



Town of Newmarket **AGENDA**

Council

Monday, October 2, 2017 at 7:00 PM

Council Chambers

Open Forum

Public Notices (if required)

Additions & Corrections to the Agenda

Declarations of Pecuniary Interest

Presentations & Recognitions

Deputations

Approval of Minutes

1. Special Council Meeting Minutes of July 10, 2017 **Page 1**
2. Council Meeting Minutes of September 11, 2017 **Page 5**

Reports by Regional Representatives

Reports of Committees and Staff

3. Council Workshop Minutes of September 18, 2017 **Page 27**
4. Committee of the Whole Meeting Minutes of September 25, 2017 **Page 31**
5. Committee of the Whole (Closed Session) Meeting Minutes of September 25, 2017
6. Proclamation Request – October 2017 – Learning Disabilities Awareness Month **Page 44**
 1. That the proclamation request be received; and,
 2. That the Town of Newmarket proclaim October 2017 as “Learning Disabilities Awareness Month”; and,
 3. That the proclamation be advertised in the Town Page and on the Town’s website.

By-laws

- | | |
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| 7. 2017-49 – A By-law to Regulate Water Meters | Page 49 |
| 8. 2017- 50 – Sewer Use By-law | Page 69 |
| 9. 2017- 56 – Parkland Dedication By-law | Page 101 |
| 10. 2017- 57 – A By-law to repeal By-law 2002-168 (Provisions of Notice By-law) | Page 110 |

Notices of Motions

Motions

Announcements & Community Events

New Business

Closed Session (if required)

Confirmatory By-law

- | | |
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| 11. 2017-58 – A By-law to confirm the proceedings of the October 2, 2017 Council Meeting | Page 111 |
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Adjournment

Special Council

Monday, July 10, 2017 at +/- 7:00 PM
Council Chambers

For consideration by Council
on October 2, 2017

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

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

Absent: Mayor Van Bynen

Staff Present: R.N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development and Infrastructure Services
J. Unger, Assistant Director of Planning
M. Peverini, Committee Secretary, Planning
K. Saini, Deputy Clerk
J. Patel, Applications Support Analyst
L. Moor, Council/Committee Coordinator

The meeting was called to order at 7:16 PM.

Deputy Mayor & Regional Councillor Taylor in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of an addition to the agenda being correspondence dated June 29, 2017 from Mr. Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority with respect to the Township of Ramara.

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

1. That Council waive the notice provisions of the Procedure By-law for the purpose of ratifying the action related to the correspondence from the Lake Simcoe Region Conservation Authority.

In Favour: Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None
(8 in favour, 0 opposed)

Carried by 2/3 majority

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Reports of Committees and Staff

1. Ratification of actions of the Special Committee of the Whole Meeting of July 10, 2017.

Moved by: Councillor Twinney
Seconded by: Councillor Bisanz

1. That the following recommendations of the Special Committee of the Whole Meeting of July 10, 2017 be adopted:
 - a. That the presentation provided by Planning staff entitled "195 Harry Walker Parkway North" be received; and,
 - b. That Council adopt By-law Number 2017-47 to temporarily amend the Permitted Uses on the property for up to three years.

In Favour: Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None
(8 in favour, 0 opposed)

Carried

2. **Correspondence dated June 29, 2017 from Mr. Mike Walters, Chief Administrative Officer regarding the Township of Ramara and their appeal to the Lake Simcoe Region Conservation Authority's levy apportionment for 2017 and their desire to no longer be a member of the Authority.**

Moved by: Councillor Kerwin
 Seconded by: Councillor Broome

1. Whereas the Lake Simcoe Region Conservation Authority (LSRCA) has advised its member municipalities that the Township of Ramara has advised that it no longer wishes to be an LSRCA member, and that it is appealing the 2017 LSRCA levy apportionment to the Ontario Mining and Lands Commissioner; and,
2. Whereas it is LSRCA's position that the Township of Ramara be held accountable for its fair and equitable share towards the provincially mandated programs being delivered by LSRCA; and,
3. Therefore be it resolved that the Town of Newmarket is in full support of the Lake Simcoe Region Conservation Authority in its quest to hold the Township of Ramara accountable for its fair and equitable share towards the provincially mandated programs being delivered by LSRCA.

In Favour: Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None
 (8 in favour, 0 opposed)

Carried

By-laws

2017-47 A By-law to authorize the temporary use of certain lands to permit "office" and "institutional day centre" uses on lands generally described as 195 Harry Walker Parkway North.

Moved by: Councillor Twinney
 Seconded by: Councillor Broome

1. That By-law 2017-47 be enacted.

In Favour: Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None
(8 in favour, 0 opposed)

Carried

Confirmatory By-law

2017-48 A By-law to confirm the proceedings of Special Council – July 10, 2017.

Moved by: Councillor Vegh
Seconded by: Councillor Kwapis

1. That By-law 2017-48 be enacted.

In Favour: Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None
(8 in favour, 0 opposed)

Carried

Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Bisanz

1. That the Special Council meeting adjourn at 7:23 PM.

In Favour: Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None
(8 in favour, 0 opposed)

Carried

John Taylor, Deputy Mayor

Kiran Saini, Deputy Clerk

The meeting of the Council was held on Monday, September 11, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Absent: Councillor Hempen

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

Open Forum

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

The meeting was called to order at 7:03 PM.

Mayor Van Bynen the Chair.

Public Notices

There were no public notices.

Additions & Corrections to the Agenda

There were no additions or corrections to the Agenda.

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Presentations & Recognitions

There were no presentations or recognitions.

Deputations

1. The Terry Fox Run Newmarket

Moved by: Councillor Kerwin
Seconded by: Councillor Broome

1. That the deputation and proclamation by Ms. Debbie Fletcher-Queen regarding the Terry Fox Run be received; and,
2. That the Town of Newmarket Proclaim September 11, 2017 to September 17, 2017 as Terry Fox Week to honour and promote the annual Terry Fox Run held on Sunday, September 17, 2017; and,
3. That the proclamation be advertised in the Town page and on the Town's website.

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

Opposed: None
(8 in favour, 0 opposed)

Carried

2. Vimy White Oak Sapling Presentation

Moved by: Councillor Kwapis
Seconded by: Councillor Twinney

1. That the deputation by Mr. Wes Playter regarding the Vimy White Oak Saplings be received.

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

Opposed: None
(8 in favour, 0 opposed)

Carried

Approval of Minutes

3. Council Meeting Minutes of June 26, 2017

Moved by: Councillor Twinney
Seconded by: Councillor Vegh

1. That the Council Meeting Minutes of June 26, 2017 be approved.

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

Opposed: None
(8 in favour, 0 opposed)

Carried

Reports by Regional Representatives

(1) Expropriations on Yonge Street

Deputy Mayor & Regional Councillor Taylor provided an update to Council regarding various expropriations related to Viva route construction that have been approved the by Regional Committee. He indicated that an additional expropriation will involve road widening on Yonge Street, between Davis Drive and Green Lane. He further advised that this project will begin in 2020 and the road will be widened from 4 to 6 lanes, curb-side bus stops and off road bike lanes will be installed.

