



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

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Proposed Schedule for the Committee of the Whole Meeting on November 27, 2017

Note: This schedule is subject to change.

There is no public hearing matter scheduled for Monday, November 27, 2017.

9:00 AM - Committee of the Whole begins and will include the following items:

- Additions and Corrections
- Declarations of Pecuniary Interest
- **Items 1 & 23** - Central York Fire Headquarters Station 4-5 Presentation & Report
- **Items 2 & 33** - Viva/York Region Rapid Transit Presentation regarding Yonge Street and Davis Drive Rapidway Construction/Updates
- **Items 3 & 24** - Newmarket Public Library Annual Report & Presentation
- **Items 4, 6, 34, 35 & 44** - Approval of the 2018 Operating & Capital Budgets – Presentation & Report

At approximately 11:00 AM:

- **Items 30 to 32** - Closed Session

The Committee of the Whole will recess from approximately 12:00 PM until 1:15 PM.

1:30 PM - Committee of the Whole will resume and will include the following items:

- **Items 5, 40, 41 & 42** - Deputations
- **Items 7 to 29; 36 to 39; & 43** - Consent items
- Action Items
- Reports by Regional Representatives
- Notices of Motion
- Motions
- New Business
- Adjournment

Addendum Items Included

Note: Please note change in the start time of the meeting. The Committee of the Whole will recess at +/- 12:00 PM and will reconvene at 1:30 PM.

Additions & Corrections to the Agenda

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

Declarations & Pecuniary Interest**Presentation & Recognitions****1. Central York Fire Services Headquarters Station 4-5 Presentation**

Mr. Paul McIntosh and Mr. Chris Kubbinga, Thomas Brown Architects, will be in attendance to present on the matter

Note: This item is related to Item 23. Presentation to be distributed at the meeting.

2. Update: Rapid Transit Projects

Ms. Liza Sheppard, Director, Bus Rapid Transit Program, YRRTC; Mr. Christopher Scott, Manager of Infrastructure - Bus Rapid Transit, YRRTC; and Ms. Sophia Bittar, Community Liaison, YRRTC will be in attendance to present on this matter.

Note: Presentation to be distributed when available.

3. Newmarket Public Library Annual Report

Mr. Todd Kyle, CEO Newmarket Public Library will be in attendance to present on this matter.

Note: This presentation is related to Item 24.

Pg. 1

4. **Approval of the 2018 Operating and Capital Budgets Presentation**
Mr. Mike Mayes, Director of Financial Services/Treasurer will be in attendance to present on this matter.

Note: This presentation is related to Item 6. Presentation to be distributed when available.

Deputations

5. **Deputation regarding Servicing Allocation (680 Gorham Street)**
Mr. Edmund Daniels, Maple Lane Lands & Development Co. Ltd.

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Note: This deputation is related to Item 14.

Consent Items

6. **Approval of the 2018 Operating and Capital Budgets**
Financial Services
November 27, 2017

Note: Report to be distributed when available.

7. **Stormwater Rates**
Financial Services
September 1, 2017

Pg. 18

1. That Corporate Services Report-Financial Services – 2017-40 dated September 1, 2017 regarding 2018 Stormwater Rates be received and the following recommendations be adopted:
 - a. That the attached Schedule “A”, being the Town of Newmarket 2018 Stormwater Rates, be approved and adopted by By-law; and,
 - b. That the Stormwater Rates adjustments come into full force and effect as of January 1, 2018.

8. 2018 Water and Wastewater Rates

Financial Services

1. That Corporate Services Report-Financial Services 2017-41 dated September 1, 2017 regarding 2018 Water and Wastewater Rates be received and the following recommendations be adopted:
 - a. That the attached Schedule "A", being the Town of Newmarket Water and Wastewater Rates, be approved and adopted by By-law; and.
 - b. That the Water and Wastewater Rates adjustments come into full force and effect as of January 1, 2018.

9. User Fees and Charges – Planning Act FeesFinancial Services/Planning and Building Services
November 8, 2017

1. That Joint Development & Infrastructure Services – Planning & Building Services and Corporate Services Report – Financial Services 2017-54 dated November 8, 2017 regarding 2018 User Fees and Charges – Planning Act Fees be received and the following recommendations be adopted:
 - a. That the attached Schedule "A", being the Town of Newmarket 2018 Planning Application Fees Schedule, be approved and adopted by by-law;
 - b. And that the fee adjustments come into full force and effect as of January 1, 2018.

10. 2018 User Fees and Charges – Fire Services

Financial Services/Fire Chief

1. That Joint Central York Fire Services and Corporate Services Report – Financial Services 2017-55 dated November 8, 2017 regarding 2018 User Fees and Charges – Fire Services be received and the following recommendations be adopted:
 - a. That the attached Schedule "A", being the Town of Newmarket 2018 Fire Services Fees Schedule, be approved and adopted by by-law;

- b. And that the fee adjustments come into full force and effect January 1, 2018.

11. 2018 User Fees and Charges - Licensing Fees

Pg. 42

Financial Services/ Legislative Services
November 8, 2017

- 1. That Joint Corporate Services Report – Legislative Services and Financial Services – 2017-52 dated November 8, 2017 regarding 2018 User Fees and Charges-Licensing Fees be received and the following recommendations be adopted:
 - a. That the attached Schedule “A” marked as the “2018 Legislative Services (Licensing) Fees & Charges” be approved and forwarded to Council for final adoption by by-law; and,
 - b. That the fee adjustments come into full force and effect as of January 1, 2018.

12. 2018 User Fees and Charges – General

Pg. 49

Financial Services
November 8, 2017

- 1. That Corporate Services Report – Financial Services 2017-53 dated November 8, 2017 regarding 2018 User Fees and Charges – General be received and the following recommendations be adopted:
 - a. That the attached Schedules “A”, “B”, “C”, “D”, “E” and “F” marked as the Town of Newmarket 2018 All Departments, Corporate Services – Finance & Procurement & IT, Legal Services, Public Works Services, Engineering Services and Legislative Services - General Fees and Charges Schedules respectively, be approved and adopted by by-law; and,
 - b. That the fee adjustments come into full force and effect as of January 1, 2018.

13. 2018 User Fees and Charges – Overview

Pg. 71

Financial Services
November 8, 2017

- 1. That Joint CAO, Commissioners and Corporate Services Report - Financial Services – 2017-51 dated November 8, 2017 regarding 2018 User Fees and Charges - Overview be received for information purposes.

14. Servicing Allocation Update
Planning and Building Services
November 27, 2017

Pg. 74

1. That Development & Infrastructure Services/Planning and Building Services Report 2017-49 dated November 27, 2017 regarding the servicing allocation update be received and the following recommendations be adopted:
 - a. That Council maintain its current servicing allocation reserve of 1668 people; and,
 - b. That any consideration of granting servicing allocation be determined at the next formal annual servicing allocation review, anticipated in May 2018.

15. Permission to Submit a Minor Variance Application – 260 Eagle Street
Planning and Building Services
November 10, 2017

Pg. 81

1. That Development and Infrastructure Services/Planning & Building Services Report 2017-51 dated November 10, 2017 regarding 260 Eagle Street (File Number NP-A-17-13) submitted by 711371 Ontario Corp., be received and that the following recommendation be adopted:
 - a. That whereas the Planning Act limits the ability to apply for a minor variance for a 2 year period following approval of a Zoning By-law Amendment, the owner shall, through a declaration of resolution by Council be permitted to submit an application for minor variance to seek an increased maximum building height from 11.0m (3 storeys) to 12.0 metres (3 storeys).

16. Request to be removed from the Heritage Registry of Non-designated Heritage Properties - 770 Gorham Street and 171 Church Street
Planning and Building Services
November 27, 2017

Pg. 86

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-52 dated November 27, 2017 regarding two requests from Property owners to have their properties be removed

from the Town's listing of Non-designated Heritage Properties be received and the following recommendations be adopted:

- a. That Council direct staff to:
 - i. Remove 770 Gorham Street from the Municipal Register of Non-Designated Properties; and,
 - ii. Begin a process of Heritage Designation under the Ontario Heritage Act for the property Municipally known as 171 Church Street, Newmarket for its cultural heritage value and interest; and,
- b. That Emily Lamont, 171 Church Street and Ehsan Velayati, 770 Gorham Street be notified of this action.

17. Use of Corporate Resources During an Election Period Policy and Changes to the Election Process
Legislative Services

Note: Revised Memorandum and Policy to be distributed with the addendum agenda.

18. Proposed Noise By-law
Legislative Services
November 9, 2017

Pg. 95

1. That Corporate Services – Legislative Services Report 2017-27 dated November 27, 2017 regarding Proposed Noise By-law be received; and,
2. That Council repeal current Noise By-law 2004-94, as amended; and,
3. That Council enact the new draft Noise By-law attached as **Appendix A**; and,
4. That Council approve the amendments to the 2018 Fees and Charges By-law to reflect revised fees related to the Noise By-law, attached as **Appendix B**.

19. Revisions to Sign By-law and Standalone Election Sign By-law
Legislative Services
November 27, 2017

Pg. 120

1. That the Corporate Services - Legislative Services Report - 2017-25 entitled "Revisions to Sign By-law and standalone Election Sign By-law" be received; and,
2. That Council repeal By-law 2016-28; and,
3. That Council enact the draft Sign By-law attached as **Appendix A**; and,
4. That Council enact the draft Election Sign By-law attached as **Appendix B**.

20. Procedure By-Law Update and Draft Electronic Participation in Meetings Policy
Legislative Services
November 27, 2017

Pg. 178

1. That the Corporate Services – Legislative Services Report - 2017-26 entitled "Procedure By-Law Update and Draft Electronic Participation in Meetings Policy" be received; and,
2. That Council adopt the amendments to the Procedure By-law attached as **Appendix A** with an effective date of January 1, 2018; and,
3. That Council approve the Electronic Participation in Meetings Policy attached as **Appendix B**, with an effective date of January 1, 2018; and,
4. That the Town Clerk be authorized to administer the Electronic Participation in Meetings Policy and develop the necessary Procedures to implement the Policy, as required; and,
5. That Council permit the Accessibility Advisory Committee to participate using the Electronic Participation in Meetings Policy effective January 1, 2018 for a trial period of one year; and,
6. That staff be directed to report back in 2019 with a review of the Electronic Participation in Meetings Policy.

21. VivaNext Bus Rapid Transit Y3.2 Yonge Street (Noise By-law Exemption)
Legislative Services

Pg. 189

1. That Corporate Services – Legislative Services Report 2017-24 dated November 6, 2017, regarding vivaNext Bus Rapid Transit Y3.2 Yonge Street Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:
 - a. That the request from RapidLINK for a noise exemption to perform necessary works for the vivaNext Bus Rapid Transit Y3.2 project between the hours of 9:00 pm to 7:00 am from December 5, 2017 until December 31, 2018, be approved; excluding the following:

Year 2017	Year 2018
December 25, 2017 (Christmas Day)	January 1, 2018 (New Year's Day)
December 26, 2017 (Boxing Day)	December 25, 2018 (Christmas Day)
	December 26, 2018 (Boxing Day)

- b. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.

22. Amendment to Procurement By-law 2014-27
Procurement Services
November 27, 2017

Note: Report to be distributed with addendum agenda.

23. Central York Fire Services Headquarters Station 4-5 (Extract and Report)
Parks, Recreation and Cultural Services, Town of Aurora
November 14, 2017

Pg. 193

Note: This item is related to Item 1.

1. That the report entitled “Central York Fire Services Headquarters Station 4-5” and related extract be received.

- 24. Newmarket Public Library Report to the Community: 2016-2017** Pg. 199
Newmarket Public Library
November 27, 2017
- Note: This item is related to Item 3.
1. That the report entitled “Newmarket Public Library Report to the Community: 2016-2017” be received.
- 25. Central York Fire Services – Joint Council Committee meeting Minutes of September 26, 2017 and October 25, 2017** Pg. 205
1. That the Central York Fire Services- Joint Council Committee meeting minutes of September 26 and October 25, 2017 be received.
- 26. Newmarket Downtown Development Committee Meeting Minutes of June 30, 2017** Pg. 212
1. That the Newmarket Downtown Development Committee meeting minutes of June 30, 2017 be received.
- 27. Heritage Newmarket Advisory Committee Meeting Minutes of October 17, 2017** Pg. 217
1. That the Heritage Newmarket Advisory Committee Meeting Minutes of October 17, 2017 be received.
- 28. Proclamation Request – December 1, 2018 – World AIDS Day** Pg. 219
1. That the proclamation request be received; and,
2. That the Town of Newmarket proclaim December 1, 2017 as World AIDS Day; and,
3. That the proclamation be advertised on the Town Page and on the Town’s website.
- 29. Outstanding Matters List** Pg. 221
1. That the list of outstanding matters be received.

Action Items

Reports by Regional Representatives

Notices of Motions

Motions

New Business

Closed Session (+/- 11:00 AM)

30. Development and Infrastructure Services -Planning and Building Services Closed Session Report 2017-50 regarding a property in Ward 3.

[Proposed acquisition or disposition of land by the Municipality, as per Section 239(2) (c) of the Municipal Act, 2001.]

31. Verbal Update regarding a property in Ward 5 (178-194 Main Street South)

[Litigation or potential litigation including matters before administrative tribunals affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.]

32. Market Review Update (Verbal update, if required)

[Labour relations or employee negotiations as per Section 239 (2) (d) of the Municipal Act, 2001.]

Public Hearing Matters

Addendum

33. Update: Rapid Transit Projects Presentation

Pg. 237

Note: This item is related to Item 2.

34. Approval of the 2018 Operating and Capital Budgets Presentation

Pg. 252

Note: This item relates to Item 4.

35. Approval of the 2018 Operating and Capital Budgets

Pg. 260

Note: This item relates to Item 6.

1. That Joint CAO/Commissioners and Corporate Services Report - Financial Services 2017-61 dated November 21, 2017 regarding Approval of the 2018 Operating and Capital Budgets be received and the following recommendations be adopted:

- a. That the proposed 2018 Operating Budget with expenditures of \$127,927,654 be approved, which is comprised of the following components:
 - i. \$63,446,921 for the Town portion, which includes an additional \$331,892 for asset replacement funding;
 - ii. \$30,000 for the Newmarket Business Improvement Area (BIA);
 - iii. \$4,050,823 for the Library portion;
 - iiii. \$16,762,672 for Central York Fire Services (Newmarket's share) which includes an additional \$249,600 for asset replacement funding;
 - v. \$39,248,453 for the Water and Wastewater Rate Groups which includes an additional \$680,557 for asset replacement funding;
 - vi. \$1,852,084 for the Stormwater Management Rate Group which includes a reduction of \$642,488 for asset replacement funding;
 - vii. \$2,536,701 for the Building Permit Rate Group;
- b. And that the proposed 2018 Capital Budget with new expenditures of \$25,933,120 be approved subject to the following conditions:

That Council provides separate approval for expenditures on the following projects after consideration of additional reports:

- i. Heritage Conservation District update (project #26)
- ii. Fernbank Farmhouse maintenance (project #47)
- iii. Outdoor Train (project #56)

- c. And that the proposed 2018 Operating and Capital Budgets be forwarded to the Council meeting of December 4, 2017 for final approval.

36. Use of Corporate Resources during an Election Period Policy and Updates to the Election Process Report and Memorandums

Pg. 287

Legislative Services
November 6, 2017

Note: On November 13, 2017 Council requested further amendments to the enclosed Policy.

The attached Memorandum #2 provides Council with information regarding the additional amendments to the Policy.

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 the Memorandum #2 dated November 27, 2017 regarding revisions to the “Use of Corporate Resources & Election Campaign Activities Policy” be received; and,
4. That Council adopt the enclosed Use of Corporate Resources & Election Campaign Activities Policy.

37. Revisions to Sign By-law and Standalone Election Sign By-law

Pg. 297

Legislative Services
November 27, 2017

Note: Recommendations in bold are new and relate to Item 19

1. That the Corporate Services - Legislative Services Report - 2017-25 entitled “Revisions to Sign By-law and standalone Election Sign By-law” be received; and,
2. **That the memorandum dated November 27, 2017 entitled “External Legal Review of the standalone Election Sign By-law” be received; and,**
3. That Council repeal By-law 2016-28; and,

4. That Council enact the draft Sign By-law attached as Appendix A; and,
5. That Council enact the revised draft Election Sign By-law attached as **revised** Appendix B.

38. Amendment to Procurement By-law 2014-27
Procurement Services
November 27, 2017

Pg. 317

Note: This item is related to Item 22.

1. That Corporate Services – Procurement Services report dated November 27, 2017 entitled “Amendment to Procurement By-law 2014-27” be received; and,
2. That the Sole or Single Source threshold amount in Table 5 Schedule “D” Thresholds of the Procurement By-law 2014-27 for the C.A.O. be increased from a range of \$25,000.01 to \$49,999.99, to a range of \$25,000.01 to \$99,999.99; and,
3. That the Sole or Single Source threshold amount in Table 5 Schedule “D” Thresholds of the Procurement By-law 2014-27 for Council be increased from \$50,000 and over, to \$100,000 and over; and,
4. That Council adopt the amendments to the Procurement By-law 2014-27 attached to this report as Appendix B.

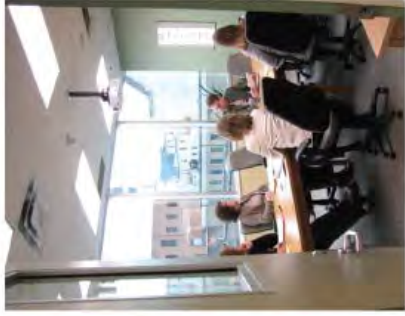
39. Water Digitization Project
Information Technology/Public Works Services
November 27, 2017

Pg. 324

1. That Joint Corporate Services - Information Technology/ Development & Infrastructure Services - Public Works Services Report 2017-57 dated November 27, 2017 entitled “Water Digitization Project” be received and the following recommendations be adopted:
 - a. That Infomax Technologies be awarded the contract for the Water Digitization Project in the amount of \$64,300 plus annual operating costs of \$14,880 for a term of up to four years (to 2021), in accordance with the single source provisions of the Town’s Procurement By-law 2014-27; and,
 - b. That the Director, Public Works Services and the Manager, Procurement Services be authorized to execute the agreement.

- 40. Deputation regarding Servicing Allocation (260 Eagle Street)** Pg. 328
Mr. Brad Rogers, Groundswell Urban Planners and Mr. Stephen Meyer, Oxford Homes
- Note: This deputation is related to Item 14.
- 41. Deputation regarding Servicing Allocation (King George School)** Pg. 330
Mr. Brad Rogers, Groundswell Urban Planners Inc. on behalf of 400 Park Avenue Inc.
- Note: This deputation is related to Item 14.
- 42. Deputation regarding Servicing Allocation (Sundial Homes)** Pg. 331
Mr. Chris Matson, Matson McConnell Ltd.
- Note: This deputation is related to Item 14.
- 43. Proclamation Request – February 1 to February 7, 2018 – Eating Disorder Awareness Month (EDAW)** Pg. 332
1. That the proclamation request be received; and,
 2. That the Town of Newmarket proclaim February 1 to February 7, 2018 as Eating Disorder Awareness Month; and,
 3. That the proclamation be advertised on the Town Page and on the Town's website.
- 44. Approval of the 2018 Operating and Capital Budgets Report – Appendix C** Pg. 334
- Note: This is related to Items 6 and 35. Appendix C to be distributed when available.

Adjournment



innovation creativity connections exploration

1

Newmarket Public Library Report to the Community 2016-2017



Inspiring the growth of an engaged and informed Newmarket as the centre of community dialogue, debate and discovery in dynamic and welcoming physical and virtual environments.

2

The Library's role::





Igniting community dialogue,
discovery, and debate



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Online Library

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Website Catalogue Advanced Search

What's Up

Latest Tweets

Southlake Cinema presents An Inconvenient Sequel, with interactive discussion and Q&A after the film. Get ticket...[#Newmarket #parents: Still a few spots left for our kid-friendly #3D runtime place Sat Nov 11th @](https://t.co/lqTbkHQHvF)

Programs and Activities

<	November 2017	>
Su	Mo	Tu
We	Th	Fr
Sa	2	3
4		

Today's Hours: 9:30 a.m. to 9 p.m. | View All Hours

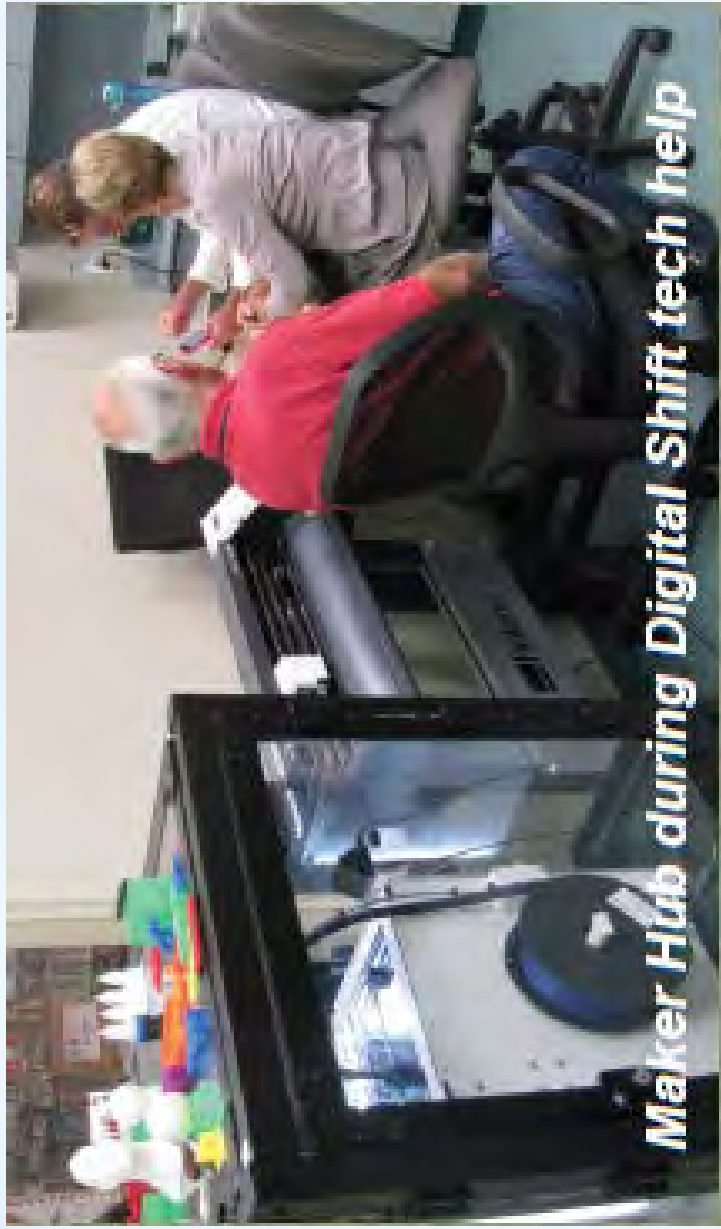
Igniting community dialogue,
discovery, and debate





Igniting community dialogue,
discovery, and debate





Maker Hub during Digital Shift tech help

Leading a Learning Community





Leading a Learning Community

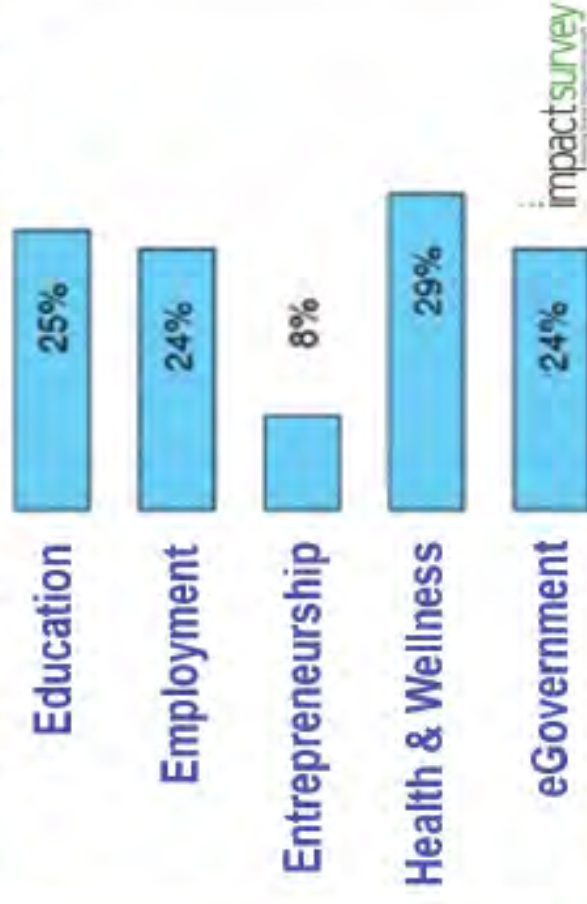




Readying our Capabilities

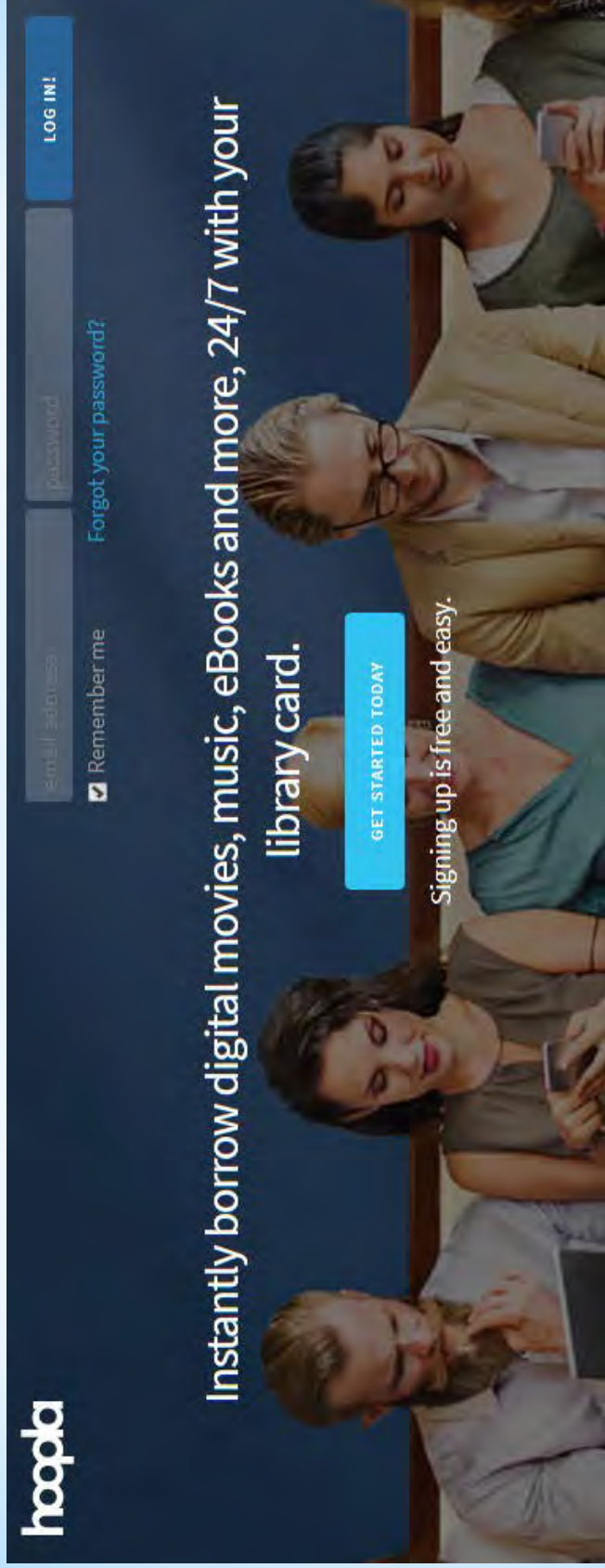


How people use library Internet connections



Ready to Read?





