



Town of Newmarket  
**Agenda**

**Council**

Monday, November 13, 2017 at 7:00 PM

Council Chambers

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**Open Forum**

**Public Notices (if required)**

**Additions & Corrections to the Agenda**

**Declarations of Pecuniary Interest**

**Presentations & Recognitions**

1. The Year of Roadhouse and Rose - 175<sup>th</sup> Anniversary

Note: This is related to item 6.

Mr. Wes Playter will be attendance on this matter.

**Deputations**

**Approval of Minutes**

2. Council Meeting Minutes of October 23, 2017

Page 1

**Reports by Regional Representatives**

**Reports of Committees and Staff**

3. Council Workshop Minutes of October 30, 2017

Page 16

4. Committee of the Whole Meeting Minutes of November 6, 2017 Page 20
5. Committee of the Whole (Closed Session) Meeting Minutes of November 6, 2017
6. Proclamation Request – The Year of Roadhouse and Rose Page 34
- Note: This is related to item 1.
1. That the proclamation request be received; and,
  2. That the Town of Newmarket recognize 2017 as the “Year of Roadhouse and Rose” in honour and recognition of their 175<sup>th</sup> anniversary in the Town of Newmarket; and,
  3. That the proclamation be advertised in the Town page and on the Town website.
7. Use of Corporate Resources During an Election Period Policy and Updates to the Election Process Report and Memorandum Page 35  
Legislative Services  
November 13, 2017
- Note: This is Item 17 of the November 6, 2017 Committee of the Whole minutes. The attached “Use of Corporate Resources During an Election Period” Policy was amended to include feedback from the November 6, 2017 Committee of the Whole meeting.
1. That Corporate Services – Legislative Services Report 2017-19 dated October 16, 2107 entitled “ Use of Corporate Resources During an Election Year Policy and Updates to the Election Process” be received; and,
  2. That the memorandum dated November 6, 2107 regarding “Revisions to the Use of Corporate Resources in an Election Year Policy” be received; and,
  3. That Council adopt the proposed **amended** “Use of Corporate Resources in an Election Period” Policy
8. Town of Newmarket Canada 150 Celebrations Wrap-Up Page 43  
Joint Information Report 2017-17

November 7, 2017

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

### **By-laws**

- |     |   |          |
|-----|---|----------|
| 9.  | 2017-59 – Public Tree Protection By-law | Page 57  |
| 10. | 2017- 61 – Borrowing By-law             | Page 68  |
| 11. | 2017- 62 – Property Standards By-law    | Page 70  |
| 12. | 2017- 63 – Clean Yards By-law           | Page 101 |

### **Notices of Motions**

### **Motions**

### **Announcements & Community Events**

### **New Business**

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

### **Confirmatory By-law**

- |     |   |          |
|-----|---|----------|
| 13. | 2017- 64 – A By-law to Confirm the proceedings of the November 13, 2017 Council meeting | Page 110 |
|-----|---|----------|

### **Adjournment**

The meeting of the Council was held on Monday, October 23, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Staff Present: P. Noehammer, Commissioner of Development and Infrastructure Services (Acting Chief Administrative Officer)  
E. Armchuk, Commissioner of Corporate Services  
L. Lyons, Director of Legislative Services/Town Clerk  
M. Mayes, Director of Financial Services/Treasurer  
K. Saini, Deputy Clerk  
H. Leznoff, Council/Committee Coordinator  
A. Walkom, Council/Committee Coordinator  
J. Patel, Applications Support Analyst

### **Open Forum**

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

The meeting was called to order at 7:01 PM.

Mayor Van Bynen the Chair.

### **Public Notices**

There were no public notices.

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

There were no additions or corrections to the agenda.

### **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

### **Presentations & Recognitions**

There were no presentations or recognitions.

### **Deputations**

There were no deputations.

### **Approval of Minutes**

#### **1. Council Meeting Minutes of October 2, 2017**

Moved by: Councillor Hempen  
Seconded by: Councillor Vegh

1. That the Council Meeting Minutes of October 2, 2017 be approved.

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

Opposed: None  
(9 in favour, 0 opposed)

**Carried**

## **Reports by Regional Representatives**

### **(1) Retail Business Holidays Act**

Deputy Mayor & Regional Councillor Taylor provided information regarding the Retail Business Holidays Act and advised that Regional Council will be reviewing the exemption process under the Act. He noted that Regional Council may consider a motion that permits all retail businesses in York Region to be open year-round, except for Easter Day and Christmas Day. He further advised that this matter will likely require municipal consideration as well and that he will keep Council informed on this matter.

### **(2) Amazon**

Deputy Mayor & Regional Councillor Taylor advised that as part of the “Toronto Global” bid to host the new Amazon headquarters in the Greater Toronto Area, two potential locations for the new headquarters are located in York Region.

### **(3) Public Health Division of York Region**

Deputy Mayor & Regional Councillor Taylor advised that the Minister of Health and Long-Term Care’s Expert Panel issued a Report on public health. He noted that the Report recommends changes to the current public health division within York Region, and that there are concerns with respect to how these changes will impact other Regional services such as housing.

## **Reports of Committee and Staff**

### **2. Committee of the Whole Meeting Minutes of October 16, 2017**

Moved by: Councillor Broome

Seconded by: Councillor Kerwin

That the Committee of the Whole Meeting Minutes of October 16, 2017 be received and the recommendations noted within be adopted, except sub-item 10. See following sub-item 10 for motion and recorded vote.

#### **(1) Newmarket GO Station – Draft Mobility Hub Station Area Plan Presentation**

1. That the presentation regarding the Newmarket GO Station- Draft Mobility Hub Study be received.

- (2) 2018 Preliminary Draft Operating and Capital Budget Presentation

The presentation was addressed with the related report. See sub item 15.

- (3) Main Street District Business Improvement Area Board of Management Meeting Minutes of July 18, 2017

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of July 18, 2017 be received.

- (4) Newmarket Accessibility Advisory Committee Meeting Minutes of June 22, 2017

1. That the Newmarket Accessibility Advisory Committee Meeting Minutes of June 22, 2017 be received.

- (5) Central York Fire Services – Joint Council Committee Meeting Minutes of May 16, 2017

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of May 16, 2017 be received.

- (6) Outstanding Matters List

1. That the outstanding matters list be received.

- (7) Proclamation Request – October 2017 – Pregnancy and Infant Loss Month

1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim October 2017 as “Pregnancy and Infant Loss Month”; and,
3. That the Proclamation be advertised in the Town Page and on the Town’s website; and,
4. That Riverwalk Commons be lit in purple on October 25, 2017.

(8) Newmarket GO Station – Draft Mobility Hub Station Area Plan

1. That Development and Infrastructure Services/Planning & Building Services Report 2017-39 dated October 16, 2017 regarding Newmarket GO Station – Draft Mobility Hub Station Area Plan be received and the following recommendations be adopted, as amended:
  - a. That Council direct staff to submit Report 2017-39 to Metrolinx as the Town of Newmarket's comments on the Newmarket GO Station- Draft Mobility Hub study; and,
  - b. That "Improved Wayfinding" along the Tom Taylor Trail be included in Phase 1; and,
  - c. That Subject to York Region Transit (YRT) comments, on-site local bus accommodations through either the sharing of the on-site Mobility Plus spaces with other YRT busses, and/or creating other on-site YRT bus accommodation be included in Phase 1; and,
  - d. That Metrolinx be directed to assess the width of the north/south road connection through the station lands with an understanding that this area is to be pedestrian-focused and maximize opportunities for re-development; and,
  - e. That Metrolinx, through the Technical Transportation Report, thoroughly examine all grade separation options for implementation over the medium and long-term, including road over/under rail and rail over/under road scenarios; and,
  - f. That the Mobility Hub Study address the future Viva usage, GO Bus usage and York Region Transit usage of the existing bus facility on Eagle Street, given the transit improvements that are envisioned, including additional GO Train service, the new Mulock Station, and the Yonge Street Viva Rapidway.

(9) Town Wide Traffic Mitigation Strategy – 2017

1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled "Town-wide Traffic Mitigation Strategy 2017 - Timing" be received and the following recommendations be adopted:



- a. That the final report be brought back to Council by early Quarter 3 2018; and,
- b. That staff continue to expedite the process to provide the report sooner, if possible; and,
- c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy.

(10) Public Tree Protection By-law

Moved by: Councillor Bisanz  
 Seconded by: Councillor Twinney

- 1. That the By-law be amended to remove the \$400 application fee on a trial basis for a one year period, and that staff report back after that time; and,
- 2. That Development and Infrastructure Services – Planning & Building Services and Public Works Services Joint Report 2017-41 dated October 16, 2017 regarding Public Tree Protection By-law be received and the following recommendation be adopted:
  - a. That Council adopt By-law 2017-59 prohibiting and regulating the injury, removal, or destruction of trees on town-owned lands, as amended.

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

Opposed: None  
 (9 in favour, 0 opposed)

**Carried**

(11) Property Tax Rebate Program for Vacant Commercial or Industrial Units

1. That Corporate Services Report – Financial Services 2017-43 dated October 16, 2017 regarding the existing property tax rebate program for commercial or industrial units be received and the following recommendation be adopted:
  - a. That Council endorse the phase-out of the Vacant Unit Property Tax Rebate program effective for tax year 2018; and,
  - b. That the Regional Municipality of York accepts this endorsement and proceeds to advise the Province of Ontario accordingly.

(12) Intensification in Stable Residential Areas – Best Practices

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-40 dated October 16, 2017 regarding intensification in stable residential areas be received and the following recommendation be adopted:
  - a. That Council direct staff to organize a Council Workshop to provide further detailed information on each of the options presented in this report including but not limited to associated costs, resources necessary and impacts to customers.

(13) Use of Corporate Resources During an Election Year Policy and Updates to the Election Process

1. That Corporate Services – Legislative Services Report 2017-19 dated October 16, 2017 entitled “Use of Corporate Resources During an Election Year Policy and Updates to the Election Process” be deferred to the next Committee of the Whole Meeting.

(14) N6 Initiative - Animal Shelter Services - Memorandum of Understanding

1. That Corporate Services Report – Legislative Services – 2017-17 dated October 16, 2017 entitled “N6 Initiative – Animal Shelter Services – Memorandum of Understanding” be received; and,

2. That the Mayor and Town Clerk be authorized to execute a Memorandum of Understanding with the Towns of Aurora, East Gwillimbury and Georgina for the provision of Animal Shelter Services for a five year term with an optional one year extension.

(15) 2018 Preliminary Draft Operating and Capital Budget

1. That the presentation regarding the 2018 Preliminary Draft Operating and Capital Budgets be received; and,
2. That Corporate Services Report – Financial Services 2017-46 dated October 12, 2017 regarding 2018 Preliminary Draft Operating and Capital budgets be received and that the report and presentation be made available for public comment.

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

Opposed: None  
(9 in favour, 0 opposed)

**Carried**

**3. Committee of the Whole (Closed Session) Meeting Minutes of October 16, 2017**

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

1. That the Committee of the Whole (Closed Session) Meeting Minutes of October 16, 2017 be approved.

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

Opposed: None  
(9 in favour, 0 opposed)

**Carried**

- (1) Item 1 of the Committee of the Whole (Closed Session) Meeting Minutes of October 16, 2017 regarding proposed acquisition or disposition of land by the Municipality as per Section 239 (2) (e) of the Municipal Act, 2001 (A property in Ward 3).

Moved by: Councillor Bisanz  
Seconded by: Councillor Kwapis

1. That Closed Session Development and Infrastructure Services (Planning and Building Services) Report 2017-35 dated October 16, 2017 regarding the property matter be received; and,
2. That the recommendations in closed Session Development and Infrastructure Services (Planning and Building Services) Report 2017-35 dated October 16, 2017 be adopted, as amended.