Reports of Committee and Staff

4. Committee of the Whole Meeting Minutes of August 28, 2017

Moved by: Councillor Vegh
 Seconded by: Councillor Broome

That the Committee of the Whole Meeting Minutes of August 28, 2017 be received and the recommendations noted within be adopted, except sub-items 23 and 28. See following sub-items 23 and 28 for motion and recorded vote.

(1) Patricia Hildreth – 770 Gorham Street

1. That the deputation by Ms. Patricia Hildreth regarding the 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 be received.

(2) Application for Zoning By-law Amendment – 514 Davis Drive

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.

(3) 2018 Schedule of Council and Committee of the Whole Meetings

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,
 - a. That the 2018 Council and Committee of the Whole meeting schedule be adopted.

(4) Canada 150 Community Infrastructure Contribution Agreement

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. i809957 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

(5) Parking Amendments – Marianneville, Sundial homes and National Homes Subdivisions

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 approval
- (6) Water Meter By-law – New By-law to regulate water meter use within the serviced area of the Town of Newmarket
 1. That Development and Infrastructure Services Report 2017-25 dated July 28, 2017 entitled Water Meter By-law – New By-law 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 By-law 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 By-law 2017- 49 be placed on the Town of Newmarket website.

- (7) Sewer Use By-law Update – Discharge of Sewage, Storm Water and Land Drainage By-law within the serviced area of the Town of Newmarket
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 information.
- (8) Ontario Regulation 366-09 Display Screens and Hand-Held Devices
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.
- (9) Correspondence from Mayor Rob Burton, Chair of Auto Mayors, dated June 2017 regarding a resolution with respect to Protecting the Automotive Sector in Newmarket

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; and,
2. Request the Mayor write a letter to Prime Minister Justin Trudeau and Newmarket's local member of Parliament reinforcing these concerns; and,

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.
- (10) Newmarket Economic Development Advisory Committee Meeting Minutes of November 1, 2016
1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of November 1, 2016 be received.
- (11) Accessibility Advisory Committee Meeting Minutes of March 23, 2017
1. That the Accessibility Advisory Committee Meeting Minutes of March 23, 2017 be received.
- (12) Item 3 of the Accessibility Advisory Committee Meeting Minutes of March 23, 2017
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.
- (13) Newmarket Public Library Board Meeting Minutes of May 17, 2017
1. That the Newmarket Public Library Board Meeting Minutes of May 17, 2017 be received.
- (14) Joint Council and Newmarket Economic Development Advisory Committee Workshop Minutes of May 1, 2017
1. That the Newmarket Public Library Board Meeting Minutes of May 17, 2017 be received.

- (15) Heritage Newmarket Advisory Committee Meeting Minutes of May 2, June 13 and draft minutes of July 11, 2017
1. That the Heritage Newmarket Advisory Committee Meeting Minutes of May 2, June 13, and draft minutes of July 11, 2017 be received.
- (16) 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.
- (16) 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.

- (17) Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017
 - 1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017 be received.
- (18) Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017
 - 1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 16 and June 20, 2017 be received.
- (19) Newmarket Downtown Development Committee Meeting Minutes of March 31, 2017
 - 1. That the Newmarket Downtown Development Committee Meeting Minutes of March 31, 2017 be received.
- (20) Proclamation Request - October 7, 2017 – International Trigeminal Neuralgia Day and Request to Light Up Riverwalk Commons
 - 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.
- (21) Proclamation Request- September 2017- Prostate Cancer Awareness Month
 - 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.

(22) Proclamation Request - September 2017 - Childhood Cancer Awareness Month

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.

(23) Proclamation Request - September 22, 2017 - Recovery Day 2017

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

1. That the deputation by Mr. Tim Greenwood and 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.

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

Opposed: None
 (8 in favour, 0 opposed)

Carried

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

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.

(25) List of Outstanding Matters

1. That the list of outstanding matters be received.

(26) Zoning By-laws 2010-40, 1981-96 and 1979-50 Review

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.

(27) Servicing Allocation Policy, Updated July 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.

(28) Height and Density Bonusing Implementation Guide

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

1. That this item be considered as part of Item 6.

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

Opposed: None
(8 in favour, 0 opposed)

Carried

(29) Administrative Monetary Penalty System for Automated Speed Enforcement in York Region

1. That Legislative Services Information Report 2017-11 entitled “Administrative Monetary Penalty System for Automated Speed Enforcement in York Region” be received.

(30) 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

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, as amended:
 - 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 appear** 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."

Carried

5. Committee of the Whole (Closed Session) Meeting Minutes of August 28, 2017

Moved by: Councillor Kerwin
Seconded by: Councillor Broome

1. That the Committee of the Whole (Closed Session) Meeting Minutes of August 28, 2017 be approved.

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

Opposed: None
(8 in favour, 0 opposed)

Carried

6. Height and Density Bonusing Implementation Guide (as amended)

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Kerwin

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-28 dated August 28, 2017, and the Height and Density Bonusing Implementation Guidelines, as amended, be deferred to a future Committee of the Whole meeting.

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

Opposed: None
 (8 in favour, 0 opposed)

Carried

By-laws

- 2017-52 A By-law to amend By-law 1993-62, as amended, being a by-law to regulate parking within the Town of Newmarket.
 (Schedule X – No Parking) (Marianneville, Sundial and National Homes)
- 2017- 53 A By-law to amend By-law number 2014-25, being a Restricted Area (Zoning) By-law. (Marianneville Developments Limited)
- 2017- 54 A By-law to exempt certain lands from the part lot control provisions of the Planning Act (1209104 Ontario Limited, Lots 26, 27 and 28, Plan 65M-4523)

Moved by: Councillor Vegh
 Seconded by: Councillor Bisanz

1. That By-laws 2017-52, 2017-54 and 2017-55 be enacted.

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

Opposed: None
 (8 in favour, 0 opposed)

Carried

Notices of Motions

7. 2017 Remembrance Day Banners

Moved by: Councillor Kerwin
 Seconded by: Deputy Mayor & Regional Councillor Taylor

1. That Council waive the notice provisions of the Procedure By-law to permit consideration of the following motion related to Remembrance day banners.

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

Opposed: None
 (8 in favour, 0 opposed)

Carried by 2/3 majority

Moved by: Deputy Mayor & Regional Councillor Taylor
 Seconded by: Councillor Vegh

2. That Council formally support and endorse the Royal Canadian Legion Milton Wesley Branch 427 Banner Program and direct staff to install the banners and for the cost of \$756.92 to be waived in advance of Remembrance Day.

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

Opposed: None
 (8 in favour, 0 opposed)

Carried

Motions

None.

Announcements and Community Events

8. Terry Fox Run

Councillor Bisanz invited residents to the Terry Fox Run on Sunday, September 17, 2017. She advised that Registration begins at 8:30 AM followed by a run start of 9:00 AM at the Ray Twinney Complex. All are welcome to collect pledges and participate in the 5km and 10km routes through the Glenway neighbourhood. She further advised that there will be a free BBQ, refreshments, and snacks. Activities include: face painting, kids' corner, random prize draw and a D.J. Please visit terryfoxrun.org for further details.

9. Quaker Hill Community Picnic

Councillor Kwapis thanked residents for attending the Quaker Hill Community Picnic. He advised that over 500 people attended and that the event was a success. He further thanked everyone involved in organizing the picnic and the sponsors, including Elmer the Safety Elephant who was provided by the Ontario Safety League.