Readyxing our Capabilities





Readying our Capabilities



254,000

Annual in-person visits

145,000

Annual website visits

14,000

Annual program attendance

By the numbers...



25,000

Number of library cards

504,000

Annual borrowing

17%

Digital borrowing

By the numbers...



34,000

Annual computer use

6,500

Annual volunteer matches

\$7.85

ROI for every \$1 invested

By the numbers...



30,000

Annual music streams/downloads

220

Annual 3D prints

9

People who got a job using a library computer

By the numbers...



I can't believe the library has ONLINE COURSES



Believe it.

From online certificate courses to eBooks, language lessons to digital magazines.

Newmarket Public Library provides access to it all at www.newmarketpl.ca/free



Image courtesy of Imagerymajestic/FreeDigitalPhotos.net

tkyle@newmarketpl.ca

Deputation and Further Notice Request Form

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

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

Name: Edmund Daniel	
Organization / Group/ Business represented: Maple Lane Lands & Development Co. Ltd.	
Address: 3565 King Rd., Suite 109, King City, ON	Postal Code: L7B 1M3
Daytime Phone No:	Home Phone:
Email: maple.lane@rogers.com	Date of Meeting: Nov. 27, 2017
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 14
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): This is a plea to Council to grant 4 units of Servicing Allocations for the proposed 4-plex at 680 Gorham Street, forthwith. In a Site Plan Review Committee meeting on Oct. 23, 2017, Council granted approval in principle for a site plan application for this project. In the same meeting the applicant agreed with Council to proceed full speed so that construction work could begin on the project in the spring of 2018, assuming that, with Council approval in principle, Servicing Allocations would be granted automatically. However, such allocations are not available automatically. Under the present process, a Servicing Allocation application would be submitted for evaluation and prioritization, and would be presented to Council among other such applications in May of 2018. As it is not reasonable for us to proceed with the project without being certain of having water and sanitary sewer services, we would thus be stalled until at least May of 2018. We are therefore asking Council to grant us these 4 units of allocation, now.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

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

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

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100



CORPORATE SERVICES COMMISSION
Financial Services

TOWN OF NEWMARKET
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Newmarket, ON L3Y 4X7

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905.895.5193 ext 2102

18

September 1, 2017

CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2017-40

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2018 Stormwater Rates

ORIGIN: Financial Business Analyst

RECOMMENDATION(S):

1. That Corporate Services Report-Financial Services – 2017-40 dated September 1, 2017 regarding 2018 Stormwater Rates be received and the following recommendations be adopted:
 - a) That the attached Schedule “A”, being the Town of Newmarket 2018 Stormwater Rates, be approved and adopted by By-law;
 - b) And that the Stormwater Rates adjustments come into full force and effect as of January 1, 2018.

COMMENTS:

Purpose

The purpose of this report is to propose adjustments to the Town’s stormwater rates in 2018.

Summary

2017 was the inaugural year of the stormwater charge. Staff communicated the impact of the charge to residents and businesses and this report addresses the feedback received. The report recommends rate increases as per the 2017 Six-Year Stormwater Financial Plan to better finance the protection of homes and businesses from flooding.

Budget Impact

The median low runoff property will see a stormwater charge increase of \$0.78 per year, the median medium runoff property will see a charge increase of \$3.72 per year and the median high runoff property will see a charge increase of \$9.01 per year. That is, this report recommends increasing stormwater rates by 12.3% in 2018.

Background

The charge was established in 2017 to provide a fair, transparent and dedicated funding source to help protect homes and businesses from floods.

The Municipal Act, 2001, S.O. 2001 (the “Act”), authorizes a municipality to pass by-laws imposing fees and charges pertaining to a stormwater system pursuant to sections 9, 10, 11 and 391 of the Act. The proposed Stormwater Management Services Charge By-law will enable the Town to impose a stormwater fee.

With Report 2017-30, Council adopted the 2017 Six Year Stormwater Financial Plan. The rates approved in the plan for 2018 are being recommended for adoption in this report.

Analysis

Communications of the Charge

Staff executed the communications plan approved by Council with Report 2015-42 and engaged the public by issuing a press release, posting an advertisement on Facebook, sending invitations to key stakeholders, hosting a Public Information Centre (PIC), and having a presence at the Community Open House.

Overall, the feedback on the direction of the project was positive. The Newmarket Chamber of Commerce and Newmarket Environmental Advisory Committee were consulted to refine the program.

After Council approval of the charge, staff created an online estimator tool to help residents understand the net impact of implementing the stormwater charge on their property. Moreover, letters were sent to non-residential property owners of the change explaining how the Town charges for stormwater billing. Finally, brochures were sent to all residential properties explaining the new charge.

Reception of the Charge

Staff received calls to ask questions and provide comments with respect to the new charge. In all, The Town’s Customer Service department recorded 37 calls during the year with respect to the stormwater charge.

There were three main comments that staff received from the public that are outlined below:

- **Large Single Residential Properties**

Staff received comments that properties on large residential lots should receive the low level runoff rate. Staff sampled these properties to determine their average percent imperviousness. It was determined that these properties have a similar average percent imperviousness to the low level runoff rate. Therefore, the charges for residential properties over 4,000 square metres were adjusted to reflect the lower runoff assessment.

- **Proximity to Low Impact Development Infrastructure**

Staff received a comment that properties in abutting LID features in public right-of-way should receive a lower rate. The stormwater charge is based on how much stormwater runoff a property produces, not based on where water flows once it leaves the property. Providing a lower charge would go against Town policy of calculating the charge.

- **Designated Woodlot by Official Plans**

Staff received a comment that properties that are designated as woodlots by the Region's Official Plan should receive the low level runoff rate. Further analysis was undertaken by staff to determine if this designation is a reliable indicator of a property's impervious area.

The purpose of the woodlot designation is to set policy direction for protecting woodlots, but does not necessarily reflect the actual use for the property. Therefore, there are many properties designated as woodlot that are developed into typical residential and commercial properties with impervious percentages much higher than the low runoff rate.

For the purposes of the stormwater charge, the Town uses zoning rather than official plan designations for determining stormwater rates. This is because zoning is a reliable predictor of impervious area.

Rate Drivers

The stormwater utility is subject to cost drivers. The main drivers for the increases are:

- Meeting immediate capital replacement needs;
- Building a reserve to replace assets when they reach the end of their useful life;
- Managing Increased runoff due to more severe weather patterns;
- Reducing phosphorus runoff to meet rising environmental standards.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

CONSULTATION

Advertisement on The Town of Newmarket's web site has been provided for a two-week period in advance of the public meeting. Notice has also been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report

BUDGET IMPACT

Operating Budget

The median low runoff property will see a new stormwater charge increase of \$0.78 per year, the median medium runoff property will see a charge increase of \$3.72 and the median high runoff property will see a charge increase of \$9.01. That is, this report recommends increasing stormwater rates by 12.3% in 2018.

Capital Budget

Not Applicable.

CONTACT

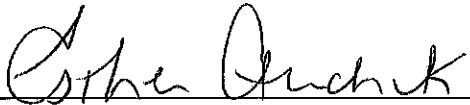
For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



Kevin Yaraskavitch
Financial Business Analyst



Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer



Esther Armchuk, LL.B.

Commissioner, Corporate Services

MM/Im

Attachments(s):

- a) Schedule A – Stormwater Rates

TOWN OF NEWMARKET
2018 USER FEES
Schedule A - Stormwater Rates
Effective Date: January 1, 2018

Rates	Average Percent Impervious	2017 Per Square Metre Charge	2018 Per Square Metre Charge	Increase	
Low Runoff Level Group	9%	\$ 0.013300	\$ 0.014941	\$ 0.001641	12.3%
Medium Runoff Level Group	44%	\$ 0.065045	\$ 0.073046	\$ 0.008001	12.3%
High Runoff Level Group	88%	\$ 0.130091	\$ 0.146145	\$ 0.016054	12.3%
Median Charge	Area in Square Meters	2017 Charge	2018 Charge	Increase	
Low Runoff Level Group	478	\$ 6.36	\$ 7.14	\$ 0.78	12.3%
Medium Runoff Level Group	465	\$ 30.25	\$ 33.97	\$ 3.72	12.3%
High Runoff Level Group	561	\$ 72.98	\$ 81.99	\$ 9.01	12.3%
Regulatory Fees					
Stormwater Credit Application Fee		\$50.00			



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CORPORATE SERVICES COMMISSION
Financial Services

TOWN OF NEWMARKET
395 Mulock Drive
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mmayes@newmarket.ca
905.895.5193 ext 2102

September 1, 2017

CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2017-41

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2018 Water and Wastewater Rates

ORIGIN: Financial Business Analyst

RECOMMENDATIONS:

1. That Corporate Services Report-Financial Services 2017-41 dated September 1, 2017 regarding 2018 Water and Wastewater Rates be received and the following recommendations be adopted:
 - a) That the attached Schedule "A", being the Town of Newmarket Water and Wastewater Rates, be approved and adopted by By-law;
 - b) And that the Water and Wastewater Rates adjustments come into full force and effect as of January 1, 2018.

COMMENTS:

Purpose

The purpose of this report is to propose adjustments to the Town's water and wastewater rates in 2018.

Budget Impact

There is no impact on the tax base. The proposed fee adjustments include increases to both consumption fees and changes to the monthly fixed charge for water and wastewater. For an average resident consuming 200 cubic meters of water per year, the increase will be 6.2% or \$67. Average increases for non-residential properties range from 7.9% to 10.5%, depending on meter size.

Summary

The proposed fee adjustments include an increase in consumption fees of 11.4% for water and -0.2% for wastewater. It is proposed that the combined monthly fixed fees increase by \$2.65 for the basic monthly charge. Finally, it is recommended that the utility continue to transition to a tiered fixed rate to be completed by 2020.

Background

Based on the Service Pricing Policy, water and wastewater rates are categorized as Consumer Goods. This categorization establishes a cost recovery target level of 100% to recover the full cost of providing the service by the municipality. In addition, the Sustainable Water and Sewage System Act, 2002 (SWSSA) requires that both water and wastewater systems are financially self-sustaining.

The ability of a municipality to establish water and wastewater rates is prescribed under the Municipal Act. The proposed water and wastewater rate increases are in line with the Town's 2017 Six Year Water and Wastewater Financial Plan approved by Council in Corporate Services – Financial Services Report 2017-26.

Tiered Water Rates

The Town entered the first phase of implementing the new tiered water rate structure in 2017. The tiered rate structure means that those with larger water meters pay a larger monthly fee. The rate structure helps ensure fairness when it comes to water and wastewater rate charges.

The tiered rate structure being phased in will help make water and wastewater more affordable for residences and small businesses in the coming years.

The Town is implementing the new rate structure to be completed by 2020 to give businesses time to adapt. Since implementing the rate structure, there has been a minor uptake from businesses reducing their meter size. Reducing the meter size results in businesses paying a lower monthly fixed rate while saving the Town maintenance costs of a larger meter.

Cost Drivers

The water and wastewater utilities are subject to many cost drivers. The main drivers for the increases are:

- A 9% increase in Regional charges for the treatment and distribution of water and the collection and treatment of wastewater;
- An 10.7% increase to the Town's annual Asset Replacement Fund contribution amount for long-term financial sustainability;
- Conservation measures and weather have resulted in a less constant stream of revenue;
- Costs related to additional flushing of the water system;
- Inflationary pressures.

The result of these cost drivers are reflected in the attached rate change for 2018.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The adoption of the Fees and Charges by-law to implement adjustments to Water and Wastewater Rates is in alignment with the key focus area, *Well-equipped & managed* of the Community Strategic Plan.

CONSULTATION

The Municipal Act stipulates public notice requirements for changes to Water and Wastewater Rates. Advertisement on The Town of Newmarket's website has been provided for a three-week period in advance of the public meeting. Notice has also been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. The statutory public meeting is scheduled for December 4, 2017.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

Operating Budget

There is no impact on the tax base. The proposed fee adjustments include increases to both consumption fees and monthly fixed charges for water and wastewater.

For an average resident consuming 200 cubic meters of water per year, the increase will be 6.2% or \$67.

For further details of how customers are impacted by the charge, see Table 1.

Table 1: Impact of Water and Wastewater Rate Changes in 2018

	Annual Consumption	2017 Average Bill	2018 Average Bill	Change
2" Residential and Non-Residential Customer	200 m3	\$1,090	\$1,157	6.2%
2" Industrial, Institutional, Commercial Customer	4,600 m3	\$17,629	\$19,290	9.4%
3" Industrial, Institutional, Commercial Customer	6,900 m3	\$26,709	\$29,514	10.5%
4" Industrial, Institutional, Commercial Customer	22,000 m3	\$83,140	\$89,699	7.9%

Capital Budget

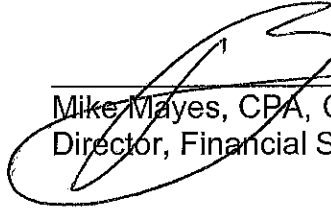
This rate enables a 10.7% increase to the Town's annual Asset Replacement Fund contribution amount in order to help close the infrastructure gap and ensure long-term financial sustainability.

CONTACT

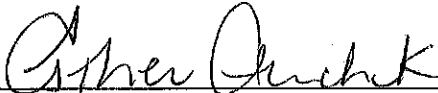
For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



Kevin Yaraskavitch
Financial Business Analyst



Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer



Esther Armchuk, B.A.
Commissioner, Corporate Services

MM:KY/lm

Attachments:

- a) Schedule A – Water and Wastewater Rates

TOWN OF NEWMARKET
2018 USER FEES
Schedule A - Water and Wastewater Rates
Effective Date: January 1, 2018

	Rates as of July 01, 2017		Rates as of January 01, 2018		Change
	per 100 cubic feet	per cubic metre	per 100 cubic feet	per cubic metre	%
Water					
Volumetric Rate	\$ 4.558	\$ 1.609	\$ 5.079	\$ 1.793	11.4%
Flat rate - no meter, monthly	\$ 62.06		\$ 65.91		6.2%
Basic charge, monthly	\$ 14.00		\$ 14.94		6.7%
2" Meter Monthly Charge	\$ 28.00		\$ 60.00		114.3%
3" Meter Monthly Charge	\$ 52.50		\$ 112.00		113.3%
4" Meter Monthly Charge	\$ 87.50		\$ 187.00		113.7%
Wastewater					
Volumetric Rate	\$ 5.862	\$ 2.070	\$ 5.850	\$ 2.065	-0.2%
Flat rate - no meter, monthly	\$ 60.68		\$ 64.45		6.2%
Basic meter charge, monthly	\$ 15.50		\$ 17.21		11.0%
2" Meter Monthly Charge	\$ 31.00		\$ 69.00		122.6%
3" Meter Monthly Charge	\$ 58.13		\$ 129.00		121.9%
4" Meter Monthly Charge	\$ 96.88		\$ 215.00		121.9%
Average Bill by Meter Size	Annual Consumption		2017	2018	Change
<2" Residential and Non-Residential Customer	200 m3		\$1,090	\$1,157	6.2%
2" Industrial, Institutional, Commercial Customer	4,600 m3		\$17,629	\$19,290	9.4%
3" Industrial, Institutional, Commercial Customer	6,900 m3		\$26,709	\$29,514	10.5%
4" Industrial, Institutional, Commercial Customer	22,000 m3		\$83,140	\$89,699	7.9%



**Mike Mayes, Director
Financial Services**

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November 8, 2017

**JOINT DEVELOPMENT & INFRASTRUCTURE SERVICES – PLANNING & BUILDING
SERVICES AND CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2017-54**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2018 User Fees and Charges – Planning Act Fees

ORIGIN: Director, Planning & Building Services and Director, Financial Services/Treasurer

RECOMMENDATIONS:

1. That Joint Development & Infrastructure Services – Planning & Building Services and Corporate Services Report – Financial Services 2017-54 dated November 8, 2017 regarding 2018 User Fees and Charges – Planning Act Fees be received and the following recommendations be adopted:
 - a) That the attached Schedule "A", being the Town of Newmarket 2018 Planning Application Fees Schedule, be approved and adopted by by-law;
 - b) And that the fee adjustments come into full force and effect as of January 1, 2018.

COMMENTS

Purpose

The purpose of this report is to recommend increases of 2.1% to the Planning Act Fees for 2018, unless fees are regulated or established by other provincial legislation or third party.

Budget Impact

The estimated impact of the proposed increases to the Planning Act Fees is \$8,500 for the same volume.

Summary

Fees and charges are being targeted to increase by 2.1%, resulting from general service cost increases including wage and benefit increases.

Background

All rates and fees are reviewed annually and adjusted in accordance with the Annual Budget Review Process and application of the Service Pricing Policy.

Analysis & Options

Based on the Service Pricing Policy, Planning fees are categorized as a Community Supported Good, establishing a targeted cost recovery level of 90% for the majority of fees with the exception of Committee of Adjustment application fees. The targeted cost recovery for Committee of Adjustment application fees is 55%.

The attached Schedule "A" has been prepared to recognize Planning Application fee increases of 2.1% resulting from general service cost increases including wage and benefit increases.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The adoption of the 2018 Fees and Charges by-law, implementing adjustments to the Planning Act regulated fees, is in alignment with the key focus area *Well-equipped & managed* of the Community Strategic Plan.

CONSULTATION

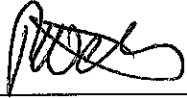
Advertisement on the Town of Newmarket's website has been provided for a three-week period in advance of the public meeting (Council on December 4). In addition, notice has been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 27, 2017.

BUDGET IMPACT (Current and Future)

The additional revenue anticipated as a result of the increase in Planning Act Fees is \$8,500 with the same volume.

CONTACT

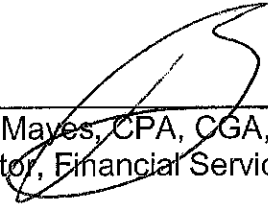
For more information on this report, please contact Rick Nethery at 905-953-5300, ext. 2451 or rnethery@newmarket.ca or Mike Mayes at 905-953-5300, ext. 2102 or mmayes@newmarket.ca



Rick Nethery
Director, Planning and Building Services



Peter Noehammer
Commissioner, DIS Services



Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer



Esther Armchuk, B.A.
Commissioner, Corporate Services

MM:FW/lm
Attachment

(1) Planning Department: 2018 User Fees – Schedule A (6 pgs.)

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Planning

Effective Date:

January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Application Processing: Fees Prescribed under Section 69 of the Planning Act, R.S.O. 1990 for applications submitted after Sept. 15/2006.							
Official Plan Amendment	each	Y	\$ 23,481.10	\$ 23,974.20	\$ 3,116.65	\$ 27,090.85	2.1%
Zoning By-law Amendment	each	Y	\$ 20,467.69	\$ 20,897.51	\$ 2,716.68	\$ 23,614.19	2.1%
Subdivision - Residential	Base fee	Y	\$ 74,605.73	\$ 76,172.45	\$ 9,902.42	\$ 86,074.87	2.1%
	Plus per unit	Y	\$ 193.15	\$ 197.21	\$ 25.64	\$ 222.85	2.1%
Subdivision - Commercial	Base fee	Y	\$ 80,046.46	\$ 81,727.44	\$ 10,624.57	\$ 92,352.01	2.1%
	Plus per hectare	Y	\$ 1,480.75	\$ 1,511.85	\$ 196.54	\$ 1,708.39	2.1%
Subdivision - Industrial	Base fee	Y	\$ 82,267.67	\$ 83,995.29	\$ 10,919.39	\$ 94,914.68	2.1%
	Plus per hectare	Y	\$ 370.18	\$ 377.95	\$ 49.13	\$ 427.08	2.1%
Subdivision - Institutional	Base fee	Y	\$ 81,526.22	\$ 83,238.27	\$ 10,820.98	\$ 94,059.25	2.1%
	Plus per hectare	Y	\$ 740.38	\$ 755.93	\$ 98.27	\$ 854.20	2.1%
Revision of Draft Plan Approval Requiring Circulation	each application	Y	\$ 2,879.61	\$ 2,940.08	\$ 382.21	\$ 3,322.29	2.1%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Planning

Effective Date:

January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Revision to Conditions of Draft Approval	each application	Y	\$ 2,879.61	\$ 2,940.08	\$ 382.21	\$ 3,322.29	2.1%
Extension of Draft Approval	each application	Y	\$ 1,439.79	\$ 1,470.03	\$ 191.10	\$ 1,661.13	2.1%
Registration of each Phase of a Plan	each	Y	\$ 1,439.79	\$ 1,470.03	\$ 191.10	\$ 1,661.13	2.1%
Site Plan - Residential	each	Y	\$ 38,335.52	\$ 39,140.57	\$ 5,088.27	\$ 44,228.84	2.1%
	Plus per unit	Y	\$ 193.15	\$ 197.21	\$ 25.64	\$ 222.85	2.1%
Site Plan - High Rise Office Commercial	Per 1,800 m ² of gross floor area	Y	\$ 12,544.42	\$ 12,807.85	\$ 1,665.02	\$ 14,472.87	2.1%
Site Plan - All Other	each	Y	\$ 12,305.84	\$ 12,564.26	\$ 1,633.35	\$ 14,197.61	2.1%
Condominium - Residential	each	Y	\$ 34,359.90	\$ 35,081.46	\$ 4,560.59	\$ 39,642.05	2.1%
	Plus per unit	Y	\$ 193.15	\$ 197.21	\$ 25.64	\$ 222.85	2.1%
Condominium - All Other	each	Y	\$ 8,621.79	\$ 8,802.85	\$ 1,144.37	\$ 9,947.22	2.1%
Removal of Holding (H)	each	Y	\$ 3,814.83	\$ 3,894.94	\$ 506.34	\$ 4,401.28	2.1%
Part Lot Control	each	Y	\$ 1,807.41	\$ 1,845.37	\$ 239.90	\$ 2,085.27	2.1%
Consent - Severance	each	Y	\$ 6,425.21	\$ 6,560.14	\$ 852.82	\$ 7,412.96	2.1%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Planning

Effective Date:

January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Consent - Other	each	Y	\$ 4,283.99	\$ 4,373.95	\$ 568.61	\$ 4,942.56	2.1%
Minor Variance	each	Y	\$ 1,436.65	\$ 1,466.82	\$ 190.69	\$ 1,657.51	2.1%
Special Committee of Adjustment Meeting for Emergent Issues	each	Y	\$ 986.50	\$ 1,007.22	\$ 130.94	\$ 1,138.16	2.1%
Sign or fence By-law variance - within the jurisdiction of staff	each	Y	\$ 86.21	\$ 88.02	\$ 11.44	\$ 99.46	2.1%
Sign or fence By-law variance or appeal to the Variance Committee	each	Y	\$ 509.21	\$ 519.90	\$ 67.59	\$ 587.49	2.1%
Telecommunications Tower	each	Y	\$ 12,130.47	\$ 12,385.21	\$ 1,610.08	\$ 13,995.29	2.1%
Application Reactivation Fee	each	Y	\$ 650.73	\$ 664.40	\$ 86.37	\$ 750.77	2.1%
	Plus Annual Increase	Y					
Woodlot Preservation Application (By-Law 2007-71)	per tree	Y	\$ 130.15	\$ 132.88	\$ 17.27	\$ 150.15	2.1%
Tree Preservation, Protection, Replacement and Enhancement Policy Compensation Based on the "Guide for Plant Appraisal" 9 th (or latest) edition established by the International Society of Arboriculture.							
Request for Support Resolution (Feed-In-Tariff Program)	Per Application	N	\$ 154.50	\$ 157.74	\$ -	\$ 157.74	2.1%
Peer Review and/or External Consulting Fees	Actual Cost	Y					
Planning Administrative Fee	5% of consultant's fee	Y					

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Planning

Effective Date:

January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Referral of Plan to Ontario Municipal Board	each	N	\$ 125.00	\$ 125.00	\$ -	\$ 125.00	0.0%
Ontario Municipal Board Hearing Deposits	Ontario Municipal Board Hearing Deposits are due and payable upon the receipt of an appeal with respect to the application(s). The said deposit shall be paid by the applicant in a manner and amount to be determined by the Council of the Town of Newmarket. Fees incurred by the Municipality above and beyond the amount of the deposit required will be invoiced to and payable by the applicant. Should the fees incurred be less than the amount of the deposit required, the appropriate refund will be issued to the applicant.						
Application Processing: Fees Prescribed under Section 69 of the Planning Act, R.S.O. 1990 for applications submitted prior to Sept. 15/2006.							
Draft Approval and Final Registration Coordination Fee (payable at time of draft approval)							
Industrial Subdivisions		Y	\$ 20,931.62	\$ 21,371.18	\$ 2,778.25	\$ 24,149.43	2.1%
Residential Subdivisions (more than 30 lots)		Y	\$ 20,942.38	\$ 21,382.17	\$ 2,779.68	\$ 24,161.85	2.1%
All other Subdivisions		Y	\$ 15,699.49	\$ 16,029.18	\$ 2,083.79	\$ 18,112.97	2.1%
Coordination Fee for Engineering Drawing Submissions beyond 4 th Submission (payable at time of 5 th submission)							
Industrial Subdivisions		Y	\$ 5,131.06	\$ 5,238.81	\$ 681.05	\$ 5,919.86	2.1%
Residential Subdivisions (more than 30 lots)		Y	\$ 5,131.06	\$ 5,238.81	\$ 681.05	\$ 5,919.86	2.1%
All other Subdivisions		Y	\$ 2,565.51	\$ 2,619.39	\$ 340.52	\$ 2,959.91	2.1%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Planning

Effective Date:

January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Miscellaneous Items							
Photocopies	each	Y	\$ 0.93	\$ 0.93	\$ 0.12	\$ 1.05	0.0%
Zoning By-law Amendment (copy)	each	Y	\$ 3.45	\$ 3.52	\$ 0.46	\$ 3.98	2.0%
Street Maps (36" X 42")	each	Y	\$ 16.27	\$ 16.61	\$ 2.16	\$ 18.77	2.1%
Full Size Drawings (Copies)	each	Y	\$ 16.27	\$ 16.61	\$ 2.16	\$ 18.77	2.1%
Zoning Maps	each	Y	\$ 6.80	\$ 6.94	\$ 0.90	\$ 7.84	2.1%
Developments Pending Map	each	Y	\$ 16.27	\$ 16.61	\$ 2.16	\$ 18.77	2.1%
Lot Map	each	Y	\$ 16.27	\$ 16.61	\$ 2.16	\$ 18.77	2.1%
OPA	each	Y	\$ 8.19	\$ 8.36	\$ 1.09	\$ 9.45	2.1%
Yonge Street Study	each	Y	\$ 23.15	\$ 23.64	\$ 3.07	\$ 26.71	2.1%
Newmarket Official Plan 2006-2026 (Approved Version)	each	Y	\$ 55.68	\$ 56.85	\$ 7.39	\$ 64.24	2.1%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Planning

Effective Date:

January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Bylaw 1979 - 50	each	Y	\$ 57.06	\$ 58.26	\$ 7.57	\$ 65.83	2.1%
Zoning Bylaw 2010-40	each	Y	\$ 70.40	\$ 71.88	\$ 9.34	\$ 81.22	2.1%
Street Number Maps (set)	each	Y	\$ 81.56	\$ 83.27	\$ 10.83	\$ 94.10	2.1%
Zoning Confirmation Letter	each	Y	\$ 87.82	\$ 89.66	\$ 11.66	\$ 101.32	2.1%
Zoning Compliance Letters	each	Y	\$ 149.03	\$ 152.16	\$ 19.78	\$ 171.94	2.1%
Newmarket Historic Downtown Community Improvement Plan (CIP)	each	Y	\$ 13.60	\$ 13.89	\$ 1.81	\$ 15.70	2.1%
CIP Design Guidelines	each	Y	\$ 6.80	\$ 6.94	\$ 0.90	\$ 7.84	2.1%
Oak Ridges Moraine (OPA)	each	Y	\$ 47.57	\$ 48.57	\$ 6.31	\$ 54.88	2.1%
Site Plan Security Release Inspection	Each inspection after the first	Y	\$ 345.00	\$ 352.25	\$ 45.79	\$ 398.04	2.1%
Oak Ridges Moraine (Zoning Bylaw)	each	Y	\$ 6.80	\$ 6.94	\$ 0.90	\$ 7.84	2.1%
Owner Request for Change of Address	each	Y	\$ 164.71	\$ 168.17	\$ 21.86	\$ 190.03	2.1%



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November 8, 2017

JOINT CENTRAL YORK FIRE SERVICES AND CORPORATE SERVICES REPORT - FINANCIAL SERVICES 2017-55

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2018 User Fees and Charges – Fire Services

ORIGIN: Fire Chief and Director, Financial Services/Treasurer

RECOMMENDATIONS

1. That Joint Central York Fire Services and Corporate Services Report – Financial Services 2017-55 dated November 8, 2017 regarding 2018 User Fees and Charges – Fire Services be received and the following recommendations be adopted:
 - a) That the attached Schedule “A”, being the Town of Newmarket 2018 Fire Services Fees Schedule, be approved and adopted by by-law;
 - b) And that the fee adjustments come into full force and effect January 1, 2018.

