 Davis Drive.

Carried

Approval of Minutes

4. Heritage Newmarket Advisory Committee Minutes of April 4, 2017.

An amendment was made to Item 8 of the Heritage Newmarket Advisory Committee Minutes of April 4, 2017 by replacing the words “shiplap” in Recitals # 1 and 2 to “wood siding finish” and “siding” respectively.

Moved by: Rohit Singh
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of April 4, 2017, with the above referenced amendments be approved.

Carried

New Business

5. The Chair requested staff involvement in securing a location to store the salvaged bricks from the building known as the former Union Hotel should they be recoverable and usable.

Moved by: Councillor Hempen
 Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee requests that the salvageable bricks from the building known as the former Union Hotel be donated to the Committee's ownership; and,
2. That the Senior Planner – Community Planning find a suitable storage location for the quantity of bricks; and,
3. That a donation for value be contemplated as a possible revenue source for the Heritage Fund to increase the reserve fund and assist area homeowners with heritage home repair who need that pattern of bricks for heritage renovation projects as there is no existing source for bricks of this type and size.

Carried

Correspondence

6. Correspondence from the Planning and Building Services Department regarding a Public Meeting on May 8, 2017 at 7:00 p.m. concerning Proposed Official Plan and Zoning By-law Amendments – 751 and 757 Gorham Street.

Moved by: Billie Locke
 Seconded by: Rohit Singh

1. That the Correspondence from the Planning and Building Services Department regarding a Public Meeting on May 8, 2017 at 7:00 p.m. concerning Proposed Official Plan and Zoning By-law Amendments – 751 and 757 Gorham Street be received for information.

Carried

Reports of Committee Members

7. Correspondence from the Planning and Building Services Department regarding a Public Meeting on May 8, 2017 at 7:00 p.m. concerning Proposed Official Plan and Zoning By-law Amendments – 751 and 757 Gorham Street.

Moved by: Billie Locke
 Seconded by: Rohit Singh

1. That the Correspondence from the Planning and Building Services Department regarding a Public Meeting on May 8, 2017 at 7:00 p.m. concerning Proposed Official Plan and Zoning By-law Amendments – 751 and 757 Gorham Street be received for information.

Carried

8. a) Designated Property Maintenance and Concerns

The Chair advised that a Heritage Permit has been issued for the property known as 336 Millard Avenue.

The Chair advised that the Committee collectively is in favour of the designation of the building known as the former Union Hotel.

The Heritage Newmarket Advisory Committee recommends to Council:

Moved by: Councillor Hempen
 Seconded by: Billie Locke

1. That the Heritage Newmarket Advisory Committee recommends Council designate the property under the Ontario Heritage Act with the process commencing at such time as the restoration has been substantially complete; and,
2. That the Heritage Newmarket Advisory Committee recommends that York Region Rapid Transit have their Heritage Consultant provide a report which can be used in support of the designation and inform the necessary designation by-law.

Carried

- b) Site Plaques

Nothing to report at this time.

c) Residence Plaques

Nothing to report at this time.

d) Heritage Location Plaques

Discussion ensued regarding updates to the non-designated heritage registry. The Chair advised that he and Mr. Watts will investigate the status of the plaque inventory using previous term Heritage Advisory Committee Minutes as reference.

John Bogart House

The Senior Planner – Community Planning provided a verbal update regarding the property known as the John Bogart House. He advised that the owner has retained a heritage architect to conduct a conservation report to show short and long term options associated with restoration efforts of the house on the property.

Christian Baptist Church

The Senior Planner – Community Planning distributed a document providing details of the Official Plan designation and zoning of the property known as the Christian Baptist Church and provided a verbal update with respect to the property. He advised that representatives of the Church are currently in the process of obtaining quotations for repairs to the derelict portions which have been recognized as Property Standards offences. Discussion ensued regarding the condition of the Church steeple, front steps and exterior deterioration. The Senior Planner – Community Planning advised he would request an update regarding the Property Standards order from By-law Enforcement staff and report back.

Moved by: Joan Seddon
Seconded by: Soni Felix Raj

1. That the verbal update by the Senior Planner – Community Planning regarding the property known as the Christian Baptist Church be received.

Carried

9. Reports of Committee Members

M. Watts advised that he has sent correspondence to the Municipal Property Assessment Corporation requesting assistance in their process used in establishing heritage dates and information relevant to residence plaques however he has not received a formal response as yet. Discussion ensued regarding Town staff access to realtor software in an effort to conduct research associated with heritage dates.

Moved by: Joan Seddon
 Seconded by: Billie Locke

1. That Councillor Hempen investigate with Town staff any opportunity available to access realtor software associated with Municipal Property Assessment Corporation services and information relative to property heritage dates.

Carried

a) Architecture, Recreation, Culture, Heritage (ARCH) Committee

The Chair advised the Architecture, Recreation, Culture and Heritage Committee is moving forward with an initiative to raise funds, refurbish and relocate Colonel Cotter's gazebo to Fairy Lake Park and ARCH will be using Soni Felix Raj's expertise in setting up a GoFundMe Account to accept donations.

The Chair advised of a company in Town willing to produce heritage plaques and a sub-committee task force has been struck within ARCH to obtain and document historical information of buildings on Main Street.

Moved by: Billie Locke
 Seconded by: Joan Seddon

1. That coordination efforts with representatives of the Architecture, Recreation, Culture, Heritage Committee and Heritage Newmarket Advisory Committee take place regarding Heritage Conservation District signage.

Carried

The Chair advised that ARCH has received a commitment from the Director of Recreation and Culture regarding funding and location for a Rebel Heartland event scheduled for September, 2018.

b) Elman W. Campbell Museum Board

Billie Locke advised of the upcoming Victorian Tea for Mother's Day at the Museum and a garage sale scheduled for May 31, 2017. She advised that the proposed new Museum signage matter has been discussed at the Board and the Town's Manager of Culture and Community Events will be invited to a future Board meeting to provide clarification regarding signage.

c) Lower Main Street South Heritage Conservation District Advisory Group

The Chair advised that he has had some interactions with the owner of the new restaurant ("Snckmrkt") and there are various alterations to the building taking place as well as construction of concrete columns in the Holland River. The Senior Planner – Community Planning advised that he will provide an update regarding the construction alterations as soon as he obtains one.

The Senior Planner – Community Planning advised that he will send copies of building elevation drawings to Members of the Heritage Newmarket Advisory Committee of the former York Blueprint building which is being re-developed into a restaurant.

d) Newmarket Historical Society Board of Directors

Joan Seddon advised that the Historical Society has their Annual General Meeting scheduled for May 17, 2017 with a speaker scheduled who attended Vimy Ridge recently. She further advised that the Historical Society Members are exploring ways to fundraise.

New Business (continued)

a) The Senior Planner – Community Planning suggested that a budget framework for 2018 commence as soon as possible.

b) Councillor Hempen advised that the photographs of designated properties will be taken within the next couple months.

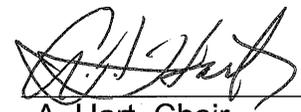
Adjournment

Moved by: Billie Locke
Seconded by: Rohit Singh

That the meeting adjourn at 9:35 PM.

Carried

June 13, 2017
Date


A. Hart, Chair



The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, June 13, 2017 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Athol Hart, Chair
Billie Locke
Joan Seddon (7:03 to 8:42 PM)
Rohit Singh
Malcolm Watts

Absent: Soni-Felix-Raj
Councillor Hempen

Staff Present: L. Moor, Council/Committee Coordinator

Guests: Councillor Kerwin (7:00 to 7:25 PM)
Mr. & Mrs. Velayati, 770 Gorham Street (7:00 to 7:25 PM)

The meeting was called to order at 7:00 p.m.

A.Hart in the Chair.

The Chair advised that the order of the agenda items will be rearranged to accommodate guests in attendance that have put forth a deputation request.

Declarations of Interest

None.

Additions & Corrections to Agenda

None.

Deputations

1. Mr. Sayed Ehsan Velayti addressed the Committee requesting removal of his house from the Non-Designated Heritage Booklet listing (770 Gorham Street) along with removal of the heritage plaque status associated with the dwelling.

Correspondence from Mr. Ehsan Velayti dated May 8, 2017 regarding 770 Gorham Street.