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

Opposed: None  
(9 in favour, 0 opposed)

**Carried**

#### **4. Appointment Committee Meeting Minutes of October 16, 2107**

Moved by: Councillor Kerwin  
Seconded by: Councillor Vegh

1. That the draft Appointment Committee Meeting Minutes of October 16, 2017 be received.

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

Opposed: None  
(9 in favour, 0 opposed)

**Carried**

**5. Appointment Committee (Closed Session) Meeting Minutes of October 16, 2107**

Moved by: Councillor Vegh  
Seconded by: Councillor Bisanz

1. That the draft Appointment Committee (Closed Session) Meeting Minutes of October 16, 2017 be received; and,
2. That the following motions be approved:
  - a. That Aaron Firth be appointed to the Accessibility Advisory Committee; and,
  - b. That Darryl Gray be appointed to the Appeal Committee; and,
  - c. That Peter Jablonszky be appointed to the Property Standards Committee.

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

Opposed: None  
(9 in favour, 0 opposed)

**Carried**

**6. Association of Municipalities of Ontario's Electric Truck Pilot Project**

Moved by: Councillor Kwapis  
Seconded by: Councillor Broome

Whereas municipalities purchase and maintain fleet vehicles in order to provide necessary services to their communities; and,

Whereas emerging electric vehicle and hybrid technologies have the potential to significantly improve the environmental impact of municipal fleets by reducing their Greenhouse gas emissions; and,

Whereas municipal fleet managers make significant and costly decisions on the fleet vehicles they purchase and these vehicles may be part of municipal fleets for several years; and,

Whereas more data and information is necessary to encourage municipal adoption of new green technologies and to help make decisions about the most appropriate applications; and,

Whereas Association of Municipalities of Ontario is proposing to apply to the Municipal Greenhouse Gas Challenge Fund to procure electric trucks which will be loaned to participants in the pilot and members to test and measure usage.

Be it resolved that the Council of the Town of Newmarket will participate in and support the Association of Municipalities of Ontario Electric Truck Pilot Project alongside other interested municipal governments, including by partnering with Association of Municipalities of Ontario in the application for grant funding from the Municipal Greenhouse Gas Challenge Fund.

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

Opposed: None  
(9 in favour, 0 opposed)

**Carried**

## **By-laws**

None.

## **Notices of Motions**

- (1) Councillor Broome presented a notice of motion regarding a request for staff to study the potential for an all way stop at Sawmill Valley Drive and Peter Hall Drive and that staff look at enhanced crossing opportunities at the Terry Fox Public School and Doctor Margaret Arkinstall Park.

## **Motions**

None.

## **Announcements and Community Events**

### **7. Spooktacular Halloween Party**

Councillor Vegh invited residents to come out to the Elman W. Campbell Museum for a Spooktacular Halloween Party on Saturday, October 28<sup>th</sup> from 7:00 PM to 8:30 PM at 134 Main Street South. He advised that the cost is \$5.50 per child, the event is suitable for ages 4 to 10 and that costumes are

encouraged. He further advised residents to call 905-953-5314 to register. In addition, the evening will also feature a book signing and Freelance writer Andrew Hind will be autographing copies of his new book “Haunted Museums and Galleries of Ontario”.

**8. Ward 1 Community Drop in – November 7 from 7:00 PM - 9:00 PM**

Councillor Vegh invited Ward 1 residents to attend the Ward 1 Community drop in on Tuesday, November 7, 2017 from 7:00 PM - 9:00 PM at the Magna Centre.

**9. Remembrance Day Parade**

Councillor Kerwin advised residents that The Royal Canadian Legion Branch 426 and the Newmarket Veterans’ Association invite members of the public to attend a Remembrance Day Parade on Saturday, November 11, 2017. He further advised that the parade leaves Doug Duncan Drive at 10:30 AM, and proceeds to the Cenotaph at the corner of D’Arcy Street and Church Street where a service will take place.

**10. Great War Patriotic Fundraising Dinner**

Councillor Kerwin advised residents that on Friday, October 27, 2017 there will be a Great War Patriotic Fundraising Dinner held at the Old Town Hall. He advised that tickets are \$50.00 and can be purchased by contacting Darlene Murray at 905-953-5323.

**11. Ward 2 Meetings – Saturday October 28 and Saturday November 4, 2017.**

Councillor Kerwin advised that he will be holding two Ward 2 Meetings, the first held this Saturday, October 28<sup>th</sup> and the following on Saturday, November 4, 2017 from 9:30 AM - noon on the lower floor of the library.

**12. Public Information Centre (PIC) – Tree Policy**

Councillor Twinney advised residents that the Town of Newmarket is holding a Public Information Centre on Wednesday, November 1, 2017 from 6:00 PM - 8:00 PM at the municipal offices at 395 Mulock Drive in the Cane Room. The purpose is to give residents an opportunity to provide feedback on the proposed changes to the Tree Policy. This policy addresses the preservation, protection, replacement and enhancement of significant trees on lands during the development approval process and sets out general policies for the preservation and enhancement of trees throughout Newmarket. Information will be on display

and Town staff will be present to answer any questions. Additional information is available online at: [newmarket.ca/TreePolicy](http://newmarket.ca/TreePolicy).

**13. Legion Poppy Campaign**

Deputy Mayor & Regional Councillor Taylor advised residents that The Royal Canadian Legion Branch 426 has begun their Poppy Campaign and advised that poppies will be available for sale throughout the community.

**14. Newmarket celebrates the Arts Gala**

Deputy Mayor & Regional Councillor Taylor advised residents that the Newmarket Celebrates the Arts Gala will take place on Friday, November 10, 2017 from 6:30 PM - 11:00 PM at the Newmarket Theatre, 505 Pickering Crescent. Support growth and development of the arts in Newmarket and celebrate the 20<sup>th</sup> anniversary of the Newmarket Theatre. This semi-formal evening of fine food, music and entertainment acknowledges the 2017 grant recipients. Tickets are \$50.00 per person and can be purchased online at [newmarket.ca/theatre](http://newmarket.ca/theatre) or call 905-953-5122.

**15. Public Planning Session – November 6, 2017**

Councillor Hempen advised residents that a Committee of the Whole Public Planning Session is scheduled for Monday, November 6, 2017 at 7:00 PM in the Council Chambers. He further advised that an application has been made for a Zoning By-law Amendment for the lands municipally known as 17645 Yonge Street. The net effect of this application is to permit a proposed mixed use development consisting of 530 residential apartment units and 1,919 square meters of commercial space within a 4 storey podium and three towers of 21, 19 and 17 storeys. For further information please contact the Planning Department at 905-953-5321 or email [planning@newmarket.ca](mailto:planning@newmarket.ca).

**16. Public Information Centre (PIC) – Sign By-law and Noise By-law**

Council Kwapis advised residents that a Public Information Centre on the Sign and Noise By-laws is scheduled for Tuesday, October 24, 2017 from 6:00 PM to 8:00 PM in the Council Chambers of the municipal offices. He further advised that this information session will include a formal presentation outlining proposed changes to these by-laws. A copy of the drafts can be viewed online at [newmarket.ca](http://newmarket.ca) or in person at the municipal offices. Comments relating to the draft by-law can be sent to Lesley Long, Supervisor of Bylaws at



llong@newmarket.ca by November 2, 2017. For more information please call the By-laws Department at 905-895-5193.

**17. Winter Parking Restrictions**

Councillor Broome reminded residents that winter parking restrictions are in as of November 1, 2017 winter parking restrictions are in effect. She advised residents that it is strictly prohibited to park a vehicle on any roadway: that interferes with the clearing of snow between the hours of 2:00 AM and 6:00 AM from November 1, 2017 to April 15, 2018 for more than 3 consecutive hours except between 7:00 PM and 11:00 PM; or in front of, or within 2 feet of, a driveway or laneway. She further advised that residents can call 905-895-5193 or visit newmarket.ca for more information.

**18. Seniors' Meeting Place Trivia Night**

Councillor Bisanz invited residents to come out to the Seniors' Meeting Place Trivia Night on Friday, October 27, 2017 from 7:00 PM - 10:00 PM at 474 Davis Drive. Enjoy a fun night of trivia questions with friends and pizza. Sign up as a team of four or register individually to be placed on a team. The cost is \$5.00 for members and \$10.00 for non-members. She further advised residents to call 905-953-5325 for more information.

**19. Mayor in the Square**

Mayor Van Bynen advised residents that he will be at "Mayor in the Square" at the Newmarket Farmer's Market on Saturday, October 28, 2017 from 10:00 AM - noon.

**20. Next Council Meeting – Monday, October 23, 2017 at 7:00 PM**

Mayor Van Bynen advised residents that the next Council meeting is on Monday, November 13, 2017 beginning at 7:00 PM.

**New Business**

None.

## Closed Session

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

## Confirmatory By-law

2017-60      A By-law to confirm the proceedings of Council – October 23, 2017

Moved by:            Councillor Kerwin  
Seconded by:        Councillor Kwapis

1.      That By-law 2017-60 be enacted.

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

Opposed:            None  
(9 in favour, 0 opposed)

**Carried**

## Adjournment

Moved by:            Councillor Hempen  
Seconded by:        Councillor Broome

1.      That the Council Meeting adjourn at 7:31 PM.

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

Opposed:            None  
(9 in favour, 0 opposed)

**Carried**

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk

The Council Workshop was held on Monday, October 30, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Staff Present: R.N. Shelton, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Clerk  
L. Long, Supervisor, Municipal By-law Enforcement  
G. McIntosh, Municipal By-law Enforcement Officer  
H. Leznoff, Council/Committee Coordinator

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

Mayor Van Bynen in the Chair.

### **Notice**

Mayor Van Bynen advised that in accordance with the Town's Procedure By-law, no decisions will be made and that Council will receive information regarding the regulatory review.

### **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

## **Items**

### **1. Overview of Council Workshop**

The Director of Legislative Services/Town Clerk provided an overview of the regulatory review, including background information on the proposed by-law amendments.

### **2. Property Standards By-law**

The Supervisor, Municipal Enforcement provided an overview of the proposed amendments to the Property Standards By-law including new definitions for the following terms: certificate of compliance, fire code, sign heritage attributes, heritage property, heritage conservation district, heritage conservation district plan and heritage permit. She further advised of updated sections including yard maintenance, vacant properties and enforcement. She further provided information on the new sections that were added to the by-law addressing mold and heritage properties. She advised that a Public Information Centre was held on October 11, 2017 to receive the public's feedback with regards to this By-law. Lastly, she provided the timeline for next steps; the amended by-law will be brought to the November 6, 2017 Committee of the Whole meeting, with feedback received from Members of Council from the workshop incorporated before that time.

### **3. Clean Yards By-law**

The Supervisor, Municipal Enforcement presented the scope of the new Clean Yards By-law including definitions, property maintenance, derelict vehicles, composting, firewood, graffiti, standing water and boulevard maintenance. She further explained that the Clean Yards by-law will be a tool used to address the maintenance and land and non-structural related issues with the properties. The Clean Yards by-law may be used in conjunction with the Property Standards By-law and is intended to address issues related to health and safety concerns. She advised that a Public Information Centre was held on October 11, 2017 to receive the public's feedback with regards to this By-law. She further advised of the timeline for next steps; the Clean Yards by-law will be brought to the November 6, 2017 Committee of the Whole meeting, with feedback received from Members of Council from the workshop incorporated before that time.

#### **4. Noise By-law Review**

The Supervisor, Municipal Enforcement provided an overview of the Noise by-law review and outlined the scope of the amended by-law including the addition of a “quiet zone” section, and updated sections for the following: definitions, reasons for exemptions, the exemption process and enforcement. She provided background information regarding an online and in person survey that was conducted regarding the Noise By-law in 2015, as well as feedback received from the Public Information Centre held on October 24, 2017. She further advised of the timeline for next steps; the Noise By-law will be brought to the November 27, 2017 Committee of the Whole meeting with feedback received from Members of Council and the public incorporated before that time.