COMMENTS

Purpose

The purpose of this report is to recommend adjustments to the user fees and charges in Fire Services for 2018.

Budget Impact

The anticipated impact of the adjustment to Fire Services fees is not material.

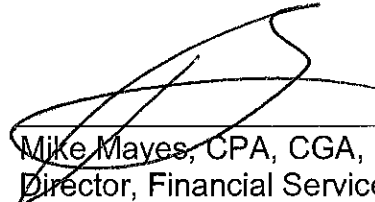
Summary

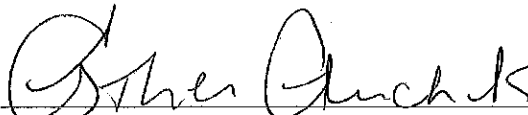
CYFS is proposing to increase its fees and charges by 2.1% except for those that are regulated or established by Provincial legislation or third-party. The increase is to reflect service cost increases including wages and benefits.

CONTACT

For more information on this report, contact Mike Mayes at 905-953-5300, ext. 2102, or via email at mmayes@newmarket.ca OR Ian Laing, Fire Chief, Central York Fire Services at 905-953-5300, ext. 3001 or ilaing@newmarket.ca.



Ian Laing
Fire Chief, Central York Fire Services

Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer

Esther Armchuk, B.A. LL.B.
Commissioner, Corporate Services

MM/FW:lm
Attachment

(1) 2018 User Fees Schedule A – Fire Services (2 pgs.)

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Fire Services

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE
Apartment/Office Inspections	One to five storey premises	6 hours	Y	\$367.15	\$367.15	\$47.73	\$414.88
Base Building	Six or more storey premises	8 hours	Y	\$489.55	\$489.55	\$63.64	\$553.19
	Each additional unit	1.5 hours	Y	\$91.79	\$93.72	\$12.18	\$105.91
	Day Care Home Inspection	1.5 hours	Y	\$91.79	\$93.72	\$12.18	\$105.91
	Day Nursery Inspection	1.5 hours	Y	\$91.79	\$93.72	\$12.18	\$105.91
	Faxing or Mailing Reports	0.75 hours	Y	\$45.90	\$46.86	\$6.09	\$52.95
Request for Report	First hour per fire unit/flat rate		N	\$450.00	\$459.45	\$0.00	\$459.45
Hazardous Materials Response (any location)	Each additional ½ hour per fire unit		N	\$225.00	\$229.73	\$0.00	\$229.73
	Per hour/firefighter plus material used		N	\$47.22	\$47.22	\$0.00	\$47.22
	Per hour/officer plus material used		N	\$54.29	\$54.29	\$0.00	\$54.29
Industrial & Commercial Inspection	Per single industrial unit	1.5 hours	Y	\$91.79	\$93.72	\$12.18	\$105.91
	Each additional unit	1.5 hours	Y	\$91.79	\$93.72	\$12.18	\$105.91
	LLBO Inspections	2 hours	Y	\$122.39	\$124.97	\$16.25	\$141.21

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: Fire Services

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE
Provincial Highway Accident Responses	First hour per fire unit/flat rate Each additional ½ hour per fire unit		N	\$459.45	\$459.45	\$0.00	\$459.45
Property File Search	File Search and Response	1.5 hours	Y	\$91.79	\$91.79	\$11.93	\$103.72
Retrofit Inspections (9.5, 9.6)		6 hours	Y	\$367.15	\$374.86	\$48.73	\$423.59
Retrofit Inspections (9.8)		3 hours	Y	\$195.82	\$199.94	\$25.99	\$225.93
Paid Duty Truck Stand-by	First hour per fire unit/flat rate Each additional ½ hour per fire unit		N	\$450.00	\$459.45	\$0.00	\$459.45
	Per hour/firefighter plus material used		N	\$47.22	\$47.22	\$0.00	\$47.22
	Per hour/officer plus material used		N	\$54.29	\$54.29	\$0.00	\$54.29
Fireworks Permit Fee			N	\$100.22	\$102.32	\$0.00	\$102.32
Extinguisher Training Using Classroom and Burn Pan	Per session up to 20 people with own extinguishers		Y	\$373.12	\$373.12	\$48.51	\$421.62
Chronic False Alarm responses (preventable cause)-after two responses	Per unit/per incident		N	\$450.00	\$459.45	\$0.00	\$459.45



**Mike Mayes, Director
Financial Services**

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November 8, 2017

JOINT CORPORATE SERVICES REPORT - LEGISLATIVE SERVICES AND FINANCIAL SERVICES 2017-52

TO: Mayor Tony Van Bynen and Members of Council
Committee of the Whole

SUBJECT: 2018 User Fees and Charges – Licensing Fees

ORIGIN: Director, Legislative Services /Town Clerk and Director, Financial Services/Treasurer

RECOMMENDATIONS

1. That Joint Corporate Services Report – Legislative Services and Financial Services – 2017-52 dated November 8, 2017 regarding 2018 User Fees and Charges-Licensing Fees be received and the following recommendations be adopted:
 - a) That the attached Schedule "A" marked as the "2018 Legislative Services (Licensing) Fees & Charges" be approved and forwarded to Council for final adoption by by-law;
 - b) And that the fee adjustments come into full force and effect as of January 1, 2018.

COMMENTS

Purpose

The purpose of this report is to recommend increases of 2% to the majority of the Licensing Fees for 2018.

Budget Impact

The impact of the proposed increases of 2% to the Licensing Fees is difficult to estimate, as the number of licenses that will be issued in 2018 is unknown.

Summary

Fees and charges are being targeted to increase by 2% on average, resulting from general service cost increases.

Background

All user fees and charges are reviewed annually and adjusted in accordance with the Annual Budget Review Process and application of the Service Pricing Policy.

Based on the Service Pricing Policy, Licensing fees fall into either the Community Supported Good or Consumer Good category, placing them at a 60 -100% cost recovery.

Legislative Services is proposing to increase the majority of 2018 licensing fees by 2%. Over the last three years, Legislative Services have been increasing fees to bring them closer to the 60 - 90% target range. Fees with increases outside the range of 2 - 4% have been highlighted in the attached schedule.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The adoption of the 2018 Fees and Charges by-law, implementing adjustments to Licensing fees, is in alignment with Council's strategic theme of Efficiency / Financial Management and is a component of a sustainable financial strategy.

COMMUNITY CONSULTATION POLICY

Notice has been given through advertisement on the Town's website and the Town Page of the local newspaper for a three-week period in advance of the public meeting (Council on December 4). These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 27, 2017.

BUDGET IMPACT (Current and Future)

Operating Budget

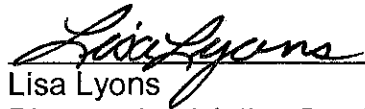
The additional revenue anticipated as a result of the increase in Licensing Fees is difficult to estimate as the number of the licenses that will be issued in 2017 is unknown.

Capital Budget

Not applicable.

CONTACT

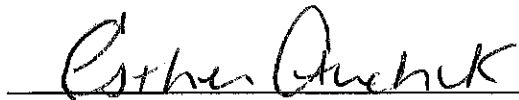
For more information on this report, contact Lisa Lyons, Director of Legislative Services/ Town Clerk, 905-953-5300, extension 2211 or llyons@newmarket.ca



Lisa Lyons
Director, Legislative Services/Town Clerk



Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer



Esther Armchuk, B.A. (Hons.), LL.B., DPA
Commissioner, Corporate Services

FW/lm

Attachment: Legislative Services – Licensing Fees – Schedule A (4 pgs.)

TOWN OF NEWMARKET
2018 USER FEES
Schedule to Bylaw 2018-xx

DEPARTMENT: Legislative Services - Licensing Fees

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	TOTAL FEE	INCREASE
ADULT ENTERTAINMENT PARLOURS						
Owner*	each	N	\$ 595.00	\$ 607.00	\$ 607.00	2%
Owner/Operator*	each	N	\$ 479.00	\$ 490.00	\$ 490.00	2%
Operator*	each	N	\$ 358.00	\$ 365.00	\$ 365.00	2%
Entertainer	each	N	\$ 244.00	\$ 250.00	\$ 250.00	2%
ADULT VIDEOS						
Store*	each	N	\$ 416.00	\$ 425.00	\$ 425.00	2%
Video Tape Store-where provision of Adult Videotapes is only incidental to the carrying on of the business of the provision of videotapes*	each	N	\$ 369.00	\$ 375.00	\$ 375.00	2%
AMUSEMENT - PLACE OF						
Class A (more than 4)*	each	N	\$ 392.00	\$ 400.00	\$ 400.00	2%
Class B (1 to 4)*	each	N	\$ 283.00	\$ 288.00	\$ 288.00	2%
Class C (Mall up to 10)*	each	N	\$ 399.00	\$ 407.00	\$ 407.00	2%
Family Entertainment Centre*	each	N	\$ 404.00	\$ 412.00	\$ 412.00	2%
ANIMAL LICENSING						
Standard Dog or Cat over 4 months (non-refundable)	each	N	\$ 35.00	\$ 35.00	\$ 35.00	0%
Seniors/Special Rate Dog or Cat over 4 months (non-refundable)	each	N	\$ 30.00	\$ 30.00	\$ 30.00	0%
Dog or Cat transfer from other Municipality (non-refundable)	each	N	\$ 5.00	\$ 5.00	\$ 5.00	n/a
Dog or Cat replacement tag (non-refundable)	each	N	\$ 5.00	\$ 5.00	\$ 5.00	0%

**TOWN OF NEWMARKET
2018 USER FEES
Schedule to Bylaw 2018-xx**

DEPARTMENT: Legislative Services - Licensing Fees

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	TOTAL FEE	INCREASE
AUCTIONEERS*	each	N	\$ 197.00	\$ 200.00	\$ 200.00	2%
BILIARDS (MORE THAN 4 TABLES)*	each	N	\$ 288.00	\$ 294.00	\$ 294.00	2%
BILIARDS (1 - 4 TABLES)*	each	N	\$ 232.00	\$ 236.00	\$ 236.00	2%
BODY RUB PARLOUR						
Body-Rub Parlour Owner*	each	N	\$ 595.00	\$ 607.00	\$ 607.00	2%
Body-Rub Parlour Owner/Operator*	each	N	\$ 595.00	\$ 607.00	\$ 607.00	2%
Body-Rub Parlour Operator*	each	N	\$ 415.00	\$ 423.00	\$ 423.00	2%
Body-Rub Attendant	each	N	\$ 294.00	\$ 300.00	\$ 300.00	2%
BOWLING ALLEYS*	each	N	\$ 386.00	\$ 394.00	\$ 394.00	2%
CARNIVAL	each	N	\$ 265.00	\$ 270.00	\$ 270.00	2%
CATERING/REFRESHMENT VEHICLES						
Cart/Vehicle/Bicycle*	each	N	\$ 305.00	\$ 311.00	\$ 311.00	2%
Cart/Vehicle/Bicycle operator*	each	N	\$ 128.00	\$ 130.00	\$ 130.00	2%
Refreshment Special Occasion Permit	each	N	\$ 78.00	\$ 80.00	\$ 80.00	3%
Lost Refreshment Vehicle Plate	each	N	\$ 85.00	\$ 85.00	\$ 85.00	0%
Lost Refreshment Vehicle Operator ID	each	N	\$ 25.00	\$ 25.00	\$ 25.00	0%
Refreshment Cart Location - change to or additional location	each	N	\$ 56.00	\$ 57.00	\$ 57.00	2%
Refreshment Vehicle Transfer	each	N	\$ 175.00	\$ 178.00	\$ 178.00	2%
Clothing Donation Bin	each	N	\$ 218.00	\$ 222.00	\$ 222.00	2%
Clothing Donation Bin - Charities	each	N	\$ 81.00	\$ 83.00	\$ 83.00	2%
Clothing Donation Bin - Change Location	each	N	\$ 56.00	\$ 57.00	\$ 57.00	2%

TOWN OF NEWMARKET
2018 USER FEES
Schedule to Bylaw 2018-xx

DEPARTMENT: Legislative Services - Licensing Fees

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	TOTAL FEE	INCREASE
Clothing Donation Bin - Impound Fee per Bin	each	N	\$ 100.00	\$ 100.00	\$ 100.00	0%
Clothing Donation Bin - Daily Storage Fee per Bin	each	N	\$ 20.00	\$ 20.00	\$ 20.00	0%
FIREWORKS						
Mobile Sales Premise	each		\$ 357.00	\$ 365.00	\$ 365.00	2%
Temporary Sales Premise	each		\$ 357.00	\$ 365.00	\$ 365.00	2%
Permanent Sales Premise	each		\$ 357.00	\$ 365.00	\$ 365.00	2%
HAWKERS & PEDLAR						
Class A operator	each	N	\$ 406.00	\$ 415.00	\$ 415.00	2%
Employer License	each	N	\$ 294.00	\$ 300.00	\$ 300.00	2%
Class B "Special Sale" Per Day	each	N	\$ 106.00	\$ 108.00	\$ 108.00	2%
Class B "Special Sale" Maximum of 7 days	each	N	\$ 357.00	\$ 365.00	\$ 365.00	2%
Class C "Shopping Mall"	each	N	\$ 419.00	\$ 427.00	\$ 427.00	2%
Class D "Shopping Mall"	each	N	\$ 375.00	\$ 382.00	\$ 382.00	2%
Class E "Show Sale"	each	N	\$ 398.00	\$ 406.00	\$ 406.00	2%
Lost Picture ID	each	N	\$ 25.00	\$ 25.00	\$ 25.00	0%
HORSE-RIDING ESTABLISHMENTS*	each	N	\$ 461.00	\$ 470.00	\$ 470.00	2%
LOUD SPEAKERS	each	N	\$ 190.00	\$ 194.00	\$ 194.00	2%
NEWSPAPER BOXES	each	N	\$ 54.00	\$ 55.00	\$ 55.00	2%
Impound Fee	each	N	\$ 59.00	\$ 60.00	\$ 60.00	2%
OUTDOOR SERVING AREAS*	each	N	\$ 347.00	\$ 355.00	\$ 355.00	2%
SECOND HAND GOODS SHOPS & DEALERS*	each	N	\$ 426.00	\$ 435.00	\$ 435.00	2%

TOWN OF NEWMARKET
2018 USER FEES
Schedule to Bylaw 2018-xx

DEPARTMENT: Legislative Services - Licensing Fees

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	TOTAL FEE	INCREASE
TAXI						
Taxi Owner License (Plate)*	each	N	\$ 3,580.00	\$ 3,655.00	\$ 3,655.00	2%
Taxi Owner License Renewal (Plate)*	each	N	\$ 538.00	\$ 550.00	\$ 550.00	2%
Taxi Broker*	each	N	\$ 600.00	\$ 612.00	\$ 612.00	2%
Taxi Plate Owner Transfer (Sale)	each	N	\$ 461.00	\$ 470.00	\$ 470.00	2%
Taxi Driver New or after renewal date	each	N	\$ 178.00	\$ 182.00	\$ 182.00	2%
Taxi Driver Renewal before May 1st	each	N	\$ 106.00	\$ 108.00	\$ 108.00	2%
Taxi Driver Priority List	each	N	\$ 82.00	\$ 84.00	\$ 84.00	2%
Reinspection of Taxi Vehicle	each	N	\$ 58.00	\$ 59.00	\$ 59.00	2%
Vehicle transfer	each	N	\$ 175.00	\$ 178.00	\$ 178.00	2%
Lost Taxi Plate	each	N	\$ 85.00	\$ 85.00	\$ 85.00	0%
Lost Taxi Driver ID	each	N	\$ 25.00	\$ 25.00	\$ 25.00	0%
Lost Tariff Sheet	each	N	\$ 15.00	\$ 15.00	\$ 15.00	0%
Taxi test fee (per test)	each	N	\$ 28.00	\$ 28.00	\$ 28.00	0%
*Late Payment Fee for some classes of licenses			\$ 25.00	\$ 25.00	\$ 25.00	0%



**Mike Mayes, Director
Financial Services/Treasurer**

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November 8, 2017

CORPORATE SERVICES REPORT - FINANCIAL SERVICES 2017-53

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2018 User Fees and Charges – General

ORIGIN: Director, Financial Services/Treasurer

RECOMMENDATIONS

1. That Corporate Services Report – Financial Services 2017-53 dated November 8, 2017 regarding 2018 User Fees and Charges – General be received and the following recommendations be adopted:
 - a) That the attached Schedules "A", "B", "C", "D", "E" and "F" marked as the Town of Newmarket 2018 All Departments, Corporate Services – Finance & Procurement & IT, Legal Services, Public Works Services, Engineering Services and Legislative Services - General Fees and Charges Schedules respectively, be approved and adopted by by-law;
 - b) And that the fee adjustments come into full force and effect as of January 1, 2018.

COMMENTS

Purpose

The purpose of this report is to recommend increases to the fees and charges in Corporate Services, Public Works Services and Engineering Services, to become effective January 1, 2018.

Budget Impact

The impact of the increases to the above fees is not material.

Summary

The proposed user fee changes vary depending upon the services provided. Although a 2.1% increase has been proposed to all the fees and charges in general, fee increase varies depending on the service provided.

Background

All rates and fees are reviewed annually and adjusted in accordance with the Annual Budget Review Process and application of the Service Pricing Policy. Based on the Service Pricing Policy, fees and charges are categorized by user and type of service. Target cost recovery levels are established and user fees and charges are to be adjusted accordingly. The proposed user fee charges vary depending upon the services provided.

Corporate Services

- **Procurement Services:** No change is proposed to the fee items.
- **Information Technology:** No change is proposed to the fee items.
- **Financial Services:** No change is proposed to most of the fee items. A new fee was introduced for new account/roll number.

Legal Services: Legal Services conducted a comprehensive review of all the legal fees and charges this year. All the fee items are categorized based on the nature of the business. A 2.1% increase is proposed to most of the fee items.

Legislative Services-General fees and charges are proposed to increase by 2.1% in 2018 except for those regulated or established by either Provincial legislation or third party. A couple of new fees were proposed for marriage ceremonies to respond to requests for additional services. A new fee for By-law re-inspection was also introduced in 2018. The new Property Standards By-law enacted at Council on November 13, 2017 will have the fees associated incorporated into the General Fees and Charges schedule. The fees associated with the pending Noise By-law to be considered at the November 27, 2017 Committee of the Whole meeting will be incorporated into the schedules once approved. The proposed fees for noise exemption applications and permit fees have been separated into two fees as these were previously combined.

Public Works: A 2.1% increase is proposed to most of the fee items. New fees are introduced for public tree preservation.

Engineering Services: All the fees and charges are proposed to increase by 2.1%.

The attached schedules represent general fees and charges levied by the municipality that are not linked to specific legislation. Any new fees and fee items outside the range of a 2%-4% increase are highlighted.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The adoption of the 2018 General Fees and Charges is in alignment with the key focus area *Well-equipped & managed*, of the Community Strategic Plan.

CONSULTATION

Advertisement on the Town of Newmarket's website has been provided for a three-week period in advance of the public meeting (Council on December 4). In addition, notice has been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 27, 2017.

BUDGET IMPACT (Current and Future)

Operating Budget



Increases to the fees and charges are limited to cost recovery. The estimated impact of these increases is not material.

Capital Budget

Not applicable.

CONTACT

For more information on this report, please contact Mike Mayes at 905-953-5300, ext. 2102 or mmayes@newmarket.ca.


Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer
Esther Armchuk, B.A.
Commissioner, Corporate Services

MM: FW/lm

Attachments

- (1) Schedule A - All Departments (1 pg.)
- (2) Schedule B - Corporate Services (2 pgs.)
- (3) Schedule C - Legal Services (3 pgs.)
- (4) Schedule D - Public Works (3 pgs.)
- (5) Schedule E - Engineering Services (2 pgs.)
- (6) Schedule F - Legislative Services-General Fees (7 pgs.)

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE A**

Department: All Departments Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Plan Reproduction:						
24" x 36" sheet – for first sheet	per sheet	\$ 17.70	\$ 17.70	\$ 2.30	\$20.00	0.0%
additional sheets	per sheet	\$ 8.85	\$ 8.85	\$ 1.15	\$10.00	0.0%
36" x 42" sheet – for first sheet	per sheet	\$ 17.70	\$ 17.70	\$ 2.30	\$20.00	0.0%
additional sheets	per sheet	\$ 8.85	\$ 8.85	\$ 1.15	\$10.00	0.0%
Photocopy:	per copy	\$ 0.93	\$ 0.93	\$ 0.12	\$1.05	0.0%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE B**

Commission: Corporate Services

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST
<u>FINANCIAL SERVICES</u>					
Accounts Receivable Finance Charges	1.25% monthly on outstanding balance	N	1.25% monthly on outstanding balance	1.25% monthly on outstanding balance	\$0.00
Accounts Receivable Collection Charges	16% of the outstanding balance	N	16% of the outstanding balance	16% of the outstanding balance	\$0.00
Tax Certificate	each	N	\$80.00	\$82.00	\$0.00
Treasurer's Compliance Letter	each	N	\$80.00	\$80.00	\$0.00
Returned Cheque	each	N	\$50.00	\$51.00	\$0.00
Statement of Taxes Paid	each	N	\$35.00	\$40.00	\$0.00
Verification of Local Improvements	each	N	\$80.00	\$80.00	\$0.00
Detailed Analysis of Tax Account	per hour	N	\$45.00	\$45.00	\$0.00
Update Mortgage Company Information	each	N	\$15.00	\$15.00	\$0.00
Financial Services Administrative Fee	15% of invoice	Y	15% of invoice	16% of invoice	
New Ownership Maintenance Fee	per account	N	\$20.00	\$20.00	\$0.00
Detailed Calculations of Tax Adjustments (other than property owner)	per tax year	N	\$25.00	\$25.00	\$0.00
New Account/Roll Number	each	N	New	\$30.00	\$0.00
Copies of Assessment View	per copy	Y	\$ 0.93	\$ 0.93	\$0.12
Administration of Developments	5% of Security Requirement, to a maximum amount +HST	Y	5% of Security Requirement, maximum \$60,000 +HST	5% of Security Requirement, maximum \$60,000 +HST	

TOTAL FEE	% INCREASE
1.25% monthly on outstanding balance	0%
16% of the outstanding balance	0%
\$82.00	2.50%
\$80.00	0%
\$51.00	2.00%
\$40.00	14%
\$80.00	0%
\$45.00	0%
\$15.00	0%
16% of invoice+HST	0.20%
\$20.00	0%
\$25.00	0%
\$30.00	New
\$1.05	0%
5% of Security Requirement, maximum \$60,000 +HST	0%

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**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE B**

Commission: Corporate Services

Effective Date: January 1, 2018

<u>PROCUREMENT SERVICES</u>				
	Range from \$10 to \$259 depending on the complexity or value of the solicitation	Y	Range from \$10 to \$259 depending on the complexity or value of the solicitation	Range from \$10 to \$265 depending on the complexity or value of the solicitation
Quotations, Proposals and Tenders				
<u>INFORMATION TECHNOLOGY</u>				
Custom Mapping (minimum charge of 1/2 hour)	per hour	Y	\$50.00	\$6.50
	per additional copy (size 8.5x11 to 11x17)	Y	\$1.99	\$0.26
	per additional copy (larger than 11x17)	Y	\$5.00	\$0.65
	per copy	Y	\$15.27	\$1.99
Ward Polling Location Map	per copy	Y	\$15.27	\$1.99
Individual Ward Map	per copy	Y	\$25.00	\$3.25
Detailed Street Map	per copy	Y	\$125.00	\$16.25
Municipal Address Map Series	full set of 42, D sized sheets	Y	\$6.68	\$0.87
	per sheet (D sized)	Y	\$76.50	\$9.95
	full set of 42, 11x17	Y	\$1.99	\$0.26
	per sheet (11x17)	Y	\$50.00	\$6.50
Large 2007 Ortho Meeting Room Map	per copy	Y	\$50.00	\$6.50
Large 2009 Ortho Meeting Room Map	per copy	Y	\$50.00	\$6.50
Large 2011 Ortho Meeting Room Map	per copy	Y	\$100.00	\$13.00

	Range from \$10 to \$265 depending on complexity or value of the solicitation	2.3%
	\$56.50	0%
	\$2.25	0%
	\$5.65	0%
	\$17.26	0%
	\$17.26	0%
	\$28.25	0%
	\$141.25	0%
	\$7.55	0%
	\$86.45	0%
	\$2.25	0%
	\$56.50	0%
	\$56.50	0%
	\$113.00	0%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE C**