Moved by: Rohit Singh
Seconded by: Joan Seddon

1. That the deputation and correspondence by Mr. Sayed Ehsan Velayti regarding removal of his house from the Municipal Register of Non-Designated Heritage Properties (770 Gorham Street) along with removal of the heritage plaque status associated with the dwelling be received and deferred to the next scheduled Heritage Newmarket Advisory Committee meeting with planning staff in attendance.

Carried

Approval of Minutes

2. Heritage Newmarket Advisory Committee Meeting Minutes of May 2, 2017.

Moved by: Rohit Singh
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of May 2, 2017 be approved.

Carried

Correspondence

3. Correspondence from the Planning and Building Services Department regarding Notice of Passing of Zoning By-law 2017-28 for the properties known as 400 Park Avenue and 405/407 Botsford Street.

Moved by: Joan Seddon
Seconded by: Billie Locke

1. That the correspondence from the Planning and Building Services Department regarding the Notice of Passing of Zoning By-law 2017-28 for the properties known as 400 Park Avenue and 405/407 Botsford Street be received for information.

Carried

4. Correspondence from the Planning and Building Services Department regarding Notice of Adoption of Official Plan Amendment Number 18.

Moved by: Rohit Singh
 Seconded by: Billie Locke

1. That the correspondence from the Planning and Building Services Department regarding the Notice of Adoption of Official Plan Amendment Number 18 be received for information.

Operating Budget Discussion

5. The Chair provided a brief verbal update regarding the Committee's input into the proposed 2018 Operating Budget. He suggested that a Planning staff representative attend a future meeting to review and provide feedback into the Committee's budgetary needs and details.

Moved by: Billie Locke
 Seconded by: Joan Seddon

1. That the Operating Budget Discussion be tabled until a Planning staff representative can attend a meeting to assist the Committee with understanding the budgetary impacts from a Town department standpoint and therefore the Heritage Newmarket Advisory Committee respectfully requests the Senior Planner - Policy attend an upcoming meeting.

Carried

Property Standards By-law Discussion

6. The Chair provided a brief verbal update regarding the objective of a renewed Property Standards By-law. Discussion ensued regarding various aspects associated with protection of heritage properties within the context of the impending revised By-law.

Reports of Committee Members

7. a) Designated Property Maintenance and Concerns

Nothing to report at this time.

b) Site Plaques

M. Watts advised that a corrected plaque was delivered to the resident who advised the Committee in March, 2017 that the plaque on her dwelling had incorrect information.

c) Residence Plaques

Nothing to report at this time.

d) Heritage Location Plaques

Nothing to report at this time.

8. a) Architecture, Recreation, Culture, Heritage (ARCH) Committee

The Chair provided a verbal update regarding the Architecture, Recreation, Culture and Heritage Committee's efforts in relocating Colonel Cotter's gazebo to Fairy Lake Park. He provided some verbal historical information in how Colonel Cotter obtained his military status and the current Queen's York Rangers affiliation.

Elman W. Campbell Museum Board

Billie Locke provided a verbal update and advised that she will be arranging a meeting with Mr. Hart, Mr. Caister, Ms. Sinyard and herself to discuss proposed new signage for the Museum. She advised that the Museum held a successful yard sale recently with approximately \$1500.00 in proceeds collected. She further invited all in attendance to the Museum for Canada Day festivities.

b) Lower Main Street South Heritage Conservation District Advisory Group

The Chair advised that a meeting of the Lower Main Street South Heritage Conservation District Advisory Group has been scheduled.

c) Newmarket Historical Society Board of Directors

Joan Seddon advised that she was unable to attend the last meeting due to illness; however the Historical Society Board of Directors Annual General Meeting is scheduled for June 22, 2017 in the common room of the condominium development known as On Bogart Pond. She further advised that Mr. Watts will be presenting the document he wrote regarding Bogartown and the significance in Upper Canada.

New Business

The Chair provided a verbal update regarding the elevation drawings for the property known as 497 Timothy Street. He advised that the development of the property shows a proposed tall structure to satisfy the Lake Simcoe Region Conservation Authority requirements associated with construction within a floodplain.

Adjournment

Moved by: Rohit Singh
Seconded by: Joan Seddon

That the meeting adjourn at 8:45 PM.

Carried

July 11, 2017
Date


A. Hart, Chair



Town of Newmarket **180** Heritage Newmarket Advisory
MINUTES Committee

Tuesday, July 11, 2017 at 7:00 PM
Mulock Room

DRAFT

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, July 11, 2017 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Athol Hart, Chair
Billie Locke
Joan Seddon
Rohit Singh
Councillor Hempen

Absent: Malcom Watts
Soni Felix Raj

Staff Present: D. Ruggle, Senior Planner
M. White, Planner
K. Saini, Deputy Town Clerk, Recording Secretary

The meeting was called to order at 7:07 PM with Athol Hart in the Chair.

Additions and Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Approval of Minutes

1. Heritage Newmarket Advisory Committee Minutes of June 13, 2017

Moved by: Rohit Singh
Seconded by: Billie Locke

1. That the Heritage Newmarket Advisory Committee Minutes of June 13, 2017, be approved.

Carried

Correspondence

2. Correspondence from the Planning and Building Services Department regarding Notice of Passing of Zoning By-law 2017-40 for the property known as 106 Main Street South

Moved by: Councillor Hempen
Seconded by: Rohit Singh

1. That the correspondence from the Planning and Building Services Department regarding Notice of Passing of Zoning By-law 2017-40 for the property known as 106 Main Street South be received for information purposes.

Carried

3. Correspondence from the Planning and Building Services Department regarding Notice of Complete Application for the property known as 17645 Yonge Street (Redwood Properties)

Moved by: Councillor Hempen
Seconded by: Joan Seddon

1. That the correspondence from the Planning and Building Services Department regarding Notice of Complete Application for the property known as 17645 Yonge Street (Redwood Properties) be received for information purposes.

Carried

4. Correspondence from the Planning and Building Services Department regarding Notice of Complete Application and Public Meeting for the property known as 195 Harry Walker Parkway North

Moved by: Rohit Singh
Seconded by: Billie Locke

1. That the Correspondence from the Planning and Building Services Department regarding Notice of Complete Application and Public Meeting for the property known as 195 Harry Walker Parkway North

Carried

Items

5. Removal of 770 Gorham Street from Municipal Register of Non-Designated Heritage Properties

Moved by: Billie Locke
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee recommend to Council that the request to remove the property known as 770 Gorham Street from the Municipal Register of Non-Designated Heritage Properties be denied; and,
2. That the Heritage Newmarket Advisory Committee recommend to Council that the property known as 770 Gorham Street be designated a heritage property due to its cultural and architectural importance.

Carried

6. Workplan & Operating Budget Discussion

There was discussion regarding the Committee's Workplan and the 2018 budget. Discussion ensued regarding heritage brochures for walking tours. D. Ruggle advised that printing costs for brochures would be researched. Further discussed ensued regarding plaques within the Heritage Conservation District and amending the workplan to include the brochures and plaques.

Moved by: Joan Seddon
Seconded by: Rohit Singh

1. That applicants requesting their properties to be designated as a heritage property be required to provide 50% of the costs associated with the designation process; and,
2. That Heritage Newmarket Advisory Committee recommend to Council that \$5,000 be allocated for designation reports.

Carried

Moved by: Billie Locke
Seconded by: Councillor Hempen

3. That item 6 (have all deteriorating Town of Newmarket Assessment Roll Books be rebound and digitized, where possible) of the Committee's Workplan be removed.

Carried

Moved by: Billie Locke
Seconded by: Rohit Singh

4. That a workshop for Real Estate Professionals and Property Appraisers be moved forward as a priority item in 2018 for the Committee;
5. That Heritage Newmarket Advisory Committee recommend to Council that \$500 be allocated towards a workshop for Real Estate Professionals and Property Appraisers.

Carried

Moved by: Billie Locke
Seconded by: Rohit Singh

6. That the "Heritage Newmarket Workshop for all York Region municipalities to discuss fundamentals of the Act, by-laws and other municipal approaches" be removed from the Committee's Workplan; and,
7. That Heritage Newmarket Advisory Committee recommend to Council that \$1,600 be allocated towards purchasing 4 Heritage Conservation District plaques

Carried

Reports from Committee Members

7. Designated Property Maintenance and Concerns

a) Site Plaques

There was no discussion on this matter.

b) Residence Plaques

There was no discussion on this matter.

c) Heritage Location Plaques

There was no discussion on this matter.