10. Public Planning Session – September 25, 2017 at 7:00 PM

Councillor Kwapis advised residents that a Committee of the Whole Public Planning Session is scheduled for Monday, September 25, 2017 at 7:00 PM in the Council Chambers at 395 Mulock Drive. An application has been made for a Zoning By-law Amendment for the lands municipally known as 514 Davis Drive. The effect of this application is to permit a 5-storey mixed-use commercial building and an associated multi-level parking structure to the rear. For further information please contact the Planning Department at 905-953-5321.

11. Newmarket Go Station Mobility Hub Study

The Deputy Mayor & Regional Councillor advised residents that a second Open House is scheduled for the Newmarket GO Station Mobility Hub Study on Thursday, September 28, 2017 from 6:30-8:30 PM at the Newmarket Seniors Meeting Place. A presentation will take place at 7pm. The study is intended to identify opportunities to improve the GO Station and surrounding area over the short-to-medium and long-term.

12. Buskerfest

Councillor Twinney invited residents attend Buskerfest on Sunday, September 24, 2017. Experience a full day of organized pandemonium, uncontrollable laughter and non-stop chaos at multiple locations around Town: Newmarket's Riverwalk Commons (200 Doug Duncan Drive) and Timothy Street from 1-4:30pm. Street performers will entertain audiences of all ages. Admission is free. Present your 150 Days of Summer button to be invited to an exclusive performance. Bring a non-perishable food item and receive a Cobs Bread food voucher. In the case of inclement weather, this event will be moved inside the Community Centre & Lions Hall and Old Town Hall.

13. Active Living Fair

Councillor Kerwin invited residents to come to the Active Living & Information Fair for Adults 55+ on Saturday, September 23, 2017 from 9:00 AM to 2:00 PM at the Newmarket Seniors' Meeting Place (474 Davis Drive). This event showcases a variety of presenters and informative seminars focusing on services and programs available for older adults. Visitors will have the opportunity to participate in active living demonstrations (Belly Fit, Pilates, Yoga, and Tai Chi).

14. Library Registration

Councillor Vegh advised residents that registrations have commenced for fall programs at the Newmarket Public Library at 438 Park Avenue. Please register at the Children's Services Desk at the library or call 905-953-5105. Information on programs can be viewed online at newmarketpl.ca.

15. 2018 Budget Process

Mayor Van Bynen encouraged residents to Get Involved in Newmarket's ongoing 2018 budget process by learning about the budget priorities and letting the Town know how they would like to see their tax dollars invested. He advised that the theme of the 2018 Budget is sustainability, with a focus on the following priorities: developing our corridors and community; managing assets and maintaining service levels; and, cultivating innovation and growth. He invited residents to visit newmarket.ca/2018budget for more information to learn more about the 2018 budget, play our budget game "Put your money where it matters," and give us your feedback.

16. Mayor in the Square

Mayor Van Bynen advised that he will be at “Mayor in the Square” at the Newmarket Farmers’ Market on Saturday, September 23 from 10:00 AM until noon.

17. Next Council Meeting – Monday, October 6, 2017

Mayor Van Bynen advised that the next Council meeting will take place on Monday, October 2, 2017 at 7:00 PM.

New Business**18. Incident on Lorne and Queen Street**

Councillor Kwapis requested that staff look into accident involving a cyclist at the intersection of Lorne Avenue and Queen Street and report back to Council with more information.

Closed Session

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

Confirmatory By-law

2017-55 A By-law to confirm the proceedings of Council – September 11, 2017

Moved by: Councillor Twinney

Seconded by: Councillor Kerwin

1. That By-law 2017-55 be enacted.

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

Opposed: None
(8 in favour, 0 opposed)

Carried

Adjournment

Moved by: Councillor Bisanz
 Seconded by: Councillor Broome

1. That the Council Meeting adjourn at 7:52 PM.

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

Opposed: None
 (8 in favour, 0 opposed)

Carried

 Tony Van Bynen, Mayor

 Lisa Lyons, Town Clerk

The meeting of the Council was held on Monday, September 18, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Absent: Councillor Twinney
Councillor Broome

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

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

Mayor Van Bynen in the Chair.

Notice

Mayor Van Bynen advised that, in accordance with the Town's Procedure By-law, no decisions will be made but rather this meeting is an opportunity for Council to receive information from each Council appointed Committee on their workplan and achievements to date.

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Items

1. Overview of Council Workshop

The Director of Legislative Services/Town Clerk provided background information on the Committee review that was completed in early 2015 and summarized the requirements of the Committee Administration Policy and principles of the Canadian Code for Volunteer Involvement. She provided an overview of the Committees that would be presenting their accomplishments and workplans.

2. Accessibility Advisory Committee Presentation

Ms. Sharron Cooke and Ms. Linda Jones addressed Council regarding the Committee's workplan and areas of focus over the past year including audit of Town owned facilities, collaboration and consultation with staff on various projects including new parks, Council AV renovations, accessible parking and accessible washrooms, and joining with the City of Vaughan to provide accessible taxi services to Newmarket residents. They further discussed the goals for 2018 being a focus on making Downtown Newmarket more accessible, initiating public awareness campaign, involvement in the 2018 municipal election with internet voting, and hosting the York Regional Accessibility Advisory Committee.

Moved by: Councillor Bisanz
Seconded by: Councillor Kwapis

1. That the presentation by Ms. Sharron Cooke and Ms. Linda Jones regarding the Accessibility Advisory Committee be received.

3. Elman W. Campbell Museum Presentation

Ms. Jackie Playter address Council regarding the Committee's workplan, vision statement, background, annual events such as the Mother's Day Tea and Family Day, historical displays such as the First World War Display and the Canada 150: "Do you Remember display", community partnerships, and an overview of the workplan and goals for 2018 which include programming space for community events, development of an outdoor digital sign, and growing the Museum as a main destination on Main Street.

Moved by: Councillor Vegh
Seconded by: Councillor Hempen

1. That the presentation by Ms. Jackie Playter regarding the Elman W. Campbell Museum be received.

Carried

4. Newmarket Environmental Advisory Committee

Mr. John Birchall addressed Council regarding the Committee's workplan and focus for 2017 including the Newmarket Municipal Energy Plan and Stormwater Management, and public outreach and engagement. It was noted that the Committee has three new members. He further advised that the Committee is eager to advise on new items for 2018 and provided some ideas for consideration.

Members of Council and staff provided some additional information regarding the Town's current environmental initiatives. Members of Council requested that staff report back on what projects the Newmarket Environmental Advisory Committee has been involved with and outline the process of determining which items are provided to the Committee for feedback.

Moved by: Councillor Vegh
Seconded by: Councillor Bisanz

1. That the presentation by Mr. John Birchall regarding the Newmarket Environmental Advisory Committee be received.

Carried

5. Heritage Newmarket Advisory Committee

Mr. Athol Hart addressed Council regarding the Committee's workplan areas being public education and awareness, advising on heritage matters, Part IV designations, residential plaque programs, heritage attributes by-law and the heritage salvage program. He further advised of the Committee's accomplishments in 2017 regarding the part IV designations and plaques and advice provided on various projects including redevelopment the Union hotel. He outlined the Committee's priorities for 2018 being heritage awareness and education workshops, designated more properties, ingoing plaque research and production and continued stewardship of Newmarket's build heritage resources.