#### **5. Sign By-law**

The Municipal Enforcement Officer provided an overview of the amended Sign by-law, including new sections such as the removal of election signs and the addition of a presumption section. He further discussed the updated sections of the by-law including definitions such as seasonal businesses, sight triangle and temporary signs. He provided an overview of updates to the general provisions and other housekeeping amendments including locations of signs, size of ground signs and banner signs. He advised that a Public Information Centre was held on October 24, 2017 to receive the public’s feedback with regards to this By-law. He further advised of the timeline for next steps; the Sign By-law will be brought to the November 27, 2017 Committee of the Whole meeting with feedback received from Members of Council and the public incorporated before that time.

#### **6. Election Sign By-law**

The Deputy Clerk provided background information and an overview of a standalone Election Sign By-law. She advised that the creation of an Election Sign by-law was prompted by legislative changes involving third party advertisers and the election of the Regional Chair, in addition to the desire to have a unified by-law across all York Region municipalities. She further advised that a York Region working group created the Election sign by-law for the purpose of clarity and consistency throughout the Region, including unified specifications for dates for when signs can be erected and when they must be taken down, size of signs, regulations regarding private and public property and fee structure. She further discussed the fee structure, and the proposed amendments to include a nonrefundable fee, to align with York Regions’ fee structure. She advised that a Public Information Centre was held on October 24, 2017 to receive the public’s feedback with regards to this By-law. Lastly, she provided the timeframe for next steps; the Election Sign By-law will be brought to the November 27, 2017 Committee of the Whole meeting with feedback received from Members of Council and the public incorporated before that time.

**Adjournment**

Being no further business, the Council Workshop adjourned at 9:20 PM.

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk

The meeting of the Committee of the Whole was held on Monday, November 6, 2017 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Deputy Mayor & Regional Councillor Taylor  
Councillor Vegh, (1:36 PM - 5:16 PM; 7:04 PM - 7:32 PM)  
Councillor Kerwin  
Councillor Twinney  
Councillor Hempen  
Councillor Kwapis  
Councillor Broome (1:32 PM - 5:16 PM; 7:04 PM - 7:06 PM)  
Councillor Bisanz

Staff Present: R. N. Shelton, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development and Infrastructure Services  
I. McDougall, Commissioner of Community Services  
R. Nethery, Director of Planning and Building Services  
L. Lyons, Director of Legislative Services/Town Clerk  
M. Mayes, Director of Financial Services/Treasurer  
K. Reynar, Director of Legal Services  
J. Unger, Assistant Director of Planning  
A. Cammaert, Senior Planner, Policy  
D. Ruggle, Senior Planner, Community Planning  
K. Saini, Deputy Town Clerk  
H. Leznoff, Council/Committee Coordinator  
A. Walkom, Council/Committee Coordinator

The meeting was called to order at 1:32 PM.

Mayor Van Bynen in the Chair.

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

The Chief Administrative Officer advised of the following addendum items:

- (1) Property Standards and Clean Yards By-law Memorandum and Revised Draft By-laws. This item is related to item 10.

- (2) Newmarket Public Library Board Meeting Minutes of June 21, 2017. This item is related to Item 13.
- (3) Closed Session matter regarding proposed acquisition or disposition of land by the Municipality, as per 239 (2) (c) of the Municipal Act, 2001 - Closed Session report 2017-33 (regarding a property in Ward 6).

Moved by: Councillor Broome  
 Seconded by: Councillor Hempen

- 1. That the additions to the November 6, 2017 Committee of the Whole agenda be approved.

**Carried**

### **Declarations of Pecuniary Interest**

Councillor Broome declared a conflict of interest in relation to the Public Hearing Matter, as her employer has leased vehicles on the property. She advised she would take no part in the discussion of the matter.

### **Presentations & Recognitions**

#### **1. System Performance Update and 2018 Transit Initiatives Presentation - York Region Transit Presentation**

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

- 1. That the presentation by Mr. Adrian Kawun, Manager Transit Service Planning, York Region Transit regarding the System Performance Update and 2018 Transit Initiatives be received.

**Carried**

#### **2. Mr. Paul Ferguson, President, Newmarket-Tay Power Distribution addressed the Committee regarding the items 3, 4 and 5.**

#### **3. Newmarket Hydro Holdings Inc. 2016 Annual General Meeting**

Moved by: Councillor Kerwin  
 Seconded by: Councillor Kwapis



1. That the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted:
  - a. That the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:
    - i. That the Corporation's financial statements for the financial year ended December 31, 2016 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 28, 2017 be approved and adopted; and,
    - ii. That Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration; and,
    - iii. That R.N. Shelton be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed; and,
    - iv. That R.N. Shelton, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power; and,
    - v. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2016, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.
  - b. That the Mayor, as the Sole Shareholder's legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:
    - i. That the financial statements of NT Power for the financial year ended December 31, 2016 together with the report of

NT Power's auditors, Collins Barrow, thereon dated April 26, 2017 be approved and adopted; and,

- ii. That Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration; and,
- iii. That T. Van Bynen, S. Warnock, P. Daniels, R. Betts, D. Charleson, C. Prattas and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,
- iv. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2016, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

**Carried**

#### 4. Establishment of an Energy Services Subsidiary

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional Councillor Taylor

1. That the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the establishment of an energy services subsidiary (the “Subsidiary”) to Newmarket Hydro Holdings Inc. (“NHHI”) be received and the following resolutions be adopted:
  - a. The establishment of the Subsidiary as an Ontario corporation for the pursuit of funding for EV stations is authorized and approved; and,
  - b. The subscription of 10,000 common shares of the Subsidiary for the aggregate amount of \$100 by NHHI is authorized and approved; and,
  - c. Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and the Corporation to establish the Subsidiary and approve the forms of all other documents contemplated or required to be executed by NHHI in connection with such formation (collectively, the “Additional Documents”) and to execute (whether under the corporate seal of NHHI or otherwise) and deliver the Additional Documents each in the form so approved, Paul Ferguson’s approval to be conclusively evidenced by Paul Ferguson’s execution and delivery of the Additional Documents and the Additional Documents so executed and delivered shall be deemed to be the Additional Documents approved by these resolutions; and,
  - d. Should funding be secured for the EV stations, the Company shall prepare a Business Case for EV station ownership and agreements for Company ownership should the Township of Tay choose to participate (the “Documentation”). The Documentation shall be subject to the approval of Municipal Council and the Township of Tay; and,
  - e. Paul Ferguson be appointed as the sole director of the Company.

**Carried**

## 5. Establishment of a Subsidiary Company

Moved by: Councillor Kwapis  
 Seconded by: Councillor Twinney

1. That the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the establishment of a subsidiary company (the “Subsidiary”) to Newmarket Hydro Holdings Inc. (“NHHI”) and Tay Hydro Holdings Inc. (“THI”) be **deferred until January 2018**.

**Carried**

## Deputations

None.

## Consent Items

Moved by: Councillor Vegh  
 Seconded by: Councillor Broome

That the following items (6-14) be adopted on consent:

## 6. Height and Density Bonusing Implementation Guidelines

1. That Development and Infrastructure Services/Planning & Building Services Report 2017-36 dated November 6, 2017 regarding the Town of Newmarket’s Height and Density Bonusing Implementation Guidelines be received and that the following recommendation be adopted:
  - a. That Council adopt the Height and Density Bonusing Implementation Guidelines, dated November 6, 2017, included as Attachment 1 to Report 2017-36.

## 7. 514 Davis Drive – Office Development Financial Incentive Program

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-44 dated November 6, 2017 regarding a financial incentive pilot program for an office development at 514 Davis Drive be received and the following recommendations be adopted:
  - a. That Council authorize the following financial incentives as a pilot project program in support of an office development at 514 Davis Drive:

- i. 36-month Development Charge deferral
- ii. Building Permit fee waiver
- iii. Planning application fee rebate

## **8. 514 Davis Drive – Derelict Building Development Charge Credit**

1. That Development & Infrastructure Services/Planning & building Services Report 2017-47 dated November 6, 2017 regarding the proposed derelict building development charges credit for the demolished building at 514 Davis Drive be received and the following recommendations be adopted:
  - a. That Council consider the former building at 514 Davis Drive to have been derelict at the time of its demolition; and,
  - b. That the following be notified of this action:
    - i. M. Sokolowski, Director of Operations, Oscar Group, 3660 Midland Avenue, Suite 200 Toronto, ON, M1V 0B8.
    - ii. P. Simas, Senior Analyst, AR/Revenue Team, Corporate Financial Services and Operations, Strategies and Transformation, Finance, Regional Municipality of York, 17250 Yonge Street, Newmarket, ON L3Y 6Z1.

## **9. Borrowing By-law**

1. That Corporate Services Report – Financial Services 2017-45 dated October 16, 2017 regarding the Borrowing By-law be received and the following recommendation be adopted:
  - a. That the Borrowing By-law be approved by Council.

## **10. Property Standards and Clean Yards By-laws**

1. That Corporate Services – Legislative Services Report 2017-23 dated October 24, 2017 regarding Property Standards and Clean Yards By-law be received and that Council adopt the following recommendations:
  - a. That the existing Property Standards By-law 1999-34 be repealed in its entirety and be replaced with the draft Property Standards By-law, as amended; and,

- b. That the Clean Yards By-law be approved, as amended; and,
- c. That the Fees and Charges By-law be amended to reflect updated new fees related to the Property Standards By-law, attached as Appendix C to Legislative Services Report 2017-23; and,
- 2. That the Memorandum dated November 2, 2017 regarding “Revisions to the Property Standards By-law and Clean Yards By-law” be received.

**11. Heritage Newmarket Meeting Minutes of September 12, 2017**

- 1. That the Heritage Newmarket Meeting Minutes of September 12, 2017 be received.

**12. Main Street District Improvement Area Board of Management Meeting Minutes of September 19, 2017**

- 1. That the Main Street District Business Improvement Area Board of Management meeting minutes of September 19, 2017 be received.

**13. Newmarket Public Library Board Meeting Minutes of June 21 and September 20, 2017**

- 1. That the Newmarket Public Library Board Meeting Minutes of June 21 and September 20, 2017 be received.

**14. Site Plan Review Committee Meeting Minutes of October 23, 2017**

- 1. That the Site Plan Review Committee Meeting Minutes of October 23, 2017 be received.

**Carried**

**15. Residential Parking Review**

Moved by: Councillor Kwapis  
Seconded by: Councillor Bisanz

- 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:

- a. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of parking matters discussed in this report; and,
- b. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report.
- c. **That staff be directed to organize a Council Workshop to present options based on Council's comments and feedback received at the November 6, 2017 Committee of the Whole meeting and that staff receive Council direction regarding the scope, scale and expected deliverables of a parking review prior to moving forward with issuing a Request for Proposal.**

**Carried**

The Committee of the Whole recessed at 3:36 PM.

The Committee of the Whole reconvened at 3:52 PM.

#### **16. Heritage Conservation District - Gateway Signage**

Moved by: Councillor Hempen  
Seconded by: Councillor Kwapis

- 1. That Development and Infrastructure Services/Planning & Building Services Report 2017-46 dated November 6, 2017 regarding Town of Newmarket Heritage Conservation District - Gateway Signage be received and that the following recommendations be adopted:
  - a. That Council endorse the concept of a Heritage Conservation District gateway sign being installed along the north side of Water Street, east of the Holland River.
  - b. That Council direct staff to consult with the Main Street BIA and Newmarket Public Library.

**Carried**

**17. Use of Corporate Resources during an Election Year Policy and Updates to the Election Process Report and Memorandum**

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

1. That Corporate Services – Legislative Services Report 2017-19 dated October 16, 2107 entitled “Use of Corporate Resources During an Election Year and Updates to the Election Process” be received; and,
2. That the Memorandum dated November 6, 2017 regarding revisions to the “Use of Corporate Resources in an Election Year Policy” be received; and,
3. That Council adopt the proposed **amended** “Use of Corporate Resources in an Election Period” Policy.