8. Sub-Committee Reports

a) Architecture, Recreation, Culture, Heritage (ARCH) Committee

Athol Hart advised that the Committee is meeting tomorrow.

b) Elman W. Campbell Museum Board

There was no report from this Sub-Committee.

c) Lower Main Street South Heritage Conservation District Advisory Group

There was no report from this Sub-Committee.

d) Newmarket Historical Society Board of Directors

There was no report from this Sub-Committee.

New Business

9. Annual Ontario Heritage Conference

There was discussion regarding the budget.

Moved by: Councillor Hempen

Seconded by: Rohit Singh

1. That Malcolm Watts be reimbursed \$1,591.76 for attending the Ontario Heritage Conference; and,

2. That Heritage Newmarket Advisory Committee recommend to Council that \$3,000 be allocated towards attendance for two members to attend the annual Heritage Conference.

Carried

10. Municipal Property Assessment Corporation

Councillor Hempen provided a verbal update regarding information regarding a property.

Adjournment

Moved by: Joan Seddon
Seconded by: Billie Locke

1. That the Heritage Newmarket Advisory Committee adjourn at 9:12 PM.

Carried

Date

A. Hart, Chair

Item 5 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 regarding Removal of 770 Gorham Street from Municipal Register of Non-Designated Heritage Properties.

1. The Operational Leadership Team recommends to Council that the following be referred to staff for review and report:

a. That the Heritage Newmarket Advisory Committee recommend to Council that the request to remove the property known as 770 Gorham Street from the Municipal Register of Non-Designated Heritage Properties be denied; and,

b. That the Heritage Newmarket Advisory Committee recommend to Council that the property known as 770 Gorham Street be designated a heritage property due to its cultural and architectural importance.

Items 6 and Item 9 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 regarding Workplan & Operating Budget Discussion and Ontario Heritage Conference.

1. The Operational Leadership Team recommends to Council that the following be referred to staff for consideration as part of the 2018 budget process:

a. That Heritage Newmarket Advisory Committee recommend to Council that \$5,000 be allocated for designation reports; and,

b. That Heritage Newmarket Advisory Committee recommend to Council that \$500 be allocated towards a workshop for Real Estate Professionals and Property Appraisers; and,

c. That Heritage Newmarket Advisory Committee recommend to Council that \$1,600 be allocated towards purchasing 4 Heritage Conservation District plaques; and,

d. That the Heritage Newmarket Advisory Committee recommend to Council that \$3,000 be allocated towards attendance for two members to attend the annual Heritage Conference.



Town of Newmarket
MINUTES

188

Main Street District Business
Improvement Area Board of Management

Tuesday, May 16, 2017 at 7:30 PM
Community Centre Hall # 2
200 Doug Duncan Drive

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, May 16, 2017 in Hall # 2 of the Community Centre – 200 Doug Duncan Drive, Newmarket.

Members Present: Glenn Wilson, Chair
Elizabeth Buslovich
Councillor Kwapis
Anne Martin
Peter Mertens
Olga Paiva
Jackie Playter
Rory Rodrigo
Siegfried Wall (7:38 to 9:45 PM)

Absent: Carmina Pereira

Guest: Sandra Quiteria, Central Counties Tourism Representative

Staff Present: C. Kallio, Economic Development Officer
E. Bryan, Business Development Specialist
L. Moor, Council/Committee Coordinator

The meeting was called to order at 7:31 PM.

G. Wilson in the Chair.

Additions/Corrections to Agenda

The Chair advised of the following additions to the agenda:

- (1) PowerPoint Presentation by Ms. Sandra Quiteria of Central Counties Tourism
- (2) Tourism Oriented Directional Signage (TODS) invoice

Moved by: Rory Rodrigo
 Seconded by: Councillor Kwapis

1. That the additions be included on the agenda.

Carried

Declarations of Pecuniary Interest

None.

Presentation

1. Central Counties Tourism Presentation

Ms. Sandra Quiteria, representative of Central Counties Tourism addressed the Board of Management with a PowerPoint presentation highlighting details of aspects of the Tourism Ontario strategic marketing initiatives, tourism readiness assessment needs and information related to BIA and historical districts. She advised that opportunities exist to partner with Tourism Ontario for specific events. Ms. Quiteria advised she would forward the Tourism Ontario partnership criteria information to the Main Street District Business Improvement Area Board of Management.

Moved by: Olga Paiva
 Seconded by: Rory Rodrigo

1. That the presentation by Ms. Sandra Quiteria, Central Counties Tourism regarding strategic marketing initiatives, tourism readiness and possible partnership opportunities be received.

Carried

Approval of Minutes

2. Main Street District Business Improvement Area Board of Management Minutes of April 18, 2017.

An amendment was made to the minutes by referencing the correct name of Peter Mertens in motions made at the April 18, 2017 meeting.

Moved by: Jackie Playter
 Seconded by: Peter Mertens

1. That the Main Street District Business Improvement Area Board of Management Minutes of April 18, 2017, as amended, be approved.

Carried

Items

3. Marketing Sub-committee Report/Minutes

The Chair advised there has not been a Marketing Sub-committee meeting held recently, so there is nothing to report at this time.

4. Street Events Update

The Chair advised that the Canada Day festivities arrangements are well underway and the celebrations will last two hours longer than in previous years.

5. Financial Update

The Economic Development Officer distributed a document providing details of revenues and expenses and provided a verbal update of financial statistics.

Discussion ensued regarding obtaining a list of the annual approved budget items and reserve fund account balance. The Chair suggested that an informal accounting overview of year to date financial figures could be provided at the next scheduled Main Street District Business Improvement Area Board of Management meeting.

Moved by: Peter Mertens
 Seconded by: Councillor Kwapis

1. That the verbal update by the Economic Development Officer regarding the Main Street District Business Improvement Area Board of Management revenue and expenses to date be received.

Carried

6. Newmarket Downtown Development Committee Update

Jackie Playter advised there has not been a Newmarket Downtown Development Committee meeting held recently, so there is nothing to report at this time.

7. Lower Main Street Permit Parking for Residential Tenants

Olga Paiva requested that Town of Newmarket staff investigate the feasibility of permit parking for residential tenants of Main Street. Councillor Kwapis advised that he brought a motion forward to Council with respect to staff analysis of parking options on a Town wide basis. He suggested that a Town representative attend the next scheduled Main Street District Business Improvement Area Board of Management meeting to provide more information related to parking alternatives.

The Chair advised that he would like to see the implementation of a Parking Task Force that could meet and discuss options associated with the uniqueness of parking challenges within a Heritage Conservation District, specifically Main Street.

Moved by: Councillor Kwapis

Seconded by: Siegfried Wall

1. That the Main Street District Business Improvement Area Board of Management requests Town of Newmarket staff attend an upcoming BIA meeting for a detailed discussion of available parking options for Main Street.

Carried

8. Garbage and Main Street Maintenance

Olga Paiva advised that tenants on Main Street are placing refuse at curbside a day earlier than scheduled trash pick-up days. She requested that the Town of Newmarket send letters to all owners and tenants reminding them to place refuse out in a timely fashion to coincide with pick-up. Discussion ensued regarding unsightly refuse containers along Cedar Street.

Olga Paiva advised that Main Street merchants would like Town staff to give more frequent attention to street up-keep (i.e – sweeping and cleaning). Councillor Kwapis advised that he has received a verbal commitment from the Public Works Services department of a street sweeping route for each Friday

(weather permitting). Councillor Kwapis distributed a copy of the route map for information. Anne Martin advised that the brick flower bed located in front of 171 Main Street has been neglected for some time and requested improvement measures. Councillor Kwapis suggested that the Director of Public Works Services be invited to an upcoming BIA meeting to discuss trash and street maintenance issues.

9. Tourism Oriented Directional Signage (TODS) invoice

The Economic Development Officer requested payment of a recent invoice in the amount of \$600.00 + HST for the Tourism Oriented Directional Signage located on Highway 404.

Moved by: Jackie Playter
Seconded by: Olga Paiva

1. That the invoice in the amount of \$600.00 + HST for the Tourism Oriented Directional Signage be disbursed.

Carried

Closed Session

The Chair advised there was no requirement for a closed session.

New Business

10. a) Rory Rodrigo requested traffic calming measures be implemented on Main Street. Discussion ensued regarding speeding and police enforcement.