Moved by: Councillor Hempen
Seconded by: Councillor Vegh

1. That the presentation by Mr. Athol Hart regarding the Heritage Newmarket Advisory Committee be received.

Carried

Adjournment

Moved by: Councillor Hempen
Seconded by: Councillor Kwapis

1. That the Council Workshop meeting adjourn at 7:58 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

The meeting of the Committee of the Whole was held on Monday, September 25, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Staff Present: R. N. Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development and Infrastructure Services
I. McDougall, Commissioner of Community Services
R. Nethery, Director of Planning and Building Services
L. Lyons, Director of Legislative Services/Town Clerk
R. Prudhomme, Director of Engineering Services
A. Cammaert, Senior Planner, Policy
H. Leznoff, Council/Committee Coordinator

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

Mayor Van Bynen in the Chair.

Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the following addendum items:

- (1) A petition regarding speed traffic mitigation near Queen Street and Lorne Avenue.
- (2) A proclamation request, requesting that October 29 to November 4th be proclaimed as "English as a Second Language Week."
- (3) A Closed Session matter for the purpose of discussing litigation or potential litigation, including matters before administrative tribunals,

affecting the municipality or local board as per 239 (2) (e) of the Municipal Act, 2001 to discuss Item 20 of the agenda, being a Closed Session (Legal Services) report 2017-17 regarding a property in Ward 7.

Moved by: Councillor Broome
Seconded by: Councillor Kwapis

1. That the additions to the September 25, 2017 Committee of the Whole agenda be approved.

Carried

Declarations of Pecuniary Interest

Councillor Hempen declared an interest in Item 20, Vacant Building/Storefront report as he owns a business in the area being discussed.

Presentations & Recognitions

There were no presentations and recognitions.

Deputations

1. “We Own it Campaign”

Moved by: Councillor Vegh
Seconded by: Councillor Kwapis

1. That the deputation by Mr. Andrew Parker and Ms. Andrea Gordon regarding the “We Own It” Campaign be received.

Carried

Consent Items

2. Diversity and Inclusivity Programs

Moved by: Councillor Kerwin
Seconded by: Councillor Broome

1. That the report entitled “Diversity and Inclusivity Programs” be deferred to a future Committee of the Whole meeting, as York Region is currently amending its Diversity and Inclusivity Charter.

Carried

Moved by: Councillor Broome
 Seconded by: Councillor Hempen

That the following items (3 to 12) be adopted on consent:

3. Newmarket Parkland Dedication By-law

1. That Development and Infrastructure Services/Planning Report 2017-34 dated September 25, 2017 regarding the Town of Newmarket’s Parkland Dedication By-law be received and the following recommendation be adopted:
 - a. That Council adopt the Parkland Dedication By-law, 2017-XX for the Town of Newmarket as contained in Attachment 1.

4. Correspondence from the Centre for the Prevention of Radicalization Leading to Violence (CPRLV)

1. That the correspondence from the Centre for the Prevention of Radicalization Leading to Violence (CPRLV) be referred to staff.

5. Audit Committee (Closed Session) Meeting Minutes of June 21, 2017

1. That the Audit Committee (Closed Session) Meeting Minutes of June 21, 2017 be received.

6. Newmarket Environmental Advisory Committee Meeting Minutes of May 13, 2017

1. That the Newmarket Environmental Advisory Committee Meeting Minutes of May 13, 2017 be received.

7. Proclamation Request – October 2017 – Child Abuse Awareness Month

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim October 2017 as “Child Abuse Awareness Month”; and,
3. That the proclamation be advertised in the Town page advertisement and on the Town’s website.

8. Proclamation Request – November 18, 2017 - NHL Alumni All Star Day

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim November 18, 2017 as “NHL Alumni All Star Day”; and,
3. That the proclamation be advertised in the Town page advertisement and on the Town’s website.

9. Proclamation Request – October 16-22, 2017 – Waste Reduction Week

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim October 16-22, 2017 as “Waste Reduction Week”; and,
3. That the proclamation be advertised in the Town page advertisement and on the Town’s website.

10. Proclamation Request – October 8-14 – Fire Prevention Week

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim October 8-14, 2017 as “Fire Prevention Week”; and,
3. That the proclamation be advertised in the Town page advertisement and on the Town’s website.

11. Petition – Speed and Traffic Mitigation near Queen Street/Lorne Avenue

1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy

12. Proclamation Request – October 29 – November 4, 2017 – English as a Second Language Week

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim October 29 - November 14, 2017 as “English as a Second Language Week”; and,
3. That the proclamation be advertised in the Town page advertisement and on the Town’s website.

Carried**13. Application for Official Plan and Zoning By-law Amendment (17645 Yonge Street)**

Moved by: Councillor Kerwin
 Seconded By: Councillor Hempen

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-32 dated September 25, 2017 regarding Application for Official Plan Amendment and Zoning By-law amendment be received and the following recommendations be adopted:
 - a. That the Application for Official Plan Amendment and Zoning By-law amendment as submitted by 17645 Yonge Street Developments Inc. for lands Municipally known as 17645 Yonge Street be referred to a public meeting; and,
 - b. That following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
 - c. That Kerigan Kelly, Groundswell Planning, 30 West Beaver Creek, Richmond Hill, ON L4B 3K1 be notified of this action.

Carried

14. Application for Extension of Draft Plan Approval (Toth Farms)

Moved by: Councillor Kerwin

Seconded by: Councillor Bisanz

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-33 dated September 25, 2017 regarding Application for extension to Draft Plan Approval be received and the following recommendations be adopted:
 - a. That Council approve a ten year extension to the draft approval for Sundial Homes (Davis) Limited (19TN 2013-003) located in the Northwest Quadrant, north side of Davis Drive west of Yonge Street; and,
 - b. That Chris Matson, Matson, McConnell Ltd., 2430A Bloor Street West, Toronto, Ontario M6S 1P9 be notified of this action.

Carried

15. Proposed natural Heritage System for the Grown Plan for the Greater Horseshoe

Moved by: Deputy Mayor and Regional Councillor Taylor

Seconded by: Councillor Vegh

An alternate motion was presented below, and is noted in bold font.

1. That Development and Infrastructure Services/Planning & Building Services Report 2017-29 dated September 25, 2017 regarding the Proposed Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe, Summary of Criteria and Methods, be received; and,
2. **That Council endorse the Region's submission to the province in response to Environmental Registry Posting Numbers 013-0968 regarding Draft Provincial guidance on Natural Heritage Systems and Agricultural System mapping, including the following key comments:**
 - a. **The Province is commended for their flexible approach to finalizing the agricultural system through the municipal comprehensive review process;**
 - b. **Proposed natural Heritage mapping should remind draft until finalized through municipal comprehensive reviews;**

- c. **All existing settlement designations are accurately mapped and protected through municipal comprehensive reviews;**
- d. **Local municipalities should have the opportunity to complete environmental studies before the Natural Heritage mapping is finalized; and,**
- 3. **That this recommendation be forwarded to the Regional Municipality of York and the Province of Ontario; and,**
- 4. **That staff schedule a Council Workshop or Special Committee of the Whole to achieve a current Council position on issues related to Oak Ridges Moraine designations and Natural Heritage System Designations to be the basis for input into the Regional Municipal Comprehensive Reviews.**

Carried

16. Notice Policy and Community Engagement Policy

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

- 1. That Corporate Services – Legislative Services report 2017-15 dated September 25, 2017 entitled “Notice Policy and Community Engagement Policy” be received; and,
- 2. That the Notice Policy attached as Appendix A and the Community Engagement Policy attached as Appendix B be adopted; and,
- 3. That By-law 2002-168 be repealed.