**Carried**

**18. Item 1 of the Site Plan Review Committee Meeting Minutes of October 23, 2017**

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

The Site Plan Review Committee recommends:

1. That the Application for Site Plan Approval to permit the construction of a two-storey, four unit rental residential building with 7 parking spaces to be located at the rear of the property be approved in principle and referred to staff for processing, subject to the following:
  - a. That the preliminary review comments (requirement for servicing allocation, approval from Lake Simcoe Region Conservation Authority, approval from Region of York Water Resources Division, compliance with Town’s Tree Policy, and provision of a Construction Management Plan) be addressed to the satisfaction of Town staff; and,
2. That Angela Sciberras, Macaulay Shiomi Howson Ltd., 520 Industrial Parkway South, Unit 202, Aurora, Ontario L4G 6W8, be notified of this decision.

**Carried**



**19. Outstanding Matters List**

Moved by: Councillor Kwapis  
 Seconded by: Councillor Broome

1. That the list of outstanding matters be received.

**Carried****Action Items**

None.

**Reports by Regional Representatives**

None.

**Notices of Motion**

None.

**Motions****20. All-way stop at Sawmill Valley Drive and Peter Hall Drive**

Moved by: Councillor Broome  
 Seconded by: Councillor Kwapis

1. That staff be directed to review and report back on the potential for an all-way stop at Sawmill Valley Drive and Peter Hall Drive and opportunities for crosswalk enhancements.

**Carried****New Business**

- (1) Southlake Cinemania

Councillor Kerwin thanked the Newmarket Public Library for bringing back the Southlake Cinemania program.

## (2) Road Closure Signage

Councillor Bisanz advised of concerns with road closure signage related to VIVANext construction.

## (3) Multi-use Trail Signage

Councillor Twinney inquired about signage on multi-use trails and if new, more detailed signage would be posted on all trails.

**Closed Session**

Moved by: Deputy Mayor & Regional Councillor Taylor

Seconded by: Councillor Broome

1. That the Committee of the Whole resolve into Closed Session to discuss the following matter:
  - (1) Proposed acquisition or disposition of land by the Municipality as per Section 239 (2) (c) of the Municipal Act, 2001 related to Item 21 – Joint Infrastructure & Development Services and Corporate Services Closed Session Report 2017-33 regarding a property in Ward 6.

**Carried**

The Committee of the Whole resolved into Closed Session at 4:46 PM.

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

The Committee of the Whole resumed into Open Session at 5:15 PM.

The Committee of the Whole recessed at 5:16 PM.

The Committee of the Whole reconvened at 7:04 PM.

### **Public Hearing Matters (7:00 PM)**

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

The Deputy Clerk advised that the purpose of the meeting was to hear from anyone who has an interest in the Application for an Official Plan Amendment and Zoning By-law Amendment related to 17645 Yonge St. The effect of this application is to permit a proposed mixed used development consisting of 530 residential apartment units, 1919 square meters of commercial space within a four storey podium and three towers consisting of 21, 19 and 17 storeys

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

The Deputy Clerk advised that if anyone present wished to be notified of subsequent meetings, or if making a presentation, to please complete a form and submit it to the Legislative Services staff.

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

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

### **21. Official Plan Amendment and Zoning By-law Amendment (17645 Yonge Street)**

Councillor Broome left the meeting at 7:06 PM due to a disclosed conflict of interest and did not take part in the discussion.

Mr. Brad Rogers, Groundswell Urban Planners, provided an overview of the proposed application and addressed questions from the Committee.

The Director of Planning and Building Services provided an update on the timeline, next steps and process of the proposed application.

Moved by: Councillor Hempen  
Seconded by: Councillor Bisanz

1. That the presentation regarding the application for the property known as 17645 Yonge Street be received.

**Carried****Adjournment**

Moved by: Councillor Hempen  
Seconded by: Councillor Kwapis

1. That the Committee of the Whole meeting adjourn at 7:37 PM.

**Carried**

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk



## PROCLAMATION

**WHEREAS** Samuel Roadhouse set up the business in 1842;

**AND WHEREAS** Samuel Roadhouse was very active in municipal affairs as Reeve;

**AND WHEREAS** in 1850 Roadhouse's business was represented by one of nine bees on the 'Town Crest';

**AND WHEREAS** Neriah John Roadhouse took over the business upon his father's death in 1890

**AND WHEREAS** in 1921 Neriah John took into partnership his son in law Lyman Rose and was renamed Roadhouse and Rose and relocated the business;

**AND WHEREAS** the owners of Roadhouse and Rose continue to be very active community members

**NOW THEREFORE BE IT PROCLAIMED THAT** 2017 be recognized as the year of "Roadhouse and Rose" in the Town of Newmarket, in honour and in recognition of their 175<sup>th</sup> anniversary in the Town of Newmarket and their unwavering commitment to the community.

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Mayor Tony Van Bynen

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Deputy Mayor & Regional  
Councillor John Taylor

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Councillor Tom Vegh

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Councillor Dave Kerwin

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Councillor Jane Twinney

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Councillor Tom Hempen

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Councillor Bob Kwapis

---

Councillor Kelly Broome

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Councillor Christina Bisanz

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Date



## CORPORATE POLICY

Sub Topic: Use of Corporate Resources in an Election Period

Policy No. Corp.1-01

Topic: Use of Corporate Resources in an Election Period

Employees Covered: Members of Council, Election Candidates, Third Party Advertisers & All Employees

Section: Corporate Services

Council Adoption Date:  
December 12, 2005

Effective Date: December 12, 2005

Revision No: 2

Date:  
November 2017

### Policy Statement & Strategic Plan Linkages

In order to preserve the public trust and comply with the provisions of the Municipal Elections Act, 1996, as amended it is essential that Members of Town Council, all Election Candidates, and all Town Employees maintain the highest standards of ethical conduct. This Policy reflects both Provincial legislation and the conduct necessary to set a leading example in meeting the objectives of the Town's Strategic Plan for being well equipped, and managed through decision-making processes that reflect sound governance and accountability.

### Purpose

This Policy provides a consistent approach and direction to Town Employees, elected officials, Candidates and third party advertisers on how Town resources can and cannot be used for Election related purposes to ensure that incumbent municipal Candidates do not have any material advantage over other Candidates.

### Scope

This Policy applies to all, Town Employees, Candidates, including Members, an acclaimed Member or a Member not seeking re-election.

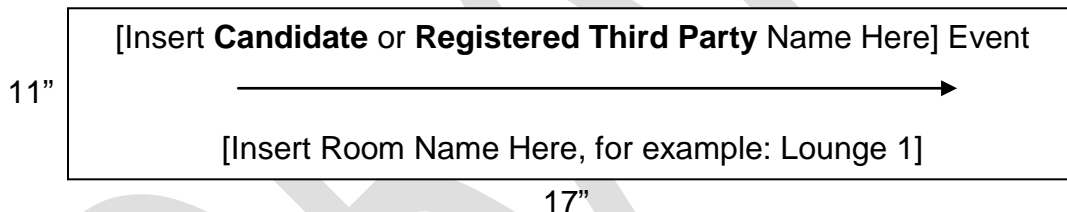
## Definitions

Note: All defined terms in this Policy have been bolded and the first letter is capitalized.

**Candidate** means any person who has filed, and not withdrawn a nomination, for an elected office at the municipal, regional, school board, provincial or federal level, or political party in an **Election** or by-**Election**;

**Campaign Materials** means any materials used to solicit votes for a **Candidate(s)** or question in an **Election** including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. **Campaign Materials** include, but are not limited to, materials in all media, for example, print, displays, electronic radio or television, online including websites or social media.

**Directional Sign** means a temporary sign that is a maximum of 11" in length and 17" in width which is used to advise individuals of the specific location of an event within a facility. **Directional Signs** must only include: 1) the first and/or last name of the **Candidate** or the name of the **Registered Third Party** followed by the word "event"; and, 2) an arrow pointing to the direction of the room within the facility; and, 3) the name of the room within the facility. As an example, **Directional Signs** must follow the below format (note: example is not to scale):



**Election** means an **Election** or by-election at the municipal, regional, school board, provincial and federal level of government, political party election or the submission of a question or by-law to the electors.

**Election-Related** means anything that relates directly to an **Election** as defined above.

**Election Period** means the official campaign period of a municipal, regional, provincial or federal **Election**, municipal by-election or party leadership contest.

Specifically these are as follows:

Regular municipal <b>Election</b> (includes regional and school board)	the period commences on the first day nominations may be filed and ending on <b>Voting Day</b> .
Municipal by-election (includes regional and school board)	the period commences on the first day nominations may be filed and ending on <b>Voting Day</b>
Provincial or federal <b>Election</b>	the <b>Election</b> period commences the day the writ for the <b>Election</b> is issued and ends on <b>Voting Day</b> ;

Provincial party leadership contests	the period commences with the date of registration as a <b>Candidate</b> with the Chief Electoral Officer of Ontario and ends with the date fixed for the leadership vote as filed with the Chief Electoral Officer of Ontario
Federal party leadership and nomination contests	the period commences when a contestant receives contributions, incurs expenses or borrows money/is deemed to be a contestant as stated in sections 478.2 (2) and 476.2 of the Canada Elections Act and ends with the date of selection.

**Employee** means all full-time and part-time individuals hired by the Town and Central York Fire Services, including all contract, temporary, student, secondment or co-operative placement persons.

**Member** means an elected **Member** of the Council of the Corporation of the Town of Newmarket.

**Registered Third Party** means in relation to an **Election** in a municipality, an individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996 as amended.

**Town Facility** means any Town of Newmarket owned or leased facility, including Town parks, sports fields and civic event spaces, and designated parking areas. Including but not limited to: The Magna Centre, Ray Twinney Recreation Complex, Lions Hall and Community Centre, Riverwalk Commons, etc.

**Voting Day** means, in the case of a regular **Election**, the fourth Monday in October in the year of the **Election** or in the case of a by-election means the 45<sup>th</sup> day after Nomination Day, in accordance with the Municipal Elections Act.

**Ward Meeting** means an informal public meeting or gathering hosted by a **Member** of Council to discuss local issues with residents, including but not limited to drop-ins, barbeques, information sessions and more.

## 1. Policy

- 1.1 Pursuant to the Municipal Elections Act, the Town of Newmarket cannot make a contribution, including money, goods and services, to any **Candidate**, **Registered Third Party** or a supporter of a question on the ballot during an **Election Period**.
- 1.2 Nothing in this Policy shall preclude a **Member** of Council from performing his/her duty as an elected official, nor inhibit him/her from representing the interests of the constituents who elected him/her.



- 1.3 Subject to Section 2.0 of this Policy, Campaign or **Election** signs or any other **Election-Related Campaign Material** will not be displayed in any Town-owned and/or operated facility.
- 1.4 The municipality's logo, crest, coat of arms, slogans, etc. shall not be printed or distributed on any **Election-Related Campaign Materials** or included on any **Election-Related** website, except in the case of a link to the Town's website to obtain information about the municipal **Election**.
- 1.5 Photographs produced for and owned by the Town of Newmarket shall not be used for any **Election** purposes.
- 1.6 Town **Employees** may not engage in political activity during working hours and shall not identify as Town **Employees** when engaged in any kind of political activity in accordance with Section 6 of this Policy.
- 1.7 **Members** are responsible for ensuring that the content of any communication material, including printed materials such as newsletters, advertising, etc. funded by the Town for the operation of each **Member's** Office, is not directly **Election-Related**.

## 2. Campaign Activities at Town-owned and/or operated facilities

- 2.1 **Candidates** and **Registered Third Parties** may not display **Campaign Materials** or campaign at **Town facilities** except subject to the following:
  - 2.1.1 **Candidates** and **Registered Third Parties** pay the full market rental fees and rates for use of such facilities; and,
  - 2.1.2 **Candidates** and **Registered Third Parties** set up and remove all **Campaign Materials**, including, but not limited to, signs, posters, and other campaign-related paraphernalia within the allotted rental period; and,
  - 2.1.3 **Campaign Materials** may only be displayed within the rented area designated within the rental agreement; and,
  - 2.1.4 **Candidates** and **Registered Third Parties** are permitted up to a maximum of 3 **Directional Signs** within the facility. The **Directional Signs** must be temporarily affixed to the wall, using non-permanent tape that can easily be removed, without causing damage to the wall and/or paint. **Directional Signs** cannot obstruct or interfere with any existing signage.