Moved by: Rory Rodrigo
Seconded by: Anne Martin

1. That Main Street be added as a priority location for portable flashing speed board signs.

Carried

- b) Councillor Kwapis distributed a copy of the Town's Customer Service Ticket Report showing service and concern statistics by Ward.

c) Peter Mertens requested earmarking some time at the next scheduled meeting to review the Board of Management's mandate and objectives. He suggested that the Board of Management follow a list of criteria when they are asked for funding assistance by various groups or individuals and the Board of Management should have a clear understanding of how best to utilize marketing dollars to benefit Main Street.

d) Jackie Playter suggested that the Board of Management consider implementing print advertising into the marketing strategy.

Adjournment

Moved by: Peter Mertens
Seconded by: Jackie Playter

That the meeting adjourn at 9:45 PM.

Carried

June 20, 2017

Date



G. Wilson, Chair



Town of Newmarket ¹⁹⁴
MINUTES

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

Tuesday, June 20, 2017 at 7:30 PM
Community Centre Hall # 2

200 Doug Duncan Drive

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, June 20, 2017 in Hall # 2 of the Community Centre – 200 Doug Duncan Drive, Newmarket.

Members Present: Glenn Wilson, Chair
 Elizabeth Buslovich
 Councillor Kwapis
 Anne Martin
 Peter Mertens
 Olga Paiva
 Carmina Pereira
 Jackie Playter
 Rory Rodrigo
 Siegfried Wall (7:40 to 9:40 PM)

Staff Present: C. Kallio, Economic Development Officer
 E. Bryan, Business Development Specialist
 L. Moor, Council/Committee Coordinator

The meeting was called to order at 7:30 PM.

G. Wilson in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

None.

Deputations

None.

Approval of Minutes

1. Main Street District Business Improvement Area Board of Management Minutes of May 16, 2017.

Moved by: Elizabeth Buslovich
Seconded by: Jackie Playter

1. That the Main Street District Business Improvement Area Board of Management Minutes of May 16, 2017 be approved.

Carried

2. Marketing Sub-committee Report/Minutes

The Chair advised there are no Marketing Sub-committee Minutes for distribution.

Street Events Update

Carmina Pereira advised of the following:

- The President of the Newmarket Car Club extended appreciation for a very successful car show event held on June 11, 2017
- Positive feedback received regarding the York Region Pride Parade held on June 17, 2017
- BIA Booth requires volunteer staffing for Canada Day between 10:00 AM and 7:00 PM
- Meeting scheduled with representatives of "ParticipACTION" to discuss a viable event for the summer of 2018 for area sports clubs to present their contributions and advise of area recreational programs
- Meeting scheduled with representative of a lighting business to discuss illumination options
- Meeting scheduled with a festival/events promotion company and report back to Board of Management

The Chair advised that event preparation consumes a lot of time for Board of Management Members who are also carrying out their business duties and as such, investigation of possible retention of a promotion company to assist is being contemplated.

Moved by: Elizabeth Buslovich
Seconded by: Siegfried Wall

1. That the verbal street events update be received.

Carried

Financial Update and Accounting Overview of Year to Date Expenditures

The Economic Development Officer distributed a document entitled 2017 BIA Budget Balance and provided a verbal update on funds expended to date. The Chair requested that such documentation be provided monthly or bi-monthly going forward. The Economic Development Officer advised he would speak to the Business Development Specialist about future production of year to date expenditures and continuation of distribution of such records.

Moved by: Carmina Pereira
Seconded by: Peter Mertens

1. That the verbal financial update and accounting overview of year to date expenditures document be received.

Carried

Newmarket Downtown Development Committee Update

Jackie Playter advised that the next scheduled meeting of the Newmarket Downtown Development Committee is June 30, 2017.

Store Front Window Screening Discussion

- (a) Councillor Kwapis advised that he requested a staff report related to investigation and best practices regarding store front window screening for vacant buildings. He advised that the staff report should be coming before Committee of the Whole for consideration on August 28, 2017.
- (b) The Economic Development Officer suggested contact with the owner of the property known as Main Street Clock Inc. to discuss possible use of that building's windows for display purposes. Rory Rodrigo inquired if the organizers of the Newmarket 10 Minute Play Festival could feasibly utilize those windows to advertise the upcoming event. Councillor Kwapis advised he would obtain the contact information and forward it to Mr. Rodrigo.

Moved by: Siegfried Wall
Seconded by: Jackie Playter

1. That the verbal update regarding store front window screening be received.

Carried

Main Street District Business Improvement Area Board of Management Mandate/Objectives/Best Use of Marketing Funds

Peter Mertens queried the marketing strategy and brand of the Business Improvement Area and what is the achievable target market? He provided a verbal chronicle of his previous experience with various other Business Improvement Area memberships and associated affiliations. He requested a measurement tool of Board of Management investment dollars and fact based objectives.

Discussion ensued regarding advertising methods used over the course of BIA establishment and this term Board's decision to be active in event focused actions to engage Main Street visitors. Further discussion ensued regarding education of Main Street happenings via social media and destination purpose.

Various Board of Management Members provided feedback regarding Main Street building size restrictions, retail attraction, parking, directional information signage, e-commerce competition, Town staff resources and annual budget figures.

The Chair invited Mr. Mertens to future Marketing sub-committee meetings.

Introduction

The Economic Development Officer introduced Ms. Elizabeth Bryan, Business Development Specialist. He advised that Ms. Bryan will be the staff liaison for the Main Street District Business Improvement Area Board of Management.

New Business

- (a) Councillor Kwapis provided a verbal update with respect to concerns raised by the Vice-Chair in an e-mail regarding maintenance, landscaping and waste accumulation.
- (b) Councillor Kwapis distributed copies of an article that appeared recently in the Toronto Sun highlighting Main Street, Newmarket.
- (c) Discussion ensued regarding the challenges associated with having numerous events taking place concurrently on Main Street and the surrounding area.

Moved by: Councillor Kwapis
Seconded by: Olga Paiva

1. That the Main Street District Business Improvement Area Board of Management considers flexibility in accommodating requests for street events to be held on Sundays dependent on event practicality in an effort

to spread out the anticipated crowds and challenges associated with several social gatherings occurring simultaneously.

Carried

Siegfried Wall queried Councillor Kwapis regarding future development of the property known as the Christian Baptist Church. Councillor Kwapis advised there was nothing to report at this time.

Adjournment

Moved by: Elizabeth Buslovich
Seconded by: Peter Mertens

1. That the meeting adjourn at 9:40 PM.

Carried

July 18, 2017
Date


G. Wilson, Chair



The meeting of the Newmarket Downtown Development Committee was held on Friday, March 31, 2017 in Hall # 4 of the Community Centre - 200 Doug Duncan Drive, Newmarket.

Members Present: Jackie Playter, Chair (10:09 to 11:40 AM)
Councillor Kwapis
Olga Paiva
Steve Whitfield

Absent: Barbara Leibel

Staff Present: C. Kallio, Economic Development Officer
L. Moor, Council/Committee Coordinator

Guests: Anne Martin (10:06 to 10:46 AM)
Karla Wilson (10:06 to 11:10 AM)
Ted Heald (10:06 to 11:10 AM)
Kathy Kumpula
Glenn Wilson
Joe Sponga (10:32 to 11:01 AM)
Laura Sterling (10:32 to 11:01 AM)

The meeting was called to order at 10:06 AM.

The Economic Development Officer in the Chair.

Additions & Corrections to the Agenda

The Economic Development Officer advised of two additions to the agenda being Financial Incentive Program Applications # 2017-06 for the property known as 221 Main Street South and # 2017-07 for the property known as the Christian Baptist Church.

Moved by: Olga Paiva
Seconded by: Steve Whitfield

That the additional items as itemized by the Economic Development Officer be included on the agenda.

Carried

Declarations of Interest

Olga Paiva advised that due to ongoing litigation, she would not be participating in any discussion or voting pertaining to Item 2 of the agenda, due to a conflict of interest regarding the use of the lane easement as outlined in the statement of claim issued to neighbouring properties, Lake Simcoe Region Conservation Authority and the Town of Newmarket in April 2014.

Jackie Playter arrived at 10:09 AM and assumed the Chair.

The Economic Development Officer provided a verbal status update regarding available budget figures and requested that the agenda items be repositioned to incorporate the additional submissions and presentations.

Items

1. Financial Incentives Program Application 2017-06 – Interior Renovation and Improvement Program/Planning and Building Fees Rebate/Credit Program/Project Feasibility Program – 221 Main Street South.