Carried

17. Town Wide Traffic Mitigation Strategy

An alternate motion was presented below, and is noted in bold font.

Moved by: Councillor Kerwin
 Seconded by: Councillor Kwapis

1. That Development and Infrastructure Services Report – ES 2017-29 dated August 10, 2017, regarding “Town-wide Traffic Mitigation Strategy 2017” be received and the following recommendations be adopted:
 - a. That Appendix A be **received and referred to the public consultation process**; and,
 - b. **That staff be directed to consider the feasibility of an expedited timeframe for a “Town-wide Traffic Mitigation Strategy”, as outlined in Appendix A and report back on the feasibility of the same to Council on October 16, 2017; and,**
 - c. That the public consultation be open to all residents of the Town; and,
 - d. That a specific focus group be assembled to discuss the contents of the Strategy and provide input on a Town-wide level; and,
 - e. That the final Strategy be brought back to Council considering the public consultation process.

Carried

The Committee of the Whole recessed at 3:53 and reconvened at 4:17 PM.

18. Petition to re-start grass clipping disposal service in Newmarket

Moved by: Councillor Hempen
 Seconded by: Councillor Kwapis

An alternate motion was presented below, and is noted in bold font.

1. **That the petition to re-start grass clipping disposal service in Newmarket be referred to staff for review and report.**

Carried

19. Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017

Moved by: Councillor Kerwin
 Seconded by: Councillor Hempen

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 be received.

Carried**20. Outstanding Matters List**

Moved by: Councillor Hempen
 Seconded by: Councillor Kwapis

1. That item 1 of the outstanding matters list regarding “Welcome Entrance Sign” be removed.

Carried

Moved by: Councillor Kerwin
 Seconded by: Councillor Kwapis

2. That the list of outstanding matters be received.

Carried

Councillor Hempen left the Council Chambers at 4:55 PM.

Action Items**21. Vacant Buildings/Storefront**

Moved by: Councillor Kwapis
 Seconded by: Councillor Vegh

1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,
2. That staff be directed to report back on Option 2, a Window Wrap program.

Carried

Councillor Hempen took no part in the discussion or vote on this matter.
 Councillor Hempen returned to the Council Chambers at 5:06 PM.

Reports by Regional Representatives

None.

Notices of Motion

None.

Motions

None.

New Business

- (1) East-West Bike Lanes
Councillor Kwapis requested that staff consider a modification to the East-West Bike lane and report back, specifically regarding two issues related to the impact of the East-West Bike lanes on Lorne Avenue, Park Avenue and Main Street:
 - a) Parking challenges due to elimination of on street parking on Park Avenue between Lorne Avenue and Main Street, and elimination of Parking on Lorne Avenue between Park Avenue and Millard Avenue.
 - b) Challenging driving and cycling conditions on Park Avenue.

Moved by: Councillor Kwapis
Seconded by: Councillor Vegh

1. That staff review proposed modifications to the east-west bike lane and report back in the Spring of 2018.

Carried

- (2) Construction
Councillor Kerwin requested an update regarding the current construction at the intersection of Mulock Court and Mulock Drive, and when construction of the access point on to Mulock Drive will be completed.

(3) Welcome Entrance

Councillor Hempen requested an alternative option for the Welcome entrance sign on the intersection of Longford Drive and Davis Drive.

Moved by: Councillor Hempen

Seconded by: Councillor Broome

1. That staff be directed to schedule a meeting for the Mayor, Deputy Mayor & Regional Councillor, Councillor Hempen, Councillor Broome and the property owner to discuss the potential signage on Longford Drive; and,
2. That staff provide an alternative signage and seating area option that would be as cost effective as possible.

Carried

(4) Recycling Bins

Councillor Twinney requested information regarding alternative bins or options for residents who cannot move the traditional blue recycling bins due to accessibility restrictions.

Closed Session

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional Councillor Taylor

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

- (1) Advice that is subject to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, as per Section 239 (2) (e) of the Municipal Act, 2001 related to Item 20 – Corporate Services (Legal Services) Closed Session Report 2017-17 regarding a property in Ward 7.

Carried

The Committee of the Whole resolved into Closed Session at 5:26 PM.

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

The Committee of the Whole resumed into public session at 5:55 PM.

The Committee of the Whole recessed at 5:56 PM and reconvened at 7:02 PM

Public Hearing Matters (7:00 PM)

The Deputy Clerk welcomed the public to the Committee of the Whole meeting. She advised that the Planning Act requires the Town to hold at least one Public Meeting on any proposed Official Plan Amendment or Zoning By-law Amendment.

The Deputy Clerk advised that the purpose of the meeting was to hear from anyone who has an interest in the Application for a Zoning By-law Amendment related to 514 Davis Drive. The effect of this application is to permit a 5 story mixed-use commercial building and an associated multi-level parking structure to the rear.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed amendments, but would refer all written and verbal comments to Planning staff to consider in a report that will be brought forward to a future Committee of the Whole or Council meeting.

The Deputy Clerk advised that if anyone present wished to be notified of subsequent meetings, or if making a presentation, to please complete a form with your name and address and submit it to the Clerk's staff.

The Deputy Clerk noted that in accordance with the Planning Act, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if the appellant failed to make either oral submission at the Public Meeting or provide written submissions to Council prior to adoption.

She thanked everyone for their participation and interest in the meeting.

21. Application for Zoning By-law Amendment (514 Davis Drive)

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional Councillor Taylor

Mr. Mark Zakalowski, Stratus provided an overview of the project including the team members, subject property, secondary plan height and density, zoning permission, proposed zoning by-law amendment, floodplain constraints, sustainability features, landscape plan, current commenting agencies, and the next steps.

1. That the presentation by Mark Zakalowski, Stratus Centre related to the Application for Zoning By-law Amendment (514 Davis Drive) be received; and,
2. That the correspondence related to the Application for Zoning By-law Amendment (514 Davis Drive) be received.

Carried

Adjournment

Moved by: Councillor Kerwin
Seconded by: Councillor Vegh

1. That the Committee of the Whole meeting adjourn at 7:17 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



**ldayr • Learning Disabilities
Association of York Region**

The right to learn, the power to achieve

11181 Yonge Street Unit 221
Richmond Hill, Ontario L4S 1L2

Phone: (905)884-7933 Fax: (905)770-9377

Website: www.ldayr.org Email: info@ldayr.org

Mayor of Newmarket
Tony Van Bynen

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

Dear Mayor Tony Van Bynen

Celebrating 41 Years in York Region

LEGISLATIVE SERVICES		
INCOMING MAIL	REFD TO	COPY TO
SEP 28 2017		

October is Public Awareness Month for Learning Disabilities across Canada. This year's campaign theme is, "Don't Dis My Ability." This theme focuses on children, youth, and adults with Learning Disabilities as well as their families and friends.

The campaign seeks to encourage young people to reach their full potential.

"The right to learn, the power to achieve"

"Making the invisible visible!"