- 2.2 **Candidates** and **Registered Third Parties** are not permitted to use the Municipal Offices (located at 395 Mulock Drive) or the Town's Operations Centre (located at 1275 Maple Hill Court) to undertake campaign-related activities.
- 2.3 **Candidates** and **Registered Third Parties** may not rent **Town facilities** for campaign related activities on a date when there is a Voter Assistance Centre or Voting Location established at that facility or property.

### 3. Campaign Activities at Events

- 3.1 **Candidates** and **Registered Third Parties** may attend Town organized events during the **Election** period, but may not display or distribute **Campaign Materials** for themselves a political party, third party, or a supporter of a question on a ballot.
- 3.2 **Candidates** and **Registered Third Parties** may attend and campaign at non-Town organized events on Town property with the permission of the permit holder with the exception of the Municipal Offices (395 Mulock Drive), and the Operations Centre (1275 Maple Hill Court).

### 4. Procedures for Members of Council during an Election Period

Activities not permitted during an **Election Period**:

- 4.1 **Members** may not use corporate resources for any **Election-Related** purpose. This includes, but is not limited to, the facilities, equipment, supplies, services, email system, voicemail system, Town staff or other resources of the Town.
- 4.2 **Members** may not print or distribute any **Election** or **Campaign Materials** using municipal funds or resources.
- 4.3 In any material printed or distributed by the Town of Newmarket, **Members** are not permitted to:
  - 4.3.1 Illustrate that an individual (either a **Member** or any other individual) is a **Candidate** registered in any **Election**;
  - 4.3.2 Identify where they or any other individual will be running for office; or,
  - 4.3.3 Profile or make reference to **Candidate** in any **Election**.

- 4.4 Social media accounts, domain names or websites, that are funded by the Town, may not include any **Election-Related Campaign Material** and may not be re-designated for campaign purposes or provide a link to a campaign site.
- 4.5 During the **Election Period**, **Members** may not:
- 4.5.1 Seek donations and sponsorships for any event that has not been staged in the previous two years nor accept donations or stage any new event supported by donations and sponsorships.
- 4.5.2 An event is considered to have been staged in the previous two years if it meets the following criteria:
- (i) Has a very similar, if not the same, event name/title
  - (ii) Takes place at approximately the same time of year
  - (iii) Has the same general purpose;

## **5. Activities Not Permitted Following May 1 in a Regular Municipal Election or the day a Candidate files their Nomination Papers in a By-Election**

- 5.1 The Town shall cease providing Members with the following services up to the day following **Voting Day**:
- 5.1.1 All forms of advertising, including in municipal publications;
- 5.1.2 All printing, high speed photocopying **for** distribution including but not limited to distribution of publications such as newsletters;
- 5.1.3 The ordering and use of custom branded stationery; and,
- 5.1.4 All expenses related to ward or community meetings, business cards.
- 5.2 Notwithstanding section 5.1 **Members** may make a **request to Council to direct staff to use corporate resources to inform constituents of** emerging, urgent community issues, between the following dates:
- May 1 in a municipal **Election** year and **Voting Day**; or,
  - The date a **Candidate** files his/her nomination papers with the Clerk in a by-election, and **Voting Day**.

- 5.3 Subject to the Elected Officials Expense Policy and the Guidelines for Discretionary Expenses, all expenses as outlined in Section 5.1 of this Policy are subject to the following:
  - 5.3.1 Received and used prior to May 1 in a municipal **Election** year, or the date a **Candidate** files his/her nomination papers with the Clerk in a by-election.
  - 5.3.2 Submitted before May 1, in a municipal **Election** year or the date a **Candidate** files his/her nomination papers with the Clerk in a by-election, or within 2 months of the expense being incurred.
- 5.4 Ward publications will not be distributed following May 1 in a municipal **Election** year or the date a **Candidate** files his/her nomination papers with the Clerk in a by-election.
- 5.5 **Members** may not hold a **Ward Meeting** between May 1 in a regular municipal **Election** year or the date a **Candidate** files his/her nomination papers with the Clerk in a by-election, and the end of the Council term.

## 6. Procedures for Town of Newmarket Employees

- 6.1 **Employees** shall not canvass nor actively work in support of a **Candidate** or party during normal working hours, unless they are on a leave of absence without pay, lieu time, float day, or vacation leave.
- 6.2 **Employees** shall not canvass nor actively work in support of a **Candidate** or party while wearing a Town uniform, badge, crest or other item identifying them as a Town of Newmarket **Employee**, or while using a Town owned or leased vehicle.
- 6.3 **Employees** working directly for a **Member(s)** of Council (i.e., Executive and Administrative Assistants), shall not be assigned to work as **Election** officers in a municipal **Election**.
- 6.4 **Employees**, who are also relatives of any **Member** of Council or **Candidate** for municipal **Election**, shall not be assigned to work as **Election** officers in a municipal **Election**.
- 6.5 **Employees** shall not use their official authority or influence for the purpose of interfering with or affecting the result of an **Election**, nor use their official title while participating in otherwise permissible political activities.
- 6.6 **Employees** are advised to be especially mindful of public perception during municipal **Elections**, and to ensure that their activities do not

conflict with nor adversely affect their duties as **Employees** of the Town. Moreover, **Employees** have a responsibility to ensure that public resources are not used for political campaign purposes.

## **7. Administration and Contact**

- 7.1 This Policy shall be administered by the Legislative Services Department. Procedures may be defined, and amended from time to time, by the Clerk to address specific implementation of this Policy.
- 7.2 All questions, or concerns with respect to this Policy should be directed to the Director of Legislative Services/Town Clerk.

### **Cross-References**

Municipal Elections Act, 1996  
Canada Elections Act, S.C. 2000, c.9  
Election Act, R.S.O. 1990, c. E.6  
Ontario Municipal Act, 2001  
Municipal Conflict of Interest Act, 1990  
Council Code of Conduct  
Employee Code of Conduct  
Use of Corporate Logo, Crest and Images Policy

November 7, 2017

**JOINT INFORMATION REPORT # 2017- 17**

TO: Members of Council

COPY: Bob Shelton, CAO  
Members of SLT  
Members of OLT

SUBJECT: Town of Newmarket Canada 150 Celebrations Wrap - Up

ORIGIN: Office of the CAO  
Community Services  
Development & Infrastructure Services  
Corporate Services

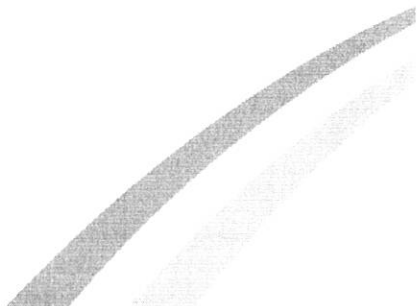
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**COMMENTS**

In accordance with the Procedure Bylaw, any member of Council may request an Information Report to be placed on a future Committee of the Whole or Council agenda for discussion.

The purpose of this report is to serve as a wrap – up report with respect to Town of Newmarket's Canada 150 Celebrations. This report builds on the initial update that was provided through CAO/Community Services/Development and Infrastructure Services/Corporate Services Joint Information Report # 2017 – 03 dated March 1, 2017 and CAO/Community Services/Development and Infrastructure Services/Corporate Services Joint Information Report # 2017 – 11 dated June 30, 2017.

Please find attached a summary of activities to date as well as anticipated activities to come. Mayor Van Bynen has been an active participant on the Federation of Canadian Municipalities (FCM) Canada 150 Community Leaders Network. In addition, every four weeks the Mayor has met with staff from Corporate Communications and Community Services to track progress of Newmarket's initiatives. In summary, there have been over 40 unique initiatives and events held specifically in recognition of Canada's 150<sup>th</sup> birthday with all funded within existing approved budgets and resources.



Some specific highlights include:

- Canada 150 Blood Donor Clinic – 143 donations, 99 per cent of the clinic’s target
- Kanata Festival (Canada Day) – 10,000 + Attendees
- Canada 150 Days of Summer Button Campaign – 642 Buttons sold for revenue of \$5,681.70
- Canada 150 webpage visits – 3,000
- 10-Minute Play Festival – 1000 Attendees
- Newmarket Culture Days and Community Painting Event for the Canada 150 Mosaic Mural – 500+ Attendees
- Touch-A-Truck and Community Open House Event - 2,500+ Attendees
- Canada 150 displays and events at the Newmarket Public Library
- World Planning Day
- Official Unveiling of the Canada 150 Mosaic Art Piece
- Official Unveiling of the Vimy Oak Tree Sapling on Remembrance Day
- Canada 150 acknowledgements around Town:
  - Sewer Grates
  - Flowers around Town
  - Indoor ice surfaces
  - Vehicle’s and equipment and more!

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

### Council 2014-2018 Strategic Themes and Priorities Linkages

- Economic Development – Supporting innovative projects and partnerships with various sectors.
- Enhanced Recreation Opportunities - Enhancing our recreational and community facilities.
- Enhanced Recreation Opportunities - Supporting community and neighbourhood projects.
- Community Engagement - Engaging our changing resident demographics.
- Efficiency/ Financial Management – Ensuring effective and efficient services.

### Living Well

- Emphasis on active lifestyles and recreational opportunities

### Well Balanced

- Events that help shape identity and contribute to community spirit
- Striving for cultural harmony and ethnic diversity

### Well- equipped & managed

- Fiscal Responsibility
- Service excellence
- Small town feel with city amenities

### Well-respected

- Being well thought of and valued for our judgment and insight
- Being a champion for co-operation and collaboration
- Being tradition based and forward-looking

**BUDGET IMPACT**

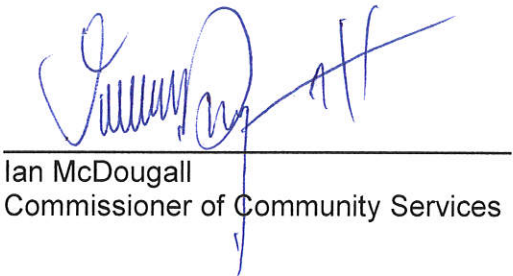
Any Town of Newmarket initiated Canada 150 scope will be funded within grants and the Council adopted 2017 operating budget.

**CONTACT**

For more information on this report, contact: Ian McDougall, [imcdougall@newmarket.ca](mailto:imcdougall@newmarket.ca) or Peter Noehammer, [pnoehammer@newmarket.ca](mailto:pnoehammer@newmarket.ca) or Esther Armchuk, [earmchuk@newmarket.ca](mailto:earmchuk@newmarket.ca).



Esther Armchuk  
Commissioner of Corporate Services



Ian McDougall  
Commissioner of Community Services



Peter Noehammer  
Commissioner of Development and Infrastructure Services



Robert N. Shelton  
CAO





Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## Canada 150 Initiatives in the Town of Newmarket



**CANADA 150**

## Town of Newmarket: Canada 150 Summary

In acknowledgement of Canada 150, a cross section of staff representing all departments and commissions met and brainstormed ideas on how to incorporate Canada 150 themes into our existing events and new ideas (specifically aiming for 150 ideas in total).

**Goal:** Make the most of Newmarket Residents' Canada 150 celebrations.

**Objective:** Instill national and community pride for residents of Newmarket and be part of Canada's 150 celebrations through Newmarket Events, landmarks, history and collaboration with various stakeholders. Canada 150 acknowledgements will be encouraged through participation, celebration and exploration.