Ms. Anne Martin, owner of the property known as 221 Main Street South addressed those present with a PowerPoint presentation providing details of restoration works to the building after a flood occurred in January, 2016. She requested the opportunity to utilize an interest free loan in the amount of \$100,000.00, Project Feasibility Study costs in the amount of \$2,448.94 and Planning/Building Permit Fees reimbursement of \$450.00, all retroactively.

The Economic Development Officer provided details regarding eligibility requirements associated with applications and interest free loan requirements and read aloud the portion of the Newmarket Downtown Development Committee Terms of Reference indicating the timing of restoration works relative to application submission.

Moved by: Councillor Kwapis
Seconded by: Steve Whitfield

a) That the request for grants and/or loans for Financial Incentives Program Application 2017-06 – Interior Renovation and Improvement Program, Planning and Building Fees Rebate/Credit Program and Project Feasibility Program for the property known as 221 Main Street South be denied; and,

i) That the applicant be offered the opportunity to re-submit an application for the remaining restoration works for consideration by the Newmarket Downtown Development Committee; and,

ii) That Ms. Anne Martin, 221 Main Street South, Newmarket, ON L3Y 3Y9 be notified of this action.

Carried

2. Financial Incentives Program Application 2017-07 – Project Feasibility Study – Christian Baptist Church – 127 to 135 Main Street South.

Mr. Joe Sponga, on behalf of Century 21 Heritage Group addressed those present representing a client interested in the property known as 127 – 135 Main Street South. He advised that the client is seeking possible development opportunities for the building known as the Christian Baptist Church.

Moved by: Councillor Kwapis
Seconded by: Steve Whitfield

a) That the Financial Incentives Program Application 2017-07 – Project Feasibility Study for the property known as 127 – 135 Main Street South (Christian Baptist Church) be approved up to a maximum of \$10,000.00 subject to the submission of appropriate professional consulting fees quotations; and,

i) That the Feasibility Study assessment details be available publicly and shared as required; and,

ii) That Mr. Joe Sponga, Century 21 Heritage Group, #3 & 7-11160 Yonge Street, Richmond Hill, ON L4S 1H5 be notified of this action.

Carried

3. Financial Incentives Program 2017-05 – Façade Improvement and Restoration Program Grant Application, Interior Renovation and Improvement Program Grant Application – Haven Eclectic Modern Style – 206 Main Street South.

Ms. Karla Wilson, tenant of the property known as 206 Main Street South provided a verbal status update regarding the submitted applications and advised that she and the business co-owner are attempting to create an emporium type atmosphere with a limited seating espresso bar in the rear portion of the shop. She further advised that the lower level windows will be replaced with the design previously approved by the Lower Main Street Heritage Conservation District Advisory Group.

Moved by: Councillor Kwapis
 Seconded by: Steve Whitfield

- a) That the Façade Improvement and Restoration Program Gant Application in the amount of \$20,000.00 be approved; and,
- i) That the Interior Renovation and Improvement Program Grant Application in the amount of \$15,000.00 be approved; and,
- ii) That Planning and Building Permit fees in the maximum amount allowable be approved subject to the submission of receipts; and,
- iii) That Haven Eclectic Modern Style, 206 Main Street South, Newmarket, ON L3Y 3Z3 be notified of this action.

Carried

Approval of Minutes

4. Newmarket Downtown Development Committee Minutes of February 1, 2017.

Moved by: Steve Whitfield
 Seconded by: Olga Paiva

- a) That the Newmarket Downtown Development Committee Minutes of February 1, 2017 be approved.

Carried

Items

Olga Paiva left the meeting at 11:10 AM.

5. Business Sign Program Grant Application 2016-04 – Snackmrkt, 352 Doug Duncan Drive.

The Economic Development Officer provided a verbal update regarding the Business Sign Program Grant Application for the property known as Snackmrkt located at 352 Doug Duncan Drive.

Moved by: Steve Whitfield
Seconded by: Councillor Kwapis

a) That the Business Sign Program Grant Application in the amount of \$2,500.00 be approved; and,

i) That Snackmrkt Inc., 299 Court Street, Newmarket, ON L3Y 3S6 be notified of this action.

Carried

Olga Paiva returned to the meeting at 11:12 AM.

Olga Paiva took no part in the discussion or voting of the foregoing matter.

6. Financial Incentives Program Application 2017-01 – Interior Renovation and Improvement Grant Application, Façade Improvement and Restoration Program Grant Application, Project Feasibility Study Program Grant Application, Planning and Building Fees Rebate/Credit Program Grant Application – 37 Main Street.

The Economic Development Officer provided a verbal update regarding the applications and advised the new owner plans a complete renovation of the building which involves commercial space on the Main Street frontage and restoration of the exterior.

Moved by: Steve Whitfield
Seconded by: Councillor Kwapis

a) That the Interior Renovation and Improvement Grant Application in the amount of \$10,000.00 be approved; and,

i) That the Façade Improvement and Restoration Program Grant Application in the amount of \$10,000.00 be approved; and,

ii) That the Project Feasibility Study Program Grant Application in the amount of \$3,250.00 be approved; and,

iii) That the Planning and Building Fees Rebate/Credit Program Grant Application in the amount of \$933.10 be approved; and,

iv) That Mr. Giuseppe Crupi, 5150 Elgin Mills Road East, Markham, ON L6C 1L5 be notified of this action.

Carried

7. Financial Incentives Program Application 2017-04 – Façade Improvement and Restoration Grant Program Application – 74 Main Street South.

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Grant Application 2017-04 and advised that the new owner of the Grey Goat Pub is seeking financial assistance with the replacement of twelve windows in the building that will retain the original look and historic character of the windows currently in place.

Moved by: Olga Paiva
Seconded by: Steve Whitfield

a) That the Façade Improvement and Restoration Program Grant Application in the amount of \$6,272.00 be approved; and,

i) That Habi-J Holdings Ltd., 38 Spruce Avenue, Richmond Hill, ON L4C 6W1 be notified of this action.

Carried

8. Community Grant Application – Newmarket Car Club.

The Economic Development Officer provided a verbal update regarding the Community Grant Application for the Newmarket Car Club and advised that the Car Club Members have received endorsement from the Main Street District Business Improvement Area Board of Management to host the annual Main Street event on Sunday, June 11, 2017. The request for funding is to be used toward event marketing.

Moved by: Councillor Kwapis
 Seconded by: Olga Paiva

a) That the Community Grant Application from the Newmarket Car Club in the amount of \$2,000.00 be approved; and,

i) That the Newmarket Car Club, 24 Boothbay Crescent, Newmarket, ON L3Y 1Y5 be notified of this action.

Carried

9. Community Grant Application – TD – Newmarket Music Festival 2017.

The Economic Development Officer provided a verbal update regarding the Community Grant Application by the Arts Music Festivals York Region and advised that the Newmarket Jazz+ Festival will be returning to its' original home at Riverwalk Commons from August 25 to 27, 2017. The organizers are seeking a community grant in the amount of \$3,000.00 to support marketing efforts.

Moved by: Councillor Kwapis
 Seconded by: Olga Paiva

a) That the Community Grant Application from Arts Music Festivals York Region, o/a TD – Newmarket Music Festival 2017, in the amount of \$3,000.00 be approved; and,

i) That Arts Festival York Region, 1359 Wellington Street West, King City, ON L7B 1K5 be notified of this action.

Carried

New Business

The Economic Development Officer advised that he will be introducing a new staff member in the Economic Development Office who will begin employment with the Town on April 18, 2017.

Adjournment

Moved by: Olga Paiva
Seconded by: Steve Whitfield

That the meeting adjourn at 11:40 AM.

Carried

June 30/17
Date

Jackie Playter
Jackie Playter, Chair

From: Clerks
Sent: June 6, 2017 11:11 AM
To:
Subject: FW: lght up river walk commons/proclamation
Attachments: 2017 Light Up Teal Request Letter.docx

October 7th, 2017, is our 5th International Trigeminal Neuralgia day. This year's campaign is dedicated to promoting to the World Health Organization by asking them to add Trigeminal Neuralgia to their "Health Topic List"! Adding Trigeminal Neuralgia to the "Health List" of illnesses will expand awareness, grant access to further resources, and create opportunities for funding and research.

Our support group supports TNNME in the lighting up of buildings, bridges, all over the world. We go out to dinner, wear teal/blue clothing, ribbons to celebrate on October 7th. Please help us bring awareness for those who suffer from Trigeminal Neuralgia. Perhaps you even know someone who has tn and they have not been diagnosed. 10 percent of MS patients will be diagnosed with TN.

