



Town of Newmarket **AGENDA**

Council Workshop

Monday, October 30, 2017 at 7:00 PM

Council Chambers

Notice

In accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

Declarations of Pecuniary Interest

Items

1. The Director of Legislative Services/Town Clerk will be in attendance to provide an introduction to the Regulatory Review.
2. The Supervisor, By-law Enforcement, By-law Enforcement Officer, and Deputy Clerk will be in attendance to provide a presentation on the following By-laws: Page 1
 - Property Standards By-law
 - Clean Yards By-law
 - Noise By-law
 - Sign By-law
 - Election Sign By-law
3. Draft Property Standards By-law Page 71
4. Draft Clean Yards By-law Page 102
5. Draft Noise By-law Page 110
6. Draft Sign By-law Page 124
7. Draft Election Sign By-law Page 151

Adjournment

Public Information Centre

Property Standards By-law
Review & Amendments
New Clean Yards By-law

Public Information Centre Agenda



- Introductions
- Presentation from staff
- Questions & Input opportunity
- Informal opportunities by contacting us:

Email: long@newmarket.ca

Phone: Legislative Services Department: 905-895-5193 ext. 2222

In Person: Legislative Services Department, 395 Mulock Drive

PROPERTY STANDARDS BY-LAW

REVIEW & AMENDMENTS

Background Information

- Council adopted the current Property Standards By-law on March 22, 1999.
- This by-law prescribes minimal standards for maintenance and occupancy of all properties.
- Property Standards By-law deals with both interior and exterior conditions.
- Interior inspection are on complaint or invitation of occupant

Authorities From Ontario Building Code



- The authority for Property Standards By-law comes from Section 15.1 of the Ontario Building Code Act (OBC)
- Section 15.2 (1) allows for an Officer to attend property without a warrant to determine whether:
 - The property conforms with the standards prescribed in the by-law.
 - An order made under subsection 15.2 (2) of the OBC has been complied with.

Scope of By-law Amendments

- Definitions
- Updated Sections
 - Yard Maintenance
 - Vacant Property
 - Certificate of Compliance
 - Enforcement
- New Sections
 - Mould
 - Heritage Buildings

Definitions

Updated current definitions including:

- Certificate of compliance
- Fire Code
- Sign
- Heritage Attributes, Heritage Property, Heritage Conservation District, Heritage Conservation District Plan and Heritage Permit

Yard Maintenance

- Over the years the Town has received concerns with the following :
 - Vehicles storing garbage, rubbish, inoperative equipment
 - Vehicles parking other than a driveway
 - Attraction of animals from food being left out
 - Hedges that cause a safety concern
 - Constructions bins
 - Furniture that is not manufactured for exterior use

Vacant Properties

- Increased concerns with vacant properties and community impacts resulting from the esthetics of boarded up buildings has resulted in an additional section which ensures that all buildings are boarded up to the satisfaction of the Property Standards Officer by covering all openings to the building and painted a colour compatible with the surrounding walls.
- Complies with security of building concerns but also provides requirements for esthetics conformity with existing exterior building

Certificate of Compliance

Certificate of Compliance	Fees
For each property which has had a Property Standard Order	\$120.00
For each property which has not had a Property Standard Order	\$60.00
For each property which has had an Order and charges have been laid	\$250.00
For interior common area(s) which have had a Property Standards Order	\$120.00
For interior common area(s) which have not had an Order	\$60.00
For interior common area(s) which have had an Order and charges have been laid	\$250.00
For accessory building(s) or other structure(s) which have had a Property Standards Order	\$120.00
For accessory building(s) or other structure(s) which have not had an Order	\$60.00
For accessory building(s) or other structure(s) which have had an Order and charges have been laid	\$250.00

Enforcement

- Updated the enforcement section to reflect the legislation dealing with:
 - Orders
 - Appeals
 - Failure to Comply with Order
 - Power of Entry
 - Service
 - Penalties

Mould

- Over the years the Regional Health Department has asked residents to contact the Town with respect to mould complaints.
- Section has been added the By-law to address this concern.

Heritage Section

- Amendments to the Ontario Heritage Act permits municipalities with a Property Standards By-law to prescribe minimum standards for maintenance of heritage attributes of properties that have been designated under Part IV and Part V of the Heritage Act.
- Newmarket Heritage Committee recommended: that a by-law to prevent demolition of heritage properties by neglect be considered for the Town of Newmarket

Ontario Heritage Act

- If a municipality has a Property Standards By-law (passed under the Building Code Act) it can:
 - Prescribe minimum standards for the maintenance of the heritage attributes of designated properties
 - Require non-complying property to be repaired and maintained to conform to the standards.
 - Enforcement provisions of the Building Code Act would apply.

Ontario Heritage Act

- Offences

- Section 69 of the Heritage Act

- Contravention of the Act- upon conviction liable to a fine not more than \$50,000 and / or imprisonment for up to 1 year & Corporations \$250,000

- Demolition \$1,000,000

- Recovery of restoration costs – in addition to any court penalty, the property may be restored to as near as possible

CLEAN YARDS BY-LAW

Scope of the By-law

- Definitions
- Property Maintenance
- Derelict Vehicles
- Composting
- Firewood
- Graffiti
- Standing Water
- Boulevard Maintenance

Clean Yards By-law

- A tool to deal with increasing vacant or unoccupied properties.
- The purpose of this by-law is to create a stand alone by-law to address the maintenance of land in a clean condition and non-structural related issues on properties.
- It will work in conjunction with the Property Standards By-law.
- Clean Yards By-law will address issues that require immediate action due to health and safety concerns.

Clean Yards By-law

- Staff has also taken the opportunity to incorporate authorities found in the Municipal Act that will provide for more effective enforcement tools.
- Property owners who do not comply with orders may not only find themselves subject to charges and fines but also costs add to their taxes by the Town for work done to correct the contravention.

Clean Yards By-law



- Over the years staff have seen an increase in complaints regarding yard maintenance, specifically regarding long grass and weeds.
- The new by-law will allow for higher standards for the maintenance of property.
- Compliance times are shortened as the Property Standards By-law states a 3 week compliance date.

Property Standards & Clean Yards By-law



- What we heard from Public Information Centre held on October 11, 2017.
- Public Feedback.
- Feedback from Town Committees.

Next Steps

- Public/ Heritage Committee feedback to be received by October 20, 2017
- Council Workshop
 - October 30, 2017
- Committee of the Whole
 - November 6, 2017
- Council
 - November 17, 2017

Questions

Council Workshop

Noise By-law Review
Sign By-law Review
Election Sign By-law

October 30, 2017

Agenda

1. Noise By-law Review
2. Sign By-law Review
3. Election Sign By-law
4. Next Steps
5. Questions

Noise By-law Review

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Background Information



- Council adopted the current Noise By-law in 2004.
- Municipal Act allows municipalities to pass by-laws that deal with public nuisance matters.
- Noise by-law regulates noise in the Town.
- In 2015, the Town surveyed residents (online & in-person) regarding noise matters.

Scope of New Noise By-law

- **New Sections**
 - Quiet Zones
 - Construction
- **Updated Sections**
 - Definitions
 - Reasons for exemptions & the process for exemptions
 - Enforcement

New Section: Quiet Zones



- Quiet Zones: Areas around Southlake Regional Health Centre, nursing & retirement homes.
- Restrictions are based by day & time.
- Restrictions are listed in Schedule A to the By-law.

New Section: Construction

- Construction noise relates to:
 - Any operation of any construction equipment;
 - The alteration or repair of any building.
- Construction that cannot be performed during regular business hours:
 - Work/Emergency work required by the Town.

Updated Section: Definitions



- Current By-law had limited definitions, which limited ability to regulate & enforce certain types of noise in the Town.
- Staff have updated existing definitions for clarity & added new definitions to assist with regulation of certain types of noise.
- Updated definition of **Construction Equipment**: means any equipment or device designed & intended for use in construction or material handling, including, but not limited to air compressors, pile drivers, trucks, compactors, etc. *not an exhaustive list

Updated Section: Definitions

- New definitions include:
 - **Construction:** includes erection, alteration, repair, dismantling, etc.
 - **Event:** means an event open to the public (e.g. public fair, public exhibition, celebration, sporting event, etc.), or a private event not open to the public held at a private residence.
 - **Quiet Zone:** means any property within the Town used as a hospital, retirement home, nursing home, senior citizens' residence, or other similar use.

- **Statutory Holiday:** now includes Boxing Day, in accordance with the Retail Business Holidays Act,⁹

Updated Section: Reasons for Exemptions



- What is an exemption?
 - It allows individuals/businesses to make noise that is otherwise not allowed.
- Current By-law has limited reasons for exemptions.
- New exemptions include:
 - York Regional Police, Central York Fire Services, York Regional Paramedic Services.
 - Town & Region operations & equipment (such as: snow removal, grass cutting, waste removal, traffic signals, etc.).
 - Residents can use fireworks on Victoria Day & Canada Day without getting a permit.

Updated Section: Reasons for Exemptions



- New exemptions include:
 - Industrial noise that is allowed in accordance with Environmental Protection Act.
 - Construction or community event noise, provided that a permit is obtained.
 - Snow removal on private property which will only include a roadway.

Updated Section: Process for Exemptions



- In the current By-law, any exemptions require Council approval.
- In response to requests for making the exemption process more efficient & streamlined, the new By-law delegates the authority for exemptions to staff.
- Markham, Toronto, Guelph, London, & Kingston all delegate the authority to staff
- Mayor, Deputy Mayor & Regional Councillor, & Applicable Ward Councillor will be involved in the new exemption process.

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Updated Section: Process for Exemptions



- Staff will approve/deny exemption requests for **6 months or less** for: 1) construction; or 2) an event.
 - Staff's decision can be appealed to the Appeals Committee.
 - Appeals Committee's decision is final & binding.
- Any exemption requests that are **over 6 months** will still require Council approval.
 - Exemption request will be accompanied by a staff report with a recommendation to approve or deny the request.
 - Council's decision is final & binding.
- A permit fee will apply to all approved requests.

Updated Section: New Exemption Process

If request is less than 6 months:

1. Application must be submitted to staff & accompanied by non-refundable fee of \$100.
2. Applicable Ward Councillor, Deputy Mayor & Regional Councillor, & Mayor are notified & required to respond within 14 calendar days to request.
3. Exemption is generally approved or denied within 30 calendar days.

Updated Section: New Exemption Process

If request is less than 6 months Cont'd:

4. If exemption is denied, the applicant can appeal to the Appeals Committee, along with the non-refundable fee \$250.
5. Appeals Committee's decision is final & binding on the applicant.

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Note: If an exemption is approved, & the applicant does not comply with the conditions of the exemption, the Town can revoke the exemption.

Updated Section: New Exemption Process



If request is longer than 6 months:

1. Application must be submitted to staff & accompanied by non-refundable fee of \$100.
2. Staff will review the request, & write a report to Council with a recommendation to approve or deny the request.
3. Application & accompanying staff report will go to Council for approval or denial.
4. Council's decision is final & binding on applicant.

Updated Section: Enforcement

- Updated the enforcement section to reflect the legislation dealing with:
 - Orders
 - Failure to Comply with Order
 - Power of Entry
 - Service
 - Penalties
 - Presumption (Town assumes that the Property Owner/Tenant/Occupier/Leasee is responsible for all noise on the property)

What we heard from Public Information Centre held on October 24, 2017



- Concerns regarding train whistling.

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- What are the Provincial Guidelines for Noise Pollution Control?

- How does the “presumption” clause apply to properties with a tenant?

Sign By-law Review

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Background Information



- Council adopted the current Sign By-law in 2016.
 - Significant updates to the By-law were made at this time, however, additional amendments are now required for clarity & enforcement.
- Sign By-law applies to **all** signs (business/commercial/real estate) in the Town, with the exception of Election Signs.

Scope of Amendments to Sign By-law

- **New Sections**
 - Removal of Election Signs into standalone by-law
 - Presumption
- **Updated Sections**
 - Definitions
 - General Provisions
 - Application Requirement
 - Other Housekeeping Amendments

New Section: Election Signs

- This section was removed from the current By-law to create a standalone Election Sign By-law.
- Further discussion of Elections Signs will occur later on in the presentation.

New Section: Presumption

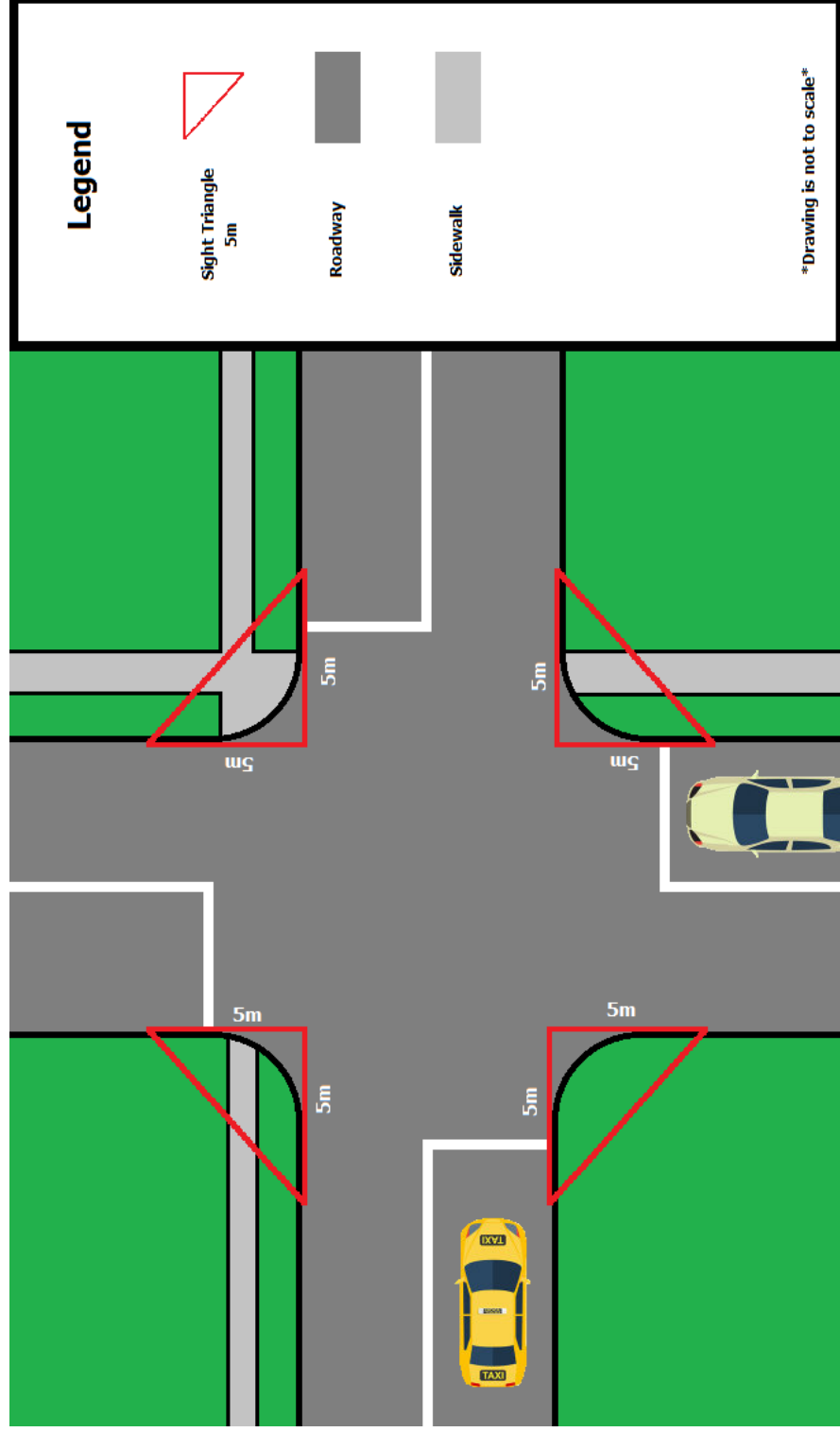
- Presumption Clause refers to the Town assuming that the Property Owner/Tenant/Occupier/Leasee/Person benefiting from the sign is responsible for the sign erected on the property.
- Any information (such as: name, telephone, company) can be used in the “presumption” of who erected the sign.

Updated Section: Definitions

- New definition of **Seasonal Businesses**: businesses that operate for 60 days or less (garden centres, halloween stores, etc.)
- Updated definitions include:
 - **Sight Triangle**: diagram
 - **Temporary Signs**: expanded the locations of where a temporary sign may be found.

Updated Section: Definitions

➤ Sight Triangle: diagram



Updated Section: General Provisions



- The Town was unable to effectively prosecute persons/businesses that were putting up temporary signs.
- The below provision will allow for better enforcement of temporary signs.
- No person shall erect, install, post, or otherwise display a temporary sign within the Town, except:
 - Election Signs
 - Non-profit Signs
 - Residential Contractor Signs
 - Open House Signs

Updated Section: Application Requirement

- As part of the Sign Application Process, the Town may require that an Engineer provide drawings of the manner in which the sign should be installed. In these circumstances, the Town will now require that the applicant provide proof that the Engineer has inspected the installation once the sign has been erected. This will be referred to as the “Construction Review Report”.

Updated Section: Other Housekeeping Amendments

- **Location of Signs**
 - New By-law includes more clarity for where Signs can & cannot be located.
 - For example, signs cannot be on light/hydro poles & fences on both public & private property.
- **Size of Ground Signs**
 - Open space & golf course signs previously did not have a height restriction.
 - The height will be restricted to 7.5 metres (24.6 feet). This is consistent with other Ground Signs.

Updated Section: Other Housekeeping Amendments

- **Banner Signs**

- Changes for Seasonal Businesses:
 - Can be displayed trailers, sales office, or shipping containers (e.g. for fireworks).
 - Can only be displayed twice a year.
 - Can now be displayed on fences around the business on the property.
- For example, a business that is selling Christmas Trees may have a temporary fence around the trees, the business can now put up a banner sign on that fence.

What we heard from Public Information Centre held on October 24, 2017



- Can the by-law can be used to address signs on utility polls?
- How does the “presumption” clause work for signs with only a telephone number or name listed on the sign?

Election Sign By-law

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Background Information

- Review of the By-law prompted by:

1) Legislative Changes:

- Third Party Advertisers
- Election of Regional Chair

2) Desire to develop consistency across all York Region municipalities:

- Date for when Signs can be displayed/taken down, Size, Private & Public Property, & Fee Structure.
- The By-law will continue to apply to signs for all Municipal, Provincial & Federal elections (including by-elections).

Scope of new standalone Election Sign By-law

- **New Sections**
 - Third Party Advertisers
 - Election of Regional Chair
- **Updated Sections**
 - Definitions
 - Erection & Removal of Signs
 - Size
 - Signs on Private & Public Property
 - Fee Structure

New Section: Third Party Advertisers

- The Municipal Elections Act (“MEA”) has changed to allow individuals or corporations to register as “Third Party Advertisers” in an election.
- A Third Party Advertiser can support or oppose:
 - A question on the ballot;
 - A Candidate or a political party; or,
 - An issue associated with a candidate person or political party.
- Third party advertisers are required register themselves with the Clerk & must apply for an Election Sign permit in the same manner as a Candidate.

New Section: Election of Regional Chair

- The position is currently filled through a process at Regional Council, in which all local Municipal Councillors who also sit on Regional Council, elect a Chairperson.
- The Regional Chair position will now be elected in the same manner as all Municipal Office & School Board Trustees.
- Regional Chair Candidates will be on the ballot for the first time in the 2018 Municipal Election.
- Regional Chair Candidates will be permitted to display election signs in the same manner as other Candidates.

Updated Section: Definitions

- Proposed new definitions include:
 - **Registered Third Party:** an individual, corporation or trade union that has registered with the Clerk in accordance with the MEA.
 - **Third Party Advertisement:** an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a Candidate or a question on the ballot.
 - **Third Party Election Sign:** an expense incurred by a “Registered Third Party” but does not include Candidate’s election signs.

Updated Section:

Erection & Removal of Sign Dates

Type of Election	First day Election Signs can be erected	Last day Election Signs must be removed
Municipal		
• Regular Election	28 calendar days (4 weeks) before Voting Day	72 hours (3 days) after Voting Day
Municipal		
• By-election	28 calendar days (4 weeks) before Voting Day <u>or</u> Nomination Day if Voting Day is less than 4 weeks	72 hours (3 days) after Voting Day
Provincial		
• Regular Election & By-election	The day after the writ of an election is issued	72 hours (3 days) after Voting Day
Federal		
• Regular Election & By-election	The day after the writ or an election is issued	72 hours (3 days) after Voting Day

Updated Section: Removal of Signs



- Any sign removed by the Town will not be returned to the Candidates until after Voting Day.
- Section is intended to assist with administration of the election sign program, as there will be additional signs erected with the Regional Chair position & Third Party Advertisers.
- This is a new requirement for Town of Newmarket Candidates; however it aligns with York Region's Sign By-law.

Updated Section: Size of Election Signs

- This amendment is not new to Election Signs in Newmarket, & it aligns with York Region's size requirements.
- Election Signs shall only have a maximum:
 - Area of 1.49 square metres;
 - Height & width of 1.22 metres.
- An Election Sign shall not be higher than 2 metres above the ground & must be anchored or affixed to the ground. For example, through the use of wooden stakes. This is a new requirement for the Town of Newmarket.

Updated Section: Public Property



- Limits on the number of signs displayed on both public & private property assist with reducing sign pollution.
- Public Property:
 - The Town currently prohibits Election Signs on Town property & this requirement has not changed in the new By-law.
 - Election Signs can only be erected on Regional intersections permitted by the Region's By-law

Updated Section: Private Property

- Private Property:
 - The property owner, tenant, or occupant must consent to having the sign erected on their property.
 - The Town currently limits Election Signs to 1 per⁶ Candidate on private property, unless the property is⁴ a corner lot (2 are allowed on corner lots).
 - New By-law proposes a limit of 1 Election Sign per Candidate/Third Party Advertiser on private property, regardless of whether or not the property is a corner lot.
 - Recommended for principles of fairness, & consistent application of the By-law for all properties in the Town.

Updated Section: Fee Structure



- Municipalities have adopted varying fee structures for Candidates for the permitting & removal of signs process.
- In Newmarket, Candidates are required to submit an application & pay a \$250 refundable application permit fee:
 - Town currently administers a \$25 per sign removal fee (for all improperly placed signs removed by the Town).
 - Currently, for example: if Town staff remove less than 9 election signs, a portion of the application permit fee, is refunded to Candidates at the end of the election.
- A refundable fee structure consumes staff time & resources.

Updated Section: Fee Structure

- New By-law proposes a \$250 non-refundable application permit fee:
 - York Region's application permit fee is non-refundable.
 - Non-refundable application permit fee allows the Town to recover administration and enforcement costs incurred.

What we heard from Public Information Centre held on October 24, 2017



- What will happen if there is a dispute between the property owner & tenant with regards to an election sign being erected on the property? 67
- What areas of the Town's Election Sign By-law align with York Region's Sign By-law?

Next Steps

- Noise, Sign & Election Sign By-laws will be presented as follows:
 - Committee of the Whole - November 27, 2017
 - Council - December 4, 2017
- Feedback from today's Council Workshop will be included as part of the report to Committee of the Whole on November 27, 2017.

Questions?

Contact Information

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Corporation of the Town of Newmarket

By-law Number 2017-xx

A By-law to Prescribe **Standards** for the **Maintenance** and Occupancy of **Property** within The **Town** of Newmarket

Whereas Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23, authorizes Council of a municipality to pass a By-law for prescribing the **Standards** for **maintenance** and occupancy of **Property**;

And whereas the Official Plan for The **Town** of Newmarket includes provisions relating to **property** conditions;

And whereas the Council of The **Town** of Newmarket is desirous of passing a Bylaw under Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23;

And whereas Section 35.3 (1) and 45.1 (1) of the Ontario **Heritage Act**, R.S.O. 1990, c.0.18, as amended provide that a By-law may be passed by the Council of a municipality prescribing minimum **Standards** for the **Maintenance** of the **Heritage** Attributes of Designated **Heritage** Properties within the municipality, and requiring that Designated **Heritage** Properties that do not comply with those **Standards** be Repaired and Maintained to conform with those **Standards**;

And whereas Section 15.6(1) of the **Building Code Act**, S.O. 1992, c.23 requires that a Bylaw passed under Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23 shall provide for the establishment of a **Property Standards Committee**;

Therefore the Council of the Corporation of the **Town** of Newmarket hereby enacts the following:

1.0 SCOPE

This by-law shall apply to all **property** in the **Town** of Newmarket save and except **property** owned by the Corporation of the **Town** of Newmarket or the Regional Municipality of York.