## Communications Tactics

Marketing and Communication Initiatives through Social Media  
Website ([newmarket.ca/Canada150](http://newmarket.ca/Canada150) or [newmarket.ca/events](http://newmarket.ca/events))



- Newmarket Community Calendar
- Newmarket Town Page
- Mayor's FCM group
- Print Advertisement

- Media Relations
- Local events calendars (Snap'd, Newmarket Public Library, York Region Calendar, Passport App)
- Internal Newsletter
- Intranet

## Canada 150 Initiatives

### Public Works department

Canada 150 Decals on Trucks (Completed)

Canada 150 Man holes (Completed)

Red and White flowers around Town (Completed)

Canada 150 logo on ice rink (Completed)

Canadian Flag at Fairy Lake Park (July 1, 2017)

Canada 150 Snow Plow decorations (May 25, 2017) – showcase at Touch-A-Truck and Community Open House

Water Street/Riverwalk Commons lighting art project (Completed)

Canada 150 Snow Plow at the York Region Pride Parade







### **Touch-A-Truck and Community Open House May 25, 2017**

In celebration of Public Works Week (May 21 to 27) and Canada 150, the Town is hosted the Touch-A-Truck and Community Open House. Visitors got up-close and personal with trucks, equipment and vehicles that are used by Public Works professionals every day. There was also a community open house component to the event, which allows the community to learn more about Town Initiatives. Some high

#### **Event Overview:**

40+ trucks, equipment and vehicles

2500+ Attendees

Various interactive booths

Canada 150 colouring activities

Snow plows with Canadian art on display (in collaboration with Newmarket high schools)

**June 27, 2017**

### **Keith Bridge Opening Ceremony**

In acknowledgement of the official opening of the Keith Bridge, Newmarket revealed eight public art plaques that reflect the history of transportation in Newmarket from 10,000 years before to the present. A reception was held at the Seniors' Meeting Place to thank all the sponsors for their contributions to the plaques.



### **Newmarket Public Library Events**

- Canadian Film Day – 58 people attended (Complete)
- 150 Canadian Books Display at the Library (Complete)
- High school Map project – 150 best Canadian Authors – display at the Municipal Offices (Complete)
- Canada 150 Green Screen Program at the Library on June 30 (Complete)
- Canada 150 Coding Event – June 6 (Complete)
- Virtual Reality Station with Jennie Cross (June 27) (Complete)
- Canada 150 TD Summer Reading Program at the Library (Complete)





### Canada 150 Blood Donor Clinic

The Town of Newmarket, Mayor and Members of Council partnered up with Canadian Blood Services to collect 150 units of blood at the most recent Newmarket Blood Donor Clinic on June 12, 2017 in acknowledgement of Canada 150. Thanks to the community support, we were able to achieve 95 per cent of our target at 143 donations, but 99 per cent of the clinic's target.



### 150 Days of Summer Campaign

Residents who purchase a Newmarket 150 button (\$10 each) and wear it to Newmarket events will receive extra promotions, and benefits at upcoming Newmarket events such as free Ferris wheel and merry go round rides at Kanata, popcorn upgrades at Moonlight movies etc.

A buy one get one free offer was available in the Look Local Magazine (12 action completions). Anyone that mentioned the ad would be eligible for the offer. This

campaign was used to gauge the viewership of the magazine but also to help sell more buttons.

Local establishments (Cachet, Aubergine, Davids Tea, Hungry Brew Hops, Cobs Bread and Little Brew Hops, also sold the Newmarket 150 Days of Summer Campaign buttons. People who wore their button to these establishments will receive a special promotion.

**Update:** 642 buttons have been sold for a revenue generation of \$5,681.70.

**July 1, 2017**

## **CANADA DAY (KANATA)**

### **Event Overview:**

Canada Day drew over 10,000+ community members from both Newmarket and the surrounding area. Taking place in the heart of Newmarket, the Town of Newmarket programmed both Riverwalk Commons (200 Doug Duncan Drive) and Fairy Lake (Water Street) with a wide variety of games, activities, food and drink options, as well as entertainment for all ages.

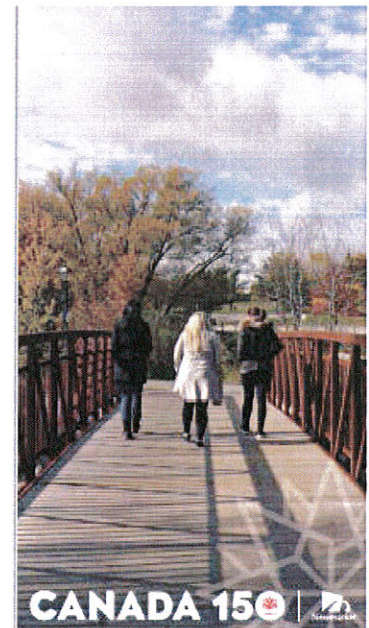
Upon arrival, guests experienced:

- Ferris wheel
- Mary-go-round
- Inflatable obstacle course
- Inflatable jousting ring
- Inflatable jumping castle
- A rock climbing Rockwall
- Face painting
- BMX showcase circuit
- Live Band performance
- A wide variety of different food and treats

This lead up to the traditional grand finale, Canada Day Fireworks at George Richardson Park. There was also a special performance by the Elwins in honour of Canada's 150<sup>th</sup> Birthday.

**Update:** Over 10,000K in attendance

Snapchat filter – a photo filter that social media users could use on snapchat if they were in the vicinity of the Kanata Festival.





**Riverwalk Commons Area:**

132 Uses

463 Impressions

7.3K impressions

28.5 per cent, Use Rate

**Fireworks Area:**

105 Users

267 Swipes (Paid Impressions)

7.1K views (Earned Impressions)

39.3 per cent use rate

**Photos:**

**Various Dates – Each [Thursday and Sunday in July and August](#)**

**Music in the Park**

This event consisted of free Canadian Musical performances at Newmarket's Riverwalk Commons and Fairy Lake Park. This is an opportunity for local entertainers to showcase their talents. \*150 Days of Summer Button Campaign available for use at this event.

**Update:** There were approximately 200 people per event for eight Music in the Park sessions.



**July 2017****Elman Campbell Museum**

Canada 150 exhibit called Canada 150: Do you remember? – along with an open house in July from 10 a.m. to 4 p.m.

**Each Tuesday in July**  
**Kids Downtown**

This child-oriented entertainment show allows you to bring a lawn chair or a blanket to delight in the evening's entertainment. Those who wear their Canada 150 button to this even will receive extra perks. \*150 Days of Summer Button Campaign available for use at this event.

**Update:** This event attracted approximately 200 people per event

**July 21 to 23, 2017****10-Minute Play Festival**

A play festival where artists from across Canada find a 'new market' for their stories and a national stage for their regional perspectives.

**Update:** 991 attendees at the various plays, 168 in attendance for the gala

**Moonlight Movies – various dates**

150 Days of Summer Button Campaign available for use at this event.

**Update:** This event attracted approximately 215 people per event, per ward.

**August 19****Garlic is Great Festival**

Garlic is great festival was a success and featured all things related to garlic at the Newmarket Farmers' Market at Newmarket's Riverwalk Commons.

**Update:** This event attracted over 3000+ attendees.

**September 2017****Fitness Centre**

The aim was to promote fitness and engage with residents on how they get their 150 minutes of fitness a week through a variety of videos that still encourage conversations, generate awareness and inspire people within the community to promote their way of achieving 150 minutes of fitness a week. This program is a partnership between *ParticipACTION* and Canada 150.

**September 3****Magna Centre's 10th Anniversary Celebration**

This event will feature free activities all day such as public swimming, shiny drop-in, and access to the Tim Hortons Gymnasium from 9 a.m. to 5 p.m. There will also be cake and drinks served at 2 p.m.

**Update:** This event attracted over 75 attendees

**September 8****Splash of Culture**

Three performers, Sarah Hagen, Quisha Wint and Michael Massaro performed for Splash of Culture – Music on Water at Newmarket's Riverwalk Commons at approximately 8:15 p.m.

**Update:** This event attracted over 300 attendees.

**September 8 and 9****New'bark'et**

Newmarket's premier dog festival on September 8 at Lions Park (424 D'Arcy Street) and featured dog-diving shows, a 'lure course' activity, pooch plunge (free for those who have a Canada 150 days of Summer button), a kid's zone and vendors for everything dog related. \*150 Days of Summer Button Campaign available for use at this event.

**Update:** This event attracted over 8000+ attendees

**September 24****Buskerfestival**

Street performers entertained audiences at multiple staged around Newmarket's Riverwalk Commons, Timothy Street and Old Town Hall from 1 to 4 p.m. \*150 Days of Summer Button Campaign available for use at this event.

**Update:** This event attracted over 4000+ attendees.

**September 30****Culture Days**

This event ran from September 30 to October 1 and included displays at the museum, a Newmarket Artists Group Walk around Downtown, a Newmarket Group of Artist Exhibition and family activities at Old Town Hall.

One of the highlights of this event invited the community to help paint tiles for the Town of Newmarket's Mosaic Project in Celebration of Canada 150. Only 150 individual murals around Canada were created from 300 tiles. The finished mural would illustrate Canada's Cultural and geographical diversity. The finished product was unveiled on November 13, 2017

**Update:** This event attracted 500 attendees.

**September 30****Central York Fire Services themed Canada 150 Open House**

Central York Fire Services held their annual Open House in conjunction with Fire Prevention Week. This year's theme was 'Every Second Counts, Plan Two Ways Out'.

**Update:** This event attracted 1,359 attendees.

**November 8****World Planning Day**

In Celebration of World Town Planning Day and Canada 150, Newmarket planning staff provided 150 cups free coffee to commuters at the #Newmarket Go Train Station

as a thank you to residents who continue to support the development of Yonge Street and Davis Drive.

**November 11****Vimy Oak Tree Planting event**

The Town of Newmarket in collaboration with the Newmarket Veterans' Association will be unveiled a Vimy White Oak sapling at the Remembrance Day Service. The Vimy Oak sapling is a true descendant of the Vimy Ridge acorns sent home to Canada by Lieutenant Leslie H. Miller. The descendants of the Vimy Oaks were grown to mark the 100 anniversary of the Battle of Vimy Ridge in Northern France from April 9 to 12, 1917.

**November 13****Official Unveiling of Canada 150 Mosaic Art Piece**

The Town of Newmarket, Mayor and Members of Council and residents unveiled Newmarket's Canada 150 Mural at the Municipal Offices. The mural represents a cultural mosaic, a time capsule and a visual portrayal of history. The finished product will be part of a natural mural including all provinces and territories over 80,000 paintings and 150 individual murals. When the murals are united, it will form one gigantic mural mosaic.



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2017-59

#### **By-law to prohibit and regulate the injury, removal, or destruction of trees on lands owned by the Town of Newmarket**

**Whereas** the Council of The Corporation of the Town of Newmarket (hereinafter the "Town") is authorized by subsection 11(1), paragraph 11(2) 5, subsections 135(1) and (7), and sections 429, 431 and 444 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to pass by-laws to sustain and promote environmental and social benefits to the community as a whole through the preservation and planting of trees throughout the municipality, to regulate or prohibit the injury or destruction of trees, to require a permit for the removal of trees, to impose conditions on permits and to provide for a system of fines and other enforcement orders;

**And whereas** Council has determined that it is desirable to enact a by-law to protect, prohibit and regulate the injury or destruction of trees and encourage the preservation and planting of trees on Town-owned lands;

**Now therefore** the Council of the Corporation of the Town of Newmarket enacts as follows:

#### **1.0 Definitions**

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

**Application** - A completed *permit application* form including supporting documentation as identified in the *application* package or requested by the *Director* for permission to *injure*, *destroy* or remove *trees*.

**Arborist** - An expert in the *care and maintenance* of *trees* including an arborist qualified by the Ontario College of Trades, a certified arborist qualified by the International Society of Arboriculture, a consulting arborist registered with the American Society of Consulting Arborists, a Registered Professional Forester or a *person* with other similar qualifications as approved by the *Director*.