TN patients are likely to be in so much pain they can't speak, work, or socialize with others. Please help bring awareness by announcing our 5th international day, wear teal/blue to support awareness for TN. PLEASE HELP LIGHT UP THE WORLD IN TEAL/BLUE FOR AWARENESS!!

From
Kathy Somers

—
Group Leader for
Canada TNA (CaTNA)
www.catna2.ca
Toronto/Ontario area Chapter
and Newmarket



Hello

We are celebrating the 5th Annual International Trigeminal Neuralgia Awareness Day on October 7th, 2017!

2017 Campaign is focused on reaching out to the World Health Organization to add Trigeminal Neuralgia to their Health Topic List!

#WHOweare @WHOweare #WHOaml @WHOaml #WHOarewe @WHOarewe

What is trigeminal neuralgia?

We would be thankful for your authorization to "Light up Teal" (or Blue) on October 7th, 2017. If you're not the main person to make this kind of authorization could you, please forward this request to the individual that provides this sort of permissions?

Over 100 World Landmarks, international bridges, buildings, and structures will "Light up Teal" for October 7th, 2017, we're flexible with dates as we had approvals from past dates on October 6th thru October 13th, 2016! All approvals will be mentioned on TNnME websites, social network sites as well as continuous press announcements, newspapers article, and/or blog posts.

We will make sure to send any coverage to help keep everyone posted and this year we would like your help and letting us know your social media sites so we can give public thank you and mentions.

All mentions of approvals will be listed on **2017 "Light up Teal"** page on TNnME web-site. Follow this link for the **2016 Light Up Teal List** and this link to our **TNnME Media Page**

See below for details and please let us know should there be anything we could do to get your authorization and support...Thank you so much, Toni Saunders

Name of Organization: TNnME = (Trigeminal Neuralgia and Me) as well as **The Facial Pain Research Foundation_** (Non-Profit)

International Awareness: Education and Financing for Trigeminal Neuralgia and Facial Pains Disorders

Contact Person: Toni Saunders

Email address: tnawareness@gmail.com

Reason related to submitting the illumination request: Fifth International Trigeminal Neuralgia Awareness Day October 7th, 2017

TNnME Web- site address: <http://www.tnme.com>

[TNnME FB](#) [TNnME Twitter](#) [TNnME LinkedIn](#) [TNnME Pinterest](#) [TNnME YouTube](#)

From:
To:
Cc:
Subject:
Date:

From: Stephanie Cole [mailto:stephanie.cole@prostatecancer.ca]
Sent: August 1, 2017 10:23 AM
To: Mayor Van Bynen
Subject: Prostate Cancer Awareness Month

Dear Mayor Tony Van Bynen,

In 2016, over 150 municipalities across Canada formally recognized September as Prostate Cancer Awareness Month. This year we hope to double this number in order to spread double the awareness about prostate cancer, the most common cancer among Canadian men. Please help us achieve this noble goal by joining other communities across Canada in a show of solidarity against this terrible disease by officially recognizing September 2017 as Prostate Cancer Awareness Month in the municipality of Newmarket.

I have included below a backgrounder on Prostate Cancer Canada and some facts about prostate cancer for your reference. For further information please go to our website at www.prostatecancer.ca.

Of course, please let me know if you have any questions.

Yours truly,

Stephanie Cole
Project Administrator and Executive Assistant
to Dr. Stuart Edmonds, VP Research, Health Promotion and Survivorship

Prostate Cancer Canada
2 Lombard Street, 3rd Floor
Toronto, Ontario M5C 1M1
416-441-2131, Ext. 259

stephanie.cole@prostatecancer.ca

Cancer de la Prostate Canada
2, rue Lombard, 3^e étage
Toronto (Ontario) M5C 1M1
416-441-2131 poste 259

Prostate Cancer Canada Background

Prostate Cancer Canada is the leading national foundation dedicated to the elimination of the most common cancer in men through research, advocacy, education, support and awareness. For 22 years, we have invested the generous donations of Canadians towards funding

research that will uncover better diagnostic and treatment options, and towards providing comprehensive education and support services for those living with and affected by prostate cancer.

Prostate Cancer facts

- 1 in 7 Canadian men will be diagnosed with prostate cancer in their lifetime.
- An estimated 21,300 Canadian men will be diagnosed with prostate cancer in 2017
- An estimated 4,100 Canadian men will die of prostate cancer in 2017.

- Early detection saves lives. When detected early, the survival rate for prostate cancer is over 90%. This is why awareness is so important.

- Prostate Cancer Canada (PCC) encourages men to initiate a shared decision-making process with their doctors around age 40 to discuss their personal risk as well as the harms and benefits of the prostate-specific antigen (PSA) test. That way, men will be better equipped to decide upon an early detection strategy that is right for them.

- Over the last 20 years, the mortality rate from prostate cancer has been reduced by approximately 40% due to advancements in early diagnosis and treatment.

PROSTATE CANCER AWARENESS MONTH

September 2017

WHEREAS, prostate cancer is the most common cancer to affect Canadian men; and
WHEREAS, 1 in 7 Canadian men will be diagnosed with the disease in his lifetime; and
WHEREAS, an estimated 23,100 Canadian men will be diagnosed with prostate cancer this year; and

WHEREAS, the survival rate for prostate cancer can be over 90% when detected early; and

WHEREAS, those with a family history of the disease, or those of African or Caribbean descent, are at a greater risk of developing prostate cancer; and

WHEREAS, Prostate Cancer Canada recommends that men get a PSA test in their 40s to establish their baseline;

THEREFORE, I, Mayor Tony Van Bynen, of the Newmarket, do hereby proclaim **September 2017 as Prostate Cancer Awareness Month** in Newmarket.

Dear Friends and Colleagues,

Attached is a Town of Caledon proclamation for Childhood Cancer Awareness Month (September 2017). I ask that you consider to add this to your own local proclamations as a way to raise greater awareness to the challenges and impacts that this disease has on families in our communities.

Thank you,

Allan Thompson, Mayor

Town of Caledon | [6311 Old Church Rd. | Caledon, ON L7C 1J6](#)

E. allan.thompson@caledon.ca

W: caledon.ca/mayor

T. [905-584-2272](tel:905-584-2272) Toll free. [1-888-225-3366](tel:1-888-225-3366)

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[Sign up for my monthly newsletter](#)

The Corporation of the Town of Caledon

Office of the Mayor

Proclamation

Whereas, September is officially recognized as Childhood Cancer Awareness month; and

Whereas, Childcan provides financial, emotional and social support for families and children facing the journey through childhood cancer – from diagnosis, through treatment to recovery or bereavement; and

Whereas, Organizations which support families dealing with childhood cancer are working together to raise awareness of this disease and its devastating effects, as well as raising funds to support the families and children affected, by wearing gold ribbons and pins, lighting buildings in gold and sharing our stories; and

Whereas, Raised awareness and funds will help these families and children deal with the emotional and financial toll.

Now, Therefore, I, Allan Thompson, Mayor of the Town of Caledon, do hereby proclaim

September 2017

as

“Childhood Cancer Awareness Month”

in the Town of Caledon and do commend its thoughtful observance to all citizens of our municipality.

Dated this 29th day of August 2017



His Worship, Mayor Allan Thompson

From: Tara Edeh
Sent: August 8, 2017 12:53 PM
To:
Subject: Proclamation Request for Recovery Day York Region - Friday September 22nd, 2017
Attachments: Introduction & History - York Region Recovery Day 2017 (Newmarket).docx; Form #7 - Proclamation - Recovery Day Newmarket 2017.docx

Good Afternoon Linda,

I hope this email finds you well.

We discussed a proclamation request several weeks ago for the Recovery Day Event that is taking place in Newmarket ON.

I have finalized the details of this event, all the information is below.

Recovery Day York Region

Date: Friday September 22, 2017

Time: 4 pm – 7 pm

Location:

Lion's Hall (Hall 1 & 2)

200 Doug Duncan Dr

Newmarket ON

L3Y 3Y9

This is a community celebration all are welcome and it is free to the community. This is hosted by The Community Drug Strategy for York Region, key sponsors are Canadian Addiction Treatment Centres & Addiction Services of York Region. Key community stakeholders that are in support of this event, attending and on the planning committee are: York Region Public Health, Probation & Parole York Region, Blue Doors Shelter, CATC & ASYR.