2.0 DEFINITIONS

"Accessory Building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same **property**;

"Basement" means that portion of a building that is partly below **grade**, which has half or more of its height measured from floor to finished ceiling above the average finished **grade**;

"Bathroom" means a room which shall contain a water closet and basin and may contain a bathtub or shower;

"Building Code" means the **Building Code Act** and any regulations made under that Act;

"Certificate of Compliance" means a written opinion of **property** compliance with the **standards** contained in this by-law issued under

Section 15.5 (1) of the **Building Code Act 1992, S.O. 1992. c.23, as amended**

“Committee” means the **Property standards Committee** established pursuant to the provisions of this by-law;

“Debris” means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard;

“Dwelling” building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes the land and premises appurtenant thereto and all out buildings, **fences**, and erections thereon or therein

“Dwelling Unit” means a room or group of rooms to be used by one family that functions as a single independent housekeeping **unit** in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the **unit** only, and with a private entrance from outside the building or from a common hallway or stairway inside;

“Fence” –means any structure, wall or barrier, other than a building, erected at **grade** for the purpose of defining boundaries of **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen.

“Fire Code” means the regulations made under section 12 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended.

“Grade” means the average level of proposed or finished ground adjoining a building at **grade** level.

“Ground Cover” means material organic or non-organic applied to prevent soil erosion and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

“Guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

“Habitable Room” means any room in a **dwelling** or **dwelling unit** used or capable of being used for living, sleeping, cooking or eating purposes.

“Heritage Act”

“Heritage Attributes”

a) the attribute of the **Property**, building or structure that contributes to its cultural **heritage** value or interest that is defined, described, or can be reasonably inferred:

i.) in a by-law designating a **property** passed under section 29 of the *Ontario Heritage Act* R.S.O. 1990, c.o.18 as amended and identified as a **heritage** attribute, value, reason for designation, or otherwise;

ii.) in a Minister's order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as **heritage** attribute, value, reason for designation or otherwise;

iii.) in a by-law designating a **heritage conservation district** passed under section 41, Part V, of the *Ontario Heritage Act* and identified as a **heritage** attribute, value, reason for designation or otherwise; or

iv.) in the supporting documentation required for a by-law designating a **heritage conservation district**, including but not limited to a **heritage conservation district** plan, assessment or inventory, and identified as a **heritage** attribute, value, reason for designation or otherwise.

b) The elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the **heritage** values and attributes and without which the **heritage** values and attributes might be at risk.

"**Heritage Property**" means **property**, including all buildings and structures thereon, that has been designated by the **Town** under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act*.

"**Heritage Conservation District**" means a geographic district established under Part V of the *Ontario Heritage Act*, R.S.O. 1990, cO.18, as amended;

"**Heritage Conservation District Plan**" means a plan adopted by Council under Part V of the *Ontario Heritage Act*, R.S.O.1990, and c.O.18, as amended to provide direction in the preservation of the **Heritage** Attributes of a **Heritage Conservation District**.

"**Heritage Permit**" means a permit issued by Council under section 33, 34 or 42 of the *Ontario Heritage Act*, to alter, erect, demolish or remove a building or structure.

"**Injurious**" means **injurious** in the opinion of the **Medical Officer of Health** or a Public Health Inspector for the Region of York.

"**Maintenance**" means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve **property**.

"**Means of Egress**" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of **persons** from any point in a building, floor area, room or contained open space to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.

"**Medical Officer of Health**" means the **medical Officer of Health** for the Regional Municipality of York

"**Mixed-use Building**" means a building containing both **Dwelling Unit** and **Non-Residential Property**.

"**Multiple Dwelling**" shall mean a building or portion thereof containing two or more **dwelling units** and shall include group **dwelling**s either held or maintained under single **ownership** or established and maintained under the provisions of the Condominium Act or as a Co-operative.

"**Non-Habitable Room**" means any room in a **dwelling** or **dwelling unit** other than a **habitable room** and includes **bathroom**, **toilet room**, laundry, pantry,

lobby, corridor, stairway, closet, boiler room, or other space for service and **maintenance** of the dwelling for public use, for access to and vertical travel between **storeys**, and a **basement** or part thereof which does not comply with the **standards** of fitness for occupancy set out in this by-law.

"**Non-Residential Property**" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto and all outbuildings, **fences** or erections thereon or therein.

"**Noxious Weeds**" means any weed classed as noxious by the **Noxious Weeds** Act of the Province of Ontario.

"**Nuisance**" shall mean an **injurious**, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.

"**Occupant**" means any **person** or **persons** over the age of eighteen years in possession of the **property**.

"**Officer**" means a **Property Standards Officer** or other enforcement **officer** duly appointed by By-law of the **Town** to administer and enforce the provisions of this By-law.

"**Owner**" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such premises were let, and shall also include a lessee or **occupant** of the **property** who, under the terms of lease, is required to **repair** and maintain the **property** in accordance with the **standards** for the **maintenance** and occupancy of **property**.

"**Person**" means an individual, firm, corporation, association or partnership.

"**Plumbing Fixture**" means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water, liquid or sanitary sewage directly into drainage piping.

"**Property**" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all **mobile homes**, **mobile buildings**, mobile structures, outbuildings, **fences** and erections thereon, whether heretofore or hereafter erected, and includes vacant **property** and **Designated Heritage Property**.

"**Repair**" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the **property** shall conform to the **standards** established in this by-law.

"**Residential Property**" means a building or structure or part of a building or structure, that is used or designed for use as a domestic establishment in which one or more **persons** usually sleep and prepare and serve meals, and includes any lands and premises appurtenant thereto and all outbuildings, **fences** and erections thereon, whether heretofore or hereafter erected and includes vacant **residential property**.

"**Sanitary Unit**" means a water closet, urinal, bidet or bed-pan washer.

"**Sewage System**" means the sanitary sewer system or a private sewage disposal system.

"**Sign**" means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device*; this shall include flags, banners, pennants, lights, inflatable devices, or any object intended for advertising purposes;

"**Standards**" means the **standards** of physical condition and occupancy of **property** set out in this by-law;

"**Storage Garage**" means a building or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the **repair** or servicing of such vehicles but does not include a garage or carport forming part of a single dwelling **unit**.

"**Storey**" means the portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

"**Supplied**" means installed, furnished or provided by the **owner**.

"**Toilet Room**" means a room in which **sanitary units** are installed.

"**Town**" means the Corporation of the **Town** of Newmarket.

"**Yard**" means the land, other than publicly owned land, around or appurtenant to the whole or any part of a **residential** or **non-residential property** and used or capable of being used in connection with the **property**.

3.0 INTERPRETATION / STANDARDS

- 3.1 Imperial measurements in this by-law are provided for convenience only. The requirements of this by-law are set out in metric measurements.
- 3.2 Where a provision of this by-law conflicts with a provision of any other by-law in force in the **Town**, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.
- 3.3 All **repairs** and **maintenance** of **property** required by the **standards** prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- 3.4 No **person** shall use or occupy or permit the use or occupancy of any **property** that does not conform to the **standards** set out in this by-law.
- 3.5 The **owner** of any **property** which does not conform to the **standards** shall **repair** and maintain such **property** to conform to the **standards**, or shall clear the site of all buildings, structures, **debris** or refuse and leave it in a graded and levelled condition.
- 3.6 In the case of Part IV **Heritage** Properties and Part V Properties, those properties shall not be cleared of all buildings and structures that do not conform to the **standards**.
- 3.7 No **person** shall remove from any premises any **sign**, notice or placard placed thereon pursuant to Section 15 of the **Building Code** Act or this by-law.
- 3.8 Following the inspection of a **property**, the **Officer** may or on the request of the **owners** shall, issue to the **owner** a **certificate of compliance** if, in his opinion, the **property** is in compliance with the **standards** of this by-law.
- 3.9 The **owner** of every multiple **residential property** shall cause to be posted in a prominent place which is common to and regularly frequented by the residents therein the name, address and telephone number of the manager or a responsible **person** for such **property** and the name and

telephone number of an authorised **person** to contact in the case of an emergency on a 24-hour basis.

4.0 PROPERTY STANDARDS COMMITTEE

- 4.1 A **Property Standards Committee** is hereby established consisting of three members.
- 4.2 The **Property Standards Committee** shall hear appeals pursuant to section 15.3 of the **Building Code Act**, 1992 as amended, or substituted from time to time.
- 4.3 The term of appointment of the **Property standards Committee** shall be for the term of Council.
- 4.4 A member shall be at least 18 eighteen years old, Canadian citizens or landed immigrants and either residents or municipal taxpayers of the **Town**.
- 4.5 Members shall not act as agents for any **person** on their appeal of an order to the **Property Standards Committee**.
- 4.6 **Property Standards Committee** members will immediately cease to be a member where before the expiry of his or her term:
 - 1) Resigns
 - 2) Is unable for any reason to perform the duties of the **Committee** for a period of ninety days or more;
 - 3) Cease to be a resident of the **Town** or the **Owner** or tenant of land in the **Town**; or Canadian citizen
 - 4) Becomes disqualified by statute or otherwise prohibited by law from voting in an election for Council; or
 - 5) dies, before the expiry of his or her term of office the member will immediately cease to be a member of the **Committee** and Council shall appoint in his or her place another eligible **person** for the unexpired portion of the term.
- 4.7 The Clerk shall keep on file the records of all official business of the **Committee**, including records of all applications and minutes of all decisions respecting those applications.
- 4.8 **Property Standards Committee** Appeal Hearings are governed by the Statutory Powers and Procedures Act, R.S.O. 19990, c.S22, as amended, or substituted from time to time.

5.0 ADMINISTRATION

- 5.1 The **Town** shall appoint **Property Standards Officer(s)** and such staff to carry out the administration and enforcement of this By-law.
- 5.2 Any Building, Housing, Plumbing, Heating or Public Health Inspector or Fire Prevention **Officer** of the **Town** is hereby authorised and directed to act as an assistant to the **Officer** from time to time.

STANDARDS FOR ALL PROPERTIES

6.0 MAINTENANCE OF YARDS

- 6.1 Every **yard** shall be kept clean and free from:
 - 1) Rubbish, garbage, brush, waste, litter or other **debris**;
 - 2) Holes, excavations, or any unprotected wells that create a hazard;

- 3) Vehicles, boats and trailers that are wrecked, dismantled, abandoned, unused, inoperative, or not affixed with a valid plate displaying a valid permit registered to the Vehicle , boat or trailer;
- 4) Vehicles used for the storage of garbage, rubbish, waste, **debris** inoperative equipment, materials, appliances or similar items.
- 5) Vehicles parked shall be parked in any **yard** except on a maximum permitted driveway under the designated Zoning by-law.
- 6) No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a **property**, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the **property**, shall be stored or allowed to remain in an exterior **property** area.
- 7) **noxious weeds** pursuant to the Weed Control Act, R.S.O. 1990, c.W.5, as amended;
- 8) Excessive growth of other weeds, grass and bushes; grass shall be kept cut to a reasonable length and the cuttings are to be removed and disposed of in an appropriate manner;
- 9) Dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a **nuisance**;
- 10) Rodents, vermin, insects, termites, and other pests and any condition which may encourage the infestation or harbouring of such pests;
- 11) Dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe or unsightly condition;
- 12) Hedges and bushes which are unsightly or unreasonably overgrown;
- 13) No hedge shall be erected in a location which will, does, or may, in the opinion of the **officer**;
 - 1) adversely affect the safety of the public
 - 2) affect the safety of vehicular or pedestrian traffic; or
 - 3) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.
- 14) (i) areas used for vehicle traffic parking and loading in institutional, commercial, industrial and multiple **residential** zones requiring five (5) or more parking spaces, shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and paved with two (2) inches of asphalt over six (6) inches of granular A material and shall be free from ponding and puddles and otherwise in good **repair**.
- (ii) areas used for driveways and parking spaces within **residential** zones requiring less than five (5) parking spaces shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and shall be kept free from ponding and puddles and otherwise kept in good **repair**. Where an existing driveway or parking area is widened, the material used for the surface of the widened area shall be similar to and compatible with the finished surface of the existing driveway or parking area.
- 15) Construction Bins, unless they are actively being used in connection with the construction or demolition of a building or structure; and
- 16) Any unsafe or unsightly condition out of character with the surrounding environment.

17) Any furniture that is manufactured for interior use shall not be placed outside of a dwelling

6.2 Any required hedges, planting, trees and other landscaping on a **property** shall be maintained in a living condition, or shall be replaced with equivalent landscaping to the satisfaction of the **Property Standards Officer**

6.3 **Yards** shall be graded, cultivated or protected with a suitable **ground cover** in a manner:

- 1) to prevent excessive or recurrent ponding of storm water;
- 2) to prevent instability or erosion of soil;
- 3) to prevent the entrance of water into a **basement**;
- 4) not to create an unsightly appearance.
- 5) So as to be free from conditions which would impede the natural flow of water. Catch basins, storm drains and swales shall be maintained in a good state of **repair**.

7.0 PAVING AND SURFACE CONDITIONS

7.1 All areas of a **yard** which are used for vehicular traffic or parking including loading areas or bays, shall be:

- 1) kept free from dirt, surface dust and refuse;
- 2) maintained in good **repair** and free from large holes and deep ruts;
- 3) adequately graded and drained to prevent excessive ponding of water;
- 4) adequately lighted;
- 5) provided with secured curb stops or other restraining devices to prevent vehicles from damaging **fences**, lamp **standards**, poles or other structures on the parking lot or adjoining **property** and from encroaching onto adjoining **property**;
- 6) maintained in good condition and **yards** which have been previously covered with paving materials shall be **repaired** with similar material or renewed when necessary
- 7) maintained free from conditions which would impede the natural flow of water. Catch basins and storm drains shall be maintained in a good state of **repair**;
- 8) provided with suitable markings such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible.

7.2 In industrial or commercial zones all required parking areas, loading areas and driveways shall be surfaced and maintained with asphalt, concrete or interlocking stone where required by by-law or site plan agreement.

7.3 Exterior steps, walks, loading docks, ramps, curbs, parking spaces, driveways and similar areas of a **yard** shall be maintained in a good state of **repair**, free from conditions which prevent passage and free from hazard to any **person** under normal use, and weather conditions.

8.0 SEWAGE DISCHARGE AND DRAINAGE

8.1 Sewage shall be discharged into the **sewage system**.

8.2 Untreated or inadequately treated sanitary sewage shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise.

- 8.3 Roof drainage, storm water, swimming pool or sump pump water discharge shall;
- 1) be drained from lands so as to prevent recurrent ponding or entrance of water into a **basement**, cellar; or any impervious road allowance; and
 - 2) not be discharged on walkways, stairs, or neighbouring **property**.
- 8.4 Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- 8.5 Where eavestroughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 m (4ft) from the building where it is physically possible.
- 8.6 Section 8.5 does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining **property**.
- 8.7 The storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to a storm sewer or to a natural or artificially created swale or watercourse.

9.0 EXTERIOR LIGHTING AND SUPPORTS

- 9.1 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a **yard** shall be adequately lighted at all times.
- 9.2 Lighting shall be considered adequate if there is sufficient light to provide an average level of illumination of at least 11 lux (1 foot-candle) at ground or tread level at all exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a **yard**.
- 9.3 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at ground or tread level. The measurements shall be made at equally spaced intervals not exceeding 3 metres in any direction.
- 9.4 In all **yards**, **standards** supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good **repair** and in good working order.

10.0 FENCES

10.1 All fences shall be:

- 1) maintained in good **repair** and free from hazards;
- 2) maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- 3) protected from deterioration by the application of paint or other suitable protective materials of uniform colour, and constructed of a material that is inherently resistive to such deterioration;
- 4) constructed with suitable materials and shall be designed and erected in workmanlike manner and maintained so as not to create an unsightly appearance;
- 5) free from posters, **signs**, notices, advertising material, words, pictures, drawings or other defacement;
- 6) capable of performing safely the function for which they were constructed.

11.0 RETAINING WALLS

- 11.1 Retaining walls shall be maintained in a state of good **repair**.

- 11.2** Where a retaining wall excess of 0.6 m (2feet) in height and forms part of or is adjacent to a **means of egress**, a **guard** shall be provided unless access is restricted to the retaining wall.

12.0 SIGNS

- 12.1** All **signs**, including their supporting members, shall be maintained in good **repair** and any **signs** which are excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good state of **repair**.

13.0 ACCESSORY BUILDINGS

- 13.1** The foundations, walls, roofs and all parts of **accessory buildings** and other structures appurtenant to the main building shall be:

- 1) constructed with suitable materials;
- 2) maintained in good **repair**;
- 3) maintained to prevent an unsafe condition or an unsightly appearance.

- 13.2** The exterior of any **accessory building** or other structure appurtenant to the main building on a **property** shall be protected from deterioration by the application of paint or other suitable protective material of uniform colour.

14.0 STRUCTURAL ADEQUACY

- 14.1** Every part of a **property** shall be maintained in good **repair** and in a structurally sound condition so as:

- 1) to be capable of sustaining safely its own weight and any load to which normally it might be subjected;
- 2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- 3) to prevent the entry of moisture that would contribute to damage, decay or deterioration;
- 4) to be capable of safely and adequately performing subject to all reasonable design requirements.

- 14.2** If, in the opinion of the **Property Standards Officer** there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the **Property Standards Officer** may order that such building or structure or parts thereof be examined and a written report be prepared by a professional engineer licensed to practice in Ontario, and employed by the **owner** of the building or his authorised agent. The written report may include drawings, signed and stamped by the engineer and giving details of the findings and proposed **repair** methods, shall be submitted to the **Property Standards Officer**.

- 14.3** Examination and testing of any building or structure or parts thereof required by Section 14.2 shall be conducted in a manner acceptable to the **Officer** and at the **owner's** expense.

- 14.4** Details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer shall be included with the report required by Section 14.2.

- 14.5** All work specified by the professional engineer shall be completed in the manner and within the time which shall be specified by the engineer. The time specified shall be acceptable to the **Officer**.

- 14.6** No structural element may be added, removed, **repaired** or modified in any manner until a permit therefor has been obtained from the Chief Building Official.

14.7 Upon completion of all of the work, a report, signed and stamped by the professional engineer that all of the work has been completed to his satisfaction and specifications shall be submitted to the **Property Standards Officer**.

15.0 FIRE DAMAGE

15.1 A building or structure damaged by fire, storm or by other causes shall be demolished or **repaired**.

15.2 Where a building or structure is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger **persons** on or near the **property** and the building or structure shall be properly supported and barricaded until the necessary demolition or **repair** can be carried out.

15.3 Defacement by smoke or by other causes on the exterior wall and surface of the building or structure or of the remaining parts of the building or structure shall be removed and the defaced areas refinished in a workmanlike manner.

16.0 FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS, ROOF SLABS, BALCONIES AND OPENINGS

16.1 The foundations, walls, columns, beams, floors, roof slabs and balconies of a building including **storage garages** shall be maintained:

- 1) in good **repair** and structurally sound;
- 2) free from decayed, damaged or weakened sills, piers, posts or other supports;
- 3) in a manner so as to prevent the entry of moisture and rodents into the building;
- 4) in a manner so as to prevent settlement of the building by restoring or replacing of the foundation, walls, columns, beams, floors and roof slabs and where necessary shall be so maintained by the shoring of the walls and floors, installing sub-soil drains at the footings, grouting masonry cracks waterproofing the walls and by other methods which are practical and necessary for the purposes mentioned above.

16.2 The exterior walls of a building shall be maintained;

- 1) in good **repair** free from cracked or broken masonry **units**, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weather- tight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects.
- 2) without limiting the generality of the foregoing, the **maintenance** of an exterior wall includes the finish with a weather resistant material of all exterior wood and metal work and restoring, **repairing** or replacing of the wall, brick and mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints.

16.3 Where the masonry **units** forming an exterior wall, or part of an exterior wall, of a building are faced with a glazed or other decorative surface, all of those **units** from which the surface has spalled or broken shall be removed and replaced with **units** having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or finished with other approved materials.

16.4 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in good **repair** and the covering renewed when it becomes damaged or deteriorated.

- 16.5** The cladding on the exterior walls of all buildings shall consist of masonry stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance.
- 16.7** Unsightly chalk marks, painted slogans and similar markings or defacements on the exterior surfaces of buildings shall be removed and the surfaces refinished when necessary.
- 16.8** Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:
- 1) in good **repair** and free from unsafe conditions;
 - 2) free from rubbish and **debris**;
 - 3) properly and safely anchored;
 - 4) protected against deterioration and decay by the periodic application of a weather resistant material such as paint;
 - 5) free from broken or missing glass.
- 16.9** Exterior doors, windows, skylights, **basement** hatchways including storm and screen doors and storm windows shall be:
- 1) maintained in good **repair** and weather- tight;
 - 2) free from rotted or defective members;
 - 3) free from torn, damaged or missing screens;
 - 4) free from defective or missing weather-stripping or caulking;
 - 5) free from defective storm or screen doors;
 - 6) free from broken or missing glass.
- 16.10** Openings in exterior walls shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects.
- 16.11** Section 16.10 does not apply where it can be shown to the satisfaction of the **Officer** that the implementation of this section would adversely affect the normal operations in a **non-residential property**.

16.0 AIR CONDITIONERS AND WATER COOLED EQUIPMENT

- 16.1** Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways.
- 16.2** Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building. The discharge of cooling water from all water-cooled equipment shall be connected-to a proper drainage system. The connections of the drainage system shall be made to comply with all applicable governmental regulations.

17.0 ROOFS

- 17.1** All roofs shall be maintained:
- 1) in a watertight condition;
 - 2) free from loose or unsecured objects or materials;
 - 3) free from dangerous accumulation of snow or ice or both;

- 4) free from all other accident, fire or health hazards;
 - 5) so that roof decks and related **guards** are in a good state of **repair**; and
 - 6) free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.
- 17.2 Soffit and fascia components shall be secured and maintained in good **repair** and properly painted or otherwise treated.
- 17.3 Where eavestroughs, roof gutters and downspouts are installed they shall be kept in good **repair**, free from leaks, and securely fastened to the building.
- 17.4 Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when such application is impractical or ineffective.

18.0 STAIRS, HANDRAILS AND GUARDS

- 18.1 All stairs, porches and landings, all treads and risers, all **guards** and handrails, and all supporting structural members thereof, shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.
- 18.2 All ramps, stairs, stairs within dwelling units having more than 2 risers and exterior stairs having more than 3 risers, shall be provided with a handrail in accordance with the requirements of the *Ontario Building Code*.
- 18.3 **Guards** shall be installed securely in accordance with the requirements of the *Ontario Building Code* and maintained in good **repair**. Without limiting the generality of the foregoing:
- 1) all open sides of interior and exterior stairs of multiple **residential** buildings shall be protected by a **guard** in accordance with *the Ontario Building Code*;
 - 2) all landings, balconies, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than **maintenance** purposes of a multiple **residential** building shall be protected by a non-climbable **guard** in accordance with the *Ontario Building Code*;
 - 3) **guards** around exterior balconies of a multiple **residential** building shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
 - 4) openings through a **guard** on interior and exterior balconies, stairs, landings, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than **maintenance** purposes of a multiple **residential** building shall be such as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 5) all exterior landings, porches, decks, raised walkways, balconies and roofs to which access is provided for other than **maintenance** purposes serving not more than one dwelling **unit** shall be protected by a **guard** having a minimum height of 1070 mm (42") except that **guards** for porches, decks, landings and balconies serving not more than one dwelling **unit** and which are not more than 1.8m (5'-11") above the finish ground level may be a minimum of 900 mm (35") high;
 - 6) **guards** on all exterior stairs serving not more than one dwelling **unit** shall be not less than 800 mm (31") high measured vertically above a line drawn through the outside edges of the stair nosing;

- 7) all open sides of interior stairs within a dwelling **unit** shall be protected by a **guard** not less than 800 mm (31 ") high measured vertically above a line drawn through the outside edges of the stair nosing;
 - 8) **guards** on all interior landings, balconies and on all open sides where the difference in elevation between adjacent levels exceeds 600 mm (24") within a dwelling **unit** shall be not less than 900 mm (35") high;
 - 9) openings through a **guard** on a balcony, stair, landing and the floor level around a stairwell serving not more than one dwelling **unit** shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 10) **guards** around porches, decks, and exterior balconies of a dwelling **unit** shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
 - 11) all open sides of interior and exterior stairs of a non-**residential** building shall be protected by a **guard** having a minimum height of 900 mm (35") measured vertically above a line drawn through the outside edges of the stair nosing;
 - 12) all interior and exterior balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than **maintenance** purposes of a non-**residential** building shall be protected by a **guard** having a minimum height of 1070 mm (42");
 - 13) openings through a **guard** on all stairs, balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than **maintenance** purposes shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4") in **residential** occupancies, day care centres, nurseries or other similar occupancies where children may be present and 200 mm (8") in other non-**residential** buildings;
 - 14) except as provided in 3.13.3 (5), all retaining walls and other locations where the vertical distance to the surface or horizontal plane below exceeds 600 mm (24") shall be protected by a **guard** in accordance with the *Ontario Building Code*;
- 18.4 Fire escapes shall be of metal, concrete or wood, of the stair type extending to ground level, constructed in a substantial manner and securely fixed to the building in accordance with the *Ontario Building Code*.
- 18.5 **Guards** on fire escapes and landings shall be in accordance with the *Ontario Building Code*.
- 19.0 FLOORS AND FIRE PROTECTION**
- 19.1 Floors shall be maintained in a clean and sanitary condition and free from stains, rubbish and **debris**.
- 19.2 The floors of rooms in which **plumbing fixtures** are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.
- 19.3 Floors shall be maintained reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards.
- 19.4 Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner as to afford the fire protective properties required by all relevant governmental regulations.