"People too often define the life of someone living with Learning Disabilities by the areas where their LDs impact directly, such as math, reading, writing or organizational skills," said Lawrence Barns President and CEO of LDAO. "The goal of this campaign is for people to see beyond that to their multiple areas of strength. LDs didn't stop Richard Branson, Jamie Oliver or John Lennon. A person with LDs just needs the right supports to achieve success."

- By definition someone with LDs has average to above average intelligence.
- LDs impact certain skills, most of which can be improved with the right supports.
- Because LDs usually exhibit in the school system, those with LDs can be identified early in life, and early intervention improves confidence.
- When they don't receive appropriate support, individuals with LDs have higher than the average rates of school dropout, unemployment and poverty.

However if we as a society help them to succeed, all of the above statistics can be radically altered, leading to successful lives that can impact our communities for the better and people with learning disabilities can become among the most creative, and productive members of our communities.

As Executive Director of the Learning Disabilities Association of York Region, I am kindly requesting the Town of Newmarket to declare October as Learning Disabilities Awareness Month. In addition, we would like to kindly request to post a message on your website and / or social media outlets.

As part of this campaign, we have developed a poster motivating young people to push their limits inside and outside the classroom through the student voice. I kindly request your support in helping us distribute the material attached throughout your municipal facilities. To contact me directly please call: [REDACTED]

Sincerely,

Helga Sirola
Executive Director



Stop the Stigma. Pursue Potential



United Way
Toronto & York Region

Don't **DIS** my **ABILITIES!**



October is Learning Disabilities Awareness Month.
Help stop the stigma and realize the ABILITIES!



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The right to learn, the power to achieve



United Way
Toronto & York Region

info@LDAYR.org

www.LDAYR.org

905-884-7933

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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 – Water Meter By-pass Piping

- 13.1 The Owner shall install by-pass piping for Water Meter sizes greater than twenty-five (25) mm (one (1) inch) in diameter, 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 Town shall seal the by-pass valve, in the closed position upon notification of its installation by the Owner.
- 13.3 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 Water Meter 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.
- 13.4 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.
- 13.5 If an Owner fails to:
 - (a) Supply, install or maintain the by-pass pipe 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,
- 13.6 The Town may supply, install, repair, replace or otherwise maintain the by-pass pipe 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:
 - (a) 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 this 2nd day of October, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



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. O.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 40 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 of 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 2nd day of October, 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
	1,1,2,2 –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
Metals	Cyanide (Total)	0.020 mg/L
	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
	Benzene	2.0 µg/L
	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
Organics	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



Corporation of the Town of Newmarket

By-law Number 2017- 56

A By-law to provide for the conveyance of land and cash-in- lieu thereof for park and other purposes

Whereas sections 42, 51.1 and 53 of the *Planning Act*, as amended, authorize local municipalities to pass by-laws requiring that land or Cash-in-lieu thereof be conveyed to the local municipality as a condition of development or redevelopment of land, the subdivision land, or the granting of provisional consent over land;

And whereas the Council for the Corporation of the Town of Newmarket has adopted policies within its Official Plan pertaining to the conveyance of land or Cash-in-lieu thereof to the Town as a condition of development or redevelopment under the Planning Act, as amended;

And whereas Council for the Corporation of the Town of Newmarket deems it necessary and expedient to enact a by-law to provide for the provision of lands for park or other public recreational purposes and the use of alternative requirements therefor;

And whereas Council for the Corporation of the Town of Newmarket desires to repeal and replace By-law 2016-42 and By-law 2016-61 with an updated by-law to provide for the conveyance of land and cash-in-lieu thereof for park and other purposes;

Now therefore the council of the Town of Newmarket enacts as follows:

DEFINITIONS:

In this by-law:

- (a) "Building permit" means a *building permit* issued pursuant to the Ontario *Building Code Act*, as amended.
- (b) "Cash-in-lieu" means a payment of money for park or other public recreational purposes which is collected in lieu of a conveyance of land which would otherwise be required to be conveyed pursuant to the parkland provisions of the *Planning Act* as incorporated into this by-law.
- (c) "Development" means the construction, erection, or placing of one or more buildings or structures on land or making an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishing a commercial parking lot, or the creation of dwelling units, or any application that requires approval under the *Planning Act*.
- (d) "Dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

- (e) “Gross Floor Area” has the same meaning as in the Town of Newmarket’s Development Charges By-law 2014-42, as amended or replaced.
- (f) “Land area” means a legal land parcel, including the portion of land which is to be conveyed for park purposes, but shall not include: stormwater management areas; lands identified for future road widenings; lands identified for future burying of hydro or related utility facilities; floodplain lands; natural heritage features and hydrologic features identified in the *Town* Official Plan or Zoning By-Law; natural heritage features and hydrologic features identified by a required Environmental Impact Study; or floodplain lands.
- (g) “Owner” means the registered owner of the land to be developed, redeveloped, or subdivided.
- (h) “Pocket Park” means a small park that accommodates passive recreation activities and other unstructured activities. *Pocket Parks* are between 70 and 2500 square metres in size, have frontage on at least one public street, and are primarily hard surfaced with limited soft surface elements.
- (i) “Privately Owned Public Space” means physical space that is privately owned but appears and functions as public space. These spaces: are secured through an easement in favour of the *Town*; are designed and maintained to the standards established by the *Town*; and remain open and accessible to the public or on a schedule established by agreement with the *Town*.
- (j) “Redevelopment” shall have the same meaning as *Development*.
- (k) “Sliver Space” means physical space that adds to the width of the abutting public sidewalk system. They create plazas or forecourts between the face of the building and the abutting street right-of-way.
- (l) “Strata Park” means publicly owned parkland or a publicly accessible privately owned open space located on top of buildings or structures, including but not limited to parking garages. The Strata component of this definition refers to the horizontal delineation of ownership, as it is described in the Ontario Condominium Act.
- (m) “Pedestrian Mews” means a short, pedestrian-only laneway having a minimum width of 6 metres.
- (n) “Temporary” in reference to a building or structure, means a building or structure constructed, erected or placed on land with the explicit understanding that that such building or structure is to be demolished by a set time, as indicated in a legal agreement with the *Town*.
- (o) “Town” means the Corporation of the Town of Newmarket.

PART 1 – CONVEYANCE REQUIRED AS A CONDITION OF DEVELOPMENT OR REDEVELOPMENT

- 1.1
- As a condition of *development* or *redevelopment* of land, the *Town* shall require the conveyance of land to the *Town* or a *cash-in-lieu* equivalent to the value of the land required to be conveyed under this by-law for park or other public recreational purposes.
- 1.2
- Conveyance, including the location and configuration shall be in the form of land, *cash-in-lieu* or a combination of cash and land, at the discretion of the *Town*.

PART 2 – APPLICABILITY

- 2.1
- This by-law applies to all lands within the corporate limits of the *Town*.