Department: Legal Services

Effective Date: January 1, 2018

NOTE: All fees and charges listed on this schedule are subject to H.S.T. and are minimum amounts and may be increased based on complexity and nature of the matter as determined by Municipal Solicitor and based on the hourly rate of **\$288.00** per lawyer and **\$113.00** per law clerk. In addition, the Town recovers the full cost of any disbursements, which include but are not limited to registration fees, search fees, courier and postage costs, conveyancer fees, and printing fees.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
SUBDIVISION/CONDOMINIUM DEVELOPMENT (All fees are minimum amounts and may be increased based on complexity at the hourly rates listed above. All disbursements are recovered at full cost.)							
Residential Subdivision (includes Residential Condominium) Base Fee (includes first 100 lots and/or developable blocks)	each	Y	\$ 10,120.00	\$ 10,333.00	\$1,343.29	\$11,676.29	2.1%
Plus Additional Fee for Each Lot - 101 to 250 Lots	per lot	Y	\$ 33.99	\$ 35.00	\$4.55	\$39.55	3.0%
Plus Additional Fee for Each Lot - 251 to 400 Lots	per lot	Y	\$ 21.94	\$ 23.00	\$2.99	\$25.99	4.8%
Plus Additional Fee for Each Lot - 401 and over	per lot	Y	\$ 14.32	\$ 15.00	\$1.95	\$16.95	4.8%
Additional legal work required beyond four engineering drawing submissions and/or required as a result of unusual complexity	hourly	Y	n/a	Based on hourly rate		Based on hourly rate	n/a
Standard Subdivision Agreement	each	Y	\$ 6,490.00	\$ 6,627.00	\$861.51	\$7,488.51	2.1%
Amendments to Standard Subdivision Agreement	each	Y	\$ 1,970.00	\$ 2,012.00	\$261.56	\$2,273.56	2.1%
Commercial/Industrial Subdivision	base fee	Y	\$ 6,550.00	\$ 6,688.00	\$869.44	\$7,557.44	2.1%
Commercial/Industrial Subdivision	per acre	Y	\$ 135.00	\$ 138.00	\$17.94	\$155.94	2.2%
Security Release Requests - Subdivision	each	Y	\$ 360.00	\$ 368.00	\$47.84	\$415.84	2.2%
Security Reduction Requests - Subdivision	each	Y	\$ 185.00	\$ 189.00	\$24.57	\$213.57	2.2%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE C**

Department: Legal Services

Effective Date: January 1, 2018

NOTE: All fees and charges listed on this schedule are subject to H.S.T. and are minimum amounts and may be increased based on complexity and nature of the matter as determined by Municipal Solicitor and based on the hourly rate of \$288.00 per lawyer and \$113.00 per law clerk. In addition, the Town recovers the full cost of any disbursements, which include but are not limited to registration fees, search fees, courier and postage costs, conveyancer fees, and printing fees.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
SITE PLAN (All fees are minimum amounts and may be increased based on complexity at the hourly rates listed above. All disbursements are recovered at full cost.)							
Standard Site Plan Agreement	each	Y	\$ 1,600.00	\$ 1,634.00	\$212.42	\$1,846.42	2.1%
Public / Private Schools - Standard Site Plan Agreement	each	Y	\$ 650.00	\$ 664.00	\$86.32	\$750.32	2.2%
Amendment to Site Plan Agreement (includes amendment to head agreement)	each	Y	\$ 650.00	\$ 664.00	\$86.32	\$750.32	2.2%
Security Release Requests - Site Plan	each	Y	\$ 360.00	\$ 368.00	\$47.84	\$415.84	2.2%
Security Reduction Requests - Site Plan	each	Y	\$ 185.00	\$ 189.00	\$24.57	\$213.57	2.2%
LEGAL WORK RELATED TO COMMITTEE OF ADJUSTMENT OR ONTARIO MUNICIPAL BOARD DECISIONS (All fees are minimum amounts and may be increased based on complexity at the hourly rates listed above. All disbursements are recovered at full cost.)							
Leading Site Plan Agreement (As required as a condition of a minor variance or consent application and/or OMB decision)	each	Y	n/a	\$ 650.00	\$84.50	\$734.50	n/a
Amendment to a Leading Site Plan Agreement (As required as a condition of a minor variance or consent application and/or OMB decision)	each	Y	n/a	\$ 1,600.00	\$208.00	\$1,808.00	n/a
Conveyance of land (As required as a condition of a minor variance or consent application and/or OMB decision)	each	Y	n/a	\$ 620.00	\$80.60	\$700.60	n/a

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE C**

Department: Legal Services

Effective Date:

January 1, 2018

NOTE: All fees and charges listed on this schedule are subject to H.S.T. and are minimum amounts and may be increased based on complexity and nature of the matter as determined by Municipal Solicitor and based on the hourly rate of **\$288.00** per lawyer and **\$113.00** per law clerk. In addition, the Town recovers the full cost of any disbursements, which include but are not limited to registration fees, search fees, courier and postage costs, conveyancer fees, and printing fees.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
REAL ESTATE (All fees are minimum amounts and may be increased based on complexity at the hourly rates listed above. All disbursements are recovered at full cost.)							
Registration of a Document	each	Y	\$ 310.00	\$ 317.00	\$41.21	\$358.21	2.3%
Discharge or Release of a Registered Document	each	Y	\$ 260.00	\$ 266.00	\$34.58	\$300.58	2.3%
OTHER (All fees are minimum amounts and may be increased based on complexity at the hourly rates listed above. All disbursements are recovered at full cost.)							
Agreements / Documents not listed above (based on complexity)	each	Y	n/a	\$1,230 *A non-refundable \$250 minimum deposit is required at the time of the request.	\$159.90	\$1,389.90	n/a
Renewal or Amendment to an Agreement / Document	each	Y	n/a	\$ 620.00	\$80.60	\$700.60	n/a
Miscellaneous (Legal issues only)	each	Y	n/a	\$ 300.00	\$39.00	\$339.00	n/a

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE D**

Department: **Public Works**

Effective Date: **January 1, 2018**

SERVICE PROVIDED	UNIT OF MEASURE	2018 Base Fee	2018 Admin Fee	SUBJECT TO HST YES/NO	TOTAL 2017 FEE BEFORE TAX	TOTAL 2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Parks									
Installation of Banners on Main & Water				Y	\$669.84	\$683.91	\$88.91	\$772.82	2.1%
Installation of Banners at all other locations	\$50.00/hour for each staff person plus 15% admin fee to a max. \$550.00								
Public Tree Preservation Bylaw application inspection/review fee	Each tree	\$400.00		Y		\$400.00	\$52.00	\$452.00	NEW
Tree value for trees on public lands proposed for removal as per the Public Tree Preservation Bylaw	200% of the Actual Cost + 15% Admin. Fee + HST	TBC		Y		TBC	TBC	TBC	NEW
Tree removal for trees on public lands	minimum \$750.00 plus HST or Actual Cost + 15% Admin. Fee + HST	\$750.00		Y		\$750.00	\$97.50	\$847.50	NEW
Stump removal on public lands	minimum \$250.00 plus HST or Actual Cost + 15% Admin. Fee + HST	\$250.00		Y		\$250.00	\$32.50	\$282.50	NEW
Tree planting on Town-owned Lands	Each	\$400.00		Y	\$373.12	\$400.00	\$52.00	\$452.00	7.2%
Appeal permit refusal to Director	Each	\$50.00		Y		\$50.00	\$6.50	\$56.50	NEW
Appeal permit refusal after re-consideration to Committee of Appeals	Each	\$562.00		Y		\$562.00	\$73.06	\$635.06	NEW
Celebration Programs									
Celebration Tree (Planting Included)	Each			Y	\$373.12	\$400.00	\$52.00	\$452.00	7.2%
Veteran's Memorial Walkway Stones (Large)	Each			N	\$319.82	\$326.53	\$0.00	\$326.53	2.1%
Veteran's Memorial Walkway Stones (Small)	Each			N	\$159.91	\$163.27	\$0.00	\$163.27	2.1%
Celebration Bench	Each			N	\$1,066.05	\$1,200.00	\$0.00	\$1,200.00	12.6%
Reflection Bench	Each			N	\$1,599.08	\$1,632.66	\$0.00	\$1,632.66	2.1%
Sewer									
Special Sanitary Sewer Charge - Infilling Lot	per residential unit			N	\$452.39	\$461.89	\$0.00	\$461.89	2.1%
Inspection Fee for Res. San. Service Installed by Owner		\$153.64	\$23.05	Y	\$173.06	\$176.69	\$22.97	\$199.66	2.1%
Remove second and subsequent blockages in sanitary sewer (if on private property)	Actual + Administration Fee			Y					
Sanitary Sewer Connection - Residential/ICI - Road Allowance - owner to obtain qualified contractor	Owner's Cost to Install			Y	\$0.00	\$0.00	\$0.00		
Sanitary Connection Application	Per application			Y	\$113.10	\$115.48	\$15.01	\$130.49	2.1%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE D**

Department: **Public Works**

Effective Date: **January 1, 2018**

SERVICE PROVIDED	UNIT OF MEASURE	2018 Base Fee	2018 Admin Fee	SUBJECT TO HST YES/NO	TOTAL 2017 FEE BEFORE TAX	TOTAL 2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Water									
Water Hydrant flow test not related to existing site plan agreements		\$163.87	\$24.58	Y	\$184.58	\$184.45	\$24.50	\$212.95	2.1%
Missed Water Meter Appointment Fee		\$30.00		Y		\$30.00	\$3.90	\$33.90	2.1%
Water Construction Charge	Residential			N	\$89.98	\$91.87	\$0.00	\$91.87	2.1%
	Commercial/ Industrial/ Institutional			N	\$150.66	\$153.82	\$0.00	\$153.82	2.1%
Watermain Tap for Residential Water Service (by Town)		\$443.26	\$66.49	Y	\$499.26	\$509.75	\$66.27	\$576.02	2.1%
Turn Water Off / On for Unpaid Water Bill	During Regular Working Hours	\$124.97	\$18.74	Y	\$140.75	\$143.71	\$18.68	\$162.39	2.1%
	Emergency After Hours Hydrant	\$358.50	\$53.78	Y	\$403.80	\$412.28	\$53.60	\$465.88	2.1%
Repair/Replace Anti-Tampering device Hydrant or valve		\$437.35	\$65.60	Y	\$492.61	\$502.95	\$65.38	\$568.33	2.1%
	Valve	\$302.00	\$45.30	Y	\$340.16	\$347.30	\$45.15	\$392.45	2.1%
Inspection Fee for Residential Water Service Installed by Owner		\$133.16	\$19.97	Y	\$149.98	\$153.13	\$19.91	\$173.04	2.1%
Water Valve Operating After Hours – related to developments		\$440.42	\$66.06	Y	\$496.06	\$506.48	\$65.84	\$572.32	2.1%
Water Collection Fee	Per application			Y	\$42.99	\$43.90	\$5.71	\$49.61	2.1%
Water - Bulk Rate	Per 1000 gallon			N	\$23.09	\$23.58	\$0.00	\$23.58	2.1%
	Per liter			N	\$0.0050791	\$0.005186	\$0.00	\$0.005186	2.1%
Special Water Charge - Infilling Lot (For new developments)	Per residential unit			N	\$542.86	\$554.26	\$0.00	\$554.26	2.1%
Meter Seal - Return Visit		\$138.30	\$20.74	Y	\$155.77	\$159.04	\$20.68	\$179.72	2.1%
Installation of Hydrant Meter Deposit/Fee				N		\$2,000.00		\$2,000.00	n/a
Water Connection – Residential/ICI - Road Allowance - owner to obtain qualified contractor	Owner's Cost to Install			Y					
Water Connection Application	Per application			Y	\$113.10	\$115.48	\$15.01	\$130.49	2.1%
Water Meter Testing	Per Visit			Y	\$100.00	\$102.10	\$13.27	\$115.37	2.1%
Water Shut-off (after hours)	Per Visit			Y	\$50.00	\$51.05	\$6.64	\$57.69	2.1%
Water Meters									
Installed by Builder/Plumber	16x13 (5/8"x 1/2")			Y	\$400.74	\$409.16	\$53.19	\$462.35	2.1%
Installed by Builder/Plumber	16x19 (5/8"x3/4")			Y	\$400.74	\$409.16	\$53.19	\$462.35	2.1%
Installed by Builder/Plumber	19 (3/4")			Y	\$420.22	\$429.04	\$55.78	\$484.82	2.1%
Installed by Builder/Plumber	25.0 (1")			Y	\$438.00	\$447.20	\$58.14	\$505.34	2.1%
Installed by Builder/Plumber	38 (1-1/2")			Y	\$830.57	\$848.01	\$110.24	\$958.25	2.1%
Installed by Builder/Plumber	50 (2")			Y	\$1,110.18	\$1,133.49	\$147.35	\$1,280.84	2.1%
75 Compound (3") Installed by Dev.	(including cost of strainers)			Y	\$4,484.88	\$4,579.06	\$595.28	\$5,174.34	2.1%
100 Compound (4") Installed by Dev.	(including cost of strainers)			Y	\$7,059.32	\$7,207.57	\$936.98	\$8,144.55	2.1%

TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE D

Department: Public Works

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	2018 Base Fee	2018 Admin Fee	SUBJECT TO HST YES/NO	TOTAL 2017 FEE BEFORE TAX	TOTAL 2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Note: No Refunds on Water Meters									

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE D**

Department: Public Works

Effective Date: January 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	2018 Base Fee	2018 Admin Fee	SUBJECT TO HST YES/NO	TOTAL 2017 FEE BEFORE TAX	TOTAL 2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Solid Waste and Recycling									
White Goods (freezer, stove, etc.)				Y	\$13.27	\$13.55	\$1.76	\$15.31	2.1%
Commercial & Industrial/Apartment Wheel Carts	64 gallon 95 gallon			Y	\$150.44 \$163.72	\$153.60 \$167.16	\$19.97 \$21.73	\$173.57 \$188.89	2.1%
Composters	Standard Size			Y	\$17.70	\$18.07	\$2.35	\$20.42	2.1%
Large Items	(furniture, mattress, etc.)			Y	\$13.27	\$13.55	\$1.76	\$15.31	2.1%
Recycling Blue Box	Each			Y	\$8.85	\$9.04	\$1.18	\$10.22	2.1%
Garbage Bag Tags (Sold In Package of 5)				N	\$15.00	\$15.32	\$0.00	\$15.32	2.1%
Special Refuse Cleanup	Actual + administration cost			N					
Source Separated Organics (SSO)	Large Bin			Y	\$17.70	\$18.07	\$2.35	\$20.42	2.1%
	Kitchen Bin			Y	\$5.31	\$5.42	\$0.70	\$6.12	2.1%
Other Services									
Municipal Consents	Regular Service			N	\$486.32	\$496.54	\$0.00	\$496.54	2.1%
Water Saving Kits	Each			Y	\$9.72	\$9.93	\$1.29	\$11.22	2.1%
Fire Route/Handi Cap Signs	Each			Y	\$39.59	\$40.42	\$5.25	\$45.67	2.1%
Street Name/Stop Signs, Hardware & Post	Each			Y	\$484.06	\$494.22	\$64.25	\$558.47	2.1%
Anti-Tampering Devices -Hydrant/Valve	Each			Y	\$135.70	\$138.55	\$18.01	\$156.56	2.1%
Anti-liding Signs	Each			Y	\$44.13	\$45.05	\$5.86	\$50.91	2.1%
Road Occupancy Permit	Each			N	\$79.17	\$80.83	\$0.00	\$80.83	2.1%
Temporary Encroachment on Roadways	Per m2/week			Y	\$2.77	\$2.83	\$0.37	\$3.20	2.1%
Temporary Encroachment on Boulevard/ Sidewalk	Per m2/week			Y	\$0.30	\$0.31	\$0.04	\$0.35	3.3%
Aerial Crane Trespass	Per Month			Y	\$549.02	\$560.55	\$72.87	\$633.42	2.1%
Construction Access Fee				Y	\$109.81	\$112.11	\$14.57	\$126.68	2.1%
Curb Cut - by Town Contractor		\$259.07	\$38.86	Y	\$291.80	\$297.93	\$38.73	\$336.66	2.1%
Curb Cut - by Town Contractor - RUSH		\$303.76	\$45.56	Y	\$342.14	\$349.32	\$45.41	\$394.73	2.1%
Curb Cut - without Approval		\$350.95	\$52.64	Y	\$395.29	\$403.59	\$52.47	\$456.06	2.1%
Graffiti Removal for Utilities	at Cost			Y					
Road Closure - Special Events				Y	\$34.01	\$34.72	\$4.51	\$39.23	2.1%
Road and boulevard inspection fee for security requirement or release related to private residential construction	Per application			Y	\$113.10	\$115.48	\$15.01	\$130.49	2.1%
Gate Application and Inspection	Each			Y	\$113.10	\$115.48	\$15.01	\$130.49	2.1%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE E**

Department: Engineering Services

Effective Date: Jan 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Development Services							
Subdivision Design Standard Manual	Each	Y	\$ 92.80	\$ 94.75	\$ 12.32	\$ 107.07	2.1%
Site Alteration Permit	Owner Occupied Residential	N	\$ 250.00	\$ 255.25	-	\$ 255.25	2.1%
	All Other Types of Property	N	\$ 500.00	\$ 510.50	-	\$ 510.50	2.1%
Engineering Checking & Inspection							
Site Plans handled fully in house	6% of the value of all site works and services outside of the buildings \$797.32 minimum	Y	\$ 780.92	\$ 797.32	\$ 103.65	\$ 900.97	2.1%
Projects in which the Town's Checking Consultant is providing the design review and field monitoring service plus a deposit estimated by the Town for payment of the Town's Checking Consultant is required.	3% Admin Fee - minimum of \$797.32 of the value of outside works and services plus deposit for checking consultant	Y	\$ 780.92	\$ 797.32	\$ 103.65	\$ 900.97	2.1%
Subdivisions – Admin. Fee + Deposit for Checking Consultant	3% Admin Fee + 2.75% deposit for checking consultant	Y					
Overhead incurred for checking Consultant Invoicing	15% Admin Fee	Y					

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE E**

Department: Engineering Services

Effective Date: Jan 1, 2018

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAX	2018 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Other Services							
Emergency Work Performed for Developer or Other	minimum \$1,042.27 plus HST or Actual Cost + 15% Admin. Fee + HST	Y	\$ 1,020.83	\$ 1,042.27	\$ 135.50	\$ 1,177.77	2.1%
Coordination/administration of private works in Town contract or as part of private works Town works in Region contract.	\$205.96 minimum + HST or Actual Cost + 15% Admin. Fee + HST	Y	\$ 201.73	\$ 205.96	\$ 26.77	\$ 232.73	2.1%
Coordination/administration of Regional works within Town contracts	18% Admin. Fee + HST	Y					
Property Information – Assumed/ Unassumed + Release Cert. If requested & available	Per application	Y	\$ 170.54	\$ 174.12	\$ 22.64	\$ 196.76	2.1%
Property Information	(legal, environmental, compliance)	Y	\$ 170.54	\$ 174.12	\$ 22.64	\$ 196.76	2.1%
Consultant's request for traffic counts (ATR or TMC)	Each	Y	\$ 118.84	\$ 121.34	\$ 15.77	\$ 137.11	2.1%

TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE F

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2018

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAXES	2018 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	Increase
VITAL STATISTICS							
Death Registration	each	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	0.0%
GENERAL ADMINISTRATION							
Municipal Information - Liquor Application	each	N	\$ 170.00	\$ 173.50	\$0.00	\$173.50	2.1%
Ontario Municipal Board (OMB) Appeal Fee	each	N	\$ 160.00	\$ 163.50	\$0.00	\$163.50	2.2%
Certificate of Compliance for each property which has had a Property Standard Order	each	N	New fee for 2018	120.00	\$0.00	\$120.00	n/a
Certificate of Compliance for each property which has not had a Property Standard Order	each	N	New fee for 2018	60.00	\$0.00	\$60.00	n/a
Certificate of Compliance for each property which has had an Order and charges have been laid	each	N	New fee for 2018	250.00	\$0.00	\$250.00	n/a
Certificate of Compliance for interior common area(s) which have had a Property Standards Order	each	N	New fee for 2018	120.00	\$0.00	\$120.00	n/a
Certificate of Compliance for interior common area(s) which have not had an Order	each	N	New fee for 2018	60.00	\$0.00	\$60.00	n/a
Certificate of Compliance for interior common area(s) which have had an Order and charges have been laid	each	N	New fee for 2018	250.00	\$0.00	\$250.00	n/a

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2018

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAXES	2018 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	Increase
Certificate of Compliance for accessory building(s) or other structure(s) which have had a Property Standards Order	each	N	New fee for 2018 \$	120.00	\$0.00	\$120.00	n/a
Certificate of Compliance for accessory building(s) or other structure(s) which have not had an Order	each	N	New fee for 2018 \$	60.00	\$0.00	\$60.00	n/a
Certificate of Compliance for accessory building(s) or other structure(s) which have had an Order and charges have been laid	each	N	New fee for 2018 \$	250.00	\$0.00	\$250.00	n/a
Property Standards Appeal Fee	each	N	\$	165.00	\$	\$168.50	2.1%
Property Standards Reinspection Fee	each	N	\$	170.00	\$	\$174.00	2.4%
Noise Exemption Application	each	N	\$	58.00	\$	\$100.00	72.4%
Noise Permit Fee for Event	each	N	New fee for 2018 \$	60.00	\$0.00	\$60.00	n/a
Noise Permit Fee for Construction	each	N	New fee for 2018 \$	75.00	\$0.00	\$75.00	n/a
Private Parking Administration Fee (minimum 3 hour)	per year	N	\$	103.00	\$	\$105.00	1.9%
By-law Reinspection Fee	each	N	New fee for 2018 \$	75.00	\$0.00	\$75.00	n/a
Garbage Administration(large articles)	each	N	\$	55.00	\$	\$55.00	0.0%
POOLS							
Permit Fee - Above Ground Pool	each	N	\$	165.00	\$	\$168.50	2.1%
Permit Fee - Hot Tub	each	N	\$	165.00	\$	\$168.50	2.1%
Permit Fee - Inflatable Pool	each	N	\$	165.00	\$	\$168.50	2.1%
Permit Fee - In Ground Pool	each	N	\$	165.00	\$	\$168.50	
Permit Fee - Ponds	each	N	\$	165.00	\$	\$168.50	2.1%

TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE F

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2018

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAXES	2018 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	Increase
SIGNS							
Sign By-law Exemption Fee	each	N	\$ 170.00	\$ 173.50	\$0.00	\$173.50	2.1%
Ground Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
Fascia Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
Mural Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
Projecting Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
Construction Information Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
Hoarding Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
New Home Development Sign	each	N	\$ 109.00	\$ 112.00	\$0.00	\$112.00	2.8%
Development Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
Portable Sign	each	N	\$ 109.00	\$ 112.00	\$0.00	\$112.00	2.8%
Mobile Sign	each	N	\$ 109.00	\$ 112.00	\$0.00	\$112.00	2.8%
Inflatable Sign	each	N	\$ 436.00	\$ 445.00	\$0.00	\$445.00	2.1%
Banner Sign	each	N	\$ 109.00	\$ 112.00	\$0.00	\$112.00	2.8%
Election Sign Permit Fee	each	N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Election Sign Removal	per sign	N	\$ 25.00	\$ 25.00	\$0.00	\$25.00	0.0%
Billboard Sign	each	N	\$ 1,638.00	\$ 1,672.00	\$0.00	\$1,672.00	2.1%
Billboard Sign Renewal	every 5 years	N	\$ 546.00	\$ 558.00	\$0.00	\$558.00	2.2%
Variance Fee - Staff Review	per review	N	\$ 273.00	\$ 279.00	\$0.00	\$279.00	2.2%
Variance Fee - Committee	per review	N	\$ 546.00	\$ 558.00	\$0.00	\$558.00	2.2%
Sign Removal	each	N	\$ 165.00	\$ 168.00	\$0.00	\$168.00	1.8%
Lens Replacement	each	N	\$ 218.00	\$ 222.00	\$0.00	\$222.00	1.8%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2018

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAXES	2018 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	Increase
Sign Fees for Yonge St. until December 31, 2018							
Ground Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Fascia Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Mural Sign	each	N	\$ 400.00	\$ 400.00	\$0.00	\$400.00	0.0%
Projecting Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Construction Information Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Hoarding Sign	each	N	\$ 400.00	\$ 400.00	\$0.00	\$400.00	0.0%
New Home Development Sign	each	N	\$ 80.00	\$ 80.00	\$0.00	\$80.00	0.0%
Portable Sign	each	N	\$ 80.00	\$ 80.00	\$0.00	\$80.00	0.0%
Mobile Sign	each	N	\$ 80.00	\$ 80.00	\$0.00	\$80.00	0.0%
Inflatable Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Banner Sign	each	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
Billboard Sign	each	N	\$ 1,500.00	\$ 1,500.00	\$0.00	\$1,500.00	0.0%
Billboard Sign Renewal	every 5 years	N	\$ 500.00	\$ 500.00	\$0.00	\$500.00	0.0%
Variance Fee - Staff Review	per review	N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Variance Fee - Committee	per review	N	\$ 500.00	\$ 500.00	\$0.00	\$500.00	0.0%
Sign Removal	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Commissioning of Documents (except foreign pensions)	per document	Y	\$ 15.04	\$ 20.00	\$2.60	\$22.60	33.0%
Certification of Town Documents	per document	Y	\$ 4.42	\$ 5.00	\$0.58	\$5.58	13.1%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2018

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAXES	2018 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	Increase
PARKING ENFORCEMENT							
Parking Enforcement Private Special Events (minimum 3 hours)	per hour	N		\$ 51.00	\$0.00	\$51.00	n/a
Parking Enforcement Charities & Non-Profit Organizations (minimum 3 hours)	per hour	N	\$ 35.00	\$ 36.00	\$0.00	\$36.00	2.9%
Parking Enforcement Filming (minimum 3 hours)	per hour	N	\$ 60.00	\$ 61.00	\$0.00	\$61.00	1.7%
FILMING PERMIT							
Administration Fee		N	\$ 125.00	\$ 125.00	\$0.00	\$125.00	0.0%
Film Permit Fee	each	N	\$ 425.00	\$ 425.00	\$0.00	\$425.00	0.0%
Administration Fee - private property		N	\$ 145.00	\$ 145.00	\$0.00	\$145.00	0.0%
Municipal Property Fee	if applicable	N	\$ 265.00	\$ 265.00	\$0.00	\$265.00	0.0%
Contribution to Main Street District BIA if filming within designated BIA		N	\$ 1,000.00	\$ 1,000.00	\$0.00	\$1,000.00	0.0%
Security Deposit - No Special Effects	each	N	\$ 1,500.00	\$ 1,500.00	\$0.00	\$1,500.00	n/a
Security Deposit - Minor Special Effects	each	N	\$ 5,000.00	\$ 5,000.00	\$0.00	\$5,000.00	n/a
Security Deposit - Special Effects	each	N	\$ 20,000.00	\$ 20,000.00	\$0.00	\$20,000.00	n/a

TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE F

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2018

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAXES	2018 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	Increase
REGISTRATION OF ACCESSORY DWELLING UNITS							
Application (Non-refundable)	each	N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Lost Identification plate	each	N	\$ 10.00	\$ 10.00	\$0.00	\$10.00	0.0%
Accessory Dwelling Unit Appeal	each	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
FENCE VIEWING							
Administration Fee		N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Fence Viewer's Inspection Fee	per person	N	\$ 50.00	\$ 50.00	\$0.00	\$50.00	0.0%
MARRIAGES							
Marriage Licence	each licence	N	\$ 140.00	\$ 143.00	\$0.00	\$143.00	2.1%
Civil Marriage Solemnization Service Fee	per service	Y	\$ 425.00	\$ 434.00	\$56.42	\$490.42	2.1%
Witness Fee	per person	Y	\$ 54.00	\$ 55.00	\$7.15	\$62.15	1.9%
Rehearsal Fee for offsite	per service	Y	\$ 80.00	\$ 82.00	\$10.66	\$92.66	2.5%
Marriage Licence/Cermony package	per service	Y	\$ 515.00	\$ 526.00	\$68.38	\$594.38	2.1%
Recording/Videotaping a ceremony or celebration	per service	Y	New fee for 2018	\$25.00	\$3.25	\$28.25	n/a
Renewal of vows celebration package	per service	Y	New fee for 2018	\$434.00	\$55.25	\$480.25	n/a
Administration fee to be charged for change of wedding/celebration date within 7 days		Y	\$ 27.00	\$ 28.00	\$3.64	\$31.64	3.7%
Administration fee to be charged for cancellation before consultation		Y	\$ 53.00	\$ 54.00	\$7.02	\$61.02	1.9%
Administration fee to be charged for cancellation after consultation		Y	\$ 160.00	\$ 163.00	\$21.19	\$184.19	1.9%

**TOWN OF NEWMARKET
2018 USER FEES
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2018

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2017 FEE BEFORE TAXES	2018 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	INCREASE
LOTTERY LICENCES							
Bingo	% from OLG	N				1% from OLG	
Nevada	3% of the prize value	N				3% of the prize value	
Raffle	3% of the prize value	N				3% of the prize value	
ELECTION CANDIDATE NOMINATIONS							
	Mayor	N	\$ 200.00	\$ 200.00	\$0.00	\$200.00	\$0.00
	Regional Councillor	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	\$0.00
	Councillor	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	\$0.00
FREEDOM OF INFORMATION							
Application	each	N	\$ 5.00	\$ 5.00	\$0.00	\$5.00	\$0.00
Photo Copies	per page	N	\$ 0.20	\$ 0.20	\$0.00	\$0.20	\$0.00
Disks	per disk	N	\$ 10.00	\$ 10.00	\$0.00	\$10.00	\$0.00
Manually Searching Records \$7.50 per 1/4 hour	per hour	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	\$0.00
Preparation of Record of Disclosure	per hour	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	\$0.00
Developing a Computer Program \$15.00 per 1/4 hour	per hour	N	\$ 60.00	\$ 60.00	\$0.00	\$60.00	\$0.00



Mike Mayes, Director
Financial Services/Treasurer

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November 8, 2017

JOINT CAO, COMMISSIONERS AND CORPORATE SERVICES REPORT - FINANCIAL SERVICES 2017-51

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2018 User Fees and Charges - Overview

ORIGIN: Director, Financial Services/Treasurer

RECOMMENDATION

That Joint CAO, Commissioners and Corporate Services Report - Financial Services – 2017-51 dated November 8, 2017 regarding 2018 User Fees and Charges - Overview be received for information purposes.