I have attached an overview of National Recovery Day and a sample of a proclamation that was given in Calgary (inserting Honorable Mayor Tony Van Bynen's name)

Please let me know if you require any further information

Thank you

Tara

Tara Edeh B.A. (Psych), ADTP (Hons), CCAC
Community and Patient Relations Coordinator
Ontario Addiction Treatment Centres

Direct Line: 289.231.0643

E-mail: tedeh@oatc.ca



Celebrating Recovery from Addiction

History and Introduction of Recovery Day Newmarket

Our **MISSION** is to build awareness, challenge social stigma and celebrate the role recovery plays in improving lives for individuals, families and communities. We believe that recovery saves lives. We envision a world in which full recovery from addiction is a common and celebrated reality. We want to open this conversation so individuals will not experience shame when seeking help.

Recovery Day all started with an e-mail that was sent on July 30th, 2012 to AnnMarie McCullough and Lorinda Strang. It contained an eight minute trailer for the movie which at the time was still being produced by Greg Williams – known as ‘The Anonymous People’. The film documents the emerging “new recovery advocacy movement” with footage of the rallies and marches that have been happening all over the US for over a decade. After seeing the trailer, the decision was made to immediately start planning Canada’s first “Rally for Recovery” in Vancouver – with less than 8 weeks to prepare.

Before September 2012, no one had even heard the term “Recovery Day” in Canada but in a matter of weeks, we witnessed the birth- of not only a ‘Recovery Day’ in Vancouver, but also a Recovery Day in Victoria with proclamations in both cities that held events as well as a proclamation in Ottawa.

In September 2013, Vancouver, Toronto, Calgary, Edmonton, Saskatoon, Victoria, Regina, Nanaimo, Kamloops, Kelowna, Ottawa and Fredericton all hosted “Recovery Days” on September the 8th. The cities all had proclamations from their respective City’s mayors. There were letters of support from the CCSA, CACCF, CASW and the health minister of BC. BC also received an unexpected proclamation from the premier declaring Recovery Day for the entire province.

Also that month, Lorinda and AnnMarie were in Washington, DC to receive the “rally of the year” award from SAMHSA for Vancouver’s Recovery Day in 2012. It was a great honor as well as an amazing opportunity to meet with recovery advocates and government officials that have been working in the field for many years. While there, it was announced that the UN was looking at passing a resolution to declare September “International Recovery” month. This has since come to pass!

In April of 2013, members of the Recovery Day initiatives - AnnMarie McCullough, Lisa Simone and Lorinda Strang formed a new organization-Faces and Voices of Recovery (FAVOR) Canada- modeled after the organization that has been helping organize the recovery movement in the US since 2001.

Faces and Voices of Recovery or “FAVOR” Canada is dedicated to organizing and mobilizing the 5 million Canadians in recovery from addiction, along with our families, friends and allies.



Our goals: to build networks and foster recovery community organizations; to reduce stigma; to raise awareness and bring people together in celebration of recovery. Together, we will demonstrate the power and proof of recovery from addiction and its value to individuals, families and communities across Canada. We support all pathways to recovery and we **STRONGLY** support initiatives such as Recovery Day and Recovery Month.

In September 2016, over 30 cities celebrated Recovery Day events and this year, we hope to have even more cities joining in. The movement is gaining momentum!

In **September 2017** – York Region is joining this movement in Newmarket ON. We are a group of passionate individuals that sit on the Community Drug Strategy for York Region that have come together to raise awareness to this important cause. With the dedication and persistence of this table we will be reaching out to our government officials, local agencies, and community members to come out and celebrate recovery from addiction. Many addiction services, agencies and community members are involved with this planning.

Together we can reduce stigma and create a platform that is safe and open for individuals, family and the community to celebrate recovery from addiction.

We hope to see you there!

Sincerely,

Recovery Day York Region Planning Committee

From: Jan Robertson [mailto:miraclesthree@gmail.com]
Sent: August 4, 2017 4:24 PM
To: Clerks
Cc: endpkd@endpkd.ca
Subject: PKD Awareness Day Proclamation - Newmarket

Hello,

I am writing to you as an advocate and co-founder of the PKD Foundation of Canada to help bring awareness to polycystic kidney disease (PKD). Please find attached my letter requesting a proclamation for September 4th as National PKD Awareness Day.

I gratefully ask that we receive the proclamation by August 31, 2017.

Please feel free to contact me with any further questions. Thank you for your consideration.

Kind regards,

Jan Robertson
Volunteer / PKD Foundation of Canada
Phone: 905-235-1222



Wednesday, August 16, 2017

Dear Mayor Tony Van Bynen,

My name is Jan Robertson and I am an advocate and co-founder of the PKD Foundation of Canada. I wanted to reach out about a serious issue, in hopes that you can help on September 4th.

Polycystic kidney disease (PKD) is a genetic disorder where abnormal cysts develop and grow in the kidneys. While this is a very serious and life-threatening disease affecting 66,000 Canadians and over 150 people in Newmarket, many people outside of the PKD community have never heard of it. This makes it more challenging to get the attention of important decision makers when it comes to funding and research.

I was diagnosed with PKD 36 years ago and since then have been blessed with two liver transplants and will need a kidney transplant in the future. The liver transplants were a result of this disease affecting many other organs in the body other than just the kidneys, such as the liver, heart, pancreas, spleen and bowels. In my case, all of these organs have been affected so it really is quite a challenge dealing every day with all these different problems. Until 7 years ago, I also lived with the fact that both of my adult children could have inherited this disease as there is a 50/50 chance for each child. Genetic testing was done then and we were blessed again to learn that the gene had not been passed on. When I was diagnosed, there was very little knowledge of this disease and no help for me. After several years of fighting for my life alone, we decided we needed to start our own charity to help other patients and families going through this same battle. The PKD Foundation of Canada is now a national charity helping thousands of Canadians with chapters all over our great country. It would mean the world to me if you would join other mayors in recognizing this very important day.

The PKD Foundation of Canada aims to promote programs of research, advocacy, education, support and awareness to discover treatments and a cure for polycystic kidney disease, improving the lives of all it affects. Since 2014, Health Canada has officially recognized September 4th as National PKD Awareness Day, bringing much-needed attention to this disease. Being able to leverage this national recognition has had a positive impact on the community and our efforts. Last year, the mayors of Ottawa, Toronto, Barrie and Dollard-des-Ormeaux as well as the City of Saskatoon and the Town of Richmond Hill officially declared September 4th as National PKD Awareness Day.

We would greatly appreciate if you could proclaim September 4th, 2017 as National PKD Awareness Day in the Town of Newmarket. Please do not hesitate to reach out if you have any questions or require more information.

Sincerely,

Jan Robertson
miraclesthree@gmail.com
905 235 1222



TOWN OF NEWMARKET

Outstanding Matters Schedule A

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>1. Committee of the Whole – February 22, 2016 – Item 27 Motion – Councillor Hempen Welcome Entrance Sign</p>	<p>THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Drive and Davis Drive;</p> <p>AND THAT staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.</p> <ul style="list-style-type: none"> ➤ Development and Infrastructure Services 	<p>Q2/Q3, 2016 Q4, 2016 Q1, 2017 Q2, 2017 June 19, 2017 Q2-Q3 2017</p>	<p>Subject to confirming preferred location of installation with adjacent property owner</p>
<p>2. Council – April 4, 2016 – Item 5 Joint Report Community Services - Recreation and Culture; Development and Infrastructure Services - Public Works, Engineering, Corporate Services - Finance 2016-14 dated March 31, 2016 regarding Implementation Plan - Future Facilities and Land Use</p>	<p>THAT Phase 2 of the Recreation Playbook Implementation Plan be approved as outlined in the report, with public consultation done as part of applicable design processes;</p> <p>AND THAT Phase 3 of the Recreation Playbook Implementation Plan be shared with the community through a public consultation process and that staff then report back;</p> <p>AND THAT future Council Workshops be done to consider specific uses and negotiation strategies on potential property acquisitions, as outlined in the report;</p> <p>AND THAT as part of the 2016 Capital Budget, the design for an outdoor basketball court at Ken Sturgeon Park be undertaken, and funding for construction be requested in the 2017 Capital Budget funded from Development Charges and Capital Reserves, in order to include this project in Phase 2 of the Recreation Playbook implementation plan.</p> <ul style="list-style-type: none"> ➤ Recreation and Culture 	<p>Q4, 2016 Q2, 2017 Q4, 2017</p>	<p>An information report will be forthcoming in June, 2017 outlining a series of PIC's that will be related to various aspects of Phase 3 of the Recreation Playbook</p>