- 19.5 Floor covering when removed, deteriorated or damaged, shall be replaced so that the flooring presents a uniform and neat appearance.

20.0 CHIMNEY, FLUES AND RELATED EQUIPMENT

- 20.1 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstructions and to comply with all applicable governmental regulations and to prevent:

- 1) obstruction to the free passage of **persons** within a building;
- 2) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
- 3) the entrance of smoke or gases into a building;
- 4) fire and accident hazards.

- 20.2 Where a heating system, heating equipment or any auxiliary heating **units**' burn solid or liquid fuel a place for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.

- 20.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.

- 20.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.

- 20.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:

- 1) installed and maintained so as to prevent the escape of smoke or gases into the building;
- 2) clear of obstructions;
- 3) free from open joints;
- 4) free from broken and loose masonry;
- 5) in good **repair** and plumb.

- 20.6 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good **repair**, properly secured and free from fire, health and accidental hazards.

21.0 NUISANCE

- 21.1 On **property** which, because of its condition or because of its use or occupancy or for other reason, creates a **nuisance** to **occupants** of adjacent **property** or to **persons** in the neighbourhood or to the user of streets or parks, every reasonable precaution shall be taken to prevent such **nuisance**. Without limiting the generality of the foregoing such precautions shall include:

- 1) providing and maintaining an effective barrier to prevent the light from lamp **standards**, **signs**, vehicle head lamps and other sources from shining directly into a dwelling **unit**;
- 2) providing and maintaining an effective barrier to prevent waste, wrappings, **debris** and the like from encroaching an adjacent **property**;

- 3) the removal of excessive accumulation of materials from a **yard** unless such materials are required for a business being lawfully conducted on the **property**;
- 4) providing and maintaining an effective barrier to prevent dumping, placing or depositing any **debris** of any kind onto the **property**;
- 5) employing all means necessary and sufficient for the purpose.

21.2 The place for temporary storage and disposal of garbage and refuse shall be maintained;

- 1) in a litter free condition;
- 2) in a manner that will not attract pests or create a health or safety hazard;
- 3) screened from a public highway, street, walkway, park or **residential property** so as not to be visible from such locations.

21.3 All properties shall be provided with sufficient containers or receptacles to safely contain all garbage, rubbish, waste and other refuse.

22.0 VACANT PROPERTY

22.1 Where any **property** is unoccupied the **owner** or his agent shall protect every such **property** against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorised **persons**.

22.2 Vacant building shall be boarded up to the satisfaction of the **Property Standards Officer** by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

22.3 Where a building remains vacant for a period of more than ninety days (90), the **owner** or his agent, shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent **property**.

22.3 Section 22.3 does not apply where such utilities are necessary for the safety or security of the building.

23.0 PARKING GARAGES

23.1 All parking garages shall be adequately lighted at all times.

23.2 The interior walls, ceilings, and columns of the parking garage area painted white,

23.3 The materials used to provide a white surface on the walls, ceiling and columns of **storage garages** shall:

- a) be suitable for application to the material of which the walls, ceilings and columns are formed;
- b) shall be washable and shall be washed or renewed as is necessary to maintain a reasonably clean and bright surface.

23.4 No machinery, boats, vehicles including trailers, or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition shall be stored or allowed to remain in a **storage garage**.

23.5 Every floor, wall, ceiling and stairwell of a **storage garage** shall be kept clean and free from rubbish and **debris** and from objects or conditions that might create a fire, health or accident hazard.

23.6 All **means of egress** within a **storage garage** shall be provided with clean, clear, unobstructed and readily visible exit **signs** for every required exit and maintained in good **repair**.

24.0 **DEMOLITION**

- 24.1 Where a building, **accessory building**, **fence** or other structure on a **property** is demolished, the site shall be cleared of all rubbish, **debris**, refuse, masonry, lumber and other materials and left in a graded and levelled condition.
- 24.2 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, and from areas of multi-coloured paint or wallpaper.
- 24.3 Where a building, **accessory building** or other structure is being demolished, every precaution shall be taken to protect adjoining **property** and members of the public. Such precaution shall include the erection of **fences**, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

25.0 **DUTIES OF OCCUPANTS**

- 25.1 Every **occupant** of a **dwelling** in that part of the **dwelling** that he or she occupies or controls shall:
- 1) limit the number of **occupants** thereof to the maximum number permitted by this by-law;
 - 2) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
 - 3) keep all exits unobstructed;
 - 4) maintain the same in a clean condition;
 - 5) co-operate with the landlord in complying with the requirements of this by-law.

26.0 **CLEANLINESS**

- 26.1 A **dwelling** shall at all times be kept free of rodents, vermin and insects which may be deleterious to safety, health, and comfort from conditions which may encourage infestation by such pests.
- 26.2 In **multiple dwellings** every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition.
- 26.3 Garbage chutes and garbage disposal rooms must be kept in use and maintained in working order at all times.

27.0 **OCCUPANCY STANDARDS**

- 27.1 A **non-habitable room** shall not be used as a **habitable room**.
- 27.2 A bedroom shall be a **habitable room** and no kitchen, **bathroom** or hallway shall be used as a bedroom.
- 27.3 The maximum number of **persons** residing in a **dwelling unit** shall not exceed one **person** for each 9 square meters (97 square feet) of **habitable room** floor area.

- 27.4 The minimum area of a room used by only one **person** for sleeping shall be 6 square metres (64.5 square feet). The minimum dimension of any **habitable room** shall be 2 metres (6.5 feet).
- 27.5 The minimum area of a room used by two or more **persons** for sleeping shall be 4 square metres (43 square feet) for each **person** so using the area.
- 27.6 Every **habitable room** shall have a ceiling height in accordance with the requirements of the *Ontario Building Code*.
- 27.7 Any **dwelling unit** or portion thereof shall not be used as a **dwelling** unless it meets the requirements of this by-law, the requirements of the *Ontario Building Code* and *Fire Code*.
- 27.8 Each kitchen in a **dwelling unit** shall be provided with an approved gas or electrical supply for cooking purposes.
- 27.9 Each kitchen in a **dwelling unit** when equipped with refrigerator, cooking stove, kitchen fixture and fittings shall have such appliances, fixtures and fittings maintained in good **repair** and good working order.
- 27.10 Every **dwelling unit** shall be equipped with a carbon monoxide detector if the building is equipped with a fuel fired appliance or an interconnected attached garage.
- 27.11 Every **dwelling unit** shall be equipped and maintained with a smoke detector in accordance with the requirements of the Ontario **Building Code**.

28.0 GENERAL MAINTENANCE

- 28.1 Every **supplied** facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.
- 28.2 A mail box or mail receptacle shall be **supplied** for every **dwelling unit** in a building and maintained in good **repair**.

29.0 DISCONNECTING UTILITIES

- 29.1 No **owner**, nor anyone acting on his behalf, shall disconnect or cause to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for **residential property** occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of **repairing**, replacing or altering such service or utility.
- 29.2 A **person** liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an **offence** under Section 28.1.

30.0 DOORS, WALLS AND CEILINGS

- 30.1 Interior door and door frames including automatic door closets and all necessary hardware shall be maintained in good **repair** to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
- 30.2 Doors connecting **dwelling units** to the exterior or to an entrance or exit system shared in common with other **dwelling units** shall have locking devices and other necessary hardware installed and maintained in good **repair**. Access doors, as above, shall afford the **occupants** of the **dwelling unit** with a reasonable degree of privacy and safety and prevent the entry of draughts into the **dwelling unit**.

- 30.3 In the public parts of **multiple dwellings**, missing, cracked and broken glass in door panels, glass screens, and windows shall be replaced with approved glass or similar materials.
- 30.4 Every wall and ceiling in a **dwelling** or in a **dwelling unit** shall be maintained so as to be free of holes, cracks, damaged and deteriorated plaster or other material and finished to match the existing wall or ceiling.
- 30.5 **Repairs** made to the walls and ceiling of a **dwelling** or in a **dwelling unit**, shall be completed in a workmanlike manner and each **repair** shall be finished to match the existing wall or ceiling.
- 30.6 Previously finished wall and other surfaces in the public parts of **multiple dwellings** shall be maintained in good **repair** and shall be renewed or refinished when necessary to maintain an attractive appearance. Unsightly chalk marks, painted slogans and similar markings or defacements on walls or other surfaces shall be removed and the surface refinished when necessary.
- 30.7 In **multiple dwellings**, glazed doors, windows and other transparent surfaces in those parts of the building used by the tenants in common shall be kept in reasonably clean condition.
- 30.8 Every wall, ceiling, staircase and landing, furnishing, fixture and appliance in a **dwelling** shall be maintained in a clean and sanitary condition and the **dwelling** shall be kept free from rubbish and **debris**.
- 30.9 Garbage chutes and garbage disposal rooms shall have fire doors fitted with self-closing devices and all necessary hardware and every such door shall be a good fit in its frame and maintained in good **repair**.
- 31.0 HEATING**
- 31.1 Every **dwelling** and every **dwelling unit** shall be provided with a heating system capable of maintaining a room temperature of 21 degrees C (70 degrees F) at 1.5 metres (5 feet) above the floor level in all **habitable rooms**, **bathrooms** and **toilet rooms**.
- 31.2 Every heating system shall be constructed, installed and maintained to comply with the requirements of all applicable governmental regulations and shall be maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 31.1.
- 31.3 Fireplaces and other solid-fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed in accordance with the current **standards** of the Underwriters Laboratory of Canada and the manufacturer's instructions.
- 31.4 If, in the opinion of the **Officer** there is a reason to believe that the heating system of a building has been constructed, installed or maintained not in compliance with the requirements of all applicable governmental regulations, the **Officer** may order that such heating system be examined and a written report be prepared by a certified heating contractor and employed by the **owner** of the building or his or her authorised agent. The written report **signed** by the certified heating contractor and giving details of the findings and proposed **repairs** shall be submitted to the **Property Standards Officer**.
- 31.5 All work specified by the certified heating contractor shall be completed in the manner and within the time which shall be specified by the contractor. The time specified shall be acceptable to the **Officer**.
- 31.6 A permit shall be obtained from the Building Inspector where the method of operation of an existing heating system is altered, the **repair**, adjustment or component replacements that change the capacity or extent of safety of the system shall conform with the requirements of the *Ontario Building Code*.
- 31.6 On completion of all work to the heating system, the **Officer** shall be provided with a signed certificate from the certified heating contractor.

Where applicable, a Certificate of Inspection signed by the Chief Inspector, Ministry of Consumer and Commercial Relations, pursuant to the Boilers and Pressure Vessels Act shall be provided.

32.0 SEPARATIONS

- 32.1 Every **dwelling** shall be so constructed and protected as to prevent the passage of noxious fumes and gases from a part of the **dwelling** that is not used, designed or intended to be used for human habitation into other parts of the **dwelling**.

33.0 PLUMBING

- 33.1 All plumbing, drainpipes, waterpipes, **plumbing fixtures** and every connecting line to the **sewage system** shall:

- 1) comply with the requirements of all applicable governmental regulations;
- 2) be maintained in good working order free from leaks or defects;
- 3) be protected from freezing.

- 33.2 Every **dwelling** shall be provided with an adequate supply of potable running water from a source approved by the **Medical Officer of Health** for the Region of York.

- 33.3 Every **dwelling unit** shall be provided with at least a water closet, a wash basin, a kitchen sink and a bathtub or shower. All **plumbing fixtures** shall be connected to a **sewage system**.

- 33.4 A water closet shall be located within and be accessible from within the **dwelling unit** and shall be located and equipped to afford privacy to **persons** using such water closet.

- 33.5 All **plumbing fixtures** and appliances installed within a **dwelling** shall be maintained in good working condition and in a clean and sanitary condition.

- 33.6 Every sink, wash basin, bathtub and shower in a **dwelling unit** shall be provided with an adequate supply of hot and cold running water.

- 33.7 All hot water shall be **supplied** at a temperature ranging from 45 degrees C (113 degrees F) to 60 degrees C (140 degrees F) in accordance with the requirements of the *Ontario Building Code*.

- 33.8 Every sink, wash basin and laundry facility in a **dwelling** shall be provided with an adequate supply of hot and cold running water.

- 33.9 Adequate potable running water shall be **supplied** to every water closet.

34.0 MOULD

- 34.1 Buildings and structures shall be kept clear and free from mould or any condition that may cause mould or other types of decay.

35.0 ELECTRICAL SUPPLY AND LIGHTING

- 35.1 Every **dwelling unit** shall be connected to an electrical supply system and shall be wired for electricity.

- 35.2 The electrical wiring, pipes for conducting fuel and all equipment and appliances for use in a **dwelling unit** or **accessory building** shall be installed and maintained in good working order so as not to cause a fire or electrical shock hazard and in accordance with all applicable governmental regulations.

- 35.3 Adequate artificial light shall be available at all times, in all rooms and in every stairway, hall and **basement** in a **dwelling**.

35.4 In **multiple dwellings**, every stairway, hall, exit and entrance, and all other parts of the **dwelling** used by the tenants in common shall be adequately lighted at all times. Without limiting the generality of the foregoing, lighting shall be considered adequate:

- 1) if there is sufficient light to provide an average level of illumination of at least 21.6 lux (2 foot candles) at floor levels, in corridors, halls, and at exits and entrances;
- 2) where corridors, stairs and stair landings are illuminated by a common system, the average level of illumination provided at tread level on the stairs and at floor level on the landing shall be at least 21.6 lux (2 foot candles);
- 3) on stairs and stair landings which are not illuminated by the lighting fixture provided of adjacent corridors, halls, exits or entrance-ways, an average level of illumination of at least 16.2 lux (1.5 foot candles) shall be provided.

35.5 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at floor level. The measurement shall be made at equally spaced intervals not exceeding 3 metres in any direction.

35.6 The level of illumination at any location on the floor level in corridors, halls, exits, entrances and stairs of a building shall not be less than 11 lux (1 foot candle).

35.7 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

36.0 **WINDOWS AND WALL OPENINGS**

36.1 Every **habitable room** in a **dwelling** except a kitchen shall contain an outside window or windows which shall be maintained in good **repair**, and which shall:

- 1) have a total light transmitting area of not less than 10 percent of the floor area in living room and dining room and have a total light transmitting area of not less than 5 percent of the floor area in bedrooms and other finished rooms;
- 2) when designed to open, be easily opened and closed at all times and the area of the openable portion shall comply with the requirements of the **Ontario Building Code**;
- 3) be provided with proper and suitable hardware and effective locking devices *so as to properly perform their intended function*.
- 4) have the total light transmitting area of the window wells counted in the calculations referred to in article 4.11.1 (1) provided that one half of the area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.

36.2 Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin or rodents.

36.3 All windows in a **dwelling unit** designed to be opened shall be fitted with screens so as to prevent the entrance of insects and rodents and maintained in good **repair**.

37.0 **VENTILATION**

37.1 In every **dwelling unit**:

- 1) Every kitchen, **bathroom**, shower room and **toilet room** shall be provided with adequate natural or artificial means of ventilation.
 - 2) Where any system of mechanical ventilation is provided for any building or accessory structure, room or series of rooms such system, including monitoring devices for air contaminants or operability and supports shall be:
 - i. capable of completely changing the air in the room in accordance with the requirements of the Ontario **Building Code**;
 - ii. regularly cleaned and maintained in working order, good **repair**, and in a safe condition at all times.
- 37.2 In **multiple dwellings** every laundry room, garbage room, corridor, boiler room, **storage garage** and all parts of the building used by the tenants in common shall be adequately ventilated in accordance with ASHRAE (American Society of Heating, Refrigeration and Air Conditioning Engineers) **Standards** 62, Ventilation for Acceptable Indoor Air Quality.
- 37.3 A mechanical ventilation system in laundry room, garbage room, corridor, boiler room, **storage garage** and all parts of the building used by the tenants in common shall be:
- a) maintained in good **repair** and in good working order;
 - b) maintained in a safe condition;
 - c) regularly cleaned.
- 38.0 MEANS OF EGRESS FOR MULTIPLE DWELLING UNITS**
- 38.1 Every **dwelling unit** shall have a safe, continuous and unobstructed passage from the interior of the **dwelling unit** to an exit at or near **grade** level.
- 38.2 All **means of egress** within a **multiple dwelling** shall be provided with clean, clear, unobstructed and readily visible exit **signs** for every required exit and maintained in good **repair**.
- 38.3 The passage required as egress from one **dwelling unit** shall not pass through any other **dwelling unit**.
- 38.4 In **multiple dwellings** every reasonable precaution shall be taken to prevent unauthorised **persons** from entering the **dwelling** or a garage or other building accessory to the **dwelling**.
- 38.5 In every **multiple dwelling** containing 10 or more **dwelling units**, a two way voice communication system shall be provided between each **dwelling unit** and the main entrance and each **dwelling unit** shall be provided with a security locking and release mechanism for the main entrance and such mechanism shall be maintained in a locked position at all times. Such mechanisms shall be maintained in good **repair** and in an operative condition.
- 38.6 In **multiple dwellings** where a voice communication system between each **dwelling unit** and the front lobby and security locking and release facilities for the entrance have been provided and are controlled from each **dwelling unit**, such facilities shall be maintained in good **repair** and in operative condition.
- 38.7 Every door used as an entrance to or **means of egress** from a **multiple dwelling** where a voice communication system between each **dwelling unit** and the front lobby and security locking and release facilities for the entrance have been provided or from a **storage garage** which is not open and available for use by the general public shall be kept closed and locked and shall be provided with approved self-closing and self-locking mechanisms and shall not be secured in an open position except in an emergency situation.

- 38.8 Doors used as a **means of egress** from a **multiple dwelling** or a **storage garage** shall be so arranged as to be readily opened without the use of a key, in the direction of exit travel.

39.0 **WINDOW CATCHES AND GUARDS**

- 39.1 Every window of a **dwelling unit** which is located above the first **storey** of a **multiple dwelling** shall be equipped with a safety device to prevent the opening of any part of such window to a width in excess of 100 mm (4"), such devices to be to the requirements of the *Ontario Building Code*.
- 39.2 Every window located above the first **storey** in corridors, stairways, and other public areas of a **multiple dwelling**, that extends to less than 1070 mm (42") above the floor or landing, shall be protected by a **guard** of at least 1070 mm (42") in height, having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4") and having no member, attachment or opening, which will facilitate climbing, located between 100 mm (4") and 900 mm (35 1/2") above the floor or the bottom of the **guard**.

40.0 **ELEVATING DEVICES**

- 40.1 Elevating devices in a **dwelling**, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good **repair** and operational.

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

41.0 **DUTIES OF OWNERS AND OCCUPANTS**

- 41.1 Every **owner**, and every **occupant** in that part of **non-residential property** that he occupies or controls, shall maintain the **property**:
- 1) in a clean, sanitary and safe condition, free from litter, refuse and **debris** including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - 2) free from objects or conditions which are health, fire, or accident hazards;
 - 3) free from rodents, vermin and **injurious** insects.
- 41.2 In a **mixed-use building** no **owner** or **occupant** thereof, nor anyone acting on behalf of such **owner** or **occupant**, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving the **residential** portion therein and occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of **repairing**, replacing or altering such service or utility.
- 41.3 A **person** liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an **offence** under Sub-section 41.2

42.0 **INTERIOR WALLS, CEILINGS AND FLOORS**

- 42.1 Interior walls, floors and ceilings shall be maintained:
- 1) free from health, fire and accident hazards;
 - 2) in good **repair** and free from holes, large cracks, broken plaster and loose or broken masonry;
 - 3) in a clean and sanitary condition which is reasonable considering the use or operation;

- 4) free from missing, cracked and broken glass in door panels, glass screens and windows. Cracked and broken glass in broken door panels, glass screens and windows shall be replaced with approved glass or other approved material.

42.2 In **mixed-use buildings** wherein noxious fumes, odours or gases are, or could be present, all surfaces separating the non-**residential** portion from the **residential** portion shall be of gastight construction and maintained in a good state of **repair** so as effectively to prevent the passage of noxious fumes, odours or gases through the separation.

42.3 Plaster **repairs** made to the walls and ceilings of non-**residential** properties shall be completed in a workmanlike manner and each **repair** shall be finished to match the existing wall or ceiling.

42.4 In non-**residential** buildings, glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.

42.5 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good **repair** to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.

42.6 Every **supplied** facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.

43.0 **HEATING**

43.1 Every non-**residential property** shall be provided with a heating system capable of maintaining an appropriate temperature for the operations carried on within the **property** and which shall be maintained in a safe and good working condition.

43.2 Non-**residential** properties shall be provided with a heating system capable of maintaining a minimum temperature of 18 degrees C (64 degrees F) between the month of September in each year and the month of June of the following year when the premises are occupied.

44.0 **PLUMBING**

44.1 In every non-**residential** building, **plumbing fixtures** shall be provided and installed in accordance with the requirements of all applicable governmental regulations.

44.2 All plumbing, drainpipes, water pipes and **plumbing fixtures** in every non-**residential property** and every connecting line to the **sewage system**, shall be maintained in good working order and free from leaks and defects and in compliance with all applicable government regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

44.3 All installed **plumbing fixtures**:

- 1) shall be kept in good **repair**, in a clean and sanitary condition and every **sanitary unit** shall be so located and enclosed as to be easily accessible to and provide privacy for, the **persons** using such **sanitary units**;
- 2) shall be connected to a **sewage system**;
- 3) shall be provided with an adequate supply of running water and such fixtures as washbasins, showers and other fixtures at which hot water is required, shall be provided with an adequate supply of hot water at a minimum temperature of 49 degrees C (120 F).

44.4 Rooms in which **plumbing fixtures** are installed shall be maintained in a clean and sanitary condition and the walls and ceilings shall be provided with

a smooth surface reasonably impervious to water and resistant to chipping or cracking.

44.5 The paint on walls and ceilings in rooms in which **plumbing fixtures** are installed shall be renewed as often as necessary and maintained in a clean and sanitary condition.

44.6 In **mixed-use buildings**, **plumbing fixtures** installed in connection with the non-**residential** portion of the building and available for use by members of the public, shall be separate from such fixtures required by the **standards** for the **residential** portion of the building.

45.0 ELECTRICAL SERVICES AND LIGHTING

45.1 Non-**residential** properties shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power may be available at all times.

45.2 The electrical connection to and the wiring system of a **non-residential property** shall be installed and maintained in good working order, free from fire and accident hazards and in compliance with the requirements of all applicable governmental regulations.

45.3 In all parts of a non-**residential** building a level of illumination shall be provided and maintained which will adequately protect all **persons** within the building from health and accident hazards.

45.4 Artificial lighting shall be provided and maintained in good working order at all times in every stairway, hall and passageway, in every room in which **plumbing fixtures** are installed, and in every furnace room and boiler room.

45.5 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

46.0 VENTILATION

46.1 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good **repair** and in a safe mechanical condition.

46.2 All non-**residential** properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that **persons** within the **property** are not exposed to conditions deleterious to their health or safety.

46.3 Ventilation shall be provided for every room in which **plumbing fixtures** are installed, every locker room and clothes drying room either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which will ensure a complete change of air within the room at least once per hour.

46.4 Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a building is installed, the discharge from such a system shall terminate above the roof line of the building and not less than 3.05 metres (10 feet) clear of any skylight, window, ventilation or other opening into a building and shall be operated in such a way as not to constitute a **nuisance**.

47.0 MEANS OF EGRESS

47.1 All **means of egress** within a non-**residential** building shall be:

- 1) maintained free from all obstructions or impediments;
- 2) provided with lighting facilities capable of supplying not less than 11 lux (1 foot candle) of light intensity on the floor surfaces continuously;
- 3) provided with clean, clear, unobstructed and readily visible exit **signs**, for every required exit.

- 47.2 In a **mixed-use building**, no **means of egress** from the non-**residential** portion of the building shall pass through any part of any **dwelling unit** unless the **occupant** thereof is also the **occupant** of the non-**residential** portion.