COMMENTS

Purpose

The purpose of this report is to provide an overview of the reports on 2018 fees and charges that will be coming to Council for approval.

Budget Impact

Adjustments to fees and charges being proposed at this time are being calculated insofar as their impact on the 2018 budget. Further information on this will be available as part of the budget process.

Summary

The fees and charges that will be presented to the Committee of the Whole on November 27 include:

- Storm Water Rate(Report 2017-40)
- Water and Wastewater Rates (Report 2017-41)
- Licensing Fees (Report 2017-52)
- General Fees and Charges (Report 2017-53)
- Planning Act Fees (Report 2017-54 JDIS)
- Fire Services (Report 2017-55 JCYFS)

These changes will be effective January 1, 2018.

No change is proposed to 2018 Recreation fees and charges and no change is proposed to Building Permit Fees for 2018.

Background

The annual update of fees and charges includes a review of market conditions, participation rates and external factors. The Service Pricing Policy (SPP), established in 2007, balances costs between user groups and taxpayers and allows for long-term financial sustainability. The proposed 2018 fees and charges adhere to the current SPP.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being *Well Managed through fiscal responsibility*.

CONSULTATION

Advertisement on the Town of Newmarket's website has been provided for a three-week period in advance of the public meeting (Council on December 4). In addition, notice has been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 27, 2017.

BUDGET IMPACT

The individual reports will recommend fees and charges that should allow them to achieve their cost recovery targets.

CONTACT

For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer



Ian McDougall
Commissioner, Community Services



Esther Armchuk, B.A.
Commissioner, Corporate Services



Peter Noehammer
Commissioner, Development and
Infrastructure Services

A handwritten signature in black ink, appearing to read 'B. Shelton', written over a horizontal line.

Bob Shelton
Chief Administrative Officer

MM:FW/lm



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November 27, 2017

**DEVELOPMENT & INFRASTRUCTURE SERVICES/PLANNING & BUILDING
SERVICES REPORT 2017-49**

TO: Committee of the Whole

SUBJECT: Servicing Allocation Update

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development & Infrastructure Services/Planning & Building Services Report 2017-49 dated November 27, 2017 regarding the servicing allocation update be received and the following recommendation(s) be adopted:

- 1. THAT Council maintain its current servicing allocation reserve of 1668 people;**
- 2. AND THAT any consideration of granting servicing allocation be determined at the next formal annual servicing allocation review, anticipated in May 2018.**

COMMENTS

Servicing capacity is currently significantly constrained.

The Town's available servicing capacity is currently severely constrained, and it is anticipated that this condition will continue for the foreseeable future, putting the Town in a challenging position to achieve its shared goals with the Region and Province for intensification in strategic areas. As such, staff and Council must take into account the scarcity of the allocation and make decisions accordingly.

The manner in which servicing capacity is distributed by the Town is governed primarily by the Town's Servicing Allocation Policy. The recently updated Servicing Allocation Policy establishes a hierarchy of service areas when considering the distribution of allocation, with the urban centres having the highest priority, followed by the historic downtown area, emerging residential areas, and finally stable residential areas.

The allocation policy allows Council to rescind servicing allocation from developments if they are not proceeding towards development in a satisfactory/timely manner. The May 2017 annual allocation report addressed this issue and concluded that all developments that have been granted allocation are moving towards development. Staff will review these developments again as part of the 2018 annual allocation review.

Historically, staff has also considered matters such as orderly development, completion of communities, and maintaining an on-going sales and building program when considering the distribution of servicing capacity; however, with the limited availability of servicing capacity, the Town is no longer in a position to approach the distribution of allocation in a similar manner.

Newmarket was granted an additional 1500 people worth of allocation in 2016, subject to completion of the Newmarket forcemain twinning.

In 2016 Newmarket was granted an additional 1500 persons of capacity, subject to completion of the Newmarket forcemain twinning. The additional capacity, once available, is expected to accommodate residential growth to the end of 2021. Because the additional 1500 people is subject to works that are not yet completed, it should not be considered available to the Town at this time.

The Upper York Sewage Solutions project is not expected to be completed until 2024 at the earliest.

The additional capacity referenced above is an interim measure until completion of the Upper York Sewage Solutions project, which is comprised of the forcemain twinning and the construction of a new water reclamation centre. As the entire project is not expected to be completed until 2024 at the earliest, the Region intends to report back to Regional Council in Q3 2018 to provide an overview on capacity use and need in Newmarket (as well as Aurora and East Gwillimbury), to recommend possible servicing solutions to bridge any capacity gap.

Staff continues to work closely with York Region in the monitoring of our available servicing capacity and our growth targets, and will report back to Committee with updates on the UYSS and any additional servicing capacity assignments from York Region in the interim.

The timing for full repayment of allocation granted through the Inflow and Infiltration Reduction Program is unknown.

In an effort to recover servicing capacity, Marianneville (south side of Davis Drive, west of Yonge Street) is undertaking an Inflow and Infiltration (I&I) program in the Town. The purpose of the I&I program is to reduce the inflow and infiltration of groundwater and stormwater into the sanitary sewer system in a specified area of Town in an effort to make the system more efficient, in effect creating additional capacity in the system.

The I&I agreement requires the developer to “re-pay” all allocation granted to both the Marianneville development and, ultimately, it’s proposed development at the northeast corner of Yonge and Millard. In this regard, the developer has satisfied staff that its initial work program is sufficient to reclaim the first phase of allocation (325 people) and, as such, this capacity has been added back into the Town’s reserve and is included in the current 1668 allocation reserve.

The timing for the repayment of allocation previously granted to Marianneville for Phase 2 (919 people) is unknown at this time.

The Town continues to seek ways to find additional allocation to support growth.

In addition to the I&I program being undertaken by Marianneville, the Town continues to look for ways to create additional capacity to support growth, including the Town's on-going partnership with the Region in the Servicing Incentive Program for both high-density residential development and grade-related residential developments. The purpose of these programs is to advance more sustainable development practices to maximize water efficiency (for example the use of low flow toilets, shower heads and faucets, as well as the use of other measures such as grey water reclamation and rainwater harvesting) with any saved allocation coming back to the local municipality to be distributed as it deems appropriate.

Staff does not recommend granting allocation to any developments at this time.

The Town's current reserve is 1668 people, of which a minimum 455 is to be directed to the Urban Centres. The Town has active applications on file that, if approved, would require servicing capacity in the amount of approximately 3179 units (6995 people), of which approximately 1352 units (2637 people) are within the urban centres and approximately 1827 units (4358 people) are outside of the urban centres (refer to Appendix "B").

Although there are a number of applications in lower priority areas (refer to Appendix "A") that have received some level of planning approval, and although they represent appropriate infill development, it is staff's opinion that granting allocation to those developments at this time would further limit our ability to accommodate development in the urban centres given the scarcity of the resource. As the Town continues to market the corridors and meet with property owners to discuss their development plans, the ability to provide servicing allocation to those potential developments is crucial. While it may be feasible to phase large developments within the urban centres, which could help mitigate the immediate allocation situation, it is also important to ensure that allocation for future phases of any given development will be available as necessary to ensure that the development gets completed. In absence of a firm date for additional servicing capacity being made available to the Town, this can best be accomplished by holding an allocation reserve as has historically been the Town's practice.

Notwithstanding the allocation policy's priority hierarchy, the policy allows Council to grant allocation to any development at any time in the event Council determines it is necessary for strategic planning reasons.

Notwithstanding the recommendations of this report, should Council wish to grant allocation to some of the developments in lower priority areas that have received planning approval, it may wish to consider granting allocation to the following developments as (other than Sundial which is discussed further below), they are the closest to an executed site plan agreement:

- King George School (Park Ave.) - 14 townhouses; 11 apartments (59 people)
- 260 Eagle Street - 27 townhouses (71 people)
- 680 Gorham Street Four-Plex - 4 apartment units (8 people)

Should Council take this approach, the Town's reserve would be reduced to 1530 people, of which a minimum of 455 is to be directed to the urban centres.

The Sundial development (north side of Davis Drive, west of Yonge Street) is in a higher servicing priority area than the above-noted developments, was previously granted a phase 1 allocation for 233 units (665 people), and to-date has applied for 84 building permits. Council recently extended Sundial's draft plan

approval for an additional 10 years given the uncertainty associated with the timing of future servicing allocation that may be available to the balance of this development. Sundial has requested allocation for their phase 2 lands in the amount of 174 units (463 people), which would allow for the completion of the remaining housing west of the extension of William Booth Avenue (refer to Appendix "C"). Should Council grant this allocation to Sundial in addition to the above-noted developments, the Town's reserve would be reduced to 1067 people, of which a minimum of 455 is to be directed to the urban centres.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The on-going monitoring and distribution of servicing capacity is a growth management strategy that has linkages to the Town's Strategic Plan as follows:

Living Well – sustainable practices (traffic and growth management)

Well-planned and Connected – long-term strategy matched with short-term action plan

Maintaining a strategic servicing reserve for applications within the urban centres also supports the "Marketing the Corridors" initiative.

CONSULTATION

No consultation was required with this report.

HUMAN RESOURCE CONSIDERATIONS

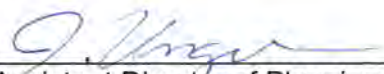
Not applicable to this report.

BUDGET IMPACT


There are no Capital or Operating budget impacts associated with this report.

CONTACT

For more information on this report, contact R. Nethery, Director, Planning & Building Services, ext. 2451, (rnethery@newmarket.ca).


Assistant Director of Planning


Director of Planning & Building Services


Commissioner of Development &
Infrastructure Services

Appendix "A" – Applications Outside of the Urban Centres with Planning Approval
Appendix "B" – Applications on File with no Servicing Allocation
Appendix "C" – Sundial Phase 2 Lands

Appendix "A": Applications outside of the Urban Centres with Planning Approval

Application	Status	Priority Area as per Servicing Allocation Policy (1 = highest; 4 = lowest)
King George School <ul style="list-style-type: none"> 14 townhouses; 11 apartments (59 people) 	Zoned with (H) Holding symbol; site plan approved in principle; working towards site plan agreement	4
260 Eagle Street <ul style="list-style-type: none"> 27 townhouses (71 people) 	Zoned with (H) Holding symbol; site plan approved in principle; working towards site plan agreement	4
Dora Homes (Main St. N.) <ul style="list-style-type: none"> 2 semi-detached; 9 townhouses (30 people) 	Zoned with (H) Holding symbol	4
Sundial Phase 2 <ul style="list-style-type: none"> 18 semi-detached; 156 townhouses (463 people) 	Draft approved; zoned with (H) Holding symbol	3
Sundial (Balance of Plan) <ul style="list-style-type: none"> 22 semi-detached; 222 townhouses (648 people) 	Draft approved; zoned with (H) Holding symbol	3
680 Gorham Street Four-Plex <ul style="list-style-type: none"> 4 apartment units (8 people) 	Site plan approved in principle	4
Marianneville (Balance of plan) <ul style="list-style-type: none"> 9 townhouses; 12 mixed-use; 298 apartments (645 people) 	Draft approved; zoned with (H) Holding symbol	3

APPENDIX “B” – APPLICATIONS WITH NO SERVICING ALLOCATION

Development	Allocation Policy Priority Area	Approximate Unit Count/Allocation Requirement	Status
Kerbel (Yonge/Millard)	1	360 apartments (702 people)	Resubmission expected
Redwood (Yonge North)	1	530 apartments (1034 people)	Public meeting held
Deerfield (Davis Drive)	1	462 apartments (901 people)	Application submitted
Clock Tower (Main Street)	2	165 apartments (322 people)	OMB
Millford (Eagle Street)	3	154 apartments; 38 townhouses (401 people)	Responding to outstanding comments
Forest Green Homes (Leslie Street)	3	350 townhouses (921 people)	Revised plan expected
Goldstein (Leslie Street)	3	10 townhouses (27 people)	Public meeting held
Oxford Homes (Eagle Street)	4	27 townhouses (71 people)	Zoned (H)
Gorham Street Apts. (Gorham)	4	82 apartments (160 people)	Public meeting held
Shining Hill (Yonge South)	3	12 detached; 10 semi-detached; 162 townhouses (494 people)	Public meeting held
Sundial (Davis Drive W.) (Ph.2)	3	18 semi-detached; 156 townhouses (463 people)	Draft approved and zoned (H)
Sundial (Balance of plan)		22 semi-detached; 222 townhouses (648 people)	Draft approved and zoned (H)
172 Main St. N. (Main N.)	4	12 semi-detached (35 people)	Public meeting held
Marianneville (I & I Program) (Balance of plan) (Davis Dr. W.)	3	9 townhouses; 12 mixed-use; 298 apartments (645 people)	Draft approved and zoned (H)
King George School (Park Ave.)	4	14 townhouses; 11 apartments (59 people)	Zoned (H); site plan approval in principle
Dora Homes (Main N.)	3	2 semi-detached; 9 townhouses (30 people)	Zoned (H)
Cougs (Silken Laumann Dr.)	3	28 townhouses (74 people)	OMB documents finalized
680 Gorham Street (Gorham)	4	4 apartments (8 people)	Site plan approved in principle
Total (Approximate)		3179 units (6995 people)	

Urban Centre

Allocation Priority Areas: (Urban Centres #1; Historic Downtown #2; Emerging Residential #3; Stable Residential #4)

[illegible]


PLANNING AND BUILDING SERVICES
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November 10, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-51
TO: Committee of the Whole

SUBJECT: Permission to Submit a Minor Variance Application – 260 Eagle Street

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2017-51 dated November 10, 2017 regarding 260 Eagle Street (File Number NP-A-17-13) submitted by 711371 Ontario Corp., be received and that the following recommendation be adopted:

1. THAT whereas the Planning Act limits the ability to apply for a minor variance for a 2-year period following approval of a Zoning By-law Amendment, the owner shall, through a declaration of resolution by Council be permitted to submit an application for minor variance to seek an increased maximum building height from 11.0m (3 storeys) to 12.0 metres (3 storeys).

BACKGROUND

Town Staff are recommending that the land-owners of 260 Eagle Street (herein referred to as the “subject lands”) be permitted to submit a minor variance application to the Committee of Adjustment.

711371 Ontario Corp. had previously applied and received approval for an Official Plan Amendment and Zoning By-law Amendment on the subject lands. Official Plan Amendment No. 19 came into force and effect on September 6, 2017; and By-law Number 2017-44 being a Zoning By-law was enacted on June 26, 2017. By-law 2017-44 rezoned the subject lands from Residential Detached Dwelling 15m Exception 119 (R1-D-119) Zone to Residential Townhouse Dwelling 3 Holding Zone Exception 137 ((H) R4-R-137) to allow for the proposed development.

The applicant is currently going through the site plan approval process to develop 4 townhouse blocks with a total of 27 dwelling units. The owner of the property is requesting Council's consent to apply for a minor variance as the plans provided through the Official Plan Amendment and Zoning By-law Amendment process have been refined through detailed submission under Site Plan approval. The minor variance will seek to permit an increased maximum building height of 12.0 metres (3 storeys), whereas the current By-law permits a maximum building height of 11.0 metres (3 storeys).

The proposed renderings are attached as Appendix 1. The top rendering depicts a building elevation plan with a proposed increase in height to 11.96 metres. The bottom rendering depicts a building elevation plan with the maximum permitted height of 11 metres. Council shall note the difference in pitch of the roof between each elevation plan.

LOCATION

The subject lands are located on the south side of Eagle Street, east of Cawthra Boulevard. A location map is included as Appendix 2 of this report.

COMMENTS

Bill 73: Smart Growth for *Our Communities Act*, 2015

On July 1, 2016, multiple amendments to the *Planning Act* introduced by Bill 73 came into force and effect. Section 45 of the *Planning Act* has been amended to impose a 2-year prohibition on minor variance applications following the approval of an application for a site-specific Zoning By-law Amendment, unless Council declares by resolution, that an application for minor variance is permitted. This amendment intends to prevent land owners and developers from seeking modifications, regardless of how minor, to the plans without first obtaining blessing from Municipal Council.

CONCLUSIONS

Planning Staff recommends that Council declare by resolution that the land-owner be permitted to submit a minor variance application to the Committee of Adjustment, for the purposes of increasing the maximum permitted building height on the subject lands.

HUMAN RESOURCE CONSIDERATIONS

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

BUDGET IMPACT

There are no direct budget impacts associated with this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Economic Development/Jobs:

- Supporting innovative projects and partnerships with various sectors.

CONTACT

For more information on this report, contact: Matthew Peverini, Planner, at 905-953-5300, ext. 2453;
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Planner



Dave Ruggle, BAA, MCIP, RPP
Senior Planner – Community Planning



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



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

Attachments:

- Appendix 1 – Elevation Renderings
- Appendix 2 – Location Map

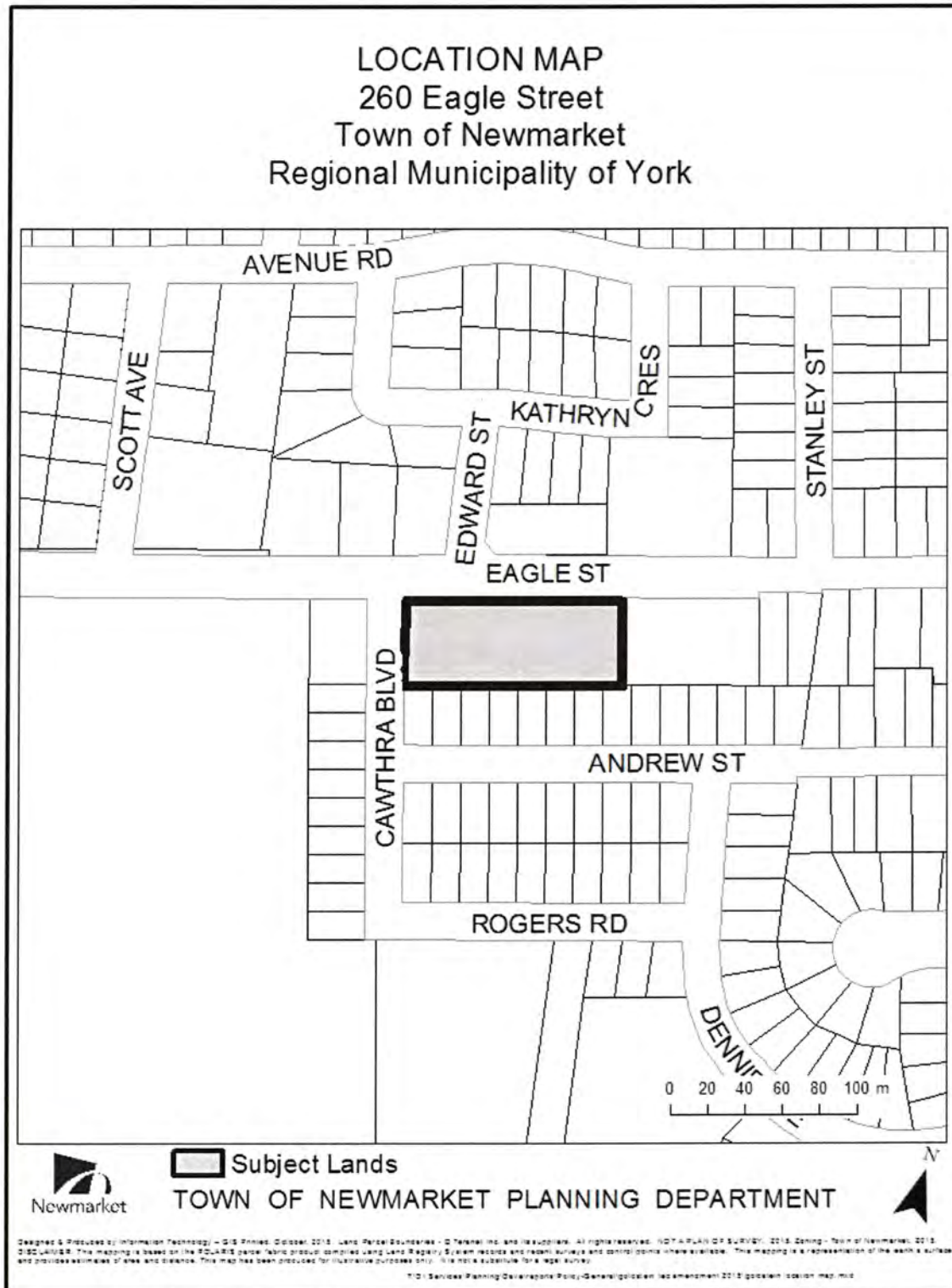
Appendix 1 – Elevation Renderings



a) 11.96 metre building height rendering



b) 11.0 metre building height rendering

Appendix 2 – Location Map



PLANNING AND BUILDING SERVICES

Town of Newmarket

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November 27, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-52

TO: Committee of the Whole

SUBJECT: **Request to be removed from the
Heritage Registry of Non-designated Heritage Properties
770 Gorham Street and 171 Church Street**

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2017-52 dated November 27, 2017 regarding two requests from Property owners to have their properties be removed from the Town's listing of Non-designated Heritage Properties be received and the following recommendation(s) be adopted:

a) THAT Council direct staff to:

i) Remove 770 Gorham Street from the Municipal Register of Non-Designated Properties

ii) Begin a process of Heritage Designation under the Ontario Heritage Act for the property Municipally known as 171 Church Street, Newmarket for its cultural heritage value and interest.

b) AND THAT Emily Lamont, 171 Church Street and Ehsan Velayati, 770 Gorham Street be notified of this action.

COMMENTS

The owners 770 Gorham Street and 171 Church Street have made a request to have their properties removed from the register of non-designated heritage properties (the Register). Under the Ontario Heritage Act, Council have the sole authority to include or remove a property from the Register, however, must consult with their Heritage Advisory Committee. As such, both requests have been included on a Heritage Newmarket Advisory Committee (HNAC) agenda where the committee discussed the merits of the requests. In both cases, the HNAC have recommended to Council that the properties remain on the Registry. Heritage Newmarket specifically recommended that for 770 Gorham Street, Council initiate the process to proceed to full designation under the Ontario Heritage Act. Staff has since had a conversation with the Chair of Heritage Newmarket Advisory Committee confirming that the intent of the Committee recommendation was to recommend Council proceed through a process to designate 171 Church Street as well.

This report will discuss the differences between a property that is designated under the Ontario Heritage Act, a property that is listed on the Municipal Registry of non-designated properties for having cultural

heritage value or interest and a property that has a plaque affixed to the structure by the Town. This report will also discuss the historic importance of the two properties. Finally, the report will discuss the options available to Council and the implications of each.

Designation, Listing and Plaques

The Town, through its strategic directions, places significant importance on the preservation, recognition and enhancement of cultural heritage resources.

The Official Plan indicates that the Ontario Heritage Act is the principal legislative tool under which the Town of Newmarket can identify and conserve heritage buildings, structures, districts, landscapes and archaeological sites. The Ontario Heritage Act establishes a comprehensive process and criteria for designations, as well as the decision framework for the alteration and demolition of designated properties as determined by Council. It is an Objective of the Official Plan to conserve significant built heritage resources and significant cultural heritage landscapes and ensure that cultural heritage resources are appropriately recognized through designation pursuant to the Ontario Heritage Act.

The Town has a various programs in which built heritage resources are recognized.

Individual and District Property Designation

Municipalities in Ontario have the ability, under Part IV of the Ontario Heritage Act, to designate buildings they deem are of "cultural heritage value or interest." The property must meet one or more of the prescribed criteria related to the building's physical, historical and contextual value.

There are six key steps to designating an individual property under section 29 of the Ontario Heritage Act. These include:

1. Identifying the property as a candidate for designation;
2. Researching and evaluating the property;
3. Serving Notice of Intention to Designate, with an opportunity for objection;
4. Passing and registering the designation bylaw;
5. Listing the property on the municipal register; and
6. Listing on the provincial register.

Part V of the Ontario Heritage Act gives municipalities the ability to designate heritage conservation districts. Districts are areas whose cultural heritage value contributes to a sense of place extending beyond their individual buildings, structures and landscapes.

Once a property is designated under the Heritage Act, either individually or within a conservation district, modifications to the structure located on the property may require a Heritage Permit to ensure the proposed changes will not negatively impact the heritage attributes of the designated building.

To demolish a designated building, an owner must make application to the town. Council have 90 days to consult with Heritage Newmarket and make a decision to refuse the application or consent to it. If refused, the owner can appeal this decision to the Ontario Municipal Board.