**Arborist Report** - A technical report or letter that identifies the location, species, size and condition of *trees* and describes maintenance strategies and protection measures to be implemented and prepared by an arborist.

**Boundary Tree** – A *tree* whose *trunk* is growing on the boundary between adjoining lands.

**Care and Maintenance** - The *care and maintenance* of *trees* in accordance with good arboricultural practices including inspection, pruning, cabling and bracing, treatments for insect and disease problems, watering and fertilization.

**Destroy** - To remove, cut down, or in any way *injure* a *tree* to such an extent that it is deemed by the *Director* to be an *imminently hazardous tree*, or that the *tree's* vitality has been reduced to such an extent that in the opinion of the *Director*, the *tree* cannot recover to be maintained in a safe or healthy condition.

**Director** - The Director of Public Works for the Town of Newmarket or his or her designate.

**Emergency Work** - Work of an urgent nature, including but not limited to work associated with drain repairs, utility repairs, structural repairs to a building and work required to prevent soil erosion, slipping of soil or damage to *trees*.

**Fees and Charges By-law** - The General Fees and Charges By-law, as amended, for the Town of Newmarket.

**Forestry Act** — Ontario Forestry Act, RSO 1990, c. F. 26.

**Good Arboricultural Practice** - *Tree* planting, maintenance and removal performed in accordance with the American National Standards, ANSI A300 and best management practices identified by the International Society of Arboriculture, to the satisfaction of the *Director*.

**Heritage Tree** - *Trees* designated under Part IV of the Ontario Heritage Act or *trees* recognized as heritage *trees* by the Ontario Heritage *Tree* Program of Forest Ontario.

**Imminently Hazardous Tree** - A destabilized or structurally compromised *tree* that is in imminent danger of causing damage or *injury* to life or property as determined by the *Director*.

**Injure and Injury** - Any act that will harm a *tree's* health in any manner including the failure to protect a *tree* from harm as set out by the *Director*.

**Officer** – 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

**Permit** - A permit required by this by-law.

**Person** - Includes a company, a corporation, a partnership or an individual person.

**Standards** - Minimum requirements established by the *Director* pertaining to the planting, protection and preservation of *trees*.

**Tree Protection Plan** - A plan prepared in conjunction with an *arborist report* that identifies the location, species and size of *trees*, identifies the extent of *injury*, where applicable, and illustrates details of protection measures including the location of protective barriers.

**Tree Protection Policy** - The most recent version of the *Town* of Newmarket's *Tree* Preservation, Protection, Replacement, and Enhancement Policy.

**Tree Protection Zone** – The area around a *tree* within which certain activities are prohibited or restricted to prevent or minimize potential injury especially during construction or development.

**Tree** - means any species of woody perennial plant including its root system, which is owned by the *Town* of Newmarket.

**Tree Value/Appraised Value** - The monetary value of a *tree* as determined through calculations using the Guide for Plant Appraisal, 9th Edition (or its more recent successor) as published by the International Society of Arboriculture.

**Trunk** – The stem of the *tree* from its point of growth from the roots to where it first branches out to limbs and foliage.

**Town** – means the Corporation of the *Town* of Newmarket

## 2.0 Authority for planting, care, maintenance, and removal of trees

2.1 The planting, *care and maintenance*, protection, preservation and removal of *trees* located on *Town* owned land shall be under the authority of the *Director*.

### 3.0 Permissions and Prohibited Activities

3.1 Every *person* carrying out work on *Town*-owned land or carrying out work that may impact *trees* on *Town*-owned land, shall carry out such work in accordance with:

- a) the provisions of this By-law;
- b) the *Town's tree* protection policies;
- c) the terms and conditions of any *permit*;
- d) the provisions of any approved *tree protection plan* and/or *arborist report*; and
- e) any other standards as defined in this by-law.

3.2 No *person* shall do any of the following, or cause or *permit* to be done any of the following, without a *permit*:

- a) *Injure, destroy, or remove a tree* located in whole or in part on lands owned by the *Town* of Newmarket.
- b) Place construction material on or near the root system of a *Town*-owned *tree*.
- c) Fail to abide by the requirements of an *Arborist report* approved as part of a request to *injure* a *tree*.
- d) Demolish, construct, replace or alter a permanent or a temporary building(s) or structures, parking pads, driveways, sidewalks, walkways, paths, trails, dog runs, pools, retaining walls, patios, decks, terraces, sheds or raised gardens which may negatively impact a *Town*-owned *tree*, as determined by the *Director*.
- e) Install large stones or boulders which may negatively impact a *Town*-owned *tree*.
- f) Alter grade by adding or removing soil or fill, excavating, trenching, topsoil or fill scraping, compacting soil or fill, dumping or disturbance of any kind which may negatively impact a *Town*-owned *tree*.
- g) Apply, discharge or dispose of any substance or chemical that may adversely affect the health of a *tree* or materially later the biological or chemical structure and/or function of the soil, e.g. concrete sluice, gas, oil, paint, pool water or backwash water from a swimming pool.
- h) Cause or allow water or discharge, to flow over slopes or through natural areas which may negatively impact a *Town*-owned *tree*.
- i) Park or move vehicles or equipment which may negatively impact a *Town*-owned *tree*
- j) Cut, break, tear, crush, expose or strip a *tree's* roots, *trunk* and/or branches.
- k) Remediate soil or remove contaminated fill which may negatively impact a *Town*-owned *tree*.

- l) Excavate for directional or micro-tunnelling and boring entering shafts which may negatively impact a *Town-owned tree*.
- 3.3 No *person* shall attach or *permit* to be attached any object or thing to a *tree* without the prior written approval of the *Director*.
- 3.4 The approval of the *Director* may be subject to conditions imposed by the *Director* including production of satisfactory evidence that all other requisite approvals have been obtained.

#### 4.0 Exemptions

4.1 This By-law does not apply to:

- a) An emergency situation, as determined by the *Director*;
- b) Situations where there is concern for health and safety, as determined by the *Director*;
- c) Activities or matters or the *injury* or destruction of any *tree* exempted pursuant to subsection 135 (12) of the *Municipal Act*.

#### 5.0 Powers and Duties of the Director

5.1. The *Director* is authorized to:

- a) Plant, or cause to be planted, *trees* on *Town-owned* lands.
- b) Care for and maintain, or cause to be cared for and maintained, any *tree* located on *Town-owned* lands.
- c) Transplant, remove or cause to be transplanted or removed any *tree* planted or located on *Town-owned* land where deemed necessary in the public interest.
- d) Remove or cause to be removed, without notice or compensation to any *person*, any object or thing that adversely affects a *tree* or part of a *tree* on *Town-owned* land.
- e) Implement or cause to be implemented necessary treatments for insects and/or diseases associated with *trees* located on *Town* owned land.
- f) Remove, or cause to be removed, *trees* which are dead, hazardous or no longer viable to maintain.
- g) Remove, *injure* or cause the removal or *injury* of *trees* as may be required to facilitate *emergency work*.
- h) Allow the pruning of *tree* roots in accordance with good arboricultural practices. Requests for *injury* by a resident may be subject to conditions which include the payment of *tree value*, removal and replacement costs, the posting of a letter of credit and/or the planting of a *tree* or *trees* by the applicant.
- i) Stop any work causing unauthorized *injury*, removal or destruction of a *tree*.

- j) Issue *permits* for *injury*, destruction and removal of *trees* in accordance with the criteria and subject to the conditions set out in this By-law.
- k) Refuse to issue *permits* for *injury*, destruction or removal of *trees*.
- l) Establish expiry dates for *permits* and *applications*.
- m) Approve or refuse requests to transfer a *permit* or *application*.
- n) Require the submission of a new *application* where:
  - i) A *permit* or *application* has expired;
  - ii) A request to transfer a *permit* or *application* has been refused;
  - iii) Additional *trees* are requested to be *injured*, *destroyed* or removed.
- o) Require that any *tree* planted on *Town*-owned lands be approved and planted in accordance with the appropriate *Town* of Newmarket standards which will include the planting location, species, size and condition.
- p) Require payment for every *tree* removed, unless otherwise determined by the *Director*.
- q) Require *tree* protection guarantees and securities where work may impact *trees*.
- r) Require *tree protection zone(s)* to be established to protect a *tree's* root system and protect the *tree(s)* from adverse impacts.
- s) To impose such other fees as are provided for in the *Fees and Charges By-law*, as amended.
- t) Delegate the authority to carry out any section of this By-law to appropriate staff.

## 6.0 Application Form, Content, and Fees

6.1. Any *person* who wishes to *injure*, *destroy* or remove a *tree* on *Town* owned lands shall submit an *application* to the *Director* on the prescribed form and shall provide, to the satisfaction of the *Director*, items such as including but not limited to the following, unless exempted under Section 4 of this By-law:

- a) The name, *street* address, email address, and telephone number of the applicant;
- b) The non-refundable *application* fee set out in the *Fees and Charges By-law*, as amended. The *application* fee is charged per *tree*. As a trial program, the *application* fee will be waived for the first year, from November 13, 2017 to November 13, 2018.
- c) The purpose for which the *permit* is required;
- d) A landscape plan satisfactory to the *Director*;
- e) An *arborist report*, where required by the *Director*;
- f) A *tree protection plan*, where required by the *Director*;



- g) Such additional information and documentation as the *Director* may require.

6.2. The *Director* may require the resubmission of any document listed in Section 6.1 to address their questions and concerns.

## 7.0 Application Review Criteria

7.1. The *Director* shall consider the following criteria prior to issuing or refusing to issue a *permit*.

- a) That all items submitted as part of the *application* are complete to the satisfaction of the *Director*;
- b) The condition and viability of the *tree*;
- c) The location of the *tree*;
- d) The protection of environmentally sensitive areas;
- e) The protection of natural landforms or contours;
- f) The protection of ecological systems;
- g) Erosion and flood control;
- h) The protection of significant vistas;
- i) Whether or not a *tree* is a *heritage tree* or should be protected as a *heritage tree*;
- j) The requirement for a security in the form of Letter of Credit or other form, as appropriate;
- k) The amount of compensation required;
- l) The comments from the *Town's Consulting Arborist*, if the *application* was subject to peer review.

## 8.0 Permit Refusal

8.1 The *Director* shall not issue a *permit* where:

- a) The *application* is incomplete.
- b) The information required (as set out in in this by-law) has not been provided to the satisfaction of the *Director*.
- c) Environmentally sensitive areas, ecological systems, natural landforms or contours will not be adequately protected and preserved.
- d) Erosion or flood control will be negatively impacted.
- e) The *tree* is a *boundary tree*, where one or more of the owners have not given consent to the proposed *injury* or removal.

- f) The applicant has failed to provide sufficient compensation to the satisfaction of the *Director*.
- g) The *tree* is a *heritage tree*, or in the opinion of the *Director*, should be recommended for designation as a *heritage tree*.

## 9.0 Permit conditions

9.1 A *permit* to *injure*, remove or *destroy* a *tree* may be subject to the following terms and conditions:

- a) The *injury*, destruction or removal of a *tree* shall be carried out by or under the supervision of an *arborist*;
- b) Compliance with good arboricultural practices;
- c) Compliance with the *Town's tree* protection policies and any other *standards* as required by the *Town*;
- d) Compliance with approved landscape and *tree protection plans* to the satisfaction of the *Director*.

9.2 The *Director* shall require a notice to be mailed out to residents within 60m of the property nearest the subject *tree*, once an *application* has been received. If a notice is sent, there will be a minimum of 14 calendar days for the public to comment.

9.3 The *Director* shall require compensation for the removal of a *Town-owned tree* in the form of payments of the following:

- a) 200% of the *appraised value* of each *tree* to be removed plus an administration fee;
- b) The cost of the *Town's* contractor to remove each *tree*, as set out in the *Fees and Charges By-law*; and
- c) The cost of the *Town's* contractor to remove the stump of each *tree*, as set out in the *Fees and Charges By-law*.

9.4 The *Director* shall require the provision of a *tree* protection security by submission of a letter of credit or alternative form of security to ensure compliance with the conditions of *permit* issuance, in an amount which represents the *appraised value* of the *tree* to be protected, the removal costs and *tree* replacement costs. The *tree* protection security will be released by the *Town* one year after all construction activities are complete and compliance with all *permit* terms and conditions have been verified to the satisfaction of the *Director*.

9.5 The location of any replacement *tree(s)* will be at the discretion of the *Director*.

## 10.0 Boundary trees

10.1 Upon receipt of an *application* to *injure* or *destroy* a *boundary tree*, the *Director* shall:

- a) Provide notice of the *application* in writing to all *boundary tree* co-owners.

- b) Require the applicant to provide to the *boundary tree* co-owners all *arborist reports*, *tree protection plans*, landscaping and replanting plans, surveys and other supporting documentation submitted as part of the *application*.

- 10.2 The *Director* shall not approve a *permit* without letters consenting to the works contemplated through the *permit* from all affected owners.
- 10.3 If it is determined that 50% or more of a *boundary tree* is on *Town*-owned property the *Director* will authorize the maintenance of the *boundary tree* by *Town* staff. A survey may be required to make the determination.

## 11.0 Appeals

- 11.1 When a *permit* is refused, an applicant may, within 14 calendar days from the date of refusal, appeal to the *Director*.
- 11.2 The *Director* shall collect an appeal *application* fee, as set out in the *Fees and Charges By-law*.
- 11.3 An applicant wishing to appeal a refused *permit* shall submit a written request to the *Director* that the *application* be re-considered.
- 11.4 Where the *Director* has refused to issue a *permit* after an appeal to re-consider, an applicant may, within 14 calendar days from the date of refusal, appeal to the *Town* of Newmarket's Committee of Appeals.
- 11.5 An applicant wishing to appeal a refused *permit*, after re-consideration, shall submit a written request to the *Director* that the *application* be considered by the *Town* of Newmarket's Committee of Appeals.
- 11.6 The *Director* shall collect an appeal after re-consideration *application* fee, as set out in the *Fees and Charges By-law*.
- 11.7 Where an applicant has filed an appeal, after re-consideration, the *Director* shall prepare and forward a report on the *application* to the next appropriate *Town* of Newmarket's Committee of Appeals meeting, setting out the grounds for refusal of the *application*.
- 11.8 Upon consideration of the *application*, the *Town* of Newmarket's Committee of Appeals may approve a *permit*, subject to conditions as set out in this by-law, or to refuse the *permit*.

## 12.0 Power of Entry

- 12.1 The *Town* may enter onto any lands at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - a) This by-law;
  - b) The conditions of any *permit* issued under this by-law;
  - c) Direction or order of the *Town* made under this by-law; or
  - d) An order made under Section 431 of the Municipal Act, 2001.

- 12.2 Where an inspection is conducted by the *Town*, the *person* conducting the inspection may:
- a) Require the production for inspection of documents or things relevant to the inspection;
  - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) Require information from any *person* concerning a matter related to the inspection; 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 the inspection.
- 12.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the Municipal Act.
- 12.4 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.
- 12.5 No *person* shall hinder or obstruct, or attempt to hinder or obstruct, any *person* who is exercising a power of performing a duty of this By-law.

### **13.0 Order**

- 13.1. 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.
- 13.2. An order under this section 13.1 shall set out:
- a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred or is occurring; and,
  - b) the work to be done and the date by which the work must be done.
- 13.3. An order under this Section 13.1 may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law making them a contravention came into force.
- 13.4. Any *person* who contravenes an order under Section 13.1 of this by-law is guilty of an offence.
- 13.5. 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.
- 13.6. If there is evidence that the occupant of the lands is not the registered property owner, the notice shall be served on both the registered property owner and the occupant of the property.
- 13.7. If the address of the owner is unknown or the *Town* is unable to effect service on the owner or occupant, a placard stating the terms of the order and placed in a conspicuous place upon or near the land shall be deemed to be sufficient service on the owner.

- 13.8. If the delay necessary to serve an order under the preceding subsections would result in an immediate danger to the health or safety of any *person*, the order may be served personally on the *person* to whom it is directed or by a placard stating the terms of the order and placed in a conspicuous place upon or near the property.

#### **14.0 Failure to Comply With an Order**

- 14.1. Where an Owner contravenes an Order issued under Section 13.1, 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.
- 14.2. 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.
- 14.3. 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 15.2 including, without limitation, interest as per *Town* policy.

#### **15.0 Penalty Provisions**

- 15.1. Every *person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 15.2. 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.
- 15.3. 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.
- 15.4. 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 \$400.00 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
  - e) 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.
- 15.5. 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.

- 15.6. 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.
- 15.7. 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.

**16.0 Severability**

- 16.1 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.

**17.0 Short Title**

- 17.1 This By-law shall be referred to as the “Public Tree Protection By-law”;

Enacted this 13<sup>th</sup> day of November , 2017.

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

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



## Corporation of the Town of Newmarket

### By-law Number 2017- 61

#### A By-law to Authorize Temporary Borrowings

**Whereas** subsection 407(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Act”) states that at any time during a fiscal year, a municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amounts that the municipality considers necessary to meet the expenses of the municipality for the year and of the amounts, whether or not they are expenses for the year, that the municipality requires in the year for:

- (a) reserve, sinking and retirement funds;
- (b) principal and interest due on any debt of the municipality;
- (c) school purposes;
- (d) other purposes the municipality is required by law to provide for; and
- (e) the amount of principal and interest payable by a person or municipality primarily liable for a debt, if the municipality has guaranteed the debt and the debt is in default;

**And whereas** subsection 407(2) of the Act states that, except with the approval of the Ontario Municipal Board, the total amount borrowed at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed:

- (a) from January 1 to September 30 in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year; and
- (b) from October 1 to December 31 in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year;

**And whereas** subsection 407(3) of the Act states that until the budget is adopted in a year, the limits upon borrowing under subsection 407(2) of the Act shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year;

**And whereas** subsection 407(4) of the Act states that in subsections 407(2) and 407(3) of the Act, estimated revenues do not include revenues derivable or derived from: (a) arrears of taxes, fees or charges; or (b) a payment from a reserve fund of the municipality, whether or not the payment is for a capital purpose;

**And whereas** subsection 407(5) of the Act states that the lender is not responsible for establishing the necessity of temporary borrowing under this section of the manner in which the borrowing is used.

**Now therefore** the Council of the Corporation of the Town of Newmarket enacts as follows:

1. That, subject to sections 2, 3, and 4 of this By-law, in each year, the Mayor and the Treasurer of the Town are hereby authorized to temporarily borrow to meet the current expenditures of the Town for the year until such time as the taxes are collected and other revenues are received, including the amounts required for the following:
  - (a) reserve, sinking, and retirement funds;
  - (b) principal and interest falling due within the year upon any debt of the Town;
  - (c) school purposes;
  - (d) other purposes for which the Town is required by law to provide for; and

- (e) the amount of principal and interest payable by a person or a municipality primarily liable for a debt, if the Town has guaranteed the debt and the debt is in default.
- 2. That the Mayor and the Treasurer of The Corporation of the Town of Newmarket (the "Town") are hereby authorized to create and maintain such temporary borrowing facilities as are described in this By-law with the Town's lead bank. The total amount borrowed under section 1 of this By-law at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed:
  - (a) from January 1 to September 30 of the year, 50 per cent of the total estimated revenues of the Town as set out in the budget adopted for the year; and
  - (b) from October 1 to December 31 of the year, 25 per cent of the total estimated revenues of the Town as set out in the budget adopted for the year.
- 3. THAT until the budget is adopted in a year; the limits set out in section 2 of this By-law shall be temporarily calculated using the estimated revenues of the Town set out in the budget adopted for the previous year.
- 4. THAT the estimated revenues in sections 2 and 3 of this By-law do not include revenues derivable or derived from the following: (a) arrears of taxes, fees or charges; or (b) a payment from a reserve fund of the Town, whether or not the payment is for a capital purpose.
- 5. The lender is not responsible for establishing the necessity of temporary borrowing or the manner in which the borrowing is used.

Read and enacted this 13<sup>th</sup> day of November, 2017.

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

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





## Corporation of the Town of Newmarket

### By-law Number 2017-62

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** 1992, S.O. 1992. c.23, as amended 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**.

**“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.

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

**“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 all exterior walls.

**“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”** means the Heritage Act, R.S.O. 1990, c. O.16, as amended and any regulations made under that 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 *Heritage Act*.

**"Heritage Conservation District"** means a geographic district established under Part V of the *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 *Heritage Act*, R.S.O.1990, and c.0.18, 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 causing or likely to cause damage or harm.

**"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 three or more **Dwelling Units** and shall include group **Dwellings** 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 **Person's** 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** 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 Dwelling** 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. 1990, 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 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 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**.

## 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 **Officer** there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the **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 **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 eavestoughs, 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 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 *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 900 mm (35") 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 900 mm (35") 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 18.3 (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 **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 **Building Code**.

18.5 **Guards** on fire escapes and landings shall be in accordance with the **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 **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**.
- 22.4 Section 22.3 does not apply where such utilities are necessary for the safety or security of the building.
- 23.0 STORAGE GARAGES**
- 23.1 All **Storage Garages** shall be adequately lighted at all times.
- 23.2 The interior walls, ceilings, and columns of the **Storage 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.
- 35.5 In Multiple Dwellings exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a Yard shall be adequately lighted at all times.
- 35.6 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 an 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.
- 45.6 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a Yard shall be adequately lighted at all times.
- 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 adequate lighting.
- 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.

### **HERRITAGE 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 motor 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 **Property Standards 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 the **Heritage Act** and the **Building Code** the Act which has the highest standards shall prevail.
- 57.2 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 **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 In accordance with section 16 of the Building Code, an Officer requires the permission of the Occupant to enter inside a Dwelling.

- 58.3 Despite sections 15, 15.2, and 15.4 of the Building Code, an Officer shall not enter or remain in any room or place actually being used as a Dwelling unless,
- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code;
  - (b) a warrant issued under the Building Code is obtained;
  - (c) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any Person;
  - (d) the entry is necessary to terminate a danger under subsection 15.7 (3) of the Building Code; or,
  - (e) the requirements of section 58.4 are met and the entry is necessary to repair or demolish under subsection 15.4 (1) of the Building Code.
- 58.4 Within a reasonable time before entering the room or place for a purpose described in section 58.3 (e), the Officer shall serve the occupier with notice of his or her intention to enter it.
- 58.5 For the purpose of an inspection, and in accordance with s. 15.8 of the **Building Code**, an **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.
- 58.6 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 **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 **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 5<sup>th</sup> 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 **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 13<sup>th</sup> day of November, 2017.

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk



## Corporation of the Town of Newmarket

### By-law Number 2017-63

#### 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.

"**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** means a creek, stream, bog, marsh, fenn, river, pond or lake created by the forces of nature and which contains 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*.

“**Odour**” mean any **Odour** which may be detected at a **Point Of Reception** and has an adverse effect.

“**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.

"**Point Of Reception**" means any point on the premises of any **Person** where **Odour**, originating from premises other than those premises, is detected.

"**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 1m<sup>2</sup> (10.7ft<sup>2</sup>) 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**.

"**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.

"**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** that does not exceed 20 centimetres (8 inches) 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 **Odour** shall be permitted to emanate from the compost container, or digester used for **Composting**;
  - f) maintained in such a manner as not to attract animals, rodents or vermin;
  - g) 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) **Sight 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 13<sup>th</sup> day of November, 2017.

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk



**Corporation of the Town of Newmarket****By-law Number 2017- 64****A By-law to confirm the proceedings of a meeting of Council – November 13, 2017**

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

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

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

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

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

Enacted this 13<sup>th</sup> day of November, 2017.

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Tony Van Bynen, Mayor

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Lisa Lyons, Town Clerk