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting
 Bold indicates that the item will be on the upcoming agenda

Last revisions made on August 14, 2017
 (Updated and including the Committee of the Whole Minutes of June 19, 2017)

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>3. Council – June 27, 2016 – Item 34 Development and Infrastructure Services Report – ES 2016-24 regarding Savage Road/Sandford Street Traffic Review</p>	<p>THAT Item 4 – Active Transportation Plan (bicycle lanes) on Sandford Street from Mullock Drive to Savage Road with a possible extension along Savage Road to Paul Sample Park entrance be deferred in order to provide an opportunity to work with residents to monitor and evaluate the traffic-calming measures.</p> <p>➤ Engineering Services</p>	<p>A meeting was held between staff and the Ward Councillor on May 11, 2017, to explore public consultation options. It was confirmed by the Councillor that the measures implemented by Engineering Services in 2016 (flexible bollards) have resolved the issues on Sandford St. The measures will continue through 2017. A public consultation and report to CoW is no longer required, according to the Ward Councillor. Staff will produce an Info Report instead.</p>	<p>Meeting scheduled with Councillor May 11th and further updates provided following the meeting</p> <p>Information Report to follow</p>
<p>4. Committee of the Whole – February 6, 2017 – Item 14 – Motion – Councillor Kwapis – Vacant Storefronts</p> <p>Committee of the Whole – April 10, 2017 – Item 11 (2)</p>	<p>THAT Council direct staff to review options, best practices and by-laws that are used by towns and cities to prevent and/or manage unsightly vacant storefronts in areas of special interest such as Main Street. This report to be brought back to Council within 120 days.</p> <p>A suggestion was made to include residential dwellings/units as part of staff's review.</p> <p>➤ Legislative Services</p>	<p>June 19, 2017 August 28, 2017 September 25, 2017</p>	<p>Meeting with Legislative Services, Planning and Economic Development Officer held and staff proceeding with research options and best practices to provide Council</p>
<p>5. Committee of the Whole – February 27, 2017 – Item 19 – Development & Infrastructure Services – Planning & Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations</p>	<p>THAT Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy.</p> <p>➤ Planning and Building Services</p>	<p>Q3/Q4, 2017</p>	
<p>6. Committee of the Whole – February 27, 2017 – Item 23 – Motion – Councillor Bisanz</p>	<p>THAT staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</p> <p>➤ Planning and Building Services</p>	<p>Q3/Q4, 2017</p>	

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>7. Committee of the Whole – February 27, 2017 – Item 21 – Item 3 of Central York Fire Services – Joint Council Committee Minutes of October 4, 2016 regarding Burning By-laws Discussion</p>	<p>THAT the Central York Fire Services Joint Council Committee recommendation be approved and that staff be directed to review the current burning by-law in conjunction with Aurora staff (specifically, By-law and Fire Services)</p> <p>➤ Central York Fire Services</p>		<p>Report considered at May 16, 2017 JCC meeting</p> <p>Excerpt of Minutes of CYFS JCC meeting of May 16, 2017 – Item 11</p> <p>That Fire Services Report 2017-04 dated May 9, 2017 regarding Outdoor Burning By-law be received; and,</p> <p>That there be no amendments made to the current Outdoor Burning By-laws 2009-064 and 5111-09; and,</p> <p>That an education and communication plan be implemented.</p>
<p>8. Council – March 27, 2017 – Item – Motion Councillor Twinney</p>	<p>To ask staff to review Zoning By-law 2010-40 and 2013-40 to address best practices related to infill development standards across the town as a whole.</p> <p>➤ Planning & Building Services</p>	<p>Q3/Q4, 2017</p>	
<p>9. Committee of the Whole – May 8, 2017 – Item 26 – Community Services – Commissioner and Newmarket Public Library Joint Report 2017-07 regarding Library Facility Needs Assessment</p>	<p>That the library facility needs assessment be referred to staff to be brought forward with the operational efficiency review.</p> <p>➤ Community Services – Commissioner/Library</p>	<p>Q4, 2017</p>	<p>To follow Efficiency Review</p>

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
10. Committee of the Whole – May 8, 2017 – Item 32 – Motion – Councillor Bisanz Information Document for Residents Related to Construction Sites	<p>That Council approve the following motion in principle:</p> <p>That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and,</p> <p>That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result.</p> <p>And that the aforementioned motions be referred to staff for a report back including options and resource requirements.</p>	Q4, 2017	
11. Special Council – May 29, 2017 Motion – Temporary re-zoning of 195 Harry Walker Parkway	<p>➤ Planning & Building Services</p> <p>That a Town-led temporary re-zoning application for the property known as 195 Harry Walker Parkway be initiated with a Public Planning session scheduled over the summer months to accommodate a temporary location for the Community Living Newmarket Aurora District administration and programming facility with a completion target date of no later than September 1, 2017</p>	<p>Statutory Public Meeting held on July 10, 2017</p> <p>Temporary Zoning By-law enacted at Special Council meeting held on July 10, 2017</p>	



TOWN OF NEWMARKET

Outstanding Matters Schedule B

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>1. Council – December 14, 2015 – Item 35 – Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p>That staff provide alternate trail options for this area at a lower cost.</p> <p>That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered.</p> <p>That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail;</p> <p>And that staff also include in the report the option of installing lighting along the George Luesby Park Trail.</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	<p>Timeline to be determined</p>	<p>Deferred subsequent to VivaNext construction</p>
<p>2. Committee of the Whole – November 28, 2016 – Item 23 Development & Infrastructure Services Report – ES 2016-54 Public Consultation and Support Plan – Transportation Services Update</p>	<p>That the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017;</p> <p>And that the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary.</p> <ul style="list-style-type: none"> ➤ Engineering Services 	<p>Q1, 2018</p>	

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
3.	Internet Voting and Ranked Ballots	That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election. ➤ Legislative Services	Q1, 2019
4.	Committee of the Whole – February 27, 2017 – Item 19 – Development & Infrastructure Services – Planning & Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations	And that Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; And that Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. ➤ Planning and Building Services	2018
5.	Committee of the Whole – March 20, 2017 – Item 20 – CAO/Finance/Human Resources Report 2017-03 – Council Remuneration and Tax Status	That Council maintain the 1/3 tax free status relative to Council remuneration; And 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. ➤ CAO/Finance/Human Resources	2018
6.	Council – December 5, 2016 – Item 44 Development & Infrastructure Services – Planning & Building Services Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street	That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet. ➤ Planning and Building Services	This direction has been deferred as it will be Council's position at the Ontario Municipal Board hearing related to 178-194 Main Street South
7.	Council – June 7, 2016 – Item 35 Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08 – Federal Infrastructure Funding	That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary' ➤ Strategic Initiatives	2018 Awaiting next phase of funding announcements

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>8. Committee of the Whole – August 29, 2016 – Item 20 – Corporate Services Report – Legislative Services 2016-17 regarding ‘Potential Regulation of Driving School Instructors’</p>	<p>That staff host a PIC in November, 2016 to seek Council, public and industry input on the potential regulation of driving school instructors operating in the Town of Newmarket;</p> <p>And that staff continue to work with the MTO and driving school instructors operating in the Town of Newmarket to mitigate traffic and perceived safety concerns raised by residents;</p> <p>And that staff bring back a report in the first quarter of 2017 regarding the potential regulation of driving school instructors operating in the Town of Newmarket.</p>	<p>1. That Option 1 of the Report be implemented; and,</p> <p>2. That staff provide a status report on the “Restricted Area” within 12 months of implementing Option 1 of the Report.</p> <p>➤ Legislative Services</p>	<p>May, 2018</p>
<p>9. Committee of the Whole – May 8, 2017 – Item 3 – Corporate Services Report – Legislative Services 2017-07 – “Restricted Area for Driving Schools and Instructors”</p>	<p>1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and,</p> <p>2. That staff monitor the implementation of the bike lanes, analyze the impacts for a one year period and provide a report back to Council in one year.</p> <p>➤ Engineering Services</p>	<p>May, 2018</p>	
<p>10. Council – June 26, 2017- Item 10 Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p>	<p>That traffic impacts be monitored post construction.</p>	<p>TBD</p>	