Listing on the Municipal Register of Non-designated Heritage Properties

The municipal register is the official list or record of cultural heritage properties that have been identified as being important to the community and must include all properties in the municipality that are designated

under Part IV (individual designation) and Part V (district designation) of the *Ontario Heritage Act*. As of 2005, the *Ontario Heritage Act* also allows municipalities to include on the municipal register properties of cultural heritage value that have not been designated. This is commonly known as "listing."

Listing is a means to formally identify properties that may have cultural heritage value or interest to the community. It is an important tool in planning for their conservation and now provides a measure of interim protection.

There is no legal obligation for municipalities to list properties on the register; however a comprehensive register of cultural heritage properties, including both designated and listed properties, has the following benefits as identified by the Ministry of Tourism, Culture and Sport:

1. The register recognizes properties of cultural heritage value in the community.
2. The register promotes knowledge and enhances an understanding of the community's cultural heritage.
3. The register is a planning document that should be consulted by municipal decision makers when reviewing development proposals or permit applications. The register provides easily accessible information about cultural heritage properties for land-use planners, property owners, developers, the tourism industry, educators and the general public.
4. The register provides interim protection for listed property.

Interim protection for listed properties

Owners of listed properties must give the council at least 60 days notice of their intention to demolish or remove a building or structure on the property. This allows time for council to decide whether to begin the designation process to give long term protection to the property or photo document the building. If Council does not proceed to initiate the process to designate the property, the property will be removed from the Register and the demolition will be permitted.

Plaque Program

The Town of Newmarket has a heritage plaque program that is administered by the Heritage Newmarket Advisory Committee. Having an identification plaque affixed to a heritage building is an excellent way to increase the sense of place and recognize the rich heritage of the community. The heritage plaques include the date (or approximate date) the structure was built, the original owner, and/or the owner's occupation (if known). If the property is designated under the Heritage Act, the designation by-law number is also included.

The inclusion of a plaque on a building does not carry any legislative weight or requirements unless there is an accompanying designation or listing on the heritage register. There are buildings in Newmarket that have a historical plaque, but are not designated or listed and hence have no protection under the Ontario Heritage Act.

Specific property evaluation

The Town of Newmarket has developed Heritage Resource Evaluation Criteria that is consistent with the guidelines from the Ministry of Tourism, Culture and Sport. The evaluation criteria used looks at five aspects of the property; design or physical value; contextual value; integrity; and historical or associative value and significance.

171 Church Street

The Erastus Jackson house, built in the Victorian Farmhouse style, is noted as being constructed in 1876. It sits on a large lot at the corner of Church Street and Park Avenue and next to the former Friends/Congregational Church manse. It is set close to Church Street and back substantially from Park Avenue allowing for a wide side yard.

In Ontario, a Victorian style building can be seen as any building built between 1840 and 1900 that doesn't fit into any specific architectural category. It encompasses a large group of buildings constructed in brick, stone, and timber, using an eclectic mixture of Classical and Gothic themes typically made with bay windows, stained glass, ornamental string courses, and elegant entrances.



Erastus Jackson settled in Newmarket in 1853 after purchasing the New Era newspaper which was one year old at the time. Jackson held sole control of the paper for 30 years with his son Lyman Jackson taking it over in 1883 until the 1930's.

Erastus Jackson was on Town Council for a number of years serving as reeve from 1871 to 1876 and from 1877 to 1881. After Newmarket was incorporated as a town, Erastus served two terms as mayor in 1890 and 1891. Erastus Jackson was the secretary and treasurer of the North York Agricultural Society (for over 20 years) and is credited with the purchase of the Newmarket Fairgrounds. He was president of the Newmarket Mechanics' Institute and was on the executive of the Canadian Press Association. While the above highlights key points of Mr. Jackson's life, a full review and analysis would further describe Erastus Jackson and his influence on the Town of Newmarket.

When reviewing the property against the evaluation criteria, the Erastus Jackson house would have design value as it is a well-crafted example of Victorian Farmhouse Architecture in Newmarket with attractive original trim detail and millwork. There is also contextual value as it is set on a rise from the road at a prominent location on the corner of Church Street and Park Avenue. The dwelling and property supports the rich character of this historic neighbourhood. There is integrity value as the structure occupies its original site and is in good condition. While modern siding has been applied, we understand the original wood siding is still present and could possibly be restored. There is significant historical or associative value connected to this dwelling being the residence of Erastus Jackson whose significant contribution to the Town of Newmarket is described above.

770 Gorham Street

Robert H Meek House, built in the Bungalow style, is noted as being constructed in 1912. Robert Meek was a local farmer.

The Bungalow style of Architecture in Ontario is generally from 1900 to 1945 and is typically one or one-and-a half storey homes with broad, low-pitched, roofs that seem to blanket the building. Large porches, overhangs, and verandas link the bungalow with the usually ample exterior space surrounding the building. Bungalows are almost exclusively residential and are often made of rustic materials such as stone and brick. The roofs are usually constructed with exposed structural framing.



When reviewing the property against the evaluation criteria, the Robert Meek house would have design value as it is a good example of the Bungalow style of architecture. There is also some contextual value as the dwelling does contribute to the streetscape which is comprised of a number of design styles from different eras and of different qualities. There is some integrity value as it appears to be in good condition and occupies the original site however, there has been a rear addition constructed. There does not appear to be significant historical or associative value connected to this dwelling. The property at 770 Gorham Street is a decent example of the bungalow architectural style and provides a pleasing contribution to the streetscape.

There are other examples of this style of architecture in Newmarket with similar style dwellings on Queen Street and Timothy Street.

Options/Implications

Council have three options to deal with the requests of the property owners to have their properties be removed from the Register.

Option one: Council can remove one or both properties from Registry as requested by the property owners. Council have the ability to add and remove properties from the register after consulting Heritage Newmarket. It would be understood that the owners of these properties would be entitled to apply for and be issued a demolition permit under the normal and usual process through Building Services. If Council are of the option that one or both of the properties do not have sufficient heritage value or interest or that designation would cause undue hardship to the owners they may remove one or both properties from the Register. Council should also consider the cost associated with designation as well as the cost associated with potentially defending the designation at the Ontario Municipal Board.

There are no financial costs associated with this option.

Option two: Council can direct staff to initiate the heritage designation process under the Ontario Heritage Act for one or both properties. With the exception of a small number of properties within the Lower Main Street South Heritage Conservation District, it appears Council in the past, have not designated a property without the property owner's consent. There are no requirements under the *Ontario Heritage Act* to seek or receive consent of a property owner to designate property for its cultural heritage value.

To ensure owner rights, Council's designation of a property is appealable to the Ontario Municipal Board.

If Council pursue this option, there are costs associated with this decision. The formal property research completed by a Heritage Professional would cost approximately \$2,500-\$3,000 per property. There are minimal costs associated with notices in the newspaper and other incidental processing costs. There may also be costs associated with defending the designation at the Ontario Municipal Board if an Owner files an appeal.

Option three: Council can leave one or both properties on the Register and make a determination at such time a demolition permit is submitted. Council may want to simply leave the properties on the Register for now. As there has not been any applications for a demolition permit for either of these properties, Council are under no obligation to make the decision to remove or designate at this time. However, this option is not recommended as it does not provide the certainty the residents' desire regarding their future ability to make changes to their property.

CONCLUSION

Staff are recommending Council direct staff to proceed with a process to designate 171 Church Street under Part IV of the Ontario Heritage Act for its cultural heritage value and interest. As noted above, there is significant associative value due to it being the home of Erastus Jackson. The dwelling is also an excellent example of the Victorian Farmhouse style of architecture and contributes to the rich character of the neighbourhood.

Staff are recommending Council remove 770 Gorham from the Registry of Non-Designated Heritage Properties. Staff are of the opinion that while the dwelling is a decent example of the Bungalow style of architecture and in good condition, it appears to have little associative and contextual value. For that reason, staff recommends removal from the Registry.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The recommendations of this report assist the Town in meeting its vision of being:

Well Balanced by ensuring Newmarket's rich built history is acknowledged and preserved through designation and/or documentation.

COMMUNITY CONSULTATION POLICY

If Council directs staff to proceed through the Heritage designation process for one or both of the properties, notice is required to be provided in the local newspaper.

BUDGET IMPACT Operating Budget (Current and Future)

If Council directs staff to proceed through the Heritage designation process for one or both of the properties, there are costs associated with contracting a heritage professional to prepare the required designation reports (approximately \$2,500 - \$3,000 per report) and there may be costs associated with defending the designation at the Ontario Municipal Board if it is appealed by the owner.

Capital Budget

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

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

1 - Location Maps



Commissioner Development and Infrastructure
Services

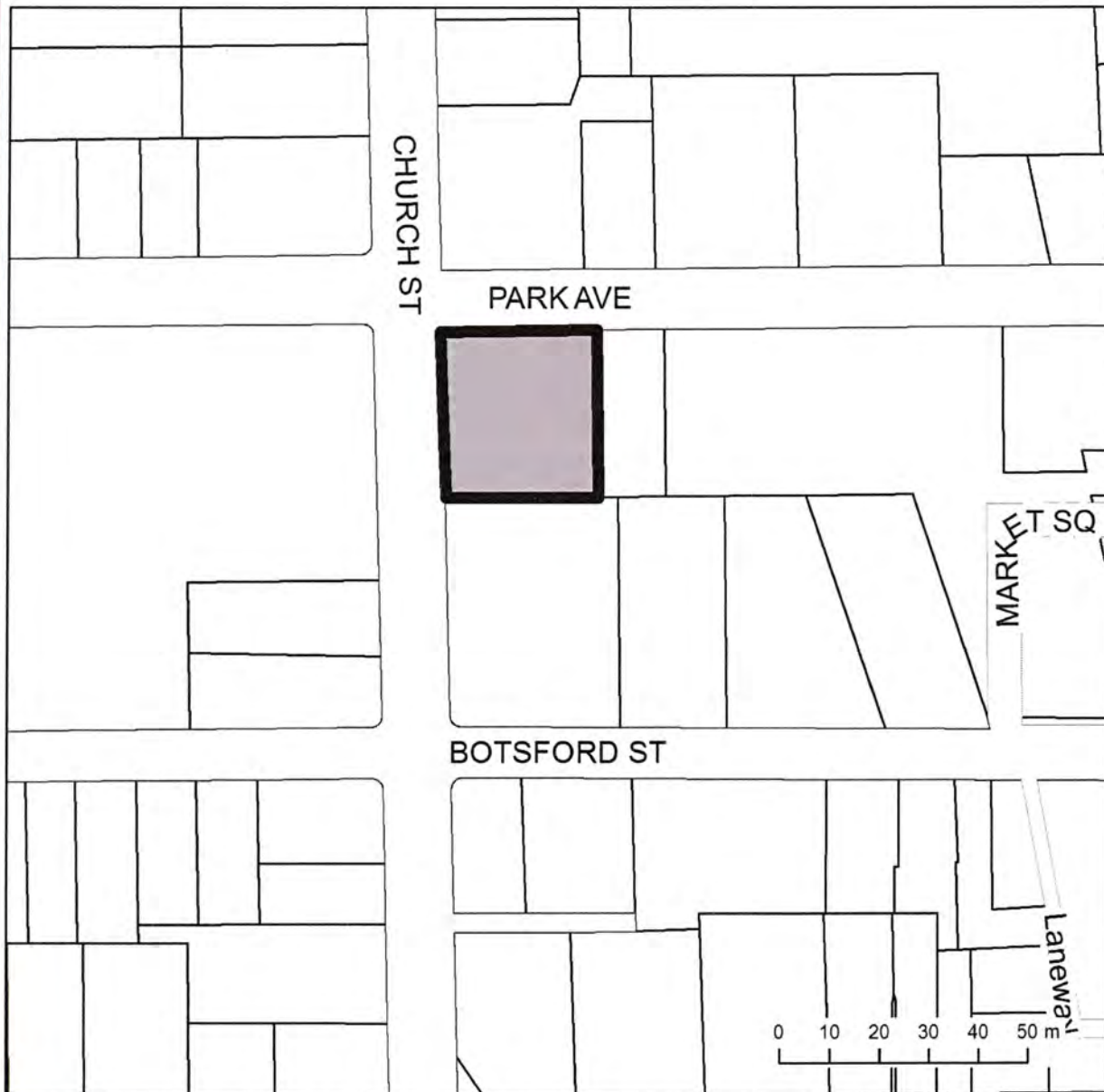



Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP
 171 Church Street
 Town of Newmarket
 Regional Municipality of York



 Subject Lands


TOWN OF NEWMARKET PLANNING DEPARTMENT

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

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LOCATION MAP
 770 Gorham Street
 Town of Newmarket
 Regional Municipality of York



 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT

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November 27, 2017

CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT 2017-27

TO: Committee of the Whole

SUBJECT: Proposed Noise By-law

ORIGIN: Legislative Services
Lesley Long, Supervisor of By-law Enforcement

Recommendations

1. That Corporate Services – Legislative Services Report 2017-27 dated November 27, 2017 regarding Proposed Noise By-law be received; and,
2. That Council repeal current Noise By-law 2004-94, as amended; and,
3. That Council enact the new draft Noise By-law attached as **Appendix A**; and,
4. That Council approve the amendments to the 2018 Fees and Charges By-law to reflect revised fees related to the Noise By-law, attached as **Appendix B**.

Purpose

The purpose of this report is to obtain Council approval with regards to adopting a new Noise By-law.

Background

The Municipal Act authorizes the Town to adopt a by-law for the purposes of regulating noise in Newmarket. The Town's current By-law has been in place since 2004, and requires updates to respond to issues arising from the administration and enforcement of the By-law, as well as to respond to community concerns.

In 2015, staff conducted an online and in person survey (at the Farmers Market). Further information on the results of the survey are provided later in this report. In general, the survey results indicated that overall residents that participated had no major noise concerns.

Summary of Amendments to the draft Noise By-law

The amendments to the draft Noise By-law attached as Appendix A have been categorized into two themes.

1. Amendments to enhance administration and enforcement:

- **Adding and revising definitions to provide additional clarity.**
Many definitions were either revised or added to ensure that the intent of the regulations is clear within the By-law. As an example, the Town has been responding to complaints regarding noise caused by construction from infill housing, and has subsequently added a definition for “infill housing”.
- **Updating penalties for not complying with the By-law, in accordance with the offence provisions of the Municipal Act.**
Sections 7 to 11 in the enclosed draft By-law have been included in the By-law as these are considered to be the Town’s standard enforcement sections, which ensure that staff have the ability to investigate and initiate legal proceedings, if required.
- **Removing regulations that are already exist in other By-laws.**
Regulations such as noise from a vehicle’s engine, is currently regulated under the Town’s Idling By-law. This By-law is effective in restricting the length of time for which a vehicle can be idling, and staff do not believe that additional regulations are required.
- **Streamlining the noise exemption process.**
Currently all exemptions require Council approval. The new draft Noise By-law has categorized exemption process into two categories 1) permits to emit noise for less than six months; and, 2) permits to emit noise for over six months. The By-law authorizes staff to issue permits for up to six months, and anything longer than that period will continue to require Council approval. Applicants that wish to obtain a permit must apply using the prescribed form and submit it to staff in accordance with the established timeframes along with the prescribed application fee.

The By-law will allow staff to approve exemptions for events such as, weddings, and for construction projects.

The Mayor, Deputy Mayor & Regional Councillor, and the applicable Ward Councillor will have an opportunity to review the application once it is received by staff.

With regards to the appeals process for applications which are 6 months or less the applicant can appeal to Council if Town staff deny their application, this means that a third party cannot appeal an application either approved or denied by the Town.

Municipalities such as Markham, Toronto, London, and Barrie have adopted exemption processes similar to the above.

2. Amendments responding to community needs:

- **Adding a quiet zone.**

Newmarket is home to the Southlake Regional Health Centre and long term care facilities. The individuals in these facilities can be considered a vulnerable population, and would benefit from additional “quiet zone” regulations. As such, the By-law has included quiet zones to ensure that the communities’ needs are being met and addressed.

- **Permitting consumer fireworks to be discharged on specific days of the year without requiring a permit.**

Many municipalities in Canada do not require a permit for residents who discharge consumer fireworks on Victoria Day and Canada Day. As another mechanism to align the community’s needs with the By-law, residents do not require a permit to discharge fireworks on these two holidays.

- **Allowing property owner’s to use a motor vehicle to clear snow from their private property roadways.**

The Town has received complaints with respect to motor vehicles being used to clear snow on private laneways and roads during the winter months. As these areas are not subject to snow clearing operations by the Town, residents need a way to clear snow in and around their homes.

Survey

In 2015, a survey was conducted both online and in person at the Farmer’s Market. Respondents were asked questions about noise in the Town, and their overall knowledge of the Town’s Noise By-law. The results of this survey indicated that half of the respondents did not have any concerns with respect to noise in their neighbourhood. Of the 129 respondents, 86 individuals stated that they have never made a complaint to the Town with regards to noise problems; however, 80 individuals agreed that noise regulations in the areas around Southlake Regional Health Centre and long term care facilities should be developed and/or required change.

Public Information Centre held on October 24, 2017

A Public Information Centre (PIC) was held on October 24, 2017 to obtain feedback from the public on the new regulations related to new draft Noise by-law.

There were concerns raised with respect to noise caused by train whistles. Staff noted that train whistles are regulated through a separate Town By-law. In addition to the Town’s By-law regulating train whistling, it should be noted that trains are federally regulated, and these statutes will precede any of the municipality’s by-laws.

Council Workshop held on October 30, 2017

Following the PIC, a Council Workshop was held on October 30, 2017, at which time Council Members were provided the opportunity to ask questions about the new draft Noise By-law.

At the Workshop there was discussion regarding the general prohibitions related to the use of vehicle radios, stereos, radio television, amplification devices, and any music producing sounds. Concerns regarding noise generated by wind chimes were also raised.

Based on the concerns raised by Council at the Workshop, the sections related to general prohibitions regarding radios and amplification of music have been removed from section 3.3 (g) and (h). The general section 3.1 will allow complainant the opportunity to advise the Town on how the noise is disturbing the enjoyment and comfort of their property this will also allow for complaints regarding wind chimes.

There were concerns regarding the complaint process for noise. Regional Prosecution Office has requested, for enforcement purposes, that the Town 1) develop a process to receive complaints related to noise concerns and 2) assume that the property owner is responsible for noise generated from their property. **Appendix C** to this report shows a draft complainant form that must be submitted to the Town.

Furthermore, it was suggested that with the new exemption process for applications under six months that an escalation clause (i.e. “bump up”) be added for the Mayor, Deputy Mayor & Regional Councillor, or the applicable Ward Councillor to have the application be considered on a Committee of the Whole or Council agenda, as the case may be a bump up clause has been included in the revised noise by-law. Where applications are requested to be bumped up, Council will become the approving authority.

Conclusion

Upon Council approval of the amended Noise By-law, staff will be updating the website to reflect the new procedure when submitting a noise complaint to the Town, and the process for applicants who wish to obtain a noise exemption permit.

Business Plan and Strategic Plan Linkages

This report relates to the “Well Equipped and Managed” link of the Town’s community vision implementing policy and processes that reflect sound, accountable governance.

Consultation

On October 24, 2017 a Public Information Centre was held to provide an overview of the key components of the draft Noise By-law and to provide an opportunity to receive public input.

On October 30, 2017 a Council Workshop was held, which gave Members of Council an opportunity to ask questions regarding the proposed amendments to the draft Noise By-law presented by Town staff.

This Noise By-law was prepared with input from the Legal, Regional Prosecutor’s Office and Legislative Services. Information was also gathered from the City of Markham, City of Guelph, City of London, City of Kingston, City of Toronto, and the City of Brampton.

Human Resource Considerations

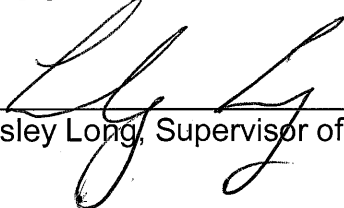
Not applicable to this report.

Budget Impact

Not applicable to this report.

Contact

For more information on this report, contact Lesley Long, Supervisor of By-law Enforcement
llong@newmarket.ca



Lesley Long, Supervisor of By-law Enforcement

Lisa Lyons, Director of Legislative Services / Town Clerk

Esther Armchuk, Commissioner of Corporate Services**Appendices**

Appendix A - Draft Noise By-law

Appendix B - Amendments to 2018 Fees and Charges By-law

Appendix C - Draft Form for Noise Complaints

Appendix A – Draft Noise By-law



Corporation of the Town of Newmarket

By-law Number 2017-xx

A By-law to Prohibit or regulate unusual **Noises** or **Noises** likely to disturb the **Inhabitants** of the Town of Newmarket.

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

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

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

And whereas section 398 (1) of the Municipal Act, 2001 states that **Fees and Charges** imposed by a municipality on a **Person** constitutes a debt of the **Person** to the Town of Newmarket; and;

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

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

1.0 Definitions

“**Applicant**” means a **Person** applying for a **Noise** exemption under this by-law;

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

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

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

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

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

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

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

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

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

“Event” an event open to the public, including a public fair, public exhibition, public celebration, public sporting event, public concert; or a school board event; or an event not open to the public or an event held at a private **Residence**;

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

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

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

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

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

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

“Noise” means **Sound** that is of such a volume or nature that it is likely to disturb the **Inhabitants** of the **Town**;

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

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

“**Owner**” means the Property Owner, authorized agent, lessee, or occupier of the **Premises** upon which the **Noise** is being located;

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

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

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

“**Point of Reception**” means any point on the **Premises** where **Sound** originating from other than those **Premises** is received;

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

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

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

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

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

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

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

2.0 Administration

2.1 Interpretation:

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

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

3.0 General Prohibitions

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

4.0 Hours of Operation By Time and Area

- 4.1 No **Person** shall make or permit the emission of **Sound** resulting from any act listed in the Schedule A if clearly audible at a **Point Of Reception** located in a prescribed area of the municipality within a prohibited time shown for such an area.

5.0 Exemptions

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

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

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

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

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

6.0 Grant of Exemption

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

- (c) The date of expiry of the temporary **Noise** permit(not excess of six months)
- (d) Notification be prepared to advise the community of the **Noise** that will be occurring.

6.6 The **Director** shall circulate the application to the Mayor, Deputy Mayor & Regional Councillor, Ward Councillor and where the **Event** or activity is to be held on a boundary street between wards.

6.7 Any of the above mentioned Councillors may request that the application be “bumped up” to a full Committee of the Whole for consideration.

6.8 The **Director** shall issue a permit if all of the following conditions have been met:

- (a) Notification under section 6.6 has either
 - i. Not responded within the date determined by the **Director** of the notice; or
 - ii. Responded indicating that they have no objection to the application being approved.
- (b) The **Applicant** has complied with all terms and conditions of approval of the last permit issued to them under this section, if any.
- (c) The **Applicant** has provided the following:
 - i. the name and address of the **Applicant**;
 - ii. the date, time(not in excess of six months) and location of the **Event** or activity for which the temporary **Noise** permit is sought and, where applicable the number of people expected to attend;
 - iii. the purpose of which the permit is required;
 - iv. a description of any **Sound** or **Construction Equipment** to be used;
 - v. the name, address and telephone number of at least one contact **Person** who will supervise the **Event** or activity;
 - vi. a written undertaking that one or more contact **Persons** responsible for supervising the **Event** or activity will be on-site during the entire **Event** or activity to ensure compliance with the terms and conditions of the permit;
 - vii. a statement of the steps, if any, planned or presently being taken to minimize the **Noise** or **Sound**;

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

- 6.12 A decision of the **Appeals Committee** is final and binding.
- 6.13 An application for a **Noise** permit that exceeds 6 months shall be forwarded to **Council**, along with a report by the **Director**, for approval.
- 6.14 A decision of **Council** is final and binding.

7.0 Order

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

8.0 Service of Order

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

9.0 Power of Entry

- 9.1 The **Town** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) the provisions of this By-law;
 - (b) an Order issued under this By-law; or
 - (c) an Order made under Section 431 of the Act.
- 9.2 Where an inspection is conducted by the **Town**, the **Person** conducting the inspection may:
- (a) require the production of documents or relevant items for inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and
 - (d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 9.3 The **Town** may undertake an inspection pursuant to an Order issued under Section 438 of the Act.
- 9.4 The **Town's** power of entry may be exercised by an employee, inspector or agent of the **Town** or by a member of a police force with jurisdiction, as well by any **Person** under his or her direction.
- 9.5 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.
- 9.6 The fees imposed constitute a debt of the **Person** to the **Town**. The **Town** Treasurer may add fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the **Owners** are responsible for paying the fees.
- 9.7 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Person** who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

10.0 Rebuttal Presumption

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

11.0 Penalties

- 11.1 Every **Person** who contravenes any provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 11.2 Any **Person** who is in contravention of any provision of this By-law, or who fails to comply with an order issued under this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected
- 11.3 If an Order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

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

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

11.5 For the purposes of this bylaw, “multiple offence” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this bylaw.

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

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

12.0 Severability

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

13.0 Transition

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

14.0 Repeal

14.1 By-law 2004-94 and 2005-158 is hereby repealed.

15.0 Short Title

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

16.0 Effective Date of By-law

Enacted this day of , 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Schedule A
Prohibitions By Time and Place

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

10. The operation of any construction vehicle or Construction Equipment in connection with Infill Housing .	7:00 PM one day to 7:00 AM the next day 9:00 AM Saturday and after 5 PM on Saturday All day Sundays & Statutory Holidays	7:00 PM one day to 7:00 AM the next day 9:00 AM Saturday and after 5 PM on Saturday All Sundays and Statutory Holidays
10. The operation or use of any tool (ie. lawn mowers, power trimmers, leaf blowers, power washer) for domestic purpose other than snow removal.	8:00 PM one day to 7:00 AM the next day 9:00 AM Sundays	7:00 PM one day to 7:00 AM the next day 9:00 AM Saturdays, Sundays and Statutory Holidays
11.The venting or release of steam, the operation of a generator or air filtrations system, Noise from grinding, milling, the operation of machinery, or the like	9:00 p.m. to 7:00 a.m. to 9:00 a.m. on Saturdays, Sundays and Statutory Holidays	7:00 p.m. to 7:00 a.m. to 9:00 a.m. on Saturdays, Sundays and Statutory Holidays
12.The operation of any Motor Vehicle engaged in the plowing of or removal of snow, unless otherwise permitted under this By-law	12:00 midnight to 6:00 a.m.	12:00 midnight to 7:00 a.m.

Proposed Fees and Charges for Noise Exemptions

Application for Noise Exemption	\$100.00
Noise Permit for Event	\$60.00
Noise Permit for Construction	\$75.00

The Town of Newmarket recognizes that noise impacts our quality of life and that is why the Town regulates noises which disturb, or are likely to disturb the inhabitants. As a result, Enforcement and By-law Services is committed to assist you in resolving your concerns.

The Town needs your involvement and cooperation to help bring closure to this matter. The first step in the noise reporting process is to complete and submit the attached Noise Report Witness Questionnaire and Noise Report Record Form. Once the completed documents have been received by Municipal Enforcement, they will review the evidence and contact you to advise if they will be proceeding with the issuance of a Notice of Violation to the offending property. The decision to proceed is determined if there is a reasonable prospect of conviction in court based upon a review of the evidence. Please provide photocopies of any documents you submit and retain the originals as you may be required to produce them as evidence in court.

If a Notice of Violation is issued to the offending property you will be required to monitor and document the noise on a second Noise Record document over a subsequent two week period.

If the situation has not been satisfactorily resolved, and upon receipt of the second Noise Reporting Record Form, legal action will be requested and the property owner and/or person responsible for the noise will be required to attend court. On their first court appearance they will be able to plead guilty at which time the courts may impose a penalty, or they may choose to plead not guilty. If a plea of not guilty is entered the matter will be adjourned and a new court date will be set to hear the trial. You will be notified and must appear in court with your noise records on this date in order for the trial to proceed.

Please be advised that your name, address and phone number is confidential when the Town of Newmarket receives your complaint. However, should the matter proceed to Court your name and that of any witnesses becomes part of the public record.

Please find enclosed the following documents:

(i) Noise Reporting Witness Questionnaire (which must be completed in full and returned)

(ii) Noise Reporting Record Form (which must be completed in full and returned)

Please forward your completed Noise Reporting Witness Questionnaire and Noise Reporting Record to 395 Mulock Drive P.O. Box 328 STN Main Newmarket, ON L3Y 4X7 by mail, in person, or fax to 905-953-5141.

We hope this information has been of assistance to you and has clarified the Town of Newmarket's role in the noise issue which you are involved with. If you have any questions pertaining to the information provided to you, please contact the Town at 905-895-5193.

**NOISE REPORTING WITNESS QUESTIONNAIRE**

Date: _____

Name: _____

Address: _____

Telephone No.: _____

Address of
Complaint: _____

The following questions must be answered in order to assist in the Prosecution of a Noise By-law violation.
Corroborating witnesses must also complete this questionnaire:

a) Number of years occupying this residence?

b) Number of years offending party occupying residence?

c) Normal work hours and type of employment?

d) Proximity of residence to where noise is emanating from?

e) How long has the noise been a concern?

f) What attempts, if any, have you taken to advise the person making the noise of your concerns and what was the result?

g) Describe how the noise affects your quality of life and what changes have you made to mitigate the effects?

h) How do you know where the noise is emanating from?

Should charges be laid for violations of the Town of Newmarket Noise By-law, the undersigned is prepared to appear in Court as a witness and provide evidence as shown in the Noise Reporting Record Form.

Signature: _____

Date: _____

NOTE: The personal information collected on this form is collected under authority of the Municipal Act, 2001. The personal information will be used by the Town of Newmarket for responding to your request and / or inquiry. This information will be used to administer the noise complaint and investigation process. Questions about the collection of personal information should be directed to the Supervisor of Bylaw Enforcement, Legislative Services Department, 395 Mulock Drive, Newmarket or reached at 905-953-5300 ext. 2222.

**Noise Reporting Record Form**

Noise Location: _____

Address _____

Please provide the specific times and dates that you are disturbed:

Date	Start Time	End Time	Describe Noise	How are you disturbed?

Note: Any possible Prosecution would be based on this Noise Reporting Record. A minimum of a two week Record is required before a Notice of Violation is issued. A second two week Record, to be completed after the issuance of the Notice of Violation, is required for a charge to be considered. Any witnesses that you provide are also required to provide a Noise Reporting Record Form. Please copy this form to provide to your witness.

Name: _____ Signature: _____



(Please Print)

Date: _____ Your address: _____



LEGISLATIVE SERVICES
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120

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November 27, 2017

Corporate Services - Legislative Services Report - 2017-25

TO: Committee of the Whole

SUBJECT: Revisions to Sign By-law and standalone Election Sign By-law

ORIGIN: Legislative Services Department
Kiran Saini, Deputy Town Clerk
Geoff McIntosh, Municipal Law & Property Standards Officer

Recommendations

1. That the Corporate Services - Legislative Services Report - 2017-25 entitled "Revisions to Sign By-law and standalone Election Sign By-law" be received; and,
2. That Council repeal By-law 2016-28; and,
3. That Council enact the draft Sign By-law attached as **Appendix A**; and,
4. That Council enact the draft Election Sign By-law attached as **Appendix B**.

Purpose

The purpose of this report is to obtain Council approval with regards to: 1) updating the Town's Sign By-law; and, 2) creating a standalone Election Sign By-law.

Background

Municipalities in Ontario have developed regulations to assist with mitigating the concerns of sign proliferation and pollution. Additionally, regulations have been developed to respond to many communities' desire to develop standards related to signs on both public and private property.

Current Town of Newmarket Sign By-law

In 2014, after a comprehensive review by Town Staff, Council adopted a new Sign By-law 2014-11. Following that, in 2016 Council approved amendments to the Sign By-law and passed the current Sign By-law 2016-28. All sign types are currently regulated under the Sign By-law, including election signs. Additional amendments to the Town's existing Sign By-law are now required to: 1) ensure that the By-law continues to meet the needs of the community; 2) improve administration and clarification of regulations in the By-law; and, 3) remove the election sign section from the By-law to create a separate Election Sign By-law for the Town.

Separate By-law for Election Sign Regulations

The creation of a standalone Election Sign By-law is intended to assist with the administration of election sign regulations for municipal, provincial, and federal elections. Based on staff and candidate experiences after the 2014 general municipal election and the 2016 ward 5 by-election, staff believe that a separate Election Sign By-law will assist the administration of the sign program, and will also help candidates with understanding the rules that govern election signs in the Town. The proposed Election Sign By-law (**Appendix B**) closely mirrors Newmarket's existing election signs regulations.

Updates to election sign regulations are also required because the province recently amended the Municipal Elections Act, 1996. First, third party advertisers are now permitted to advertise in the same manner as a candidate. Second, the Regional Chair position will now be a directly elected position in York Region. As a result of these two legislative changes, Town staff also took this opportunity to consult with staff from all Regional Municipalities to propose consistency with regards to election signs in general.

A summary of amendments to the Sign By-law and Election Sign By-law are detailed below.

Summary of Changes to the Sign By-law (Appendix A)

The revised Sign By-law has been attached as **Appendix A** to this report. The amendments to the By-law have been categorized into three areas and the corresponding section or subsection from the By-law has been identified below:

1. **Amendments required for additional clarity:**
 - **Sections 1 & 20** - Regulations for Seasonal Businesses have been included to reflect these types of businesses.
 - **Section 1, Diagram 1** - A diagram for the definition of a "Sight Triangle" was added to visually show what "Sight Triangle" means.
 - **Subsections 11.2 & 11.6** - Clarification on restrictions for where signs can be located on private property and public property.
2. **Amendments to assist with enforcement:**
 - **Section 27** - The addition of a section to help with enforcement and cost recovery for signs that are illegally erected, by assuming the person or business benefitting from the sign is the "owner" of the sign.
 - **Subsection 3.10** - A revised definition and updated general provisions of "Temporary Signs" to improve enforcement and prosecution.
3. **Amendments to assist with the administration of the By-law:**
 - **Section 27** - Removal of Election Sign regulations from the By-law.
 - **Subsection 6.12** - An Engineer's "construction review report" is now required from any applicants that wish to erect a sign that requires an Engineer's stamped drawings. This will assist with putting the liability back on to the applicant for ensuring that the sign was constructed as per the approved drawings.
 - **Section 16** - Addition of a height restriction of ground signs in open space zones and golf courses.

Amendments were made to the Sign By-law for clarity, enforcement, and administration purposes. These amendments were because of consultation and recommendations of staff, the public, other Municipalities, our prosecutor, Council, sign companies and local businesses.

Summary of Changes to the Standalone Election Sign By-law

In October 2017, staff from Regional Municipalities participated in a working group to develop consistency with regards to election sign regulations throughout York Region. By-laws from all municipalities were reviewed and evaluated for best practices, and a summary of this review has been enclosed as **Appendix C** to this report. With a few exceptions, many of the regulations in the enclosed By-law will remain the same for the Town of Newmarket.

Election sign regulations apply to municipal, provincial, and federal election candidates and Third party advertisers.

Third parties are not new to Ontario, and are typically seen during provincial and federal elections; however, they will be regulated by municipalities for the first time in the upcoming 2018 election. Third parties will be required to register with the Clerk, and can also display signs that either oppose or support a candidate. Third parties can be an individual, corporation, or trade union, and can only advertise provided that their advertisement is not under the direction of a Candidate.

The below highlights areas in the By-law that are considered to be areas of particular interest from the Election Sign By-law with the corresponding section or subsection from the By-law.

Section 3 - Definitions

Additional definitions such as Registered Third Party, and Third Party Advertisement have been included in the By-law.

Definitions that already exist in the Sign By-law have been included in this By-law to ensure that this By-law all-encompassing and reduce the number of cross references to other Town of Newmarket By-laws.

Clause 4.2 (l) & Subsection 4.3 - General Prohibitions

Establishing where a resident's property line requires a surveyor to attend the specific property to determine the exact "line". As this is both time consuming and resource intensive, many municipalities permit election signs to be displayed in residential areas on property that is technically public, provided that specific setbacks are maintained. Based on staff's research of Regional Municipalities, only the Town of East Gwillimbury and City of Vaughan do not permit election signs anywhere on municipal property. As previously mentioned, determining exact property lines can be time consuming and can be problematic for enforcement. As such, it is recommended that the setbacks currently in effect in the Town's By-law [clause 4.2 (l) and subsection 4.3] be maintained.

Subsections 5.2 and 5.3 - First day signs can be erected and last day signs must be removed:

Table 1 - Dates for when signs can be first displayed and must be removed

Type of Election	First day election signs can be displayed	Last day election signs must be removed
Municipal • Regular Election	10:00 AM 28 calendar days (4 weeks) before Voting Day	72 hours (3 days) after Voting Day
Municipal • By-election	10:00 AM 28 calendar days (4 weeks) before Voting Day <u>or</u> 10:00 AM on Nomination Day if Voting Day is less than 4 weeks	72 hours (3 days) after Voting Day
Provincial • Regular Election & By-election	The day after the writ of an election is issued	72 hours (3 days) after Voting Day
Federal • Regular Election & By-election	The day after the writ of an election is issued	72 hours (3 days) after Voting Day

Section 6 - Size of Election Signs

The Town's current size restrictions for election signs will remain the same. The area of the sign cannot exceed 1.49 square metres, with a maximum height or width of 1.22 metres.

Section 7 - Private Property

The Town's current by-law only allows 1 sign per candidate, per property, unless the property is a corner lot, in which case 2 signs per candidate are permitted. York Region municipal by-laws were consulted, and it was determined that municipalities either do not impose a limits on the number of signs that can be displayed, or there is a limit of 1 or 2.

Section 8 - Public Property

The Town's By-law currently only permits election signs to be displayed at Regional intersections in accordance with York Region's Sign By-law. This requirement has been proposed in the standalone Election Sign By-law.

Subsection 11.2 - Fee Structure

Municipalities have adopted varying fee structures for their permit fee and removal of improperly placed sign fee. Some municipalities have a refundable fee while others do not refund the fee. Newmarket's current permit fee of \$250 is refundable, which means that candidates are eligible to receive \$250 back from the Town if none of their signs were removed by Town staff. It is recommended that a non-refundable fee structure be implemented to align with York Region, among other municipalities that have this in place, and to allow the Town to recover some of the costs incurred for the overall enforcement and administration of the election sign program.

Public Information Centre held on October 24, 2017

A Public Information Centre (PIC) was held on October 24, 2017 to obtain feedback from the public on the new regulations related to signs and election signs. Local sign companies were invited to attend the PIC; however, no companies were in attendance.

Sign By-law

With regards to the Sign By-law, staff were asked about questions related to the enforcement of the By-law, and what information would be required to initiate legal proceeding. In response to these types of questions, staff noted that the revised By-law would allow the Town to use information on signs, such as a name, telephone number or business name on the sign to “assume” who the owner of the sign was.

Election Sign By-law

With respect to the Election Sign By-law, staff were asked about potential disputes between a property owner and a tenant in relation to the erection of a sign on a property. It was noted that any disputes between a property owner and a tenant would be deemed a civil matter, and that the Town would not become involved.

There were also questions with respect to the specific areas of alignment of the Town’s By-law with York Region’s Sign By-law. It was noted that the Town’s By-law would be similar to the Region’s regulations as follows:

- 1) The size of the signs, which is a maximum area of 16 square feet;
- 2) The first day for which signs can be erected, which is 10:00 AM 28 days prior to Voting Day;
- 3) The last day for which signs must be removed, which is 3 days after Voting Day;
- 4) Only allowing signs to be erected at Regional Intersections as permitted by the Region’s Sign By-law; and,
- 5) A non-refundable application permit fee.

Council Workshop held on October 30, 2017

Following the PIC, a Council Workshop was held on October 30, 2017, at which time Council Members were provided the opportunity to ask questions about the draft Sign and Election Sign By-laws.

Sign By-law

At this Workshop, there were questions with respect to open house signs, and sight triangles. With respect to open house signs, there were concerns about the proliferation of signs, and whether or not restricting these signs to the same day would assist in reducing the number of signs. After conducting some research into best practices, and to assist with the promotion of open houses, it is recommended that open house signs be permitted the

day before an open house will occur. This is to assist real estate agents and home owners with communicating their open houses, as many community members rely on these signs to know when an open house is happening.

There were questions with respect to sight triangles and if the Town could align its sight triangle with that of the Region's. Subsequent to this suggestion, additional research was conducted, and as a result of that research, it is recommended that because the Town's intersections are generally smaller than the Region's, and generally being travelled at a much slower speed that the sight triangles not be the same.

Election Sign By-law

There were a number of concerns raised at the Council Workshop with regards to the Election Sign By-law, and they have been addressed as follows:

- **Vehicles being used to primarily display election signs**
Given the concerns raised regarding vehicles being primarily used to display election signs, the By-law only includes the current regulations that are in place; however this section was amended to also include Registered Third Parties. For clarity, the By-law only restricts vehicles that are displaying visible election signage from being parked or stopped on the properties being used as Voting Places or Voter Assistance Centres on both Voting Day and during the advanced voting period.
- **Signs only being permitted in the ward a person was officially nominated in**
This section has been removed from the By-law to ensure that residents are not restricted to only erecting signs from Candidates within their ward.
- **Campaign office**
Campaign office provisions have been identified in the By-law and stipulate that a Fascia Sign, provided that the sign complies with the Town's Sign By-law (i.e. the proper permits are obtained), can be erected at the Candidate's campaign office as soon as he or she files their nomination with the Clerk.
- **Number of election signs on corner lots**
Further consideration was given to the number of signs permitted on private property. By way of background, the recommendation made at the Council Workshop to limit to 1 sign per Candidate per property was awaiting a legal opinion; however, given the legal review has not concluded, staff are now proposing that this section of By-law not be amended. This means that properties with 1 abutting street will continue to only be permitted to erect 1 sign per candidate, and properties with 2 abutting streets (i.e. corner lots) will continue to only be permitted to erect 2 signs per candidate.
- **Enforcement provisions**
Sections 12 to 16 have been included in the By-law as it is the Town's practice to include these standard enforcement provisions in all standalone by-laws. This information is already contained in the current Sign By-law, however, given that the Town is creating a separate By-law to deal with Election Signs, these sections are required to ensure that the Town has the ability to enforce the By-law including issuing

orders, or initiating legal proceedings against a person who continues to fail to comply with the By-law even after staff have advised them of how to bring the sign into compliance.

- **Where can election signs be erected?**

Signs must be a minimum of 6 feet away from the face of the curb or edge of pavement of a roadway, and where there is a sidewalk, a minimum of 2 feet away from the sidewalk. This distance from a curb or a sidewalk has been in place since 2014, and has not changed in this standalone By-law. In keeping with the principles of plain language, the By-law also states that election signs cannot be located between the curb and the sidewalk, when a sidewalk exists (the By-law currently states “that signs cannot be erected on the municipal boulevard”; however many residents may not know what “boulevard” means).

When there is a sidewalk that is less than 2 feet from the main wall of a building, signs are required to be placed at the furthest distance possible from the sidewalk or from the face of the curb or edge of pavement.

Overall, these regulations worked well during the 2014 municipal election and recent 2016 ward 5 by-election, and therefore, staff is not recommending amending these areas within the By-law.

- **Election signs on fences**

Council noted the desire to ensure that candidates still have the flexibility to erect signs on fences. To clarify, this By-law does not explicitly state that signs on fences are prohibited; however, as a reminder, Candidates or third party advertisers must always obtain the property owner, tenant or occupant’s consent prior to erecting a sign anywhere on the property, including fences.

- **Securing election signs to the ground**

Given the concerns raised with requiring signs to be independently secured to the ground, this requirement has been removed.

- **Maximum height**

There were questions with regards to whether a maximum height of a sign should be included as a regulation. Municipalities such as Georgina, Markham, and Whitchurch-Stouffville have all implemented height restrictions. However, this regulation has been removed from the By-law as it will become difficult to enforce if signs do not have to be independently secured to the ground.

- **Third Party Advertisers**

There was discussion regarding third party advertisers and how they can and cannot campaign. As regulations for third party advertisers are new to Municipal Elections, it is difficult to determine: a) if there will be a significant number of third party advertisers who register; and, b) what the possible concerns/issues may be with regulating these types of advertisers. Given the limited information that Ontario municipalities have with regards to third party advertisers, staff are relying on the requirements of the Municipal Elections Act to develop regulations for these advertisers, such as requiring the name of the registered party, and including contact information in their advertisements. For clarity, in accordance with the Municipal Elections Act, third party advertisement does not include an advertisement by or under the direction of a Candidate (as that is considered the Candidate's advertisement).

- **Communication of election sign regulations**

As noted at the Council Workshop, upon Council approval of the Election Sign By-law, staff will ensure that these regulations are communicated to all relevant stakeholders such as including sign regulations in Candidates' Information Packages, and posting information on the Town's website.

Summary of the Amendments to Election Sign Regulations

Following the concerns raised by Council at its Workshop on October 30, 2017, staff reviewed the By-law and have summarized the significant amendments to the By-law as follows:

1. New defined terms such as "Registered Third Party" and "Third Party Advertisement".
2. General safety prohibitions in section 4 such as not placing signs that may interfere with the safe operation of vehicular traffic, or impedes the Town's maintenance operations.
3. Only permitting signs to be erected at 10:00 AM 28 days prior to Voting Day (aligns with York Region).
4. The Election Sign Permit Fee will be non-refundable (aligns with York Region).

External Legal Review for Election Sign By-law

During the Council Workshop, staff noted that the Town was participating in an external legal review of the By-law, and the costs of this review were being shared with some York Region municipalities.

The external legal review did not conclude at the time this report was written. As such, depending on the timeframe of the legal review, staff will provide an update to Council by issuing a memorandum to this report by: a) the publishing of the addendum Committee of the Whole agenda; b) the publishing of the December 4, 2017 Council agenda; or, c) when the external legal review is concluded.

Conclusion

Upon Council approval of the amended Sign By-law and Election Sign By-law, staff will educate relevant stakeholders on the provisions contained in both By-laws.

Business plan and strategic plan linkages

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

Consultation

On October 24, 2017 Staff held a Public Information Centre about the proposed changes to the Sign By-law and the standalone Election Sign By-law which allowed for concerns, inquires and comments. Furthermore, a Council Workshop was conducted on October 30, 2017 which allowed for additional concerns, inquires and comments, by Council.

Recommendations were made from Staff along with the Town's Regional Prosecutor to model sections of the Sign By-law after the York Region Sign By-law, as well as comparing to other municipalities By-laws including Markham, King, and Whitchurch-Stouffville among other municipalities surrounding York Region.

The Election Sign By-law was drafted based on feedback from staff from Regional Municipalities that participated in the working group.

In addition to the external legal review, Newmarket's Legal Services Department was also consulted in this process.

Human resource considerations

None.

Budget impact

None.

Contact

For more information on this report, contact: Kiran Saini, Deputy Town Clerk, ksaini@newmarket.ca or Geoff McIntosh, Municipal Law & Property Standards Officer gmcintosh@newmarket.ca

Approval**X**

Lisa Lyons

Director of Legislative Services/Town Clerk

X

Esther Armchuk

Commissioner of Corporate Services

Appendices**Appendix A** - Revised Sign By-law**Appendix B** - Election Sign By-law**Appendix C** - Comparison of York Region Election Sign By-laws

CORPORATION OF THE TOWN OF NEWMARKET
BY-LAW NUMBER 2017-xx

A By-law to regulate the erection and maintenance of Signs and other advertising devices in the Town of Newmarket.

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

And Whereas Subsection 11 (3) 7 of the Act provides that municipalities may pass by-laws respecting structures, including fences and Signs;

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

And Whereas the Municipal Council of the Town of Newmarket (the “Town”) deems it necessary and in the public interest to regulate Signs displayed within the Town;

And Whereas the Municipal Council of the Town enacted By-law 2016-28 on June 7, 2016;

And Whereas it is deemed necessary to repeal by-law 2016-28

Therefore Be It Enacted by the Municipal Council of the Town as follows:

1.0 Definitions:

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

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

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

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

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

“**Applicant**” means the **Person** who applies for a **Sign Permit** or a variance from the provisions of this by-law;

“**Awning Sign**” means a **Sign Copy** painted on or affixed flat to the surface of an awning;

“**Banner**” means a **Sign** made from cloth, plastic or a similar lightweight non-rigid **Material**;

“**Billboard Sign**” means an outdoor **Sign** that advertises goods, products, or services that are not sold or offered on the **Property** where the **Sign** is located,

and is either single sided or double sided and shall allow for one **Mechanical Copy** side;

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

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

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

“Candidate” means a **Person** who is seeking election to a public office, whether for a federal, provincial or municipal election;

“Chief Building Official” means the **Person** and his/her designate so appointed by Council pursuant to the **Building Code Act**, 1992;

“Commercial” means a Commercial **Zone** as defined in the **Zoning By-Law**;

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

“Continuous Scrolling Copy” means electronic or computer controlled **Sign Copy** where text continuously scrolls across the **Sign Face** in a pre-arranged sequence to display a temporary message;

“Directional Sign” means any on **Premises** a **Sign**, which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include both entry and exit signage;

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

“Election Sign” means a **Sign** advertising or promoting the election of a political party or a **Candidate** for public office in a federal, provincial or municipal election;

“Electronic Changeable Copy” means electronic and/or computer controlled **Sign Copy** where static images or static information are displayed in a pre-arranged sequence and the intensity of illumination is maintained at a constant level, and includes **Continuous Scrolling Copy**;

“Employment” means an Employment **Zone** as defined in the **Zoning By-Law**;

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

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

“Frontage” means the length of the **Property** line of any one lot parallel to and along each legally accessible public **Street**, except for corner lots shall mean the total length of the **Property** lines on all legally accessible public **Streets**;

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

“Hoarding Sign” means a temporary, Non-Illuminated **Sign**, erected on construction hoarding which is subject to a development agreement of the Town, associated with the development of **Property**, which advertises or identifies the development of the **Property** on which the **Sign** is located;

“Home Occupation Sign” means a **Sign** that identifies any home-based **Business**, where such use of the **Property** complies with the **Zoning By-Law**;

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

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

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

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

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

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

“Mechanical Copy” means a **Sign Copy** where the display surface physically changes to reveal alternate messages, including but not limited to tri-vision or flip disc **Signs**;

“Menu Board Sign” means a **Sign** erected as part of a drive-thru facility and used to display and order products and services available at the drive-thru **Business**;

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

“Model Home Ground Sign” means a **Sign** located on residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located,

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

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

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

“New Home Development Sign” means a non-illuminated **Sign**, which is not permanently installed or affixed to the ground and where the purpose of the **Sign** is to direct attention to the sale of new homes or condominiums;

“Non-Profit Sign” means a **Sign** located, erected, or displayed on private **Property** or approved Town **Property** to advertise a non-profit or charitable event by a non-profit organization, charity or place of worship;

“Open House Sign” means a **Sign** intended to direct traffic to a **Property** that is for sale or lease, and is open to the public for viewing.

“Owner” means the **Property** Owner, authorized agent, lessee, or occupier of the **Premises** upon which a **Sign** or **Advertising Device** is located;

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

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

“Person” means an individual, **Business**, firm, body corporate, corporation, association, or municipality;

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

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

“Projecting Sign” means a **Sign** attached to a building or structure, which projects horizontally from the building/structure;

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

“Real Estate Sign” means a temporary non-illuminated **Sign** installed, erected or displayed for the notification that the **Premises** or portion thereof, on which the **Sign** is located, is available for or offered for sale, rent or lease;

“Residential” means a Residential **Zone** as defined in the **Zoning By-Law**;

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

“Shopping Centre” means a group of commercial establishments, whether or not under one ownership, having a common **Parking Area** or **Parking Lot**;

“Sight Triangle” means in the case of a corner lot, the triangular space formed by the **Street Lines** and a line drawn from a point in one **Street Line** to a point in the other **Street Line**, measured 5m along the **Street** from the point of intersection of the **Street Lines** See Diagram 1 in Schedule A;

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

“Sign Area” means the entire area of all **Sign Faces** on one **Sign Structure**;

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

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

“**Sign Owner**” means the owner or lessee of a **Sign**, or his/her agent. Where there is no owner, lessee or agent for a **Sign** or such **Person** cannot be determined with certainty, the **Sign Owner** shall be deemed to be the **Person** or **Business** having the use or major benefit of the **Sign**, or if such **Person** or **Business** is unknown, the **Sign Owner** shall be deemed to be the registered owner of the **Premises** upon which the **Sign** is situated;

“**Sign Permit**” means a written permission to locate, erect or display a **Sign** or **Signs** issued by the **Director** pursuant to the provisions of this By-law;

“**Sign Structure**” means anything used to support or brace a **Sign Face** and which is attached to the ground or a building or structure;

“**Street**” means any highway;

“**Street Line**” means the limit of the **Street** allowance and the dividing line between a lot and a **Street**;

“**Subdivision Development Sign**” means a **Sign** that advertises only the development in which the **Sign** is located and not the sale of lots elsewhere or the realtor’s, developer’s or Owner’s **Business** in general;

“**Temporary Sign**” means a **Sign** comprised of a plastic (poly bag) **Sign** sleeve or a coroplast **Sign Face** and which is temporarily anchored into the ground, or onto a pole, a light standard, a tree, another **Sign**, or a fence;

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

“**Urban Centre Zone**” means an **Urban Centre Zone** as defined in the **Zoning By-Law**;

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

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

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

2.0 Administration:

2.1 Interpretation:

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

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

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

2.4 Where any **Sign** proposed to be erected may be considered as more than one form of **Sign** permitted by this By-law or as a combination of forms of **Signs** and

/or **Sign Copy** permitted by this By-law, such **Sign** shall conform to the most restrictive provisions of this By-law.

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

Responsibility for compliance with this By-law:

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

3.0 GENERAL PROVISIONS:

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

4.0 Requirement For Sign Permit:

- 4.1 No **Person** shall erect, install, post, display or **Alter** any **Sign** on a **Premises** within the **Town** for which a **Sign Permit** is required and has not been obtained.
- 4.2 No **Person** shall deviate from an approved plan, drawing, or specification for which a **Sign Permit** or building permit has been obtained, without the prior written permission of the **Director** or the **Chief Building Official** respectively and such permission may be conditional on a new **Sign Permit** or building permit being applied for and obtained.

5.0 Signs Not Requiring A Sign Permit:

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

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

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

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

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

6.0 **Sign Permit Applications:**

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

6.3 Sign Permit Information

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

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

- g) Lake Simcoe Region Conservation Authority Approval for **Signs** within their jurisdiction;

7.0 Expiration Of Permit:

- 7.1 Every **Sign Permit** issued by the **Town** for the erection, display or alteration of a **Sign** expires and is null and void where the **Business**, product, activity or service to which the **Sign** relates ceases to operate or is no longer available at the **Premises** where the **Sign** is located.
- 7.2 Notwithstanding **Subsection 7.1**, the following expiration periods apply:
 - a) **Sign Permits** for **Inflatable Signs**, and **Mobile Signs** shall expire thirty (30) calendar days from the date of issuance;
 - b) **Sign Permits** for **Portable Signs** shall expire one (1) calendar year from the date of issuance;
 - c) **Sign Permits** for **Billboard Signs** shall expire five (5) years from the date of issuance.
- 7.3 Where a **Sign Permit** has expired, the **Sign Owner** shall immediately remove the **Sign** from the **Premises**.
- 7.4 Where a new **Business** is using the **Sign Structure** from a previous **Business**, the new **Business** is required to get a permit. For greater clarification, a lens change, from one **Business** to another, in a **Fascia Sign** or **Ground Sign** requires a **Sign Permit**.

8.0 Transfer Of Permit:

- 8.1 A **Sign Permit** is non-transferrable from one **Business** location to another.

9.0 Revocation Of Permit:

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

10.0 Maintenance:

- 10.1 The **Sign Owner** shall maintain, or ensure that such **Sign** is maintained in a proper state of repair so that such **Sign**:
 - a) is fully operative at all times;
 - b) in compliance with any approved plans, drawings, and specifications; and
 - c) does not become unsightly, unsafe or damaged.

- 10.2 Maintenance or repairs using **Material** identical to the **Materials** of the component being maintained or repaired for the continuance of the **Business** does not constitute an alteration so as to require a **Sign Permit** to be issued.

11.0 Location:

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

- 11.2 Notwithstanding any of the provisions of this By-law, no **Person** shall erect, install, post, or otherwise display any **Sign** on any tree, post, pole, light standard, fence, with the exception of **Hoarding Sign**, on any **Property** owned by or under the jurisdiction of the **Town**, without the prior written consent of the **Town**.

- 11.3 No **Sign** other than a **Fascia Sign** shall:

- a) be permitted within 10.67 metres (35.0 feet) of a traffic light;
- b) be erected upon or supported by a parapet; or,
- c) be erected upon or supported by a firewall or its parapet.

- 11.4 No **Sign** shall be located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of firefighters to any part of the building at any time.

- 11.5 All **Signs** erected or displayed shall be located a minimum of 1.83 metres (6.0 ft) away from the face of the curb or edge of pavement of a roadway, and where there is a sidewalk, not within 0.6 metres (1.97 ft) of such sidewalk, except for a **Portable Sign** located in the Historic Downtown **Urban Centre Zone** or Downtown **Urban Centre Zone**.

- 11.6 Notwithstanding any of the provisions of this By-law, no **Person** shall erect, install, post, or otherwise display any **Sign** on any tree, post, pole, light standard, or fence, with the exception of **Hoarding Signs** and flags on flagpoles, located on private **Property**.

12.0 Strength Of Buildings:

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

13.0 Sign Materials:

- 13.1 Every **Sign** attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wire ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of **Signs** attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for **Signs**. No **Sign** shall be supported in any manner by an unbraced parapet wall, except as provided for in **Subsection 11.3 b)** of this By-law.

- 13.2 Notwithstanding **Subsections 13.3, 13.4 and 13.5**, all **Ground Signs**, **Billboard Signs**, **Fascia Signs** and **Projecting Signs** and the **Sign Structure** shall be constructed entirely of metal or other non-combustible **Materials**.

- 13.3 Notwithstanding **Subsection 13.2** thereof, **Ground Signs** constructed wholly or partly of combustible **Materials** may be erected in the Downtown **Urban Centre Zone** and Historic Downtown **Urban Centre Zone** provided that such **Signs** shall not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground immediately below such **Sign** to the highest point thereof.

- 13.4 Notwithstanding **Subsection 13.2** thereof, **Fascia Signs** constructed wholly or partly of combustible **Materials** may be erected in the Downtown **Urban Centre Zone** and Historic Downtown **Urban Centre Zone** provided that such **Signs** are

not located within 0.61 metres (2.0 feet) of any window above the first storey or within 0.91 metres (3.0 feet) of any fire escape or exit.

- 13.5 Notwithstanding **Subsection 13.2** thereof, **Projecting Signs** constructed wholly or partly of combustible **Materials** may be erected in the Downtown **Urban Centre Zone** and Historic Downtown **Urban Centre Zone**.
- 13.6 Notwithstanding any other provisions of this By-law, approved plastics may be used as facing **Material** and as letters and decorations on **Signs** subject to the following limitations and regulations:

a) All parts of the **Sign** other than the letters and decorations shall be made from non-combustible **Materials**, the area of the display surface or facing which may be occupied or covered by letters and decorations may be made from or faced with approved plastics.

b) If plastics are employed in any part of a **Sign** the finished plastic unit shall be identified either with the **Material** manufacturer’s trade name, or with the common name of the plastic **Material**.

14.0 Illumination:

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

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

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

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

d) spot lighting positioned below the **Sign** and shining upward.

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

15.0 Sign And Zone Specific Regulations:

In addition to the requirements to obtain a **Sign Permit** under **Section 6.0**, **Signs** shall comply with the applicable **Sign** type restrictions under **Sections 16.0** through to **29.0** inclusive.

16.0 Ground Signs:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1, 2	Commercial	1	Less than 243.84m (800 ft.)	27.87m² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with Subsections 14.1 and 14.2
	Employment	2	243.84m (800 ft.) or more	46.45m² (500 sq. ft.)	10.67m (35.0 ft)		
Class B 1,2, 3	Urban Centre*					0.91m (3.0 ft.)	
	Downtown Urban Centre	1		2.32m² (25.0 sq. ft.)	7.5m (24.6 ft.)		
Class	Historic Downtown Urban Centre	1		2.32m²	7.5m	0.91m	
	Institutional						

C ^{1,2}				(25.0 sq. ft.)	(24.6 ft.)	(3.0 ft.)	
Class D ^{1, 2}	Open Space Golf Course	1		13.94m ² (150 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Not Permitted
Menu Board Sign	Commercial Urban Centre	1 Menu Board Sign		4.0 m ² (43 sq. ft.)	2.5 m (6.5 ft)		Permitted in accordance with Subsections 14.1 and 14.2
		1 Pre Menu Board		2.0 m ² (21.5 sq. ft.)	2.5 m (6.5 ft)		
¹ Ground Signs, and their structural members shall be constructed entirely of metal or other non-combustible Materials.							
² Ground Signs shall not be located within 0.6m (2.0ft) of a Property line.							
³ Ground Signs which are located in the Downtown Urban Centre and Historic Downtown Urban Centre Zones may be constructed in whole or in part of combustible Materials, provided that such Signs do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such Sign, to the highest point thereof.							
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

16.1 Billboard Signs:

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

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

- a) on the same Property as a Mobile Sign;
- b) within a radius of 300.0 metres (984ft) of any other Billboard Sign or 15.0 metres (49.2ft) of any Ground Sign;
- c) on Property other than Property within an Urban Centre Zone, Commercial Zone or Employment Zone;
- d) on any Property on which another Billboard Sign has been erected or for which a Sign Permit has been issued for a Billboard Sign under this by-law, except where the Property has a Frontage greater than 300.0 metres (984ft); or
- e) within 200 metres (656ft) of any of the following:

i) any Property within a Residential Zone or legally used for Residential purposes; or

ii) any Property which is used for a school or park, or any Property which is designated under Part IV or Part V of the Ontario Heritage Act.
- 16.3 No Billboard Sign shall be located any closer to the edge of the road allowance than the following:
- a) 4.0m (13.1ft) from the edge of the road allowance; or

b) 1.5m (4.9ft) from any Property line.
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- 16.4 **Billboard Signs** displaying **Electronic Changeable Copy** or **Mechanical Copy** shall be subject to the applicable provisions contained in **Section 25.0**.
- 16.5 A **Billboard Sign** shall not contain or use more than two visible faces for advertising purposes.
- 16.6 A **Billboard Sign** may be illuminated but shall not be otherwise electrically animated, have any moving parts or **Animated** message changes.
- 16.7 Notwithstanding **Subsection 3.2**, a **Billboard Sign** may contain third party content subject to the appropriate **Sign Permit** being obtained.

17.0 **Fascia Signs:**

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

18.0 **Projecting Signs:**

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ¹	Commercial Employment Urban Centre*	1 per Business **	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable

Class B ^{1,2}	Downtown Urban Centre Historic Downtown Urban Centre	1 per Business **	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	
Awning Signs shall be deemed to be Projecting Signs and shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building and shall be subject to the above provisions.						
¹ projecting Signs shall not project above the roof level in Shopping Centres						
² Projecting Signs placed on the wall of a building within the Historic Downtown Urban Centre Zone shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building						
³ The Maximum Sign Area shall apply to the Sign Copy of an Awning Sign , not the Sign Face or Sign Structure .						
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone						
** Excluding Awning Signs						

19.0 Mobile Signs And Portable Signs:

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

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

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	Commercial Employment Urban Centre*	Total Portable Sign , and Mobile Sign combined restriction by Frontage (Per Premises): Frontage	4.46 m ² (48.0 sq. ft.)	Including supporting structure 2.44m (8.0 ft.)	Not permitted	30 calendar days
Portable Signs ^{5,6,7,8,9,10} Class A	Commercial Employment Urban Centre*	# 0.3-60.96m (1.0-200.0 ft.) 6 61.26-152.4 m (201.0-500.0 ft.) 9 152.7-304.8 m (501.0-1000.0 ft.) 12	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height 1.22m (4.0ft.) in width	Not permitted	One (1) Calendar Year
Class B		304.8 m + (1001.0 ft. +) 15				

	Downtown Urban Centre	One (1) per Business	0.56 m ² (6 sq. ft.)	0.91 m (3 ft.) in height	Not permitted	One (1) Calendar Year
	Historic Downtown Urban Centre			0.61m (2 ft.) in width		
¹ Mobile Signs shall display the name and telephone number of the Sign Owner in a visible location on the Sign.						
² Mobile Signs shall only advertise the Business to which the Sign Permit was issued.						
³ Mobile Signs shall be comprised of a black background, within a black frame, all letters or other writings or markings shall be white and photographic images or logos may be in full colour						
⁴ Mobile Signs shall not be located on the same Property as a Billboard Sign						
⁵ Sign Permits for Mobile Signs and Portable Signs shall be subject to the conditions under Subsection 7.2						
⁶ Within the Frontage limits provided above, each Business shall be restricted to the use of one (1) Portable Sign or one (1) Mobile Sign per Business Premises on which the Business is located at any one time.						
⁷ Portable Signs shall not be placed earlier than one (1) hour before the posted hour for the opening of the Business to which it is related and shall be removed within one (1) hour after the posted hour of the closing of the Business to which it is related each day. Excluding Advertising Flag Signs.						
⁸ A Portable Sign located in the Historic Downtown Urban Centre Zone or Downtown Urban Centre Zone may be placed on the municipal sidewalk in front of the Business and can be permitted to encroach a maximum of 0.61 meters (2.0 feet) from the main wall of the building facing the Street.						
⁹ Advertising Flag Signs shall not be used in the Historic Downtown Urban Centre Zone or Downtown Urban Centre Zone						
¹⁰ Advertising Flag Signs shall not exceed 3.36 meters (11.0 feet) in height						
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone						

20.0 Banners:

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

21.0 Signs Incidental To Construction:

Commercial Construction Information Signs

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

Hoarding Signs

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

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
Commercial Construction Information Signs ^{1,2, 3} Class A	Commercial Employment Institutional Urban Centre*		27.87m ² (300 sq. ft.)	7.5m (24.6ft)	Minimum separation distance between Commercial Construction Information Signs 100.0m (328.08ft)
Class B ^{1,2,3}	Downtown Urban Centre Historic Downtown Urban Centre		10.0m ² (107.64 sq. ft.)		
Hoarding Signs ^{4,5,6,7}	All Zones			Combined height of construction hoarding and signage 3.08m (10.0ft)	
¹ A Commercial Construction Information Sign shall not be erected until the development being advertised has been draft approved by Town planning staff.					
² A Commercial Construction Information Sign shall be located within the development that it advertises.					
³ Any Person may erect one non-illuminated Commercial Construction Information Sign , for a period not exceeding three (3) months or until the permanent Ground Sign is erected, whichever shall first occur.					
⁴ Hoarding Signs shall only be permitted where the Owner has entered into an agreement with the Town which authorizes the construction hoarding and where the Owner has obtained a Sign Permit					
⁵ A maximum of sixty percent (60%) of the construction hoarding area shall be permitted to display signage and advertising materials.					
⁶ Hoarding Signs shall only be composed of signage and advertising material specific to the development of the site and not the Owner's or Developer's Business in general					
⁷ Hoarding Signs shall not incorporate any Electronic Changeable Copy or Mechanical Copy .					
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone					

22.0 New Home Development Signs:

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

- a) within a **Sight Triangle**, on a median or any other location on a **Street** that obstructs a sight line or otherwise interferes with **Street** maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;

- b) closer than 10.0 metres (32.8 feet) to a transit stop;
- c) closer than 5.0 metres (16.4 feet) to a driveway intersection with a **Street Line**; or
- d) within 1.0 metre (3.2 feet) of any municipal sidewalk.

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

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

22.4 Where a **Builder** has erected a sales office or a model home(s) within a **New Home Development**, such **Builder** may place one **Model Home Ground Sign**, not exceeding 1.12 m² (12.0 sq. ft.), on each residential lot or proposed residential lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such **Model Home Ground Sign** may be located on any lands which are to be conveyed to the **Town** or which may form part of a municipal road allowance.

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

23.0 Inflatable Signs:

- 23.1 No **Person** shall place or locate an **Inflatable Sign**:
- a) within 3.0 m (9.8 ft.) of any **Property** line;
 - b) within 3.0 m (9.8 ft.) of any driveway entrance and exit;
 - c) within 10.0 m (32.8 ft.) of any **Ground Sign** or **Mobile Sign** on the same **Property** or abutting **Property**;
 - d) within 92.0 m (301.0 ft.) of a residential **Property**, measured in a straight line; or
 - e) within 50.0 m (164.0 ft) of a traffic light standard.
- 23.2 **Inflatable Signs** shall not be erected or displayed on a roof.
- 23.3 One **Inflatable Sign** shall be permitted for each **Property** at any one time.
- 23.4 Before being issued a **Sign Permit** for an **Inflatable Sign**, the **Applicant** shall provide confirmation to the **Town** that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the **Town** has been named as an additional insured.
- 23.5 All **Inflatable Signs** shall be properly secured to the satisfaction of the **Town**.
- 23.6 Power cords and/or supporting devices for **Inflatable Signs** shall not be placed on or over **Parking Areas, Parking Lots** or pedestrian areas.

	Required Zoning	Maximum Number	Maximum Sign Area	Dimensions	Minimum Frontage	Permit Length
Inflatable Signs	Commercial	One (1) Sign per Premises	42.0 m ² (451.85 sq. ft.)	Maximum Height: 7.0 m (22.96 ft.)	15.0m (49.0 ft.)	30 calendar days
	Employment			Maximum Width: 6.0m (19.68 ft.)		
	Institutional					
	Urban Centre					

Inflatable Signs shall only advertise the **Business** to which the **Sign Permit** was issued.

24.0 Temporary Signs:

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

25.0 Electronic Changeable Copy And Mechanical Copy:

- 25.1 **Electronic Changeable Copy** and **Mechanical Copy** may be incorporated as a component into any **Ground Sign** up to a maximum of 60% of the **Sign Area**, 100% of the **Sign Area** of a **Billboard Sign** and 100% of the **Sign Area** of a **Fascia Sign** or **Projecting Sign** in a **Commercial, Employment, Institutional, or Urban Centre Zone** provided a **Sign Permit** is received from the **Director** and the **Sign** meets the **Sign** specific requirements under this By-law.
- 25.2 For the purposes of this section, **Urban Centre Zone** shall not include the Historic Downtown **Urban Centre Zone** or the Downtown **Urban Centre Zone**.

- 25.3 Where a **Sign** is permitted to display **Electronic Changeable Copy** or **Mechanical Copy**:
- the **Sign** must comply with **Section 25.0** of this By-law;
 - the **Sign** must be located a minimum of 30.48 metres (100.0 feet) away from a **Residential Zone**;
 - the transition effects shall ensure a near instantaneous change between messages and shall not include effects that have the appearance of moving text or images;
 - the **Sign** must not be within 15.24 metres (50.0 feet) of another **Sign** displaying **Electronic Changeable Copy** or **Mechanical Copy**;
 - the **Sign** shall not be located within 22.86 metres (75.0 feet) of a **Street** intersection or traffic light;
 - the **Sign** shall be erected in a manner so as not to be visible from a contiguous **Residential Zone**; and
 - the brightness level must be lowered in accordance with ambient light conditions between the hours of 12:00 a.m. and 5:00 a.m.
- 25.4 **Signs** displaying **Electronic Changeable Copy** shall have a maximum transition time of one (1) second between static image displays and the changing of the **Sign Copy** shall not occur at intervals of less than six (6) seconds.
- 25.5 Where **Signs** display scrolling **Electronic Changeable Copy** or **Mechanical Copy**, the **Sign Copy** shall not revolve at a rate faster than eight (8) revolutions per minute.
- 25.6 All **Signs** displaying **Electronic Changeable Copy** shall come equipped with automatic dimming technology which automatically adjusts the **Sign's** brightness in direct correlation with ambient light conditions.
- 25.7 Electric illumination only is permitted in accordance with **Subsection 14.1** and **14.2** and shall be installed in accordance with the requirements of Newmarket Hydro.
- 26.0 **Non-Profit Signs:**
- 26.1 A **Non-Profit Sign** shall only be located, erected or displayed on private **Property** save and except for the public **Property** as set out in **Subsection 26.2**
- 26.2 Subject to approval of the **Director**, a **Non-Profit Sign** may be located, erected, or displayed on the **Property** of **Town** facilities or **Property** owned and controlled by the **Town** provided that the **Non-Profit Sign** does not in any way interfere with any **Signs** or other notices posted by the Corporation.
- 26.3 A **Sign Permit** for a **Non-Profit Sign** shall be issued and valid for a maximum of twenty-one (21) calendar days prior to the fundraising event or charitable activity.
- 26.4 A **Non-Profit Sign** shall:
- be in the form of a **Temporary Sign** or **Portable Sign** or **Mobile Signs** according to the provisions contained in this By-law;
 - have a maximum of two (2) faces; and
 - be erected no sooner than twenty-one (21) calendar days prior to, and removed no later than forty-eight (48) hours after, the fundraising event or charitable activity.
- 26.5 Before being issued a **Sign Permit** for a **Non-Profit Sign**, the **Applicant** shall provide confirmation to the **Town** that a minimum of \$3,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the **Town** has been named as an additional insured if the **Sign** is to be located on **Town Property**.
- 26.6 A non-profit organization shall be permitted to erect or display up to fifty (50) **Temporary Signs** or ten (10) **Portable Signs** or five (5) **Mobile Signs** or a combination thereof, determined by the **Director**, on private **Property** within the

Town. Such **Temporary Signs** or **Portable Signs** or **Mobile Signs** shall be displayed in a manner that is consistent with the provisions of this by-law.

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

26.8 The **Sign Permit** fees for **Portable Signs, Mobile Signs, and Temporary Signs**, as set out in the **Fees And Charges By-Law** shall be waived for **Non-Profit Signs**.

27.0 Presumption:

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

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

27.3 Where a **Sign** is erected or displayed by a corporation in contravention of any provision of this bylaw, the directors and officers of the corporation shall be presumed to have knowingly concurred in the erection or display of the **Sign** in contravention of this bylaw, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

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

28.0 Exemptions:

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

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

29.0 Fees:

Fees shall be paid upon submission of an application for a **Sign Permit** as set out in the **Fees And Charges By-Law**.

30.0 Power Of Entry:

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

- (a) the provisions of this By-law;
- (b) an Order issued under this By-law; or
- (c) an Order made under Section 431 of the Act.

- 30.2 Where an inspection is conducted by the **Town**, the **Person** conducting the inspection may:
- (a) require the production of documents or relevant items for inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
 - (d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 30.3 The **Town** may undertake an inspection pursuant to an Order issued under Section 438 of the Act.
- 30.4 The **Town's** power of entry may be exercised by an employee, **Inspector** or agent of the **Town** or by a member of a police force with jurisdiction, as well by any **Person** under his or her direction.
- 31.0 Removal Of Signs And Enforcement:**
- 31.1 When a **Sign** is erected, displayed, altered, repaired, or is not maintained, in contravention of the provisions of this By-law, such **Sign** may be removed immediately, by the **Town**, without notice, if located on, over, partly on, or partly over, **Property** owned by or under the jurisdiction of the **Town** at the expense of the **Sign Owner**, and under Section 446 of the Act, the **Town** may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.
- 31.2 Where a **Sign** not requiring a **Sign Permit** is erected, displayed, altered, repaired, or maintained in contravention of the provisions of this By-law, the **Director** may notify or order the **Sign Owner** to repair, remove or to bring the **Sign** into compliance with the provisions of this By-law. Where such **Sign Owner** fails to bring the **Sign** into compliance, the **Director** may remove the **Sign** and charge the **Sign Owner** a fee as set out in the **Fees And Charges By-Law**.
- 31.3 When a **Sign** is erected, displayed, altered, repaired, or maintained in contravention of the provisions of this By-law, the **Director** may issue an order to any **Person** who:
- a) has erected, displayed, altered or caused or permitted to be erected, displayed or altered, a **Sign** on private **Property** for which a **Sign Permit** has not been obtained where such **Sign Permit** is required under the provisions of this By-law; or
 - b) having obtained a **Sign Permit**, has erected or altered, or caused or permitted to be erected or altered, a **Sign** on private **Property** contrary to the **Sign Permit** issued.
- 31.4 The order shall require the **Sign** to be brought into compliance with this By-law within a timeframe of not less than fourteen (14) calendar days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the **Sign** must be brought into compliance with the By-law.
- 31.5 The order shall be served personally on the **Sign Owner**, or posted at the address of the **Business** to which the **Sign** relates and/or the address supplied on the **Sign Permit** application, or sent by registered mail to the last known address of the **Sign Owner**, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- 31.6 Where an order has been issued and the **Sign** has not been brought into compliance with this By-law within fourteen (14) calendar days of the issuance of

- the order, the **Director** or **Inspector** may remove or cause to be removed, the **Sign** or any part thereof and/or may take any action necessary to prevent the **Sign** from being displayed in a manner that is contrary to this By-law. The **Town** may recover the cost of the removal or necessary action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.7 Where a **Sign** has been removed by the **Town** such **Sign** shall be stored for a period of thirty (30) calendar days and the **Sign Owner** may redeem the **Sign** upon payment of the removal fees prescribed in the **Fees And Charges By-Law**. Where a **Sign** has not been redeemed within the thirty (30) day period, such **Sign** may be forthwith destroyed or otherwise disposed of by the **Town** without notice or compensation and the **Sign Owner** shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.8 Notwithstanding **Section 31.7**, upon removal, **Signs** under 1.0m² (10 sq ft.) will be destroyed or otherwise disposed of by the **Town** without notice as the **Director** deems fit.
- 31.9 **Subsections 31.2, 31.3, 31.4, 31.5 and 31.6** do not apply to **Temporary Signs, Portable Signs** or **Mobile Signs**.
- 31.10 Where a **Temporary Signs, Portable Sign** or **Mobile Sign** is erected, displayed, altered, repaired, or is not maintained, in contravention of the provisions of this By-law, such **Sign** may be removed at the direction of the **Town** without notice, at the expense of the **Sign Owner**.
- 31.11 Where the number of **Portable Signs** or **Mobile Signs** erected or displayed on any **Premises** exceeds the restrictions for those **Premises**, the excess **Signs** may be removed at the expense of the **Sign Owner**.
- 32.0 Penalty Provision:**
- 32.1 Any **Person** who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
- 32.2 If a **Sign** has been constructed, erected, installed, altered, posted, displayed or maintained in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 32.3 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 32.4 Any **Person** who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 32.5 For the purposes of this By-law, "multiple offences" means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.

- 32.6 For the purposes of this By-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 32.7 Where a **Person** is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the **Person** convicted.
- 33.0 Variances:**
- 33.1 Any **Person** may apply for a variance from the provisions of this by-law
- 33.2 An application for a variance shall be made on the form prescribed by the **Town** and shall be accompanied by the non-refundable variance application fee in the **Fees And Charges By-Law**.
- 33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed **Sign**:
- a) is warranted based on physical circumstances applicable to the **Property** or **Premises**;
 - b) is consistent with the architecture of the building or development of the **Property**;
 - c) is consistent with buildings and other features of properties or **Premises** within 120.0 metres (393ft) of the proposed **Sign**;
 - d) will not **Alter** the essential character of the area;
 - e) will not adversely affect adjacent properties;
 - f) will not adversely affect public safety;
 - g) is in the opinion of the decision maker, not contrary to the public interest; and
 - h) is not expressly prohibited by this by-law
- 33.4 The **Director** shall circulate the application to the **Property** owners of all abutting properties and/or the **Property** owners of any properties within 60 metres of the subject **Property** at the **Director's** discretion, prior to the consideration of the variance
- 33.5 Upon receiving an application for a variance from this By-law to permit the erection and display of a **Sign** other than a **Billboard Sign**, the **Director** may:
- a) grant a Variance;
 - b) grant a Variance with Conditions; or
 - c) refuse to Grant a Variance
- 33.6 An **Applicant** may request a review of the variance application decision of the **Director** within thirty (30) calendar days of the decision.
- 33.7 The request for review is made by filing a written request for review, on a form approved by the **Director**, to the **Appeal Committee**. The **Appeal Committee** may authorize **Sign** variances from the provisions of this By-law, provided that in the opinion of the **Appeal Committee** it is established that the requirements in **Subsection 33.3** are met.
- 33.8 A decision of the **Appeal Committee** is final and binding.
- 33.9 Upon receiving an application for a variance from this By-law to permit the erection and display of a **Billboard Sign**, the **Director** shall refer the application to the Committee of the Whole.
- 33.10 The **Director** shall circulate the application to all **Property** owners within 200 metres of the subject **Property** prior to consideration of the application by Committee of the Whole.

- 33.11 The Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council in respect of the application for a variance from this By-law to permit the erection and display of a **Billboard Sign**.
- 33.12 Upon receiving the recommendation of the Committee of the Whole in respect of an application for a variance from this By-law to permit the erection and display of a **Billboard Sign**, Council shall:
- a) Grant a Variance;
 - b) Grant a Variance with Conditions; or
 - c) Refuse to Grant a Variance.
- 33.13 The decision of Council is final and binding.

34.0 Liability:

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

35.0 Transition:

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

36.0 Severability:

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

37.0 Short Title:

This By-law shall be referred to as the “Sign By-law”;
AND THAT By-law 2016-28 is hereby repealed.