PART 3 – CALCULATION OF CONVEYANCE

- 3.1
- As a condition of *development* or *redevelopment* of land, the *Town* shall require the conveyance of land or *cash-in-lieu* equivalent to the *Town* for parks and other public recreational purposes as follows:

	Outside Urban Centres	Inside Urban Centres
Commercial or Industrial Uses	<ul style="list-style-type: none">2% of the <i>land area</i> proposed for <i>development</i> or <i>redevelopment</i>; or <i>cash-in-lieu</i> equivalent.	<ul style="list-style-type: none">2% of the <i>land area</i> proposed for <i>development</i> or <i>redevelopment</i>; or <i>cash-in-lieu</i> equivalent.
Mixed Use	<ul style="list-style-type: none">The cumulative amount for the various uses proposed at their respective rates specified by this by-law; or <i>cash-in-lieu</i> equivalent.	<div>For three years from the enactment date of this by-law:</div> <ul style="list-style-type: none">The cumulative amount for the various uses proposed at their respective rates specified by this by-law (utilizing either the provided residential ratio or the alternative residential requirement of the Planning Act, whichever is less), up to a maximum of 25% of the <i>land area</i> proposed for <i>development</i> or <i>redevelopment</i>; or <i>cash-in-lieu</i> equivalent. <div>After this three year period:</div> <ul style="list-style-type: none">The cumulative amount for the various uses proposed, at their respective rates specified by this by-law (utilizing either the provided residential ratio or the alternative residential requirement of the Planning Act, whichever is less), up to a maximum of 50% of the <i>land area</i> proposed for

		<i>development or redevelopment, or cash-in-lieu</i> equivalent.
Residential Uses	<ul style="list-style-type: none">• 1 hectare per 300 <i>dwelling units</i>, or 5% of the <i>land area</i> proposed for <i>development or redevelopment</i>, whichever is greater. <p>Or:</p> <ul style="list-style-type: none">• <i>Cash-in-lieu</i> equivalent of 5% of the <i>land area</i> for <i>development or redevelopment</i> or 1 hectare per 500 <i>dwelling units</i>, whichever is greater.	<p>For three years from the enactment date of this by-law:</p> <ul style="list-style-type: none">• 0.7 hectares per 1000 residents, or the alternative residential requirement of the Planning Act, whichever is less, up to a maximum of 25% of the developable area of any site; or <i>cash-in-lieu</i> equivalent. <p>After this three year period:</p> <ul style="list-style-type: none">• 0.7 hectares per 1000 residents, or the alternative residential requirement of the Planning Act, whichever is less, up to a maximum of 50% of the developable area of any site; or <i>cash-in-lieu</i> equivalent.
All Other Uses	<ul style="list-style-type: none">• 5% of the <i>land area</i> proposed for <i>development or redevelopment</i>; or <i>cash-in-lieu</i> equivalent.	<ul style="list-style-type: none">• 5% of the <i>land area</i> proposed for <i>development or redevelopment</i>; or <i>cash-in-lieu</i> equivalent.

Additional Parkland Requirement for residential applications on larger sites within the Urban Centres

- 3.2 Within the areas subject to the Urban Centres Secondary Plan, the *Town* shall require, as part of or in addition to the requirements provided in Part 3.1, that all *development or redevelopment* applications that include residential uses on sites greater than 1000 square metres in size, identify a physical land contribution to the Urban Park System, as follows:
- (a) An Urban Park System land contribution of not less than 7.5% of the developable site area; and/or
 - (b) An Urban Square or Plaza, *Pocket Park* or *Sliver Space* with a minimum frontage on a public street of 7.5 metres, and a minimum size of 75 square metres. Larger sites shall include larger Urban Squares or Plazas and/or multiple Urban Park System elements; and/or
 - (c) *Pedestrian Mews* with a minimum width of 6 metres.

The remainder of the required parkland dedication may be made up of an off-site land dedication, or *cash-in-lieu* of land, or some combination of land and *cash-in-lieu*.

For sites less than 1000 square metres in size, the *Town* may accept an on-site land contribution, an off-site land contribution and/or *cash-in-lieu* of land.

PART 4 - PARKLAND CREDIT

- 4.1 Within the areas subject to the Urban Centres Secondary Plan, physical land conveyed and deemed acceptable by the *Town*, including but not limited to Neighbourhood Parks, Urban Squares, Plazas, *Pocket Parks*, *Sliver Spaces* and *Pedestrian Mews* within the Urban Centres, shall receive 100% credit toward the achievement of the parkland dedication requirement of the *Town*, in accordance with the requirements of Part 3 of this by-law.
- 4.2 Within the areas subject to the Urban Centres Secondary Plan, *Privately Owned Public Spaces* and *Strata Parks* that are not in public ownership may be considered as contributing toward the parkland dedication requirement of the *Town*, as long as appropriate legal agreements between the *Owner* and the *Town* are in place to ensure that they are designed and maintained to *Town* standards and are open and accessible to the public.
- 4.3 Where *Privately Owned Public Space* is designed and secured through a public easement for public uses such as interior courtyards, private/public squares and *Pedestrian Mews* linkages designed to be open and accessible to the general public and maintained to *Town* standards, 50% of the value of the land secured through an easement for such uses shall be applied as a credit towards the land requirements or *cash-in-lieu* required for parkland. This credit reflects the fact that these lands are not under the control of the *Town*, which will restrict the ability of the *Town* to design, manage and program the space as it wants over time.
- 4.4 Where *development* or *redevelopment* proposes a *Strata Park* that is to be owned by the *Town*, 80% of the value of the land required for parkland shall be applied as a credit towards the land requirements or *cash-in-lieu* required for parkland. This credit takes into account this type of parkland's inherent use limitations. For clarity, the 80% credit described in this section only applies where *Strata Parks* are not *Privately Owned Public Spaces*.
- 4.5 Where land is dedicated to the *Town* for the purpose of the future burying of hydro and related utility facilities across the frontages of Yonge Street or Davis Drive, 10% of the value of the land being dedicated shall be applied as a credit towards the land or the *cash-in-lieu* required for parkland.
- 4.6 Where *development* or *redevelopment* is within the Historic Downtown Heritage Conservation District or affects a property designated pursuant to Parts IV, V and VI of the *Ontario Heritage Act* and an identified cultural heritage resource is conserved, 20% of the value of the land required for parkland shall be applied as a credit towards the land requirements or *cash-in-lieu* required for parkland.

- 4.7 Within the areas subject to the Urban Centres Secondary Plan, the *Town* may accept a full or partial off-site land dedication in-lieu of an on-site land dedication, as long as the value of the land for the off-site land dedication is of equal or greater value than that for the on-site land dedication, as determined by Part 4 of this by-law. The off-site dedication may be a complete or partial parkland contribution with reference to the land area and *cash-in-lieu* value being provided.

PART 5 – DETERMINATION OF CASH-IN-LIEU VALUE

- 5.1 To determine a cash-in-lieu value of land as required by Part 3 of this by-law, land value shall be determined as of the day before the building permit is issued in respect of the *development* or *redevelopment*.
- 5.2 For the purposes of Part 5.1 of this by-law, the value of the land for which payment is being made in lieu of a conveyance shall be established by way of an appraisal of the fair market value of the land by a certified professional appraiser of real estate, who is designated as an Accredited Appraiser by the Appraisal Institute of Canada with experience appraising all types of real property. The appraisal shall be obtained by the Owner and shall be at the sole cost and expense of the Owner.
- 5.3 All appraisals obtained pursuant to this by-law shall state the criteria used to determine the value within the appraisal and shall be satisfactory to the *Town*.
- 5.4 An appraisal shall remain current for a maximum period of two years from the date of the appraisal.