48.0 **WINDOW GUARDS**

- 48.1 Every window in a non-**residential** building located above the first **storey** in corridors, stairways and other public areas that extends to less than 1070 mm (42") above the floor or landing shall be protected by a **guard** at least 1070 mm (42") in height and having no openings large enough to permit the passage of a spherical object with a diameter of 200 mm (8") and be non-climbable.

49.0 **ELEVATING DEVICES**

- 49.1 Elevating devices in a non-**residential** building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good **repair** and operational.

HERITAGE BUILDINGS

50.0 **HERITAGE ATTRIBUTES**

- 50.1 In addition to the minimum **standards** for the **maintenance** and occupancy of **property** set out elsewhere in this by-law, the **Owner** or **Occupant** of a Part IV or Part V **Heritage Property** shall:

- 1) maintain, preserve and protect the **heritage** attributes of the Part IV or Part V **Heritage property** so as to maintain its **heritage** character as well as its visual and structural **heritage** integrity;
- 2) maintain the Part IV or Part V **Heritage Property** in a manner that will ensure the protection and preservation of its **heritage** values and attributes; and,
- 3) obtain a **heritage permit** from Council prior to performing work or causing any work to be performed under this section of this by-law.

51.0 **REPAIR OF HERITAGE ATTRIBUTES**

- 51.1 Despite any other provision of this By-law, where a **Heritage** Attribute of a Part IV or Part V **Heritage Property** can be repaired the **Heritage** Attribute shall not be replaced and shall be **repaired**:

- 1) in a manner that minimizes damage to the **heritage** values and attributes;
- 2) in a manner that maintains the design, colour, texture, grain or distinctive features of the **Heritage** Attributes; and
- 3) Using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.

- 51.2 Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.

52.0 **REPLACEMENT OF HERITAGE ATTRIBUTES**

- 52.1 Despite any other provision of this By-law, where a **Heritage** Attribute of a Part IV or Part V **Heritage Property** cannot be repaired, the **heritage** Attribute shall be replaced:

- 1) using the same types of materials as the original;

2) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.

3) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the **Heritage** Attribute; and

4) in a manner that minimizes damage to the **Heritage** Attributes of the **Property**.

53.0 ALTERATION OF HERITAGE ATTRIBUTES

53.1 Despite any other provision of this By-law or the **Building Code Act**, 1992, as amended, or as substituted from time to time, no building or structure of a Part IV and Part V **Heritage Property** may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the Ontario **Heritage Act**.

54.0 VACANT AND DAMAGED DESIGNATED HERITAGE PROPERTIES

54.1 Where a Part IV or Part V **Heritage Property** remains vacant for a period of 90 days or more, the **Owner** shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the **Heritage** Attributes caused by environmental conditions.

54.2 The **owner** of the vacant Part IV or Part V **Heritage Property** shall protect the building and **Property** against the risk of fire, storm, neglect, intentional damage and damage by other causes by effectively preventing the **entrance to it all animals** and unauthorized **Persons** and by closing and securing openings to the building with boarding:

1) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;

2) that is fastened securely in a manner that minimizes damage to the **Heritage** Attributes and the historic fabric and is reversible, and

3) in a manner that minimizes visual impact.

54.3 Despite any of the provisions above, no window, door or other opening on a Part IV or Part V **Heritage Property** shall be secured by brick or masonry **units** held in place by mortar unless required.

54.4 Where utilities are available for the safety and security of the building, an exterior lighting fixture shall be installed and maintained in front porch, veranda or an area adjacent to the front entrance of the building or structure and must be left on a timer.

54.5 The **Owner** of vacant Part IV or Part V **Heritage Property** shall post **Signs** prohibiting trespassing onto the **Property** and prohibiting removal of materials.

55.0 UNSAFE HERITAGE PROPERTY

55.1 Where a building or structure on a Part IV or Part V **Heritage Property** has been deemed unsafe and the necessary remedial measures to address the unsafe condition of the building or structure are being undertaken, the **Owner** shall ensure that all necessary measures are taken to protect **Heritage** Attributes and prevent damage or further damage to the Part IV or Part V **Heritage Property**.

55.2 If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and a member of the

Canadian Association of **Heritage** Professionals and employed by the **Owner** or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by an engineer, and details of the findings of such examination.

56.0 DEMOLITION OF HERITAGE PROPERTY

56.1 Despite any other provision of this By-law or the **Building Code Act**, 1992, no building or structure located on Part IV and Part V **Heritage Property** that has been designated under Section 29, 34.5 or 41. of the Ontario **Heritage Act** may be altered or cleared including but not limited to remove, demolition or relocation except in accordance with the Ontario **Heritage Act**,

56.2 Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of **debris**, graded, left free from holes or excavations and provided and maintained with suitable **ground cover**.

57.0 CONFLICT

57.1 If there is a conflict between this section and any other provision in this By-law or any other **Town** By-law, the provision that establishes the highest standard for the protection of **Heritage** Attributes shall prevail.

ENFORCEMENT

58.0 POWER OF ENTRY

58.1 A **Property Standards Officer** may, upon producing proper identification, enter upon any **property** at any reasonable time without a warrant for the purpose of inspecting the **property** to determine:

- 1) whether the **property** conforms with the **standards** prescribed in this by-law, or
- 2) whether an Order made under the **Act** has been complied with.

58.2 For the purpose of an inspection, and in accordance with s. 15.8 of the **Act**, a **Property Standards Officer** may;

- 1) require the production for inspection of documents or things, including drawings, or specifications, that may be relevant to the **property** or any part thereof;
- 2) inspect and remove documents or things relevant to the **property** or part thereof for the purpose of making copies or extracts;
- 3) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification;,
- 4) alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection; and
- 5) order the **owner** of the **property** to take and supply at the **owner's** expense such tests and samples as are specified in the Order.

58.3 The **Town** may charge the **owner** of a **property** a fee or charge pursuant to the **Towns** fees and charges By-law to conduct an inspection, including increased fees for **multiple** inspections.

59.0 ORDER

59.1 A **Property Standards Officer** who finds that a **property** does not conform with any of the **standards** prescribed in a by-law passed under section 15.1 may make an order,

1) the municipal address or the legal description of the **property**;

2) giving reasonable particulars of the **repairs** to be made or stating that the site is to be cleared of all buildings, structures, **debris** or refuse and left in a graded and levelled condition;

3) indicating the time for complying with the terms and conditions of the order and giving notice that, if the **repair** or clearance is not carried out within that time, the municipality may carry out the **repair** or clearance at the **owner's** expense; and

4) indicating the final date for giving notice of appeal from the order

59.2 An Order shall be served on the **owner** of the **property** and such other **persons** affected by it as the **officer** determines and a copy of the order may be posted on the **property**.

59.3 An Order may be registered in the proper land registry office and, upon such registration, any **person** acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 59.2 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order

60.0 APPEALS

60.1 An **owner** or **occupant** who has been served with an order may appeal the Order to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order along with the applicable fee.

60.2 An Order that is not appealed within the time referred to in Section 60.1 shall be deemed to be confirmed.

60.3 The **committee** shall hear the appeal.

60.4 On an appeal, the **Committee** has all the powers and functions of the **Property Standards Officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1) Confirm, modify or rescind the order to demolish or **repair**,

2) Extend the time for complying with the order.

61.0 FAILURE TO COMPLY WITH AN ORDER

61.1 If an Order is not complied with the **Town** may cause the **property** to be repaired, cleaned, cleared or demolished, as the case may be.

61.2 For the purpose of the section 61.1 of this by-law. Employees or agents of the **Town** may enter the **property** at any reasonable time, without a warrant, in order to **repair**, clean, clear or demolish the **property**.

61.3 The **Town** or a **person** acting on its behalf is not liable to compensate the **owner**, **occupant** or any other **person** by reason of anything done by or on behalf of the **Town** in the reasonable exercise of its powers under Section 61.1 of this by-law.

61.4 The **Town** shall have a lien on the land for the amount spent on the **repair**, cleaning, clearing or demolition under Section 61.1 of this by-law and the amount shall have priority lien status as described in section 1 of the **Municipal Act**, 2001.

62.0 SERVICE

62.1 An Order shall be served personally or by registered mail sent to the last known address of the **Person** to whom notice is to be given or that **Persons** agent for service.

62.2 An order served by registered mail shall be deemed to have been served on the 5th day after the date of mailing.

62.3 A copy of the Order may be posted on the **Property**.

63.0 CERTIFICATE OF COMPLIANCE

63.1 An **Officer** who, after inspecting a **property**, is of the opinion that the **property** is in compliance with the **standards** established in this by-law may issue a **certificate of compliance** to the **owner**.

63.2 An **Officer** shall issue a **certificate of compliance** to an **owner** who requests such a certificate and who pays the fee set out in fees and charges by-law if, after inspecting the **property**, the **Officer** is of the opinion that the **property** is in compliance with this by-law.

64.0 PENALTIES

64.1 Every **person** who fails to comply with an order, direction or requirement made under the **Building Code Act** is guilty of an **offence**.

64.2 A **person** who is convicted of an **offence** is liable to a fine pursuant to the **Building Code Act** of not more than \$50,000 for a first **offence** and to a fine not more than \$100,000 for a subsequent **offence**.

64.3 If a corporation is convicted of an **offence**, the maximum penalty that may be imposed upon the corporation is \$100,000 for a first **offence** and \$200,000 for a subsequent **offence**.

64.4 For the purpose of section 64.2 and 64.3 an **offence** is a subsequent **offence** if there has been a previous conviction under this by-law.

64.5 Every **person** who fails to comply with an order made by a **Property Standards Officer** under section 64.2 is guilty of an **offence** and on conviction, in addition to the penalties mentioned in sections 64.2 and 64.3 is liable to a fine of not more than \$10,000 per day for every day the **offence** continues after the time given for complying with the order has expired

64.6 If a conviction is entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the **offence** by the **person** convicted on the same **property**.

65.0 TRANSITION

65.1 After the date of passing of this by-law, By-law 1999-34, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and **repair** by the **Town**, has been concluded.

66.0 REPEAL

66.1 Bylaw 1999-34 and 2001-96 as amended is hereby repealed.

67.0 SHORT TITLE

671 This by-law may be referred to as the "**Property Standards By-law**"

68.0 EFFECTIVE DATE

Enacted this day of , 201x.

Tony Van Bynen, Mayor

Lisa Lyons, **Town** Clerk



Corporation of the Town of Newmarket

By-law Number 2017-xx

A By-law to provide for maintaining land in a clean and clear condition

Whereas Sections 8, 9 and 11 of the *Municipal Act, 2001*, c.25 as amended (the "Act") permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

And whereas Section 127 of the *Municipal Act, 2001* permits a municipality to pass By-laws requiring an owner or occupant of land to clean and clear the land, not including buildings; to clear refuse or debris from the land, not including buildings; for regulating when and how such matters shall be done; for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of the land; and for defining "refuse";

And whereas Section 129 of the *Municipal Act, 2001* permits a municipality to pass By-laws to prohibit and regulate with respect to odour, dust, and outdoor illumination including indoor lighting that can be seen outdoors;

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

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

1.0 DEFINITIONS:

"BOULEVARD" means that portion of every road allowance within the limits of the *Town* which is not used as a *sidewalk*, driveway access, traveled roadway or shoulder;

"COSTS" means all monetary expenses incurred by the *Town* during and throughout the process of any *remedial work*, including interest and may include an administrative surcharge amount as determined by the *Towns Fees and Charges By-law*;

"COUNCIL" The elected municipal officials of the Town of Newmarket;

"COMPOSTING" means the biological degradation or breakdown of organic material into a dark soil-like material called humus;

DAYLIGHTING TRIANGLE

"DEBRIS " means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard;

"DIRECTOR" means the *Director, Legislative Services* of the *Town* and his/her designate;

"DWELLING" means a house, apartment, or other place of residence;

"FILL" means any type of material capable of being removed from or deposited on lands, such as soil, stone, sod, turf, concrete, and asphalt either singly or in combination;

"GRAFFITI" means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface or object, howsoever made or otherwise affixed on the structure or object;

"GROUND COVER" means material organic or non-organic and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping;

"INVASIVE " " " means a invasive plant designated by or under the *Invasive Species Act*, .S.O. 2001, c. 22, including any *weed* designated as a local or noxious *weed* under a *By-law*;

"MEDICAL OFFICER OF HEALTH" refers to the *Medical Officer of Health* for the Region of York.

"MOTOR VEHICLE" means an automobile, truck, motorcycle, snowmobile, utility trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power;

NATURAL BODY OF WATER

"NATURAL GARDEN" means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape.

"NOXIOUS WEEDS" means a noxious *weed* designated by or under the *Weed Control Act*, R.S.O. 1990, c. W.5, including any *weed* designated as a local or noxious *weed* under a *By-law*;

"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;

"OWNER" means the *Owner*, authorized agent, leasee or the occupier of the premises,

"PERSON" includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual;

"POOL" means any body of water, which is located outdoors on private property; wholly or partially contained by artificial means; capable of holding water in excess of 0.61m (2 feet) in depth at any point; an open exposed water surface of at least 1m² (10.7ft²) and includes a hot tub or landscape/decorative pond meeting the above criteria;

"PROPERTY" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant property;

"RECREATIONAL VEHICLE" means a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a *mobile home*; and/or boats, personal watercraft, all-terrain vehicles and other similar vehicles used for recreational pursuits; and a trailer designed to carry any of the items listed above.

"REMEDIAL WORK" means all work necessary for the correction or elimination of a contravention of this *By-law* as cited in any order issued under this *By-law*, including any such condition or health hazard, actual or potential, that the contravention may pose.

"SIDEWALK" means a municipal or regional *sidewalk* located on a *boulevard*;

"STANDING WATER" means any water, other than a natural body of water that exists on a permanent basis or contained within a municipality owned storm water management facility, that is found either on the ground, on a structure, in a *pool* or in debris as defined in this by-law;

"UTILITY TRAILER" means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed;

"TOWN" means The Corporation of the *Town of Newmarket*;

"WASTE" means any *waste* of any kind whatsoever and without limiting the generality of the forgoing includes; *debris*, *sewage*, effluent, garbage, or litter of any type including household *waste*;

"YARD" means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as may be expressly permitted by this By-Law but does not include a court yard. In determining *yard* measurements the minimum horizontal distance from the respective *lot line(s)* shall be used;

"ZONING BY-LAW" means the Zoning By-law of the Town of Newmarket passed under the Planning Act, as amended, from time to time.

2.0 PROPERTY MAINTENANCE

- 2.1 Every owner of property shall keep the property maintained free of, debris, discarded objects, and shall also keep their property free from conditions such as holes or excavations that might create a health, safety, or accident hazard.
- 2.2 Every *owner* shall ensure suitable ground cover be provided to prevent erosion of the soil and where grass forms part of the ground cover, it shall be sodded or seeded as often as required to maintain the grass in a living condition and cut so as not to be unreasonably overgrown in relation to the neighbouring environment.
- 2.3 Notwithstanding section 2.2 where a natural garden forms part of the ground cover, it shall be maintained in a living condition.

- 2.4 Every *owner* shall ensure that vegetation on the *property* be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or the passage of the general public.
- 2.5 Every owner shall maintain the property clean and free from Heavy undergrowth and noxious weeds.
- 2.6 Every owner shall maintain weeds and grass on the property to a reasonable length and remove and dispose of the cuttings in an appropriate manner.
- 2.7 Every owner shall maintain the property free from dead, decayed or damaged trees, shrubs, and all trees on the property shall be pruned so as to be free from dead or decayed or damaged branches.
- 2.8 Every owner shall maintain his/her property in a manner to prevent dust or dirt from spreading to neighbouring properties.
- 2.9 Every owner of property containing a pool, hot tub, wading pool or artificial pond shall maintain such pool, hot tub, wading pool or artificial pond in good repair and working condition.

3.0 DERELICT MOTORVEHICLES

- 3.1 No *owner* shall use any *property* for the parking, storage, keeping or placement of the following:
- a) motor vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function;
 - b) motor vehicles that are not currently licensed for operation pursuant to the provisions of the Highway Traffic Act;
 - c) motor vehicles parts or components unless otherwise expressly permitted;
 - d) wrecked, dismantled, discarded, inoperative, or abandoned motor vehicles and machinery.

4.0 COMPOSTING

- 4.1 No *owner* shall permit *composting* of any kind other than in accordance with this *By-law*.
- 4.2 All composting shall be carried out in accordance with the following requirements:
- a) Composting is permitted only in a rear yard of a property;
 - b) Composting shall take place only in a container, or digester and only on land from which the compost material originated;
 - c) any compost containers or digesters used for composting shall be kept covered tightly at all times, except when being emptied or filled;
 - d) no domesticated animal feces shall be placed in a compost container, or digester used for composting;
 - e) no offensive odour shall be permitted to emanate from the compost container, or digester used for composting;
 - f) no offensive odour shall be permitted to emanate from the compost container, or digester used for composting;
 - g) maintained in such a manner as not to attract animals, rodents or vermin;
 - h) any compost container, pile or digester used for composting shall be set back at least 0.6 meters (2 feet) from any lot line.
- 4.3 Section 4.2 does not apply to a property if composting is necessary for the operation of a permitted 'use' lawfully situated on the property pursuant to the Zoning By-laws and/or respective site plan agreements.

5.0 FIREWOOD

- 5.1 No *owner* shall keep fire wood on the *property* unless actually used for wood burning on the *property*.
- 5.2 Firewood shall be kept, stored or placed in a rear or side *yard* provided the following provisions are met:
- a) The firewood is used for wood burning on the *property* or in the dwelling;
 - b) The area of *property* occupied by the firewood is not more than the (15%) of the total area of the *yard* area where it is situated;
 - c) The firewood shall be neatly piled in the rear yard, does not exceed more than 8ft in height and shall have a minimum setback back of 1 meter;
 - d) The firewood shall be neatly piled in the side yard, does not exceed more than 6ft in height and shall have a minimum setback back of 0.6 meter (2 feet); and
 - e) The firewood shall not be piled along a fence which might facilitate climbing where a pool is located on an adjacent property.
- 5.3 Section 5.1 does not apply to a *property* if the storage of firewood is necessary for the operation of a permitted 'use' lawfully situated on the *property* pursuant to the *Zoning By-laws*.

6.0 GRAFFITI

- 6.1 No *person* shall place, cause or permit *graffiti* to be placed on any *property* within the *Town*.
- 6.2 Every *owner* shall at all times maintain *property* free of *graffiti*.

7.0 STANDING WATER

- 7.1 No *owner* shall permit *standing water* on a property for a period in excess of three (3) days when the outside temperature remains above 10 Celsius (50 Fahrenheit), including but not limited to on the ground, in *waste, debris, pools, accessory structures or property*.
- 7.2 Any *person* owning a *property* in the *Town* where a natural body of water exists, shall when ordered by the *Medical Officer of Health* that significant medical hazard exists, shall take the steps outlined by the *Medical Officer of Health* to remedy the situation. Not limiting the foregoing, it may include the filling or draining of the body of water or the treatment of the same with a larvicide.

8.0 BOULEVARD MAINTENANCE

- 8.1 Every *owner* of a *property* shall maintain the *boulevard* free of long grass and *weeds, materials, debris* and maintain the boulevard to be free and clear from damage, holes and ruts.
- 8.2 All permitted boulevard gardens shall be limited to perennial or annual plant material up to 0.6m (2ft) in height. On any property located adjacent to an intersection and which may have a wide side yard, the Owner shall ensure that there are no plantings within the 5.0 metres (16.4 feet) daylighting triangle. Property owners are not permitted to plant trees, noxious weeds and invasive species on the boulevard;
- 8.3 All plantings shall be kept trimmed so that they do not encroach on any sidewalks, curbs or driveway edges.
- 8.4 Property owners shall maintain the municipal sidewalk free and clear of debris.

- 8.5 The property owner shall not place any plantings other than ground cover having a maximum height of 152 millimetres (6 inches) within a 1.5 metre (4.9 feet) radius of any fire hydrant and other utility infrastructure.

9.0 ORDER

- 9.1 Where the Town is satisfied that a contravention of this by-law has occurred, the Town may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
- 9.2 An order under Section 9.1 of this by-law shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b) and the work to be done and the date by which the work must be done.
- 9.3 An order under Section 9.1 may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- 9.4 Any person who contravenes an order under Section 9.1 of this by-law is guilty of an offence.
- 9.5 The order may be served personally on the person to whom it is directed or by registered mail to the last known address of the person, in which case it shall be deemed to have been given on the 5th day after it is mailed.

10.0 FAILURE TO COMPLY WITH ORDER

- 10.1 Where an *Owner* contravenes an Order issued under section 9.1, the *Officer* may, without notice to any *Owner*, cause the work to correct the contravention to be done at each *Owner's* expense. Without limitation, the *Officer* may retain such *persons* to assist in completing the work as the *Officer* determines appropriate.
- 10.2 Upon completion of the work to correct the contravention by or on behalf of the *Town*, the municipality shall have a lien on the land for the amount spent on the work to correct the contravention, plus administration fee and the amount shall be deemed to be municipal *property* taxes and may be added to the tax roll and collected in the same manner and with the same priority as municipal *property* taxes as provided for by statute.
- 10.3 Each *Owner* is jointly and severally liable to the *town* for all costs incurred in any way related to work done to correct the contravention for the purpose of section 10.2 including, without limitation, interest as per *Town* policy.

11.0 POWERS OF ENTRY

- 11.1 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 Act*.
- 11.2 Where an inspection is conducted by the *Town*, the *person* conducting the inspection may:
- (a) require the production of documents or relevant items for inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any *person* concerning a matter related to the

inspection including their name, address, phone number and identification; and,

- (d) 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.

- 11.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the *Act*.
- 11.4 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.
- 11.5 No *person* shall hinder or obstruct, or attempt to hinder or obstruct, a *Municipal Law Enforcement Officer*, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

12.0 PENALTY PROVISION

- 12.1 Every *person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 12.2 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.
- 12.3 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.
- 12.4 Any *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 12.5 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.
- 12.6 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.
- 12.7 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.

13.0 SEVERABILITY

- 13.1 Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary.

14.0 **SHORT TITLE**

14.1 This By-law shall be referred to as the “Clean Yards By-law”;

Enacted this day of , 201x.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



Corporation of the Town of Newmarket

By-law Number 201X-xx

A By-law to Prohibit or regulate unusual noises or noises likely to disturb the inhabitants of the town of Newmarket.

Whereas section 129 of the Municipal Act, 2001 authorizes municipalities to pass by-laws to prohibit and regulate noise;

And whereas section 128 of the Municipal Act, 2001 authorizes a local municipality to prohibit and regulate matters that, in the opinion of Council, are or could be become public nuisance;

And whereas section 391 of the Municipal Act, 2001 authorizes Council to pass by-laws imposing fees and charges on any class of person for services provided or done by or on behalf of it; and

And whereas section 398 (1) of the Municipal Act, 2001 states that fees and charges imposed by a municipality on a person constitutes a debt of the person to the municipality; and;

And whereas section 429 (1) of the Municipal Act, 2001 provides that a municipality may establish a system of fines for an offence under a by-law passed under the Act.

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

1.0 Definitions

“Applicant” means a person applying for a noise exemption under this by-law;

“Appeals Committee” means the Appeal Committee established by the Town;

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

“Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;

“Construction Equipment” means any equipment or device designed and intended for use in construction or material handling, including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;

“Conveyance” includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only with the premises of a person.

“Dwelling” means a house, apartment, or other place of residence;

“Director” means the Director of Legislative Services and his or her designate or successor;

“Emergency” means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;

“Emergency Vehicle” includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle, and a motor vehicle being used to respond to an emergency;

"Event" an event open to the public, including a public fair, public exhibition, public celebration, public sporting event, public concert; or a school board event; or an event not open to the public or an event held at a private residence;

“Fees and Charges” means the General Fees and Charges By-law, as amended for the Legislative Services Department;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for , or used by, the general public for the passage of vehicles

"Infill housing" means a development that occurs on a single lot, or a consolidated number of small lots or sites that are vacant or underdeveloped;

“Inhabitants” means one or more persons who reside in the Town;

“Motor Vehicle” includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;

“Motorized Conveyance” includes a vehicle and any other device employed to transport a person or persons or goods from place to place, but does not include any such device or vehicle if operated only within the premises of a person or if propelled or driven only by muscular, gravitational or wind power;

“Noise” means sound that is of such a volume or nature that it is likely to disturb the inhabitants of the Town;

“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;

“Outdoor Servicing Area” means any area on private property which is licensed to serve alcohol and is used by a business for the serving or consumption of food, beverages or refreshments which is not enclosed within a building structure or is exposed to the outdoors;

“Owner” means the Property Owner, authorized agent, lessee, or occupier of the premises upon which the noise is being located;

“Patio” means an outdoor area that adjoins a dwelling or business that is used for recreational use

“Person” includes a corporation, organization, association, partnership and shall include the owner of a property;

“Premises” means a piece of land and any buildings and structures on it, and includes a place of business, a public highway, private road, lane, pathway and sidewalk, and any other location or place;

“Point of Reception” means any point on the premises where sound originating from other than those premises is received;

“Quiet Zone” means area within 100 m used as a hospital, retirement home, nursing home, senior citizens residence, or other similar use and the distance will be measured from the point of origin.

“Residence” means any property within the municipality which is zoned for residential uses by an applicable zoning by-law or which is used in whole or in part for human habitation.

“Sound” the sensation produced by stimulation of the organs of hearing by vibrations transmitted through the air or other medium

“Statutory holiday” includes Boxing Day and any day within the definition of "holiday" in the Retail Business Holidays Act R.S.O. 1990, Ch. R.30, as amended, or any successor thereof;

“Supervisor” means the Supervisor of By-law Enforcement or his/her designate;

“Town” means the Corporation of the Town of Newmarket.

“Zone” means the area of a defined land use in the Town Zoning By-law passed under the Planning Act, as amended, from time to time;

“Zoning By-law” means a by-law passed under section 34 of the Planning Act that restricts the use of land.

2.0 Administration

2.1 Interpretation:

- (a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- (b) The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or Standard International measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.

- 2.2 This By-law shall be administered by the Director of the Town.

3.0 General Prohibitions

- 3.1 No person shall make, cause or permit the emission of noise, which noise is audible at point of reception which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the Town.
- 3.2 For the purposes of this By-law and without limiting the generality of the foregoing, the following noises shall be deemed to be noises likely to disturb any person in the Town:
- (a) the operation of a motor vehicle in such a way that tires squeal;
 - (b) the operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in constant operation;
 - (c) the operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like noises;
 - (d) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
 - (e) the operation of an air conditioner, pool pump or filter, heat pump or the like that is not in proper working order;
 - (f) the noise or sound caused by a burglar alarm or similar security device which is permitted to continue for more than ten (10) minutes where there is not an emergency, breach of the peace or similar incident;
 - (g) the operation of a vehicle radio, stereo or the like;
 - (h) the operation of a radio, television, stereo or other electronic device including any amplification device or any musical or other sound producing instrument; or
 - (i) the operation of roof top units that is not in proper working order.

4.0 Hours of Operation By Time and Area

- 4.1 No person shall make or permit the emission of sound resulting from any act listed in the Schedule A if clearly audible at a point of reception located in a prescribed area of the municipality within a prohibited time shown for such an area.

5.0 Exemptions

- 5.1 This By-law does not apply to sound emitted or caused or permitted in connection with:
- (a) a matter of public necessity or public emergency;
 - (b) Measures undertaken by the Town, its servants, employees, contractors or agents to carrying out Town operations or to operate, maintain or

install municipally-owned infrastructure, facilities or the like, or to deliver municipal services;

- (c) a vehicle of the York Region Police Service, provincial or federal police, Central York Fire Services, or York Region Paramedics Services, while in performance of their duty;
- (d) the operation of machines and equipment by or on behalf of the Town, including but not limited to snow removal equipment, road cleaning equipment, grass cutting or field maintenance equipment, tree and shrub pruning and mulching equipment, painting machines for crosswalks and highways;
- (e) the collection or disposal of garbage, waste or recyclable material by or on behalf of the Town;
- (f) signalling devices utilized as traffic and pedestrian control devices at intersections and crosswalks;
- (g) the operation of equipment in conjunction with Town Construction projects, Town general maintenance projects, and Town emergency maintenance projects;
- (h) necessary municipal work and emergency work that cannot be performed during regular business hours;
- (i) the discharge of consumer fireworks, display fireworks or pyrotechnic special effects fireworks if such discharge complies with the Town's Fireworks By-law;
- (j) bells, chimes, carillons or clocks associated with religious or public buildings or uses;
- (k) activities from industrial uses located in lands zoned for industrial use if sound is in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the Environmental Protection Act, R.S.O. 1990, c. E.19, where such approval addresses sound as a source of contamination;
- (l) operation of machinery by or on behalf of a public utility where work needs to be done to minimize service interruptions;
- (m) a military or other band in a parade if the parade is operating under written permission of the Town;
- (n) the use in a reasonable manner of motor vehicles and when utilized for the clearing and the removal of snow from roadway on private property; or
- (o) construction or an Event for which a valid temporary noise permit has been issued, but only if the terms and conditions of the temporary noise permit are complied with.

5.2 Despite any provision of this By-law, this By-law shall not apply where:

- (a) a sound is from a facility that has been designed, developed, built, operated and maintained in accordance with the terms and conditions of a valid Certificate of Approval, provisional Certificate of Approval or other approval issued under the Environmental Protection Act, R.S.O. 1990, c. E.19, where such approval addresses sound as a source of contamination; or
- (b) an order or permit has been issued under the Environmental Protection Act that addresses the sound as a source of contamination

6.0 Grant of Exemption

- 6.1 Any person may apply for temporary noise permit for Construction or for an Event from the provisions of this by-law.
- 6.2 An application for temporary noise permit shall be made on the form prescribed by the Town and shall be accompanied by the non-refundable application fee in the Fees and Charges By-law.
- 6.3 The following power and authority is delegated to the Supervisor with respect to Construction or an Event:
 - (a) to issue a temporary noise permit;
 - (b) to issue a temporary noise permit with imposed conditions; or
 - (c) to refuse to issue, cancel, revoke or suspend a temporary noise permit,
- 6.4 In making his or her determination under section 6.3, the Supervisor shall:
 - (a) determine whether the event falls within the definition of Construction or Event;
 - (b) consider any negative effects the issuance of the temporary noise permit may have on neighbouring properties or on the Town;
 - (c) consider any benefits the issuance of the temporary noise permit may have for neighbouring properties or for the Town;
 - (d) consider any previous violations of this By-law or temporary noise permit conditions by the applicant; and
 - (e) consider anything the Supervisor of Municipal Enforcement reasonably considers relevant.
- 6.5 The Supervisor, may impose conditions on a temporary noise permit, including but not limited to:
 - (a) The type of volume of sounds that may be made
 - (b) The times during which sounds may be made

- (c) The date of expiry of the temporary noise permit(not excess of six months)
 - (d) Notification be prepared to advise the community of the noise that will be occurring.
- 6.6 The Supervisor shall circulate the application to the Mayor, Deputy Mayor & Regional Councillor and ward Councillor of any ward where the event of activity is to be held and, where the event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards prior to the consideration of the noise permit.
- 6.7 The Supervisor shall issue a permit if all of the following conditions have been met:
- (a) Notification under section 6.6 has either
 - i. Not responded within 14 calendar days of the notice; or
 - ii. Responded indicating that they have no objection to the application being approved.
 - (b) The applicant has complied with all terms and conditions of approval of the last permit issued to them under this section, if any.
 - (c) The applicant has provided the following:
 - i. the name and address of the applicant;
 - ii. the date, time(not in excess of six months) and location of the Event or activity for which the temporary noise permit is sought and, where applicable the number of people expected to attend;
 - iii. the purpose of which the permit is required;
 - iv. a description of any sound or construction equipment to be used;
 - v. the name, address and telephone number of at least one contact person who will supervise the event or activity;
 - vi. a written undertaking that one or more contact persons responsible for supervising the event or activity will be on-site during the entire event or activity to ensure compliance with the terms and conditions of the permit;
 - vii. a statement of the steps, if any, planned or presently being taken to minimize the noise or sound;
 - viii. a non-refundable application fee as set out in the fees and charges by-law; and

- ix. a temporary noise permit fee set out in the fees and charges by-law, refundable if the application is not approved.
- (d) A noise permit issued under section 6.2 shall be subject to the following terms and conditions:
- i. No sound or construction equipment other than the equipment approved under the permit shall be used by the applicant;
 - ii. The event or activity shall be restricted to the approved location; and
 - iii. The permission granted is for the date and times for the event or activity as set out in the permit.
- 6.8 Upon issuance of a temporary noise permit the Supervisor of By-Law Enforcement shall undertake to notify the York Regional Police Service of the permit and its conditions, if any. Furthermore, notice of all temporary noise permits shall be public posted on the Town of Newmarket website listing:
- (a) the name of the applicant;
 - (b) the location of the Event or Construction;
 - (c) the date(s) of the Event or Construction; and
 - (d) conditions imposed, if any.
- 6.9 Where the Supervisor of By-law Enforcement has made a decision under Section 6.3 (c) notice in writing shall be given of that decision to the applicant by regular mail to the last known address of that person. The written notice shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Supervisor of By-law Enforcement; and
 - (d) an applicant may request a review of the noise permit decision of the Supervisor within fourteen (14) calendar days of the decision to the Appeals Committee.
- 6.10 The request for review is made by filing a written request for review, on a form approved by the Supervisor, to the Appeal Committee. The Appeal Committee may authorize the noise permit from the provisions of this By-law, provided that in the opinion of the Appeal Committee it is established that the requirements in section 6.4 are met.

- 6.11 A decision of the Appeal Committee is final and binding.
- 6.12 An application for a noise permit that exceeds 6 months shall be forwarded to Council, along with a report by the Supervisor, for approval.
- 6.13 A decision of Council is final and binding.

7.0 Order

- 7.1 If an officer is satisfied that this by-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the 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 contravention.
- 7.2 An Order to Discontinue Activity shall set out:
 - (a) the municipal address of the property on which the contravention occurred;
 - (b) the date of the contravention;
 - (c) the reasonable particulars of the contravention of the by-law; and
 - (d) the date by which there must be compliance with the order.
- 7.3 No person shall contravene an Order to Discontinue Activity.

8.0 Service of Order

- 8.1 The Order to Discontinue Activity may be served personally on the person to whom it is directed or by registered regular mail to the last known address of that person, in which case it shall be deemed to have been given on the fifth day after it is mailed.

9.0 Power of Entry

- 9.1 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 Act.
- 9.2 Where an inspection is conducted by the Town, the person conducting the inspection may:
 - (a) require the production of documents or relevant items for inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - (d) 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.
- 9.3 The Town may undertake an inspection pursuant to an Order issued under Section 438 of the Act.
- 9.4 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.
- 9.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.
- 9.6 The fees imposed constitute a debt of the person to the Town. The Town Treasurer may add fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the owners are responsible for paying the fees.
- 9.7 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, including carrying out an inspection.

10.0 Rebuttal Presumption

- 10.1 An owner where the Noise is being emitted from shall be presumed to have permitted, or caused to be permitted, the Noise under this By-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

11.0 Penalties

- 11.1 Every person who contravenes any provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 11.2 Any 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
- 11.3 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.

11.4 Any person who is guilty of an offence under this bylaw shall be subject to the following penalties:

- (a) upon a first conviction, to a fine of not less than three hundred and fifty dollars (\$350.00) and not more than hundred thousand dollars (\$100,000.00);
- (b) upon a second or subsequent conviction for the same offence, to a fine of not less than five hundred dollars (\$500.00) and not more than one hundred thousand dollars (\$100,000.00);
- (c) upon conviction for a continuing offence, to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) for each day or part of a day that the offence continues. The total of the daily fines is not limited to one hundred thousand dollars (\$100,000.00);
- (d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00). The total of all fines for each included offence is not limited to one hundred thousand dollars (\$100,000.00).

11.5 For the purposes of this bylaw, “multiple offence” 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 the same provision of this bylaw.

11.6 For the purposes of this bylaw, 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.

11.7 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.

12.0 Severability

12.1 If any sections, section or part of a section of this By-law are found by any Court to be illegal or beyond the power of Council to enact, such sections or section or part of a section shall be deemed to be severable and all other sections or parts of sections of this By-law shall be deemed to separate and independent and shall continue in full force and effect.

13.0 Transition

13.1 After the date of passing of this by-law, By-law 2004-94, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, has been concluded.

14.0 Short Title

14.1 This By-law may be referred to as the “Noise By-law”.

15.0 Effective Date of By-law

Enacted this day of , 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Schedule A
Prohibitions By Time and Place

Noise Source	Prohibited Times Residential Areas	Prohibited Times Quiet Zones
1. The operation of a car wash	11:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	At all times
2. The operation of a waste collection vehicle, waste collection machinery or refuse compacting equipment	9:00 p.m. to 6:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and statutory holidays)
3. Loading, unloading, packing, delivering or otherwise handling any container, product or material unless necessary for the maintenance of essential services	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and statutory holidays)	7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, all day Sundays and statutory holidays)
4. The operation of any powered device used in the servicing, maintenance or repair of property except devices driven by muscular power only and snow blowers	9:00 p.m. to 7:00 a.m. the next day; 9:00 a.m. Saturday, Sundays and statutory holidays)	7:00 p.m. to 9:00 a.m. the next day; 9:00 a.m. Saturday, Sundays and statutory holidays)
5. The operation of a lawn mower or other equipment or machinery used for yard maintenance purposes which is run by electricity or gasoline, including without limitation, whipper snippers, leaf vacuums, chain saws, hedge trimmers and the like	9:00 p.m. to 7:00 a.m. the next day; 9:00 a.m. Saturday, Sundays and statutory holidays)	7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturday Sundays and statutory holidays)
6. The operation of any snow blower	9:00 p.m. to 6:00 a.m.	9:00 p.m. to 7:00 a.m.
7. The operation of any construction equipment or the conduct of any alteration or repair of any building	8:00 PM one day to 7:00 AM the next day (9:00 AM Saturday and after 5 PM on Saturday) All day Sundays & Statutory Holidays	7:00 PM one day to 7:00 AM the next day (9:00 AM Saturday and after 5 PM on Saturday) All day Sundays & Statutory Holidays
8. The operation of a dirt bike, all-terrain cycle, snowmobile, go-cart, dune buggy or like conveyance	7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays) All day Sundays & Statutory Holidays	At all Times
9. Yelling, shouting, hooting, whistling, singing	11:00 PM one day to 7:00 AM the next day (9:00 AM Sundays)	At all Times
10. The operation of any construction vehicle or construction equipment in connection with infill housing .	7:00 PM one day to 7:00 AM the next day (9:00 AM Saturday and after 5 PM on Saturday) All day Sundays & Statutory Holidays	7:00 PM one day to 7:00 AM the next day (9:00 AM Saturday and after 5 PM on Saturday) All Sundays and Statutory Holidays
10. The operation or use of any tool (ie. lawn mowers, power trimmers, leaf blowers, power washer) for domestic purpose other than snow removal.	8:00 PM one day to 7:00 AM the next day (9:00 AM Sundays)	7:00 PM one day to 7:00 AM the next day (9:00 AM Saturdays, 1 Sundays and Statutory Holidays

11.The venting or release of steam, the operation of a generator or air filtrations system, noise from grinding, milling, the operation of machinery, or the like	9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and statutory holidays)	7:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays) times
12. The operation of any motor vehicle engaged in the plowing of or removal of snow, unless otherwise permitted under this By-law	12:00 midnight to 6:00 a.m.	12:00 midnight to 7:00 a.m.



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2017-xxxx

A BY-LAW TO REGULATE THE ERECTION AND MAINTENANCE OF SIGNS AND OTHER ADVERTISING DEVICES IN THE TOWN OF NEWMARKET.

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the “Act”) provides that a lower-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

AND WHEREAS Subsection 11 (3) 7 of the *Act* provides that municipalities may pass by-laws respecting structures, including fences and signs;

AND WHEREAS Subsection 99 (2) of the *Act* provides that all costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality are a lien on the advertising device that may be enforced by the municipality under the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25;

AND WHEREAS the Municipal Council of the Town of Newmarket (the “Town”) deems it necessary and in the public interest to regulate signs displayed within the *Town*;

AND WHEREAS the Municipal Council of the *Town* enacted By-law 2016-28 on June 7, 2016;

AND WHEREAS it is deemed necessary to repeal by-law 2016-28

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

1.0 **DEFINITIONS:**

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

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

“ALTER” means any change to the *sign structure* or the *sign face* with the exception of the re-arrangement of numerals, letters or copy applied directly to the face of a *sign* and specifically designed and intended to be periodically rearranged, the repair and maintenance of a *sign*,

“ANIMATED SIGN” means a *sign* or part thereof, which using electronic technology displays moving images and/or text and/or includes the rotation, oscillation or movement of the sign in part or in whole but does not include an *Electronic Changeable Copy* or *Mechanical Copy*;

“APPEAL COMMITTEE” means the Appeal Committee established by the Town;

“APPLICANT” means the person who applies for a sign permit or a variance from the provisions of this by-law;

“AWNING SIGN” means a *sign copy* painted on or affixed flat to the surface of an awning;

“BANNER” means a *sign* made from cloth, plastic or a similar lightweight non-rigid material;

“BILLBOARD SIGN” means an outdoor *sign* that advertises goods, products, or services that are not sold or offered on the property where the *sign* is located, and is either single sided or double sided and shall allow for one *mechanical copy* side;

“BUILDER” means a *person* or corporation proposing to undertake or undertaking the construction of new homes, apartment developments or condominium developments within the *Town*;

“BUILDING CODE” means regulations made under Section 34 of the *Ontario Building Code Act*, S.O. 1992, c.23;

“BUSINESS” means a *commercial* or *employment* activity carried on or permitted under the *Zoning By-law*;

“CANDIDATE” means a person who is seeking election to a public office, whether for a federal, provincial or municipal election;

“CHIEF BUILDING OFFICIAL” means the *person* and his/her designate so appointed by *Council* pursuant to the *Building Code Act, 1992*;

“COMMERCIAL” means a *Commercial zone* as defined in the *Zoning By-law*;

“COMMERCIAL CONSTRUCTION INFORMATION SIGN” means a *sign* that is erected for a temporary period that identifies, or provides information relating to or advertising the development or the construction of a building on the lands which the *sign* is erected and not the sale of lots elsewhere or the realtor’s, developer’s or *Owner’s business* in general;

“CONTINUOUS SCROLLING COPY” means electronic or computer controlled *sign copy* where text continuously scrolls across the sign face in a pre-arranged sequence to display a temporary message;

“DIRECTIONAL SIGN” means any on *premises sign*, which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include both entry and exit signage;

“DIRECTOR” means the Director, Legislative Services of the *Town* and his/her designate;

“ELECTION SIGN” means a *sign* advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election;

“ELECTRONIC CHANGEABLE COPY” means electronic and/or computer controlled *sign copy* where static images or static information are displayed in a pre-arranged sequence and the intensity of illumination is maintained at a constant level, and includes *continuous scrolling copy*;

“EMPLOYMENT” means an *Employment zone* as defined in the *Zoning By-law*;

“FEES AND CHARGES BY-LAW” means the General Fees and Charges By-law, as amended for the Legislative Services Department;

“FASCIA SIGN” means a *sign* applied to or erected on and entirely supported by the wall of a building or structure;

“FRONTAGE” means the length of the property line of any one lot parallel to and along each legally accessible public *street*, except for corner lots shall mean the total length of the property lines on all legally accessible public *streets*;

“GROUND SIGN” means a *sign* directly supported by the ground without the aid of any other building or structure, which *sign* includes the names of *Owner(s)* and address and/or advertising goods, products, services or events that are sold, offered, or provided on the *premises* on which the *sign* is located;

“HOARDING SIGN” means a temporary, non-*illuminated sign*, erected on construction hoarding which is subject to a development agreement of the Town, associated with the development of property, which advertises or identifies the development of the property on which the *sign* is located;

“HOME OCCUPATION SIGN” means a *sign* that identifies any home-based *business*, where such use of the property complies with the *Zoning By-law*;

“ILLUMINATED SIGN” means a *sign* that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such *sign*, or a *sign illuminated* by a light focused upon or chiefly directed at the surface of the *sign*;

“INCIDENTAL SIGN” means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “drive-thru,” “telephone,” “private parking,” “entrance,” “washroom,” “loading dock,” “staff only,” and other similar directives;

“INFLATABLE SIGN” means a *sign* or *advertising device* designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other *inflatable* devices. Classification of *Inflatable Sign* shall not relieve it from any other *sign* classification of this By-law;

“INSPECTOR” means the By-law Enforcement Officer appointed by the *Town* or such *person* designated by the municipality;

“INSTITUTIONAL” means an *Institutional Zone* as defined in the *Zoning By-law*;

“MATERIALS” means the products and assemblies that individually or as an assembly constitute the *sign* or portion thereof;

“MECHANICAL COPY” means a *sign copy* where the display surface physically changes to reveal alternate messages, including but not limited to tri-vision or flip disc *signs*;

“MENU BOARD SIGN” means a *sign* erected as part of a drive-thru facility and used to display and order products and services available at the drive-thru business;

“MOBILE SIGN” means a non-*illuminated sign* designed to be capable of being readily moved from one location to another is usually built on a trailer or other solid platform and may include wheels;

“MODEL HOME GROUND SIGN” means a sign located on residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located,

“MURAL” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure;

“MURAL SIGN” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure that includes text or a logo that is intended for advertising purposes;

“NEW HOME DEVELOPMENT” means a new *residential* project, which is the subject of a development agreement and which may be comprised of one or more registered plans of subdivision, condominium development or condominium plan exemption;

“NEW HOME DEVELOPMENT SIGN” means a non-*illuminated sign*, which is not permanently installed or affixed to the ground and where the purpose of the *sign* is to direct attention to the sale of new homes or condominiums;

“NON-PROFIT SIGN” means a *sign* located, erected, or displayed on private property or approved *Town* property to advertise a non-profit or charitable event by a non-profit organization, charity or place of worship;

“OPEN HOUSE SIGN” means a *sign* intended to direct traffic to a *property* that is for sale or lease, and is open to the public for viewing.

“OWNER” means the property *Owner*, authorized agent, lessee, or occupier of the *premises* upon which a *sign* or *advertising device* is located;

“PARKING AREA” means an *off-street*, open, unobstructed area of land consisting of a minimum of two (2) but not more than five (5) parking spaces which is accessed by a driveway;

“PARKING LOT” means an open area other than a street used for the temporary parking of five (5) or more motor vehicles and available for public use whether for free or for compensation as accommodation for clients, customers or residents;

“PERSON” means an individual, business, firm, body corporate, corporation, association, or municipality;

“PORTABLE SIGN” means a free standing sign erected on but not permanently anchored to the ground and includes, but is not limited to, signs commonly referred to as A-Frame Sign, T-Frame Sign, Advertising Flag Sign or Sandwich Board but shall not include a Banner Sign, Inflatable Sign or Mobile Sign.

“PREMISES” means land or a part of land under registered ownership and includes all buildings and structures thereon;

“PROJECTING SIGN” means a *sign* attached to a building or structure, which projects horizontally from the building/structure;

“PROPERTY” means a lot and includes all buildings, and structures thereon;

“REAL ESTATE SIGN” means a temporary *non-illuminated sign* installed, erected or displayed for the notification that the *premises* or portion thereof, on which the sign is located, is available for or offered for sale, rent or lease;

“RESIDENTIAL” means a *Residential zone* as defined in the *Zoning By-law*;

“SEASONAL BUSINESS” means a business that is open for seasonal or temporary purposes of not more than 60 calendar days. Without limiting the forgoing, examples would be Halloween Stores, Christmas tree lot, Temporary Fireworks Premise, Garden Centres, and Tent Sales;

“SHOPPING CENTRE” means a group of *commercial* establishments, whether or not under one ownership, having a common *parking area* or *parking lot*;

“SIGHT TRIANGLE” means in the case of a corner lot, the triangular space formed by the *street lines* and a line drawn from a point in one *street line* to a point in the other *street line*, measured 5m along the *street* from the point of intersection of the *street lines* See Diagram 1 in Schedule A;

“SIGN” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device*;

“SIGN AREA” means the entire area of all *sign faces* on one *sign structure*;

“SIGN COPY” means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed on a single *sign face* and includes *Electronic Changeable Copy* and *Mechanical Copy*;

“SIGN FACE” means that portion of a *sign*, excluding the *sign structure*, upon which, as part of, against or through which the message of the *sign* is displayed. The *sign face* is an area composed of individually installed letters, numerals, or shapes, the *sign face* shall mean the area enclosing the letters, numerals, or shapes;

“SIGN OWNER” means the owner or lessee of a *sign*, or his/her agent. Where there is no owner, lessee or agent for a *sign* or such *person* cannot be determined with certainty, the *sign owner* shall be deemed to be the *person* or *business* having the use or major benefit of the *sign*, or if such *person* or *business* is unknown, the *sign owner* shall be deemed to be the registered *owner* of the *premises* upon which the *sign* is situated;

“SIGN PERMIT” means a written permission to locate, erect or display a *sign* or *signs* issued by the *Director* pursuant to the provisions of this By-law;

“SIGN STRUCTURE” means anything used to support or brace a *sign face* and which is attached to the ground or a building or structure;

“STREET” means any highway;

“STREET LINE” means the limit of the *street* allowance and the dividing line between a lot and a *street*;

“SUBDIVISION DEVELOPMENT SIGN” means a sign that advertises only the development in which the sign is located and not the sale of lots elsewhere or the realtor’s, developer’s or *Owner*’s business in general;

“TEMPORARY SIGN” means a *sign* comprised of a plastic (poly bag) *sign* sleeve or a coroplast *sign* face and which is temporarily anchored into the ground, or onto a pole, a light standard, another sign, or a fence;

“TOWN” means the Corporation of the *Town* of Newmarket;

“URBAN CENTRE ZONE” means an *Urban Centre Zone* as defined in the *Zoning By-law*;

“WINDOW SIGN” means a *sign* located on the interior of a *premises* and which is located, erected or displayed in the interior of a window, window section or window pane and is intended to be seen from outside of the building or *premises*;

“ZONE” means the area of a defined land use in the *Town Zoning By-law* passed under the *Planning Act*, as amended, from time to time;

“ZONING BY-LAW” means the *Zoning By-law* of the *Town* passed under the *Planning Act*, as amended, from time to time.

2.0 ADMINISTRATION:

2.1 Interpretation:

- a) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- b) The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or Standard International measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.

2.2 This By-law shall be administered by the *Director* of the *Town*.

2.3 The *Building Code* shall be administered by the *Chief Building Official* as appointed by Council.

2.4 Where any *sign* proposed to be erected may be considered as more than one form of *sign* permitted by this By-law or as a combination of forms of *signs* and /or sign copy permitted by this By-law, such *sign* shall conform to the most restrictive provisions of this By-law.

- 2.5 This By-law does not apply to a *sign* that was lawfully erected and displayed on the day this By-law comes into force if the *sign* is not substantially altered and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.
- 2.6 The maximum height of a *sign* shall be ascertained by measuring the distance from the level of the ground immediately below such *sign* to the highest point thereof, provided that in the event the level of the *street* or sidewalk adjacent to such *sign* as erected is higher than the level of the ground upon which the *sign* is erected, the height shall be measured from the level of such *street* or sidewalk.

Responsibility for compliance with this By-law:

- 2.7 Neither the granting of a *sign permit* nor the approval of the plans, drawings, and specifications nor inspections made by the *Town* shall in any way relieve the *Sign Owner* or any other *person* from full responsibility for carrying out work or having the work carried out in complete accordance with the requirements of this By-law or any other By-law applicable to the *sign*.
- 2.8 The *Sign Owner* is solely responsible for and pays for any damage to persons or *property*, caused by a *sign*.

3.0 GENERAL PROVISIONS:

- 3.1 No *person* shall erect, install, post, display or maintain any *signs* on a *premises* within the *Town* except such *signs* as are permitted by this By-law.
- 3.2 Unless otherwise expressly provided in this By-law, no *person* engaged in a *business* shall erect, install, post, display or maintain or cause to be erected, installed, posted, displayed or maintained any *sign* on any *premises* except on the *premises* upon which such *business* is located and provided the written consent of the registered *Owner* of the property is obtained.
- 3.3 No *sign* shall be erected in a parking space required under the *Town's Zoning By-law*.
- 3.4 No *sign* shall obstruct the view of any pedestrian or motor vehicle driver, visibility of warning devices, railway, traffic and municipal *street signs* or cause an unreasonable distraction, so as to cause an *unsafe* condition in the opinion of an *Inspector* under this By-law.
- 3.5 A *sign* shall display only non-electronic static copy unless otherwise permitted in accordance with **Section 25.0** of this By-law.
- 3.6 No *sign* shall be supported entirely or partly by the roof of a building or structure, other than a *sign structure*, or shall project above the roof of a building or structure.
- 3.7 Flashing, *animated* or noise emitting *signs* of any size are strictly prohibited.
- 3.8 A sign attached or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement shall be strictly prohibited.
- 3.9 No person shall erect, display or cause or permit to be erected or displayed any sign at those intersections listed in accordance with Schedule A of the Regional Municipality of York's Sign By-law 2015-36, as amended from time to time.
- 3.10 No person shall erect, install, post, or otherwise display a Temporary sign within the Town of Newmarket.

4.0 REQUIREMENT FOR SIGN PERMIT:

- 4.1 No *person* shall erect, install, post, display or alter any *sign* on a *premises* within the *Town* for which a *sign permit* is required and has not been obtained.

4.2 No person shall deviate from an approved plan, drawing, or specification for which a *sign permit* or building permit has been obtained, without the prior written permission of the *Director* or the *Chief Building Official* respectively and such permission may be conditional on a new *sign permit* or building permit being applied for and obtained.

5.0 **SIGNS NOT REQUIRING A SIGN PERMIT:**

5.1 Notwithstanding **Section 4.1**, a *sign permit* is not required for the following *signs*, but such *signs* shall comply with all other requirements of this By-law:

Sign type / Description	Applicable Zones	Provisions
Official <i>Signs</i> / Public Safety <i>Signs</i>	All <i>Zones</i>	Pursuant to Section 28.0
Incidental Sign	All <i>Zones</i> except <i>Residential</i>	Maximum height of 0.9 metres (2.95 ft) and shall be permitted to display the name or logo of a use on the lot. Shall be located on Private Property
Trespassing, safety or other warning <i>sign</i>	All <i>Zones</i> except <i>Residential</i>	Not exceeding 0.5m ² (5.38 sq. ft.) in <i>sign</i> area. Illumination not permitted
	<i>Residential Zone</i>	Not exceeding 0.2m ² (2.15 sq. ft.) Illumination not permitted
Address <i>Sign</i>	All <i>Zones</i>	Not exceeding 0.2 m ² (2.15 sq. ft.) in <i>sign</i> area Shall be located on private property
Flag of corporations, educational, religious, or charitable organizations	All <i>Zones</i>	Not more than three (3) flags per <i>premises</i> . Each flag shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 sq. ft.)
Emblems or insignia of patriotic, civic, educational, religious or charitable organizations.		Emblems or insignia shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 ft ²)
Home Occupation <i>Sign</i>	<i>Residential Zone</i>	Maximum <i>sign</i> area of 0.2 m ² (2.15 sq. ft.) Maximum height of 1.5m (5ft.) One <i>sign</i> may be erected where the use of the property for any Home based business complies with the <i>Zoning By-law</i> . Such <i>sign</i> shall be erected or displayed in the form of a <i>Fascia Sign</i> , <i>Projecting Sign</i> , or <i>Ground Sign</i> . Illumination not permitted.

Real Estate Sign	All Zones	<p>Maximum <i>sign</i> area of 1.0m² (10.7 sq. ft.) in a <i>Residential</i> zone. For all other <i>zones</i> a maximum area of 4.0m² (43 sq. ft.)</p> <p>One (1) <i>sign</i> per <i>street line</i> of the property on which the <i>sign</i> is erected.</p> <p>Such sign shall be removed thirty (30) calendar days after the premises has been sold, rented, or leased.</p> <p>No sign shall be within a sight triangle.</p>
Garage Sale Sign	All Zones	<p>Only displayed or erected after 5:00pm on the day immediately before the garage sale and must be removed no later than 7am on the day immediately following the garage sale; Maximum height 0.6m (2ft); Maximum width 0.6m (2ft); Shall be located within the untraveled portion of the road allowance, not including any centre median, traffic island or centre boulevard of a roadway; Minimum of 1.83m (6ft) from roadway Minimum of 0.6m (1.97ft)from sidewalks and driveways Must include the address of the property where the garage sale will be located; Must include the date of the garage sale</p>
Open House Sign	All Zones	<p>Only displayed on the day which the open house takes place. Must be in the form of an A-Frame or Temporary sign. Minimum of 1.83 m (6ft.)from roadway Minimum of 0.6m (1.9 ft.) from sidewalks and driveways. Shall be located within the untraveled portion of the road allowance, not including any centre median, traffic island or centre boulevard of a roadway. Include address of property and date of open house</p>

Residential Contractor Advertising Sign	Residential Zone	Sign type: Must be in the form of a A-Frame sign Must be in the form of a <i>Temporary Sign</i> Sign location: Must be located on the property where the work is occurring, Time frame: Must be erected no more than seven (7) calendar days prior to the commencement of the project and removed seven (7) calendar days after the project is completed.
Entrance Gate Sign- located at the entrance to a subdivision/apartment or condominium complex	Residential Zone and Urban Centre Zone	One (1) sign per frontage Maximum sign area 2.32m ² (25.0 sq. ft.) Minimum ground clearance 0.91m (3.0 ft.) Maximum height 7.5m (24.6 ft.)
Menu Board Sign	Urban Centre Zone and Commercial Zone	Maximum Sign Area 4m ² (43.06 sq. ft.)
Public transit or any street furniture/fixture advertising	All Zones	As approved by the Town or Region
Window Sign	All Zones	Shall be non-flashing Shall not emit sound that can be heard from out side Shall not be animated
Signs located under Gas station canopies	Commercial Zone	Shall be non-flashing Shall not emit sound Shall not be animated

5.2 Where a *sign* not requiring a *sign permit* has been erected, installed, posted, displayed, maintained or otherwise displayed in contravention of any provision of this By-law, **Subsection 31.2** shall apply.

6.0 **SIGN PERMIT APPLICATIONS:**

- 6.1 No *person* shall erect, display or *alter*, or cause or permit to be erected, displayed or altered, a *sign* within the *Town*, unless otherwise exempted, without first obtaining a *sign permit* from the *Director* pursuant to this By-law. All *signs* shall comply with all other applicable *Town* by-laws and all other applicable law.
- 6.2 Every *applicant* for a *sign permit* shall complete a *sign permit* application form as prescribed by the *Town*, submit all necessary plans, drawings, and specifications and pay all applicable fees as set out in the *Fees and Charges By-law*.

6.3 *Sign Permit* Information

All plans, drawings, and specifications accompanying a *sign permit* application form shall be provided in duplicate and shall meet the requirements as set out in the prescribed form.

- 6.4 No *sign permit* shall be issued until approvals have been obtained, where applicable, from the following:
- The Lake Simcoe Region Conservation Authority, pursuant to the Conservation Authorities Act, R.S.O. 1990, c. C.27;
 - The Chief Building Official pursuant to the *Building Code Act, 1992*;
 - The Regional Municipality of York, pursuant to any other applicable regional by-laws;
 - Newmarket Hydro; and
 - Any other applicable governmental authority.
- 6.5 No *sign permit* shall be issued by the *Director* unless the application meets all the requirements of this By-law and any other applicable laws or unless a variance has been granted pursuant to **Section 33.0**.
- 6.6 No more than four (4) *sign permits* per *sign* type shall be issued to a single *business* on the *premises* on which the *sign* is to be displayed, in a calendar year.
- 6.7 No *applicant* shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a *sign permit*, detail of construction or revision thereto.
- 6.8 The *applicant* shall be responsible to comply with this By-law and the approved plans, drawings and specifications and to ensure that each set of plans, drawings, and specifications approved by the *Town* is identical in every respect. Failure to do so shall not relieve the *applicant* of the responsibility for complying with every requirement of the By-law, should any discrepancies between the plans, drawings, or specifications and the erected sign become apparent to the *Town*.
- 6.9 Revisions may be made to the application or approved documents provided they do not require significant additional work by the *Town*. An administration fee as set out in the *Fees and Charges By-law* will be charged for all revisions.
- 6.10 An application for a *sign permit* shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a *sign permit* has been issued.
- 6.11 Sign permit fees may be doubled if a sign has been constructed, erected, installed, altered, posted, or displayed, prior to a sign permit being issued or obtained for that specific sign.
- 6.12 All or some of the following documentation must be provided, in duplicate, along with the application if required or requested:
- Survey/Site Plan to scale, with all measurements in metric indicating location of proposed signs, total frontage of property, all boundary lines, location of existing signage, all entrances and exits from buildings;
 - Property Owners Letter of Permission;
 - Engineered approved and stamped drawings in detail drawn to scale including dimensions, sign area, along with a final construction review report completed by the engineer after the sign has been erected;
 - MTO Approval, for any sign within 400m (1312ft) and visible from the 404 highway;
 - Newmarket Hydro Approval, for *Ground Signs, Billboard Signs, Commercial Construction Information Signs, and Subdivision Development Signs*;
 - York Region Approval, for any *sign* located York Region Property;
 - Lake Simcoe Region Conservation Authority Approval for signs within their jurisdiction;

7.0 EXPIRATION OF PERMIT:

- 7.1 Every *sign permit* issued by the *Town* for the erection, display or alteration of a *sign* expires and is null and void where the *business*, product, activity or service

to which the *sign* relates ceases to operate or is no longer available at the *premises* where the *sign* is located.

7.2 Notwithstanding **Subsection 7.1**, the following expiration periods apply:

- a) *Sign permits* for *Inflatable Signs*, and *Mobile Signs* shall expire thirty (30) calendar days from the date of issuance;
- b) *Sign permits* for *Portable Signs* shall expire one (1) calendar year from the date of issuance;
- c) *Sign permits* for *Billboard Signs* shall expire five (5) years from the date of issuance.

7.3 Where a *sign permit* has expired, the *sign owner* shall immediately remove the sign from the *premises*.

7.4 Where a new business is using the sign structure from a previous business, the new business is required to get a permit. For greater clarification, a lens change, from one business to another, in a fascia or ground sign requires a sign permit.

8.0 TRANSFER OF PERMIT:

8.1 A *sign permit* is non-transferrable from one business location to another.

9.0 REVOCATION OF PERMIT:

9.1 A *sign permit* may be revoked by the *Town* where:

- a) the *sign* does not conform to this By-law and amendments thereto;
- b) the *sign* does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
- c) the *sign permit* has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings in the application;
- d) the erection, display or alteration of the sign authorized by the *sign permit* has not, in the opinion of the *Director*, been seriously commenced within six months of the date of issuance of the sign permit;
- e) an order has been issued and the *sign* has not been brought into compliance with the by-law within forty-eight (48) hours, or;
- f) any fees applicable to the *sign* under the *Fees and Charges By-law* have not been paid;
- g) the *sign permit* was issued on the basis of a variance issued under **Section 33.0** with conditions and there has not been compliance with a condition imposed, or a condition has been breached; or
- h) the *sign permit* has been issued in error by the *Town*.

10.0 MAINTENANCE:

10.1 The *sign owner* shall maintain, or ensure that such *sign* is maintained in a proper state of repair so that such *sign*:

- a) is fully operative at all times;
- b) in compliance with any approved plans, drawings, and specifications; and
- c) does not become unsightly, unsafe or damaged.

10.2 Maintenance or repairs using material identical to the *materials* of the component being maintained or repaired for the continuance of the *business* does not constitute an alteration so as to require a *sign permit* to be issued.

11.0 LOCATION:

11.1 No *sign* shall be erected, placed, or permitted to stand on or overhang public property, including sidewalks or boulevards, except as hereinafter expressly provided for *Hoarding Signs*, *Projecting Signs* and *Real Estate Signs*.

- 11.2 Notwithstanding any of the provisions of this By-law, no *person* shall erect, install, post, or otherwise display any *sign* on any tree, post, pole, light standard, fence, with the exception of hoarding, on any property owned by or under the jurisdiction of the *Town*, without the prior written consent of the *Town*.
- 11.3 No *sign* other than a *Fascia Sign* shall:
- a) be permitted within 10.67 metres (35.0 feet) of a traffic light;
 - b) be erected upon or supported by a parapet; or,
 - c) be erected upon or supported by a firewall or its parapet.
- 11.4 No *sign* shall be located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of firefighters to any part of the building at any time.
- 11.5 All *signs* erected or displayed shall be located a minimum of 1.83 metres (6.0 ft) away from the face of the curb or edge of pavement of a roadway, and where there is a sidewalk, not within 0.6 metres (1.97 ft) of such sidewalk, except for a *Portable Sign* located in the *Historic Downtown Urban Centre Zone* or *Downtown Urban Centre Zone*.
- 11.6 Notwithstanding any of the provisions of this By-law, no person shall erect, install, post, or otherwise display any sign on any tree, post, pole, light standard, or fence, with the exception of hoarding signs and flags on flagpoles, located on private property.

12.0 **STRENGTH OF BUILDINGS:**

No *sign* shall be erected on any building unless such building has been designed by a Professional Engineer to carry the additional dead and wind loads due to the erection of such *sign*.

13.0 **SIGN MATERIALS:**

- 13.1 Every *sign* attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wire ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of *signs* attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for *signs*. No *sign* shall be supported in any manner by an unbraced parapet wall, except as provided for in **Subsection 11.3 b)** of this By-law.
- 13.2 Notwithstanding **Subsections 13.3, 13.4 and 13.5**, all *Ground Signs*, *Billboard Signs*, *Fascia Signs* and *Projecting Signs* and the *sign structure* shall be constructed entirely of metal or other non-combustible *materials*.
- 13.3 Notwithstanding **Subsection 13.2** thereof, *Ground Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* shall not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground immediately below such *sign* to the highest point thereof.
- 13.4 Notwithstanding **Subsection 13.2** thereof, *Fascia Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone* provided that such *signs* are not located within 0.61 metres (2.0 feet) of any window above the first storey or within 0.91 metres (3.0 feet) of any fire escape or exit.
- 13.5 Notwithstanding **Subsection 13.2** thereof, *Projecting Signs* constructed wholly or partly of combustible *materials* may be erected in the *Downtown Urban Centre Zone* and *Historic Downtown Urban Centre Zone*.
- 13.6 Notwithstanding any other provisions of this By-law, approved plastics may be used as facing *material* and as letters and decorations on *signs* subject to the following limitations and regulations:

- a) All parts of the sign other than the letters and decorations shall be made from non-combustible materials, the area of the display surface or facing which may be occupied or covered by letters and decorations may be made from or faced with approved plastics.
- b) If plastics are employed in any part of a sign the finished plastic unit shall be identified either with the material manufacturer's trade name, or with the common name of the plastic material.

14.0 ILLUMINATION:

- 14.1 Illuminated Signs shall be designed, erected and operated so that the light from such signs does not project onto any adjacent premises.
- 14.2 Electric illumination shall be installed in accordance with the requirements of Newmarket Hydro.
- 14.3 External lighting shall be limited to the following:

a) open hooded spotlights, which are a traditional form of lighting;

b) lighting recessed in an architectural feature adjacent to the sign;

c) lights concealed behind relief lettering that illuminates individual letters in silhouettes against the background panel; or

d) spot lighting positioned below the sign and shining upward.

In all cases lamps shall be designed to be visually unobtrusive, which determination shall be made by the Director.

15.0 SIGN AND ZONE SPECIFIC REGULATIONS:

In addition to the requirements to obtain a sign permit under Section 6.0, signs shall comply with the applicable sign type restrictions under Sections 16.0 through to 29.0 inclusive.

16.0 GROUND SIGNS:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ^{1, 2}	Commercial	1	Less than 243.84m (800 ft.)	27.87m ² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with Subsections 14.1 and 14.2
	Employment	2	243.84m (800 ft.) or more	46.45m ² (500 sq. ft.)	10.67m (35.0 ft)		
Class B ^{1, 2, 3}	Downtown Urban Centre	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Historic Downtown Urban Centre						
Class C ^{1, 2}	Institutional	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class D ^{1, 2}	Open Space	1		13.94m ² (150 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Not Permitted
	Golf Course						
Menu Board Sign	Commercial Urban Centre	1 Menu Board		4.0 m ² (43 sq. ft.)	2.5 m (6.5 ft)		Permitted in accordance with Subsections 14.1 and 14.2
		1 Pre Menu		2.0 m ² (21.5 sq. ft.)	2.5 m (6.5 ft)		

		Board					
¹ <i>Ground Signs</i> , and their structural members shall be constructed entirely of metal or other non-combustible materials.							
² <i>Ground Signs</i> shall not be located within 0.6m (2.0ft) of a property line.							
³ <i>Ground Signs</i> which are located in the Downtown Urban Centre and Historic Downtown Urban Centre Zones may be constructed in whole or in part of combustible materials, provided that such signs do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such sign, to the highest point thereof.							
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

16.1 BILLBOARD SIGNS:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Billboard Sign ^{1,2}	Commercial	1	Less than 300.0m (984.0ft)	18.58m ² (200 sq. ft.)	7.5m (24.6 ft.)	3.05m (10.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment						
	Urban Centre*	2	300.0m (984.0ft) or more	Per Sign Face			
¹ Billboard Signs and their structural members shall be constructed entirely of metal or other non-combustible materials.							
² Subject to separation distances set out in Subsections 16.2 and 16.3							
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

16.2 No person shall erect, locate or display a *Billboard Sign*:

- a) on the same *property* as a *Mobile Sign*;
- b) within a radius of 300.0 metres (984ft) of any other *Billboard Sign* or 15.0 metres (49.2ft) of any *Ground Sign*;
- c) on *property* other than *property* within an *Urban Centre Zone*, *Commercial Zone* or *Employment Zone*;
- d) on any *property* on which another *Billboard Sign* has been erected or for which a *sign permit* has been issued for a *Billboard Sign* under this by-law, except where the *property* has a *frontage* greater than 300.0 metres (984ft); or
- e) within 200 metres (656ft) of any of the following:
 - i) any *property* within a *Residential Zone* or legally used for residential purposes; or
 - ii) any *property* which is used for a school or park, or any *property* which is designated under Part IV or Part V of the *Ontario Heritage Act*.

16.3 No *Billboard Sign* shall be located any closer to the edge of the road allowance than the following:

- a) 4.0m (13.1ft) from the edge of the road allowance; or
- b) 1.5m (4.9ft) from any property line.

16.4 *Billboard Signs* displaying *Electronic Changeable Copy* or *Mechanical Copy* shall be subject to the applicable provisions contained in **Section 25.0**.

16.5 A *Billboard Sign* shall not contain or use more than two visible faces for advertising purposes.

16.6 A *Billboard Sign* may be illuminated but shall not be otherwise electrically animated, have any moving parts or animated message changes.

16.7 Notwithstanding **Subsection 3.2**, a *Billboard Sign* may contain third party content subject to the appropriate *sign permit* being obtained.

17.0 **FASCIA SIGNS:**

	Required Zoning		Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1, 2 ***	Commercial	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2 Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class B 1, 3 ***	Downtown Urban Centre*	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
	Historic Downtown Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class C 1, 2 ***	Institutional and all other zones **		2.32 m ² (25.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
¹ <i>Fascia Signs</i> shall not be erected to extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.						
² No portion of a <i>Fascia sign</i> shall project more than 20.32 cm (8.0 inches) from the face of the wall for signs located over private property.						
³ <i>Fascia signs</i> placed on the wall of a building within the <i>Historic Downtown Urban Centre Zone</i> shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building.						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						
** excluding <i>residential zones</i>						
*** <i>Mural signs</i> must form part of the overall area of the Mural						

18.0 **PROJECTING SIGNS:**

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ¹	Commercial	1 per business**	23.23 m² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment Urban Centre*					
Class B ^{1,2}	Downtown Urban Centre	1 per business**	23.23 m² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	
	Historic Downtown Urban Centre					
Awning Signs shall be deemed to be Projecting Signs and shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building and shall be subject to the above provisions.						
¹ Projecting Signs shall not project above the roof level in Shopping Centres						
² Projecting signs placed on the wall of a building within the Historic Downtown Urban Centre Zone shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building						
³ The Maximum sign area shall apply to the Sign Copy of an Awning Sign, not the Sign Face or Sign Structure.						

* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>
** Excluding Awning signs

19.0 **MOBILE SIGNS AND PORTABLE SIGNS**

19.1 Every *Mobile Sign* and *Portable Sign* erected or installed pursuant to this By-law shall:

- a) not be located closer than 4.57 metres (15.0 feet) from the intersection of a driveway with a street line or the intersection of two street lines or 0.91 metres (3.0 feet) from any municipal sidewalk, provided that where the lot abuts a regional road or provincial highway, the sign shall be set back such distance from such road or highway as determined by the appropriate road authority provided such distance is not less than 4.57 metres (15.0 feet);
- b) not be located closer than 4.57 metres (15.0 feet) from the limits of a driveway entrance as delineated by pavement markings, driveway islands or driveway curbs or any combination thereof;
- c) not occupy a parking space within a parking lot or parking area; and,
- d) only advertise the business to which the *sign permit* was issued.

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	<i>Commercial</i>	Total <i>Portable Sign</i> , and <i>Mobile Sign</i> combined restriction by frontage (Per premises):	4.46 m ² (48.0 sq. ft.)	Including supporting structure 2.44m (8.0 ft.)	Not permitted	30 calendar days
	<i>Employment</i>	Frontage #				
Portable Signs ^{5,6,7,8,9,10} Class A Class B	<i>Commercial</i>	0.3-60.96m 6 (1.0- 200.0 ft.)	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height	Not permitted	One (1) Calendar Year
	<i>Employment</i>	.6126-152.4 m 9 (201.0 - 500.0 ft.)		1.22m (4.0ft.) in width		
	<i>Urban Centre*</i>	152.7-304.8 m 12 (501.0 - 1000.0 ft.)				
		304.8 m + 15 (1001.0 ft. +)				
	<i>Downtown Urban Centre</i>	One (1) per business	0.56 m ² (6 sq. ft.)	0.91 m (3 ft.) in height	Not permitted	One (1) Calendar Year
	<i>Historic Downtown Urban Centre</i>			0.61m (2 ft.) in width		

¹*Mobile Signs* shall display the name and telephone number of the *Sign Owner* in a visible location on the *sign*.

²*Mobile Signs* shall only advertise the business to which the *Sign Permit* was issued.

³*Mobile Signs* shall be comprised of a black background, within a black frame, all letters or other writings or markings shall be white and photographic images or logos may be in full colour

⁴*Mobile Signs* shall not be located on the same property as a *Billboard Sign*

⁵ <i>Sign permits</i> for Mobile Signs and Portable Signs shall be subject to the conditions under Subsection 7.2
⁶ Within the <i>frontage</i> limits provided above, each <i>business</i> shall be restricted to the use of one (1) <i>Portable Sign</i> or one (1) <i>Mobile Sign</i> per <i>business premises</i> on which the <i>business</i> is located at any one time.
⁷ <i>Portable Signs</i> shall not be placed earlier than one (1) hour before the posted hour for the opening of the <i>business</i> to which it is related and shall be removed within one (1) hour after the posted hour of the closing of the <i>business</i> to which it is related each day. Excluding Advertising Flag Signs.
⁸ A <i>Portable Sign</i> located in the <i>Historic Downtown Urban Centre Zone</i> or <i>Downtown Urban Centre Zone</i> may be placed on the municipal sidewalk in front of the <i>business</i> and can be permitted to encroach a maximum of 0.61 meters (2.0 feet) from the main wall of the <i>building</i> facing the <i>street</i> .
⁹ Advertising Flag Signs shall not be used in the <i>Historic Downtown Urban Centre Zone</i> or <i>Downtown Urban Centre Zone</i>
¹⁰ Advertising Flag Signs shall not exceed 3.36 meters (11.0 feet) in height
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

20.0 **BANNERS:**

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Location	Illumination
Banners	Commercial Employment Urban Centre*	1 per <i>business</i>	6.0 m ² (64.58 sq. ft.)	1.0m (3.28ft)	<i>Banners</i> shall only be displayed on the first storey of a building. In the case of a <i>Seasonal Business</i> , <i>Banners</i> are permitted on a fence around the <i>seasonal business</i> , or on an associated trailer, shipping container or sales office.	Not permitted
The <i>banner</i> shall only refer to the <i>business</i> to which the <i>sign permit</i> was issued.						
<i>Banners</i> shall be permitted for display once a year, with the exception that a <i>Seasonal Business</i> which can display twice per year, per <i>business</i> to advertise a grand opening or promotional event, for a period of thirty (30) calendar days.						
<i>Banners</i> shall not be erected or displayed to obstruct or interfere with the free use of any fire escape, exit or standpipe.						
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>						

21.0 **SIGNS INCIDENTAL TO CONSTRUCTION:**

Commercial Construction Information Signs

21.1 A Commercial Construction Information Sign shall be removed when one hundred percent (100%) of the units being advertised have been sold.

Hoarding Signs

21.2 Prior to a *sign permit* being issued for a *Hoarding Sign*, the *applicant* shall provide a certificate confirming to the *Town* that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the *Town* is named as an additional insured.

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
Commercial Construction Information Signs^{1,2, 3} Class A	Commercial Employment Institutional Urban Centre*		27.87m ² (300 sq. ft.)	7.5m (24.6ft)	Minimum separation distance between <i>Commercial Construction Information Signs</i> 100.0m (328.08ft)

Class B ^{1,2,3}	Downtown Urban Centre		10.0m ² (107.64 sq. ft.)		
	Historic Downtown Urban Centre				
Hoarding Signs ^{4,5,6,7}	All zones			Combined height of hoarding and signage 3.08m (10.0ft)	
¹ A <i>Commercial Construction Information Sign</i> shall not be erected until the development being advertised has been draft approved by Town planning staff.					
² A <i>Commercial Construction Information Sign</i> shall be located within the development that it advertises.					
³ Any <i>person</i> may erect one non-illuminated <i>Commercial Construction Information Sign</i> , for a period not exceeding three (3) months or until the permanent <i>Ground Sign</i> is erected, whichever shall first occur.					
⁴ <i>Hoarding Signs</i> shall only be permitted where the <i>Owner</i> has entered into an agreement with the <i>Town</i> which authorizes the hoarding and where the <i>Owner</i> has obtained a <i>sign permit</i>					
⁵ A maximum of sixty percent (60%) of the hoarding area shall be permitted to display signage and advertising materials.					
⁶ <i>Hoarding Signs</i> shall only be composed of signage and advertising material specific to the development of the site and not the <i>Owner's</i> or <i>Developer's business</i> in general					
⁷ <i>Hoarding Signs</i> shall not incorporate any <i>Electronic Changeable Copy</i> or <i>Mechanical Copy</i> .					
* Excluding <i>Downtown Urban Centre Zone</i> or <i>Historic Downtown Urban Centre Zone</i>					

22.0 NEW HOME DEVELOPMENT SIGNS:

22.1 No *person* shall place or locate a *New Home Development Sign*:

- a) within a sight triangle, on a median or any other location on a street that obstructs a sight line or otherwise interferes with street maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
- b) closer than 10.0 metres (32.8 feet) to a transit stop;
- c) closer than 5.0 metres (16.4 feet) to a driveway intersection with a street line; or
- d) within 1.0 metre (3.2 feet) of any municipal sidewalk.

22.2 No *person* shall place or locate a *New Home Development Sign* on a *street* before 7:00 p.m. on a Friday and all such *signs* shall be removed no later than 6:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.

22.3 Prior to a *sign permit* being issued for a *New Home Development Sign*, the *applicant* shall provide a certificate confirming to the *Town* that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the *Town* is named as an additional insured.

22.4 Where a *Builder* has erected a sales office or a model home(s) within a *new home development*, such *builder* may place one *Model Home Ground Sign*, not exceeding 1.12 m² (12.0 sq. ft.), on each *residential* lot or proposed *residential* lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such *Model Home Ground Sign* may be located

on any lands which are to be conveyed to the *Town* or which may form part of a municipal road allowance.

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
New Home Development Sign		Each <i>builder</i> limited to ten (10) <i>New Home Development Signs</i> per project	No more than two (2) <i>sign faces</i> each <i>sign face</i> with a maximum area of 1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.)	May be placed on a <i>street</i> subject to the requirements of Section 22.0
Subdivision Development Sign ^{1, 3}	Residential Zone	Three (3)	20.0m ² (215 sq. ft.)	7.5m 24.6ft	Shall be located within the development that the <i>sign</i> advertises; Minimum separation distance between each <i>Subdivision Development Sign</i> of 300m (984.3ft)
Model Home Ground Sign ²	Model Home/Sales Centre	One (1) per residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located.	1.12m ² (12 sq. ft.)		
New Home Development Signs shall be limited to two (2) corners of a <i>street</i> intersection and a maximum of five (5) in total for each corner of the two (2) corners of the <i>street</i> intersection.					
Each <i>builder</i> shall be limited to two (2) <i>signs</i> in total for each <i>street</i> intersection					
¹ <i>Subdivision Development Signs</i> shall be removed when one hundred percent (100%) of the units being advertised have been sold					
² No such <i>Model Home Ground Signs</i> may be located on any lands which are to be conveyed to the <i>Town</i> or which may form part of a municipal road allowance.					
³ A <i>Subdivision Development Sign</i> shall not be erected until the development being advertised has been draft approved by Town planning staff.					

23.0 **INFLATABLE SIGNS:**

- 23.1 No *person* shall place or locate an *Inflatable Sign*:
- a) within 3.0 m (9.8 ft.) of any property line;

b) within 3.0 m (9.8 ft.) of any driveway entrance and exit;

c) within 10.0 m (32.8 ft.) of any *Ground Sign* or *Mobile Sign* on the same property or abutting property;

d) within 92.0 m (301.0 ft.) of a residential property, measured in a straight line; or

e) within 50.0 m (164.0 ft) of a traffic light standard.
- 23.2 *Inflatable Signs* shall not be erected or displayed on a roof.
- 23.3 One *Inflatable Sign* shall be permitted for each property at any one time.
- 23.4 Before being issued a *sign permit* for an *Inflatable Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured.

- 23.5 All *Inflatable Signs* shall be properly secured to the satisfaction of the Town.
- 23.6 Power cords and/or supporting devices for *Inflatable Signs* shall not be placed on or over *parking areas, parking lots* or pedestrian areas.

	Required Zoning	Maximum Number	Maximum Sign Area	Dimensions	Minimum Frontage	Permit Length
Inflatable Signs	Commercial	One (1) <i>sign</i> per <i>premises</i>	42.0 m ² (451.85 sq. ft.)	Maximum Height: 7.0 m (22.96 ft.)	15.0m (49.0 ft.)	30 calendar days
	Employment					
	Institutional			Maximum Width: 6.0m (19.68 ft.)		
	Urban Centre					
Inflatable Signs shall only advertise the business to which the <i>Sign Permit</i> was issued.						

24.0 **TEMPORARY SIGNS:**

- 24.1 *Temporary Signs* erected or displayed pursuant to this By-law shall have a maximum sign face area of 0.37 square meters (4 sq. ft.) per sign face, if used as a *Non-profit sign*.
- 24.2 Notwithstanding Section 3.10 Temporary signs shall be permitted for use as Open house signs, residential contractor signs, and a *Non-Profit Signs* as set out in **Section 5.0** and **Section 26.0** respectively.
- 24.3 Notwithstanding Section 3.10 Temporary signs shall be permitted for use as an Election sign, regulations for such signs shall be found under the Town of Newmarket Election Sign By-law, as amended, from time to time..

25.0 **ELECTRONIC CHANGEABLE COPY AND MECHANICAL COPY:**

- 25.1 *Electronic Changeable Copy and Mechanical Copy* may be incorporated as a component into any *Ground Sign* up to a maximum of 60% of the *sign area*, 100% of the *sign area* of a *Billboard Sign* and 100% of the *sign area* of a *Fascia Sign or Projecting Sign* in a *Commercial, Employment, Institutional, or Urban Centre Zone* provided a *sign permit* is received from the *Director* and the *sign* meets the *sign* specific requirements under this By-law.
- 25.2 For the purposes of this section, *Urban Centre Zone* shall not include the Historic Downtown *Urban Centre Zone* or the Downtown *Urban Centre Zone*.
- 25.3 Where a *sign* is permitted to display *Electronic Changeable Copy* or *Mechanical Copy*:
- a) the sign must comply with **Section 25.0** of this By-law;
 - b) the sign must be located a minimum of 30.48 metres (100.0 feet) away from a residential zone;
 - c) the transition effects shall ensure a near instantaneous change between messages and shall not include effects that have the appearance of moving text or images;
 - d) the sign must not be within 15.24 metres (50.0 feet) of another sign displaying *Electronic Changeable Copy* or *Mechanical Copy*;
 - e) the sign shall not be located within 22.86 metres (75.0 feet) of a street intersection or traffic light;
 - f) the sign shall be erected in a manner so as not to be visible from a contiguous residential zone; and
 - g) the brightness level must be lowered in accordance with ambient light conditions between the hours of 12:00 a.m. and 5:00 a.m.
- 25.4 *Signs* displaying *Electronic Changeable Copy* shall have a maximum transition time of one (1) second between static image displays and the changing of the *sign copy* shall not occur at intervals of less than six (6) seconds.
- 25.5 Where *signs* display scrolling *Electronic Changeable Copy* or *Mechanical*

Copy, the *sign copy* shall not revolve at a rate faster than eight (8) revolutions per minute.

25.6 All *signs* displaying *Electronic Changeable Copy* shall come equipped with automatic dimming technology which automatically adjusts the *sign's* brightness in direct correlation with ambient light conditions.

25.7 Electric illumination only is permitted in accordance with **Subsection 14.1** and **14.2** and shall be installed in accordance with the requirements of Newmarket Hydro.

26.0 NON-PROFIT SIGNS:

26.1 A *Non-Profit Sign* shall only be located, erected or displayed on private property save and except for the public property as set out in **Subsection 26.2**

26.2 Subject to approval of the *Director*, a *Non-Profit Sign* may be located, erected, or displayed on the property of *Town* facilities or property owned and controlled by the *Town* provided that the *Non-Profit Sign* does not in any way interfere with any *signs* or other notices posted by the Corporation.

26.3 A *sign permit* for a *Non-Profit Sign* shall be issued and valid for a maximum of twenty-one (21) calendar days prior to the fundraising event or charitable activity.

26.4 A *Non-Profit Sign* shall:

- a) be in the form of a *Temporary Sign* or *Portable Sign* or Mobile Signs according to the provisions contained in this By-law;
- b) have a maximum of two (2) faces; and
- c) be erected no sooner than twenty-one (21) calendar days prior to, and removed no later than forty-eight (48) hours after, the fundraising event or charitable activity.

26.5 Before being issued a *sign permit* for a *Non-Profit Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$3,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured if the sign is to be located on *Town Property*.

26.6 A non-profit organization shall be permitted to erect or display up to fifty (50) *Temporary Signs* or ten (10) *Portable* or five (5) *Mobile Signs* or a combination thereof, determined by the *Director*, on private property within the *Town*. Such *Temporary Signs* or *Portable signs* or *Mobile Signs* shall be displayed in a manner that is consistent with the provisions of this by-law.

26.7 Prior to issuing a *sign permit* the *Director* may request appropriate documentation confirming the status of a non-profit organization or charitable organization.

26.8 The *sign permit* fees for portable, mobile, and temporary signs, as set out in the *Fees and Charges By-law* shall be waived for *Non-Profit Signs*.

27.0 Presumption:

27.1 Where a sign is erected or displayed in contravention of any provision of this bylaw, any person named on the sign shall be presumed to have been the person who erected or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

27.2 Where a sign is erected or displayed in contravention of any provision of this bylaw, and the sign has no person's name on it, but a telephone number appears on the sign, any person to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the person who erected or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

27.3 Where a sign is erected or displayed by a corporation in contravention of any provision of this bylaw, the directors and officers of the corporation shall be

presumed to have knowingly concurred in the erection or display of the sign in contravention of this bylaw, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

- 27.4 Where an inspector has reasonable grounds to believe that an offence has been committed by any person, the inspector may require the name, address and proof of identity of that person, and the person shall supply the required information.

28.0 EXEMPTIONS:

This By-law shall not apply to any *sign* or any other *advertising device* erected for government or other public purposes by the Town, the Regional Municipality of York, or any Provincial or Federal governmental authority.

This By-law also does not apply to signs within a building except for *Window signs*.

29.0 FEES:

Fees shall be paid upon submission of an application for a *sign permit* as set out in the *Fees and Charges By-law*.

30.0 POWER OF ENTRY:

- 30.1 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*.

- 30.2 Where an inspection is conducted by the *Town*, the *person* conducting the inspection may:

- (a) require the production of documents or relevant items for inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) 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.

- 30.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the *Act*.

- 30.4 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.

31.0 REMOVAL OF SIGNS AND ENFORCEMENT:

- 31.1 When a *sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* may be removed immediately, by the *Town*, without notice, if located on, over, partly on, or partly over, property owned by or under the jurisdiction of the *Town* at the expense of the *sign owner*, and under Section 446 of the *Act*, the *Town* may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.

- 31.2 Where a *sign* not requiring a *sign permit* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, the Director may notify or order the owner to repair, remove or to bring the sign into compliance with the provisions of this By-law. Where such *sign owner* fails to bring the *sign* into compliance, the *Director* may remove the *sign* and charge the *sign owner* a fee as set out in the *Fees and Charges By-law*.
- 31.3 When a *sign* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, The *Director* may issue an order to any *person* who:
- a) has erected, displayed, *altered* or caused or permitted to be erected, displayed or altered, a *sign* on private property for which a *sign permit* has not been obtained where such *sign permit* is required under the provisions of this By-law; or
 - b) having obtained a *sign permit*, has erected or *altered*, or caused or permitted to be erected or altered, a sign on private property contrary to the *sign permit* issued.
- 31.4 The order shall require the *sign* to be brought into compliance with this By-law within a timeframe of not less than fourteen (14) calendar days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the sign must be brought into compliance with the By-law.
- 31.5 The order shall be served personally on the sign owner, or posted at the address of the *business* to which the *sign* relates and/or the address supplied on the *sign permit* application, or sent by registered mail to the last known address of the sign owner, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- 31.6 Where an order has been issued and the *sign* has not been brought into compliance with this By-law within fourteen (14) calendar days of the issuance of the order, the *Director* or *Inspector* may remove or cause to be removed, the *sign* or any part thereof and/or may take any action necessary to prevent the *sign* from being displayed in a manner that is contrary to this By-law. The *Town* may recover the cost of the removal or necessary action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.7 Where a *sign* has been removed by the *Town* such *sign* shall be stored for a period of thirty (30) calendar days and the *Sign Owner* may redeem the *sign* upon payment of the removal fees prescribed in the *Fees and Charges By-law*. Where a *sign* has not been redeemed within the thirty (30) day period, such *sign* may be forthwith destroyed or otherwise disposed of by the *Town* without notice or compensation and the *Sign Owner* shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.8 Notwithstanding **Section 31.7**, upon removal, signs under 1.0m² (10 sq ft.) will be destroyed or otherwise disposed of by the *Town* without notice as the *Director* deems fit.
- 31.9 **Subsections 31.2, 31.3, 31.4, 31.5 and 31.6** do not apply to *Temporary Signs*, *Portable Signs* or *Mobile Signs*.
- 31.10 Where a *Temporary Signs*, *Portable Sign* or *Mobile Sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* may be removed at the direction of the *Town* without notice, at the expense of the *Sign Owner*.
- 31.11 Where the number of *Portable Signs* or *Mobile Signs* erected or displayed on any *premises* exceeds the restrictions for those premises, the excess *signs* may be removed at the expense of the *Sign Owner*.

- 31.12 Where an *Election Sign* is removed pursuant to this By-law, any costs associated with its removal shall be deducted from the *Election Sign Deposit* in accordance with the sign removal fee prescribed in the *Fees and Charges By-law*. Any costs incurred in excess of the *Election Sign Deposit* shall be invoiced to the registered candidate. Unpaid invoices may be collected by action or the amount may be added to the tax roll and collected in the same manner as taxes, or under Section 99 of the Act, the Town may utilize the provisions of the *Repair and Storage Liens Act*.

32.0 PENALTY PROVISION:

- 32.1 Any *person* who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
- 32.2 If a *sign* has been constructed, erected, installed, *altered*, posted, displayed or maintained in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 32.3 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.
- 32.4 Any *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 32.5 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.
- 32.6 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.
- 32.7 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.

33.0 VARIANCES:

- 33.1 Any person may apply for a variance from the provisions of this by-law
- 33.2 An application for a variance shall be made on the form prescribed by the *Town* and shall be accompanied by the non-refundable variance application fee in the *Fees and Charges By-law*.
- 33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed *sign*:

- a) is warranted based on physical circumstances applicable to the property or premises;
 - b) is consistent with the architecture of the building or development of the property;
 - c) is consistent with buildings and other features of properties or premises within 120.0 metres (393ft) of the proposed sign;
 - d) will not alter the essential character of the area;
 - e) will not adversely affect adjacent properties;
 - f) will not adversely affect public safety;
 - g) is in the opinion of the decision maker, not contrary to the public interest; and
 - h) is not expressly prohibited by this by-law
- 33.4 The Director shall circulate the application to the owners of all abutting properties and/or the owners of any properties within 60 metres of the subject property at the Director's discretion, prior to the consideration of the variance
- 33.5 Upon receiving an application for a variance from this By-law to permit the erection and display of a *sign* other than a *Billboard Sign*, the *Director* may:
- a) grant a Variance;
 - b) grant a Variance with Conditions; or
 - c) refuse to Grant a Variance
- 33.6 An applicant may request a review of the variance application decision of the *Director* within thirty (30) calendar days of the decision.
- 33.7 The request for review is made by filing a written request for review, on a form approved by the *Director*, to the *Appeal Committee*. The *Appeal Committee* may authorize *sign* variances from the provisions of this By-law, provided that in the opinion of the *Appeal Committee* it is established that the requirements in **Subsection 33.3** are met.
- 33.8 A decision of the *Appeal Committee* is final and binding.
- 33.9 Upon receiving an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, the *Director* shall refer the application to the Committee of the Whole.
- 33.10 The Director shall circulate the application to all property owners within 200 metres of the subject property prior to consideration of the application by Committee of the Whole.
- 33.11 The Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council in respect of the application for a variance from this By-law to permit the erection and display of a *Billboard Sign*.
- 33.12 Upon receiving the recommendation of the Committee of the Whole in respect of an application for a variance from this By-law to permit the erection and display of a *Billboard Sign*, Council shall:
- a) Grant a Variance;
 - b) Grant a Variance with Conditions; or
 - c) Refuse to Grant a Variance.
- 33.13 The decision of Council is final and binding.

34.0 LIABILITY:

In addition to any other party who commits the offence with respect to the sign by-law, the owner of the *premises* on which the *sign* was constructed, erected, installed, posted, displayed or maintained shall be deemed to commit the offence.

35.0 TRANSITION:

After the date of passing of this by-law, By-law 2016-28, as amended, applies only to signs in respect of which a permit, variance or order has been issued or applied for, prior to the date of passing of this by-law, and then only to such signs until such time as the work required by such permit, variance or order has been completed or any enforcement proceedings in respect of such order,

36.0 SEVERABILITY:

Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary;

37.0 SHORT TITLE:

This By-law shall be referred to as the “Sign By-law”;

AND THAT By-law 2016-28 is hereby repealed.

ENACTED THIS DAY OF , 2017.

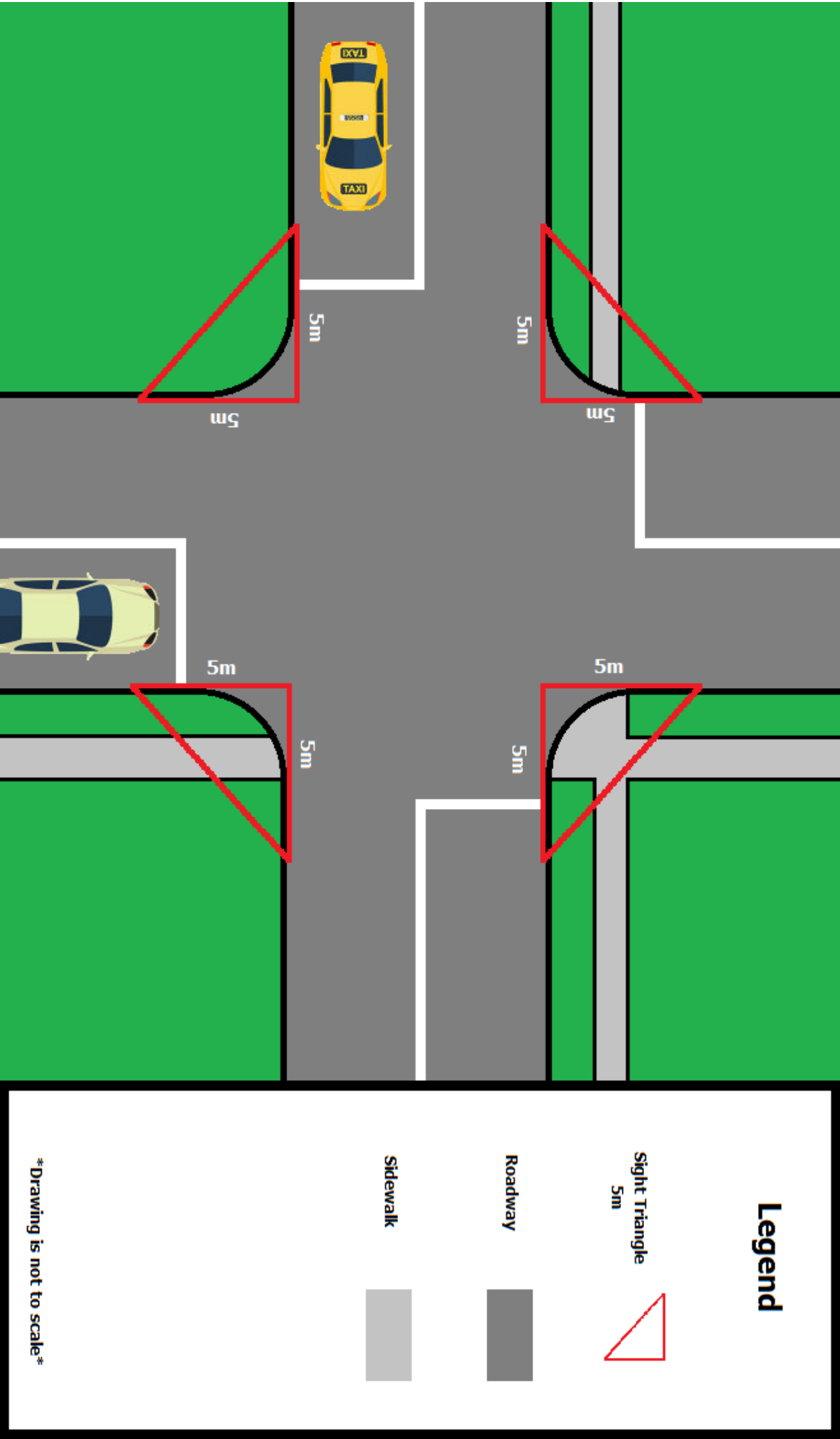
Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

DRAFT

Schedule A

Diagram 1



The Corporation of the Town of Newmarket

By-law Number XX

Being a by-law to manage and regulate election signs in the Town of Newmarket.

Whereas subsection 11(3), paragraph 1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Newmarket to pass by-laws respecting highways over which it has jurisdiction; and,

Whereas subsection 11(3), paragraph 7 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Newmarket to pass by-laws respecting signs; and,

Whereas subsection 63(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Newmarket, if it passes a by-law for prohibiting or regulating the placing of an object on a Highway, to provide for the removal of any object placed on a Highway in contravention of that by-law; and,

Whereas section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended establishes that any person who contravenes any by-law of the Corporation of the Town of Newmarket is guilty of an offence;

Now Therefore, the Council of The Corporation of the Town of Newmarket enacts as follows:

1. Short Title of By-Law

- 1.1 This By-law may be referred to as the "Election Sign By-law".

2. Scope

- 2.1 Where provisions in this by-law conflict with a provision from any other Town of Newmarket By-law, the provisions of this By-law take precedence.

3. Definitions

All defined terms in this By-law are in bold and the first letter has been capitalized.

In this By-law:

"Billboard Sign" means an outdoor **Sign** maintained by a person engaged in the sale or rental of space on the **Sign** to a client, upon which advertising of a

business, activity, goods, products, services or facilities is not located or offered on the premises.

“Boulevard” means that part of a **Highway** from the edge of the **Roadway** to the nearest lateral property line of the **Highway**.

“Campaign Advertisements” means an advertisement in any broadcast, print, electronic or other medium, purchased by or under the direction of a **Candidate** or **Third Party**.

“Campaign Office” means a building or structure, or part of a building or structure, used by a **Candidate**.

“Canada Elections Act” means the federal statute cited as the Canada Elections Act, S.C. 2000, c.9, as amended.

“Candidate” means a person who has been nominated under the **Canada Elections Act**, the **Election Act**, or the **Municipal Elections Act**.

“Election Act” means the provincial statute cited as the Election Act, R.S.O. 1990, c.E.6, as amended.

“Election Sign” means any **Sign** promoting, opposing or taking a position with respect to:

- (a) A question, law or by-law submitted to the electors under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**;
- (b) An issue associated with a person or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**;
- (c) A **Candidate** or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**; or,
- (d) **Third Party Advertisement**.

“Highway” includes a common and public **Highway**, street, avenue, parkway, driveway, square, place and includes any bridge, trestle, viaduct or other structure forming part of the **Highway** and includes the **Boulevards** and any area between the lateral property lines of the **Highway**.

“Intersection Pedestrian Signal” means traffic control signals and/or a stop sign.

“Mobile Sign” means a non-illuminated **Sign** designed to be capable of being readily moved from one location to another is usually built on a trailer or other solid platform and may include wheels;

“Municipal Elections Act” means the provincial statute cited as the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.

“Municipal Law Enforcement Officer” means a person appointed by Council as a Municipal Law Enforcement Officer and shall also include an officer of the York Regional Police Service.

“Owner” means the person who **Places** or permits the **Placing** of an **Election Sign** or any person described on the **Sign**, whose name, address or telephone number is on the **Sign** or who benefits from the message on the **Sign** and for the purposes of this By-law there may be more than one **Owner** of an **Election Sign**.

“Park” means any land or premises under the control and/or ownership of the **Town** for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities, and improvements located in or on such land.

“Person” means an individual, business, firm, body corporate, corporation, association, or municipality.

“Place” means to: attach, install, erect, build, construct, reconstruct, move, display or affix.

“Private Property” means real property that is not a **Highway** or **Public Property**.

“Public Property” means real property owned or under the control of the Town of Newmarket, Region of York, Provincial Government, Federal Government or any of their respective agencies, boards or commissions but, for the purposes of this By-law, does not include a **Highway** or where one or more persons reside on the **Public Property**.

“Registered Third Party” means one of the following and whose notice of registration has been certified with the **Clerk** pursuant to section 88.6 of the **Municipal Elections Act**:

- (a) An individual who is normally a resident in Ontario;
- (b) A corporation that carries on business in Ontario; or,

- (c) A trade union that holds bargaining rights for employees in Ontario.

“Roadway” means that part of a **Highway** that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders and curbs and gutters.

“School Crossing” means any portion of a **Roadway** designated by by-law of the **Town**, indicated as a school zone by **Signs** on the **Highway** as prescribed by the Highway Traffic Act, R.S.O. 1990, c.H.8, and Ontario Regulations, as amended and as may be amended from time to time.

“Sidewalk” means that part of a **Highway** with a surface that is improved, designed or ordinarily used for the use of pedestrians or bicycles and includes a multi-use path.

“Sight Triangle” means in the case of a corner lot, the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, measured 5 metres (16.4 feet) along the street from the point of intersection of the street lines. See Diagram 1 in Schedule A.

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter or to create a design or convey a message and includes posters, billboards, advertising devices or notices.

“Third Party” means any person or entity, including but not limited to a corporation or trade union, who is not a registered **Candidate**, political party, or constituency association who incurs expenses with respect to:

- (a) A question, law or by-law submitted to the electors under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**;
- (b) An issue associated with a person or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**; or,
- (c) A **Candidate** or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**.

“Third Party Advertisement” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing:

- (a) A certified **Candidate**;
- (b) A “yes” or “no” answer to a question on a ballot; or,

Third party advertisement does not include an advertisement by or under the direction of a **Candidate** or an advertisement described in subsection 8 (2) or (2.1) of the **Municipal Elections Act**.

“**Third Party Election Sign**” means an **Election Sign**, the expense for which has been incurred by:

- (a) An individual who is normally a resident in Ontario;
- (b) A corporation that carries on business in Ontario; or,
- (c) A trade union that holds bargaining rights for employees in Ontario who is a **Registered Third Party** under section 88.6 of the **Municipal Elections Act**.

For greater certainty, **Third Party Election Signs** shall not be under the direction of a certified **Candidate** for public office in a municipal election.

“**Town**” means The Corporation of the Town of Newmarket.

“**Town Clerk**” means the Director of Legislative Services/Town Clerk/Returning Officer for the Town of Newmarket or his or her designate.

“**Voting Day**” means the day on which the final vote is to be taken in an election.

“**Voting Place**” means a location designated in accordance with the **Municipal Elections Act**, **Election Act**, or **Canada Elections Act** where electors cast their ballots and:

- (a) When a **Voting Place** is located on **Public Property**, includes all of the area enclosed by the lot lines of the **Public Property** and any **Highway** abutting; and,
- (b) When a **Voting Place** is located on **Private Property**, includes all of the common elements of the **Private Property** and any **Highway** immediately abutting.

4. General Prohibitions

- 4.1 No **Owner** or **Person** shall **Place** or permit to be **Placed** an **Election Sign** except in accordance with this By-law.
- 4.2 With the exception of a **Billboard Sign** and an **Election Sign** on vehicles, no **Owner** shall **Place** or permit to be **Placed** an **Election Sign** that:
- (a) Is illuminated, has flashing lights, or rotating parts;
 - (b) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
 - (c) Impedes or obstructs the **Town's** maintenance operations;
 - (d) Is on a **Roadway**;
 - (e) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - (f) Is less than 10 metres (32.8 feet) from a **Roadway** on a **Highway** where pedestrians are prohibited;
 - (g) Is on a median or island located within the **Roadway** or a roundabout;
 - (h) Is within a **Sight Triangle**;
 - (i) Is less than 3 metres (9.8 feet) from a **School Crossing**;
 - (j) Is less than 30 metres (98.4 feet) from an **Intersection Pedestrian Signal**;
 - (k) Is located within 1 metre (3.3 feet) of a **Sidewalk**;
 - (l) Is located within 1.8 metres (6 feet) away from the face of the curb or edge of pavement of a roadway and where there is a sidewalk, not within 0.6 metres (2 feet) of such sidewalk.
 - (m) Is on a trailer;
 - (n) Simulates any traffic **Sign** , traffic signal, any other **Sign** that directs the movement of traffic, or any official **Sign**;

- (o) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with , mislead or confuse traffic;
 - (p) Is affixed to public utility poles, telephone pole, hydro pole, light standard or any other utility infrastructure using items such as, but not limited to: nails, screws, tacks, staples, glue or wire;
 - (q) Is **Placed** on, painted on, attached to, or supported by a tree, stone or other natural object;
 - (r) Be **Placed** so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a **Highway**; or,
 - (s) Be **Placed** on a boundary fence line or noise attenuation wall which is located on **Public Property**.
- 4.3 Subsection 4.2(l) does not apply when the sidewalk is less than 0.6 metres (2 feet) from the main wall of the building, in which case the sign shall be placed at the furthest distance possible from the sidewalk or from the face of the curb or edge of pavement.
- 4.4 No **Election Sign** shall be in a state of disrepair or be located where it is a general hazard to public safety.
- 4.5 No **Owner** shall attach, wrap, affix or display an **Election Sign** to a motor vehicle which is parked or located for the primary purpose of displaying said **Election Sign**.
- 4.6 No vehicles displaying any campaign signage or **Election Signs** shall be parked or stopped at any **Town** facility or at or adjacent to any site to be used as a **Voting Place**.
- 4.7 No **Owner** shall display, on any **Election Sign**, a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the **Town**.
- 4.8 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** in any ward that they are not officially nominated or, in the case of Registered Third Parties, registered in.
- 4.9 **Mobile Signs** are not permitted to be used as **Election Signs**.
- 4.10 No **Owner** shall display, **Place** or permit to be **Placed** an **Election Sign** on or in a **Voting Place** or the abutting municipal **Boulevard**.

5. Election Signs

- 5.1 No **Owner** or **Third Party** shall **Place** or permit to be **Placed** an **Election Sign** without obtaining an election sign permit and making payment of the prescribed election sign permit fee. The election sign permit shall be:
- (a) In a form prescribed by the **Town**; and,
 - (b) Accompanied by the prescribed election sign permit fee.
- 5.2 Subject to section 5.1, an **Owner** shall only **Place** or permit to be **Placed** an **Election Sign** for a federal or provincial election or by-election the day after the writ of an election or by-election is issued.
- 5.3 Subject to section 5.1, an **Owner** shall only **Place** or permit to be **Placed** an **Election Sign** for a municipal election after the **Candidate** has filed his or her nomination with the **Town Clerk**, or in the case of a **Registered Third Party**, registered with the **Town Clerk**, and no earlier than:
- (a) 28 calendar days (4 weeks) prior to **Voting Day** in the year of a regular election or by-election; or,
 - (b) Nomination Day for a by-election, if Nomination Day is less than 28 calendar days (4 weeks) prior to **Voting Day**.
- 5.4 Despite sections 5.2 and 5.3, **Election Signs** may be **Placed** on a **Candidate's Campaign Office** once the **Candidate** has filed his or her nomination with the **Town Clerk**.
- 5.5 **Election Signs Placed** or permitted to be **Placed** by a **Third Party Advertiser** shall include the following information as per Section 88.5(1) of the **Municipal Elections Act**:
- (a) The name of the **Registered Third Party**;
 - (b) The municipality where the **Third Party** is registered; and,
 - (c) A telephone number, mailing address, or email address to contact the registered party.
- 5.6 All **Election Signs** shall be secured or anchored to the ground.

6. Size

- 6.1 An **Election Sign** shall only have a maximum **Sign Area** of 1.49 square metres (16 square feet).
- 6.2 An **Election Sign** shall only have a maximum height of 1.22 metres (4 feet).
- 6.3 An **Election Sign** shall only have a maximum width of 1.22 metres (4 feet).
- 6.4 An **Election Sign** shall be no higher than 2 metres (6.6 feet) above the ground.

7. Private Property

- 7.1 Subject to section 4.2, **Election Signs** are permitted on **Private Property**, provided that:
 - (a) The property owner, tenant, or occupant of the property consents;
 - (b) Only 1 **Election Sign** per **Candidate** or **Registered Third Party** is **Placed** or permitted to be **Placed** on the property;
 - (c) The **Election Sign** does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians;
 - (d) The **Election Sign** is not **Placed** in or on a truck, trailer or vehicle that is parked on **Private Property** other than a **Candidate's Campaign Office** or personal residence, in a manner consistent with the use of the vehicle as a **Sign**; and,
 - (e) No **Election Sign** shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of a building including emergency water connections and/or fire hydrants.
- 7.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** on a right-of-way adjacent to a private residence unless permission has been granted by someone in the household.
- 7.3 In a rural residential area or on a farm, **Election Signs** shall only be **Placed** or permit to be **Placed** within the portion of **Private Property** being maintained for residential purposes.

8. Public Property

- 8.1 Subject to section 4.2, an **Owner** shall not **Place** or permit to be **Placed** an **Election Sign** on **Public Property** at any of the intersections listed in accordance with Schedule A of the Regional Municipality of York's Sign By-law 2015-36, as amended from time to time.
- 8.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** within a **Park**.
- 8.3 For the purposes of this By-law, all fences abutting a municipal **Boulevard** shall be deemed to be on the property line and no **Election Sign** shall be **Placed** on the fence.

9. Election Signs on Highways

- 9.1 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** on a **Highway** structure, except on a **Highway** structure designed by the **Town** for posters.
- 9.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** on that portion of the **Boulevard** that abuts **Public Property**.
- 9.3 No **Owner** shall dig, drill or drive into asphalt, concrete, brick or any other hard improved surface on a **Highway** when placing an **Election Sign**.
- 9.4 No **Owner** shall drill or drive into a wooden, metal, concrete or other **Highway** structure when placing an **Election Sign**.

10. Removal of Election Signs

- 10.1 Every **Person** shall remove his, her or its **Election Sign** within 72 hours (3 days) immediately following **Voting Day**.
- 10.2 The **Town Clerk** and/or a **Municipal Law Enforcement Officer** may remove any **Election Sign Placed** in contravention of this By-law without notice.
- 10.3 The **Town Clerk** and/or a **Municipal Law Enforcement Officer** may destroy any **Election Signs** which have been removed and not claimed and retrieved by the **Candidate**, persons, or **Owner** within the time period as prescribed by the **Town Clerk**. **Election Signs** removed in accordance with this By-law may be destroyed or otherwise disposed of by the **Town** without notice and/or compensation to any party.

- 10.4 The **Town** may recover the expense for the removal of an **Election Sign** under section 10.2 of this By-law from the **Owner** of such **Sign** or **Signs** and may commence proceedings against the **Owner** to recover such costs.
- 10.5 A **Candidate** or any **Person** acting on his or her behalf may, at any time following **Voting Day**, retrieve the **Election Sign** at no cost.
- 10.6 The **Town Clerk** may make regulations under this By-law prescribing the rules and procedures for the retrieval and destruction of **Election Signs** removed under this By-law, without limitation, the form of and any information required to be provided to the **Town Clerk** and/or an Enforcement Officer to authorize the release of an **Election Sign**, dates on or by which an **Election Sign** may be retrieved or destroyed, and the manner in which notice may be given to an Person relating to the retrieval and destruction of an **Election Sign**.
- 10.7 The **Town Clerk** may make regulations under this By-law prescribing the rules for unpaid fines.

11. Fees

- 11.1 All fees are to be paid in accordance with Schedule B of this By-law.
- 11.2 Election sign permit fees are non-refundable.
- 11.3 The **Town** Treasurer, or his or her designate, will place all unpaid Removal of Election Sign Fees on the **Candidate** or **Registered Third Party's** municipal tax roll or send the unpaid Fees to a financial collection agency.

12. Order

- 12.1 If a **Municipal Law Enforcement Officer** is satisfied that this By-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the 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 contravention.
- 12.2 An Order to Discontinue Activity shall set out:
- (a) The municipal address of the property on which the contravention occurred;
 - (b) The date of the contravention;
 - (c) The reasonable particulars of the contravention of the by-law; and
 - (d) The date by which there must be compliance with the order.

12.3 No **Person** shall contravene an Order to Discontinue Activity.

13. Service of Order

13.1 The Order to Discontinue Activity may be served personally on the **Person** to whom it is directed or by registered regular mail to the last known address of that person, in which case it shall be deemed to have been given on the fifth day after it is mailed.

14. Power of Entry

14.1 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.

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

- (a) Require the production of documents or relevant items for inspection;
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) Require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) 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.

14.3 The **Town** may undertake an inspection pursuant to an Order issued under Section 438 of the Municipal Act.

14.4 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.

14.5 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, a **Municipal Law Enforcement Officer**, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

14.6 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, including carrying out an inspection.

15. Offence, Penalty and Presumption

15.1 Every **Person** or **Owner** who contravenes any provision of this By-law is guilty of an offence.

15.2 If a sign has been **Placed** or displayed in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

15.3 Every person or **Owner** who is guilty of an offence under this By-law shall be subject to the following penalties:

- (a) Upon a first conviction, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00);
- (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than two hundred dollars (\$200.00) and not more than one hundred thousand dollars (\$100,000.00);
- (c) Upon conviction for a continuing offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) for each day or part of a day that the offence continues. The total of the daily fines is not limited to one hundred thousand dollars (\$100,000.00);
- (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00). The total of all fines for each included offence is not limited to one hundred thousand dollars (\$100,000.00).

15.4 For the purposes of this By-law, “multiple offence” 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.

- 15.5 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.
- 15.6 Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this bylaw, any person or **Owner** named on the **Sign** or **Election Sign** shall be presumed to have been the person or **Owner** who **Placed** or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.7 Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this By-law, and the **Sign** or **Election Sign** has no person's or **Owner's** name on it, but a telephone number appears on the **Sign** or **Election Sign**, any person or **Owner** to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the person or **Owner** who **Placed** or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.8 Where a **Sign** or **Election Sign** is **Placed** or displayed by a **Third Party** or **Registered Third Party** in contravention of any provision of this By-law, the corporation, trade union, or an individual of the **Third Party** or **Registered Third Party** shall be presumed to have knowingly concurred in the **Placement** or displaying of the sign in contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.9 Where an authorized officer or **Municipal Law Enforcement Officer** has reasonable grounds to believe that an offence has been committed by any person or **Owner**, the authorized officer or **Municipal Law Enforcement Officer** may require the name, address and proof of identity of that person or **Owner**, and the person or **Owner** shall supply the required information.
- 16. Enforcement**
- 16.1 This By-law may be enforced by the **Municipal Law Enforcement Officer** or by any other person appointed by the **Town** for the purpose of enforcing this By-law.

17. Severance

- 17.1 If any sections, section or part of a section of this By-law are found by any Court to be illegal or beyond the power of Council to enact, such sections or section or part of a section shall be deemed to be severable and all other sections or parts of sections of this By-law shall be deemed to separate and independent and shall continue in full force and effect.

18. Indemnification

- 18.1 The **Candidate, Owner or Registered Third Party or Third Party** shall indemnify and hold harmless the **Town** and the Region, its officers, Council members, partners, agents and employees from and against all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the **Town** and the Region and against all losses, liabilities, judgements, claims, suits, demands or expenses which the **Town** and/or the Region may sustain, suffer or be put to resulting from or arising out the issuance of the permit or the use or occupation of the municipal or regional roads allowance. This indemnification shall include any legal costs incurred by the **Town** and/or the Region on a substantial indemnity basis, including those incurred to defend any criminal prosecutions against the **Town** and/or the Region resulting from the actions of the **Candidate, Owner or Registered Third Party or Third Party**.

19. Administration

- 19.1 The **Town Clerk** is responsible for the administration of this By-law.

20. Force and Effect

- 20.1 This By-law shall come into force and effect on the day it is passed.
- 20.2 By-law XXXX is hereby repealed.
- 20.3 Should any of the provisions contained herein conflict with any other by-law, the provisions of By-law XXX shall be taken as correct.

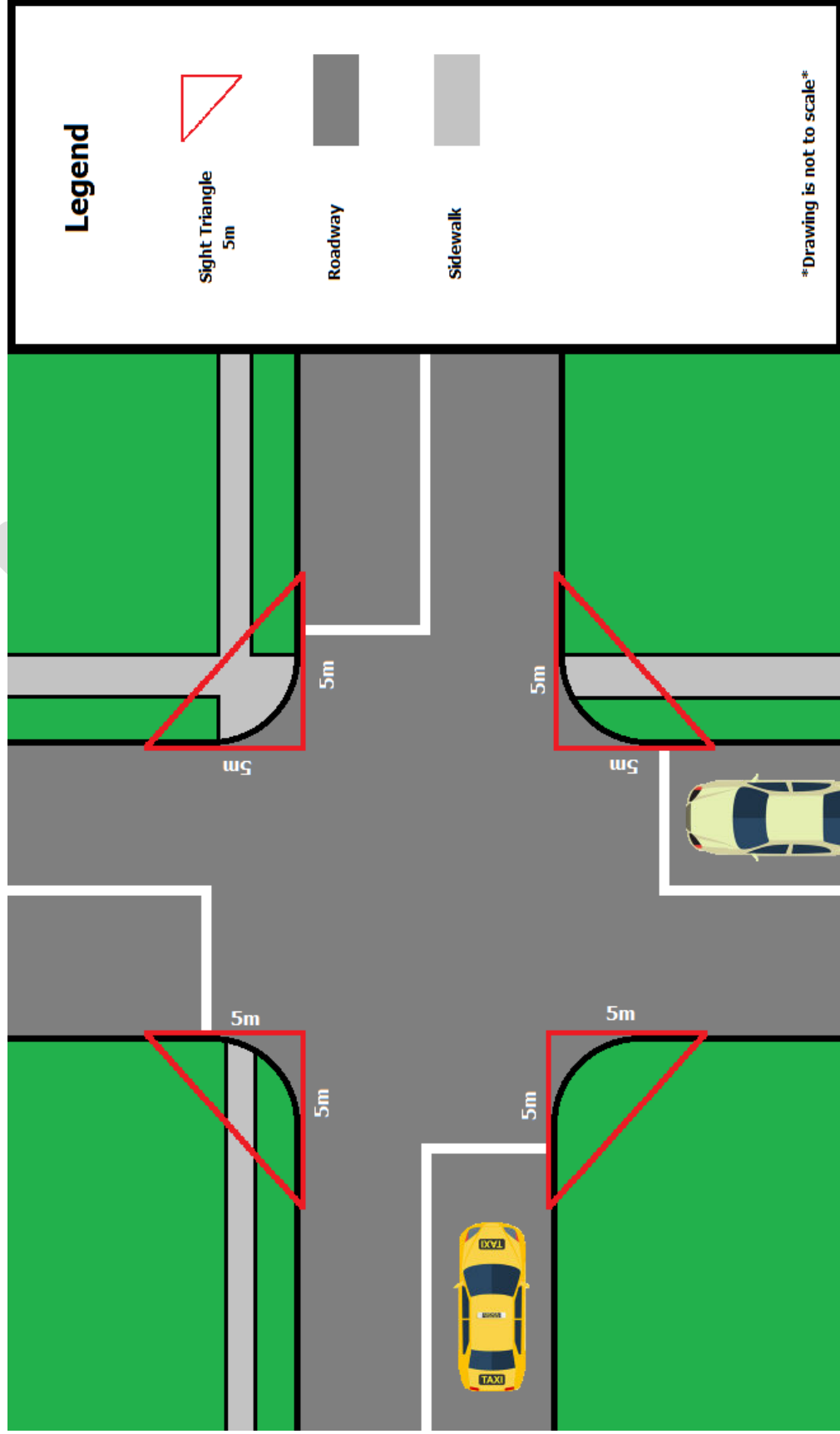
Read a first, second, third time, and passed on xx, 2017.

Mayor

Town Clerk

Schedule A

Diagram 1 - Sight Triangle



Schedule B

Fees

Item	Fee
Election Sign Permit Fee for all Municipal Offices, Regional Chair, and School Board Trustee Races	\$250.00
Election Sign Permit Fee for all Registered Third Parties	\$250.00
Removal of Election Sign	\$25.00/removed Sign

DRAFT