PART 6 – TIMING OF LAND CONVEYANCE / CASH-IN-LIEU PAYMENT

- 6.1 Where land is required to be conveyed to the *Town*, and/or cash-in-lieu is required to be paid to the *Town* in accordance with Part 3 of this by-law:
- (a) Title for the land to be conveyed or the payment of *cash-in-lieu* thereof for any *development* or *redevelopment* under Section 42 of the *Planning Act* shall be received by the *Town* prior to the issuance of any building permit for the proposed *development* or *redevelopment*.
 - (b) Title for the land to be conveyed or the payment of *cash-in-lieu* thereof shall be received by the *Town* in accordance with the conditions of approval of a plan of subdivision or condominium pursuant to Section 51 of the *Planning Act* or the conditions of provisional consent pursuant to Section 53 of the *Planning Act*.

PART 7 – PHASED DEVELOPMENT

- 7.1 Notwithstanding Parts 5 and 6 of this by-law, for *development* or *redevelopment* which occurs pursuant to either of Sections 41 or 51 of the *Planning Act* and for which approvals are issued in phases, the *Town* shall calculate and require the conveyance of land for park purposes or the payment of *cash-in-lieu* in accordance with the provisions of this by-law, on a phase by phase basis.

PART 8 - EXEMPTIONS

8.1 This by-law shall not apply to the following:

- (a) *Development or redevelopment* of land, buildings or structures owned by and used for the purposes of the *Town*.
- (b) *Development or redevelopment* of land, buildings or structures owned by and used for the purposes of the Region of York or provincial government.
- (c) *Development or redevelopment* of land, buildings or structures owned by and used for the purposes of a Board of Education and/or Newmarket Library Board.
- (d) A college, university or a school defined in the *Education Act*.
- (e) *Development or redevelopment* of land, buildings or structures owned by and used for the purposes of Southlake Regional Health Centre.
- (f) Not for profit palliative care facilities.
- (g) The replacement of any building that is a direct result of destruction due to accidental fire or other accidental cause beyond the control of the *Owner* provided that no intensification or change in use is proposed, including but not limited to an increase in total *dwelling unit* count or *gross floor area*.
- (h) The enlargement of an existing single detached or semi-detached *dwelling unit* provided the enlargement does not result in an additional *dwelling unit*.
- (i) An accessory *dwelling unit* permitted by the *Town's* Official Plan and/or Zoning By-law in effect.
- (j) The enlargement of an existing commercial, industrial, or institutional building if the *gross floor area* of the enlargement is 10% or less than the current *gross floor area* of the existing building or structure. This exemption shall not apply to enlargements that are 929 sq m or greater in *gross floor area*.
- (k) A *temporary* building or structure.
- (l) Where the total *cash-in-lieu* payable for *development* or *redevelopment* is less than \$100.

PART 9 – LANDS NOT ACCEPTABLE FOR PARKLAND CONVEYANCE

9.1 The following lands shall not be acceptable for parkland conveyance:

- (a) Lands designated as Natural Heritage System in the *Town's* Official Plan or lands designated Floodplain and Hazard Lands in the *Town's* Urban Centres Secondary Plan. Floodplain lands may only be deemed acceptable for parkland conveyance if written approval

for such a use has been received by the *Town* from the Lake Simcoe Region Conservation Authority and the lands are deemed acceptable by the *Town*.

- (b) Any natural heritage feature or hydrologic feature defined by the Provincial Policy Statement (PPS) as significant, or as identified as significant through an Environmental Impact Study.
- (c) Stormwater management facilities.
- (d) Lands that are deemed to be contaminated.
- (e) Lands used for utility corridors or any other infrastructure, with the exception of lands dedicated to the *Town* for the undergrounding of hydro infrastructure along the Yonge Street and Davis Drive corridors.

PART 10 - DISPUTES

- 10.1 Notwithstanding the provisions of Part 5 of this by-law, and in the event of a dispute between the *Town* and the *Owner* on the value of the land as determined under Part 5 of this by-law where the value of the land is not satisfactory to either party, either party may apply to the Ontario Municipal Board to have the value of the land determined.
- 10.2 If there is a dispute between the *Town* and the *Owner* on the value of the land as determined under Part 5 of this by-law, the *Owner* may pay the amount required by the *Town* under protest and shall make an application to the Ontario Municipal Board in accordance with the *Planning Act*.

PART 11 - GENERAL PROVISIONS

- 11.1 All lands conveyed to the *Town* under this by-law shall be in a condition satisfactory to the *Town* and in accordance with the requirements of the *Town's* Official Plan Policies respecting the acquisition of land, including but not limited to the requirement for a Record of Site Condition pursuant to the *Environmental Protection Act*.
- 11.2 All lands conveyed to the *Town* under this by-law shall be free and clear of title encumbrances.
- 11.3 In the event that a section or a part of a section of this by-law is declared invalid by a court of competent jurisdiction, it is the intent of Council that the remainder of the by-law continue in full force and effect.

PART 12 - ADMINISTRATION

- 12.1 This by-law will be jointly administered by the Director of Planning and Building Services and the Director of Financial Services.
- 12.2 As per the requirements of the *Planning Act*, the Director of Financial Services shall maintain a record of all lands and *cash-in-lieu* received and including all expenditures from the *cash-in-lieu* parkland reserve fund. The *cash-in-lieu* parkland dedication record and associated financial

statements shall be reported to Council and made available to the public on a yearly basis.

PART 13 - EFFECTIVE DATE

13.1 This by-law shall come into force on the day it is enacted (the “Effective Date”) and By-law 2016-42 and By-law 2016-61 shall be repealed on the Effective Date.

PART 14 - TRANSITION

14.1 The provisions of this by-law shall apply to all *development* and *redevelopment* applications pursuant to the *Planning Act*, as amended, which are submitted and deemed complete on or after the Effective Date of this by-law.

PART 15 - REVIEW OF THE BY-LAW

15.1 This by-law shall be reviewed with each Official Plan Review or at an earlier time as prescribed by Council.

The portions of this by-law that are specifically subject to the Urban Centres Secondary Plan shall be reviewed at least every 3 years.

15.2 Should any section or part of a section of this by-law be declared or determined by a court or tribunal of competent jurisdiction to invalid, that portion of this by-law shall be considered to be severed from the balance of this by-law, which will continue to operate in full force and effect.

Enacted this 2nd day of October, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

**CORPORATION OF THE TOWN OF NEWMARKET****BY-LAW NUMBER 2017-57**

A By-law to repeal By-law 2002-168 Being a By-law to Prescribe the Form, Manner and Time for the Provisions of Notice

Whereas By-law 2002-168 was enacted by the Municipal Council of the Corporation of the Town of Newmarket on February 16, 2002; and,

Whereas Corporate Services Report – Legislative Services Joint 2017-15 regarding Notice Policy and Community Engagement Policy was adopted by Council on October 2, 2017; and,

Whereas it is deemed necessary to repeal By-law 2002-168;

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

That By-law 2002-168 is hereby-repealed effective October 2, 2017.

Enacted this 2nd day of October 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



Corporation of the Town of Newmarket

By-law Number 2017- 58

A By-law to confirm the proceedings of a meeting of Council – October 2, 2017.

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

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

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

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

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

Enacted this 2nd day of October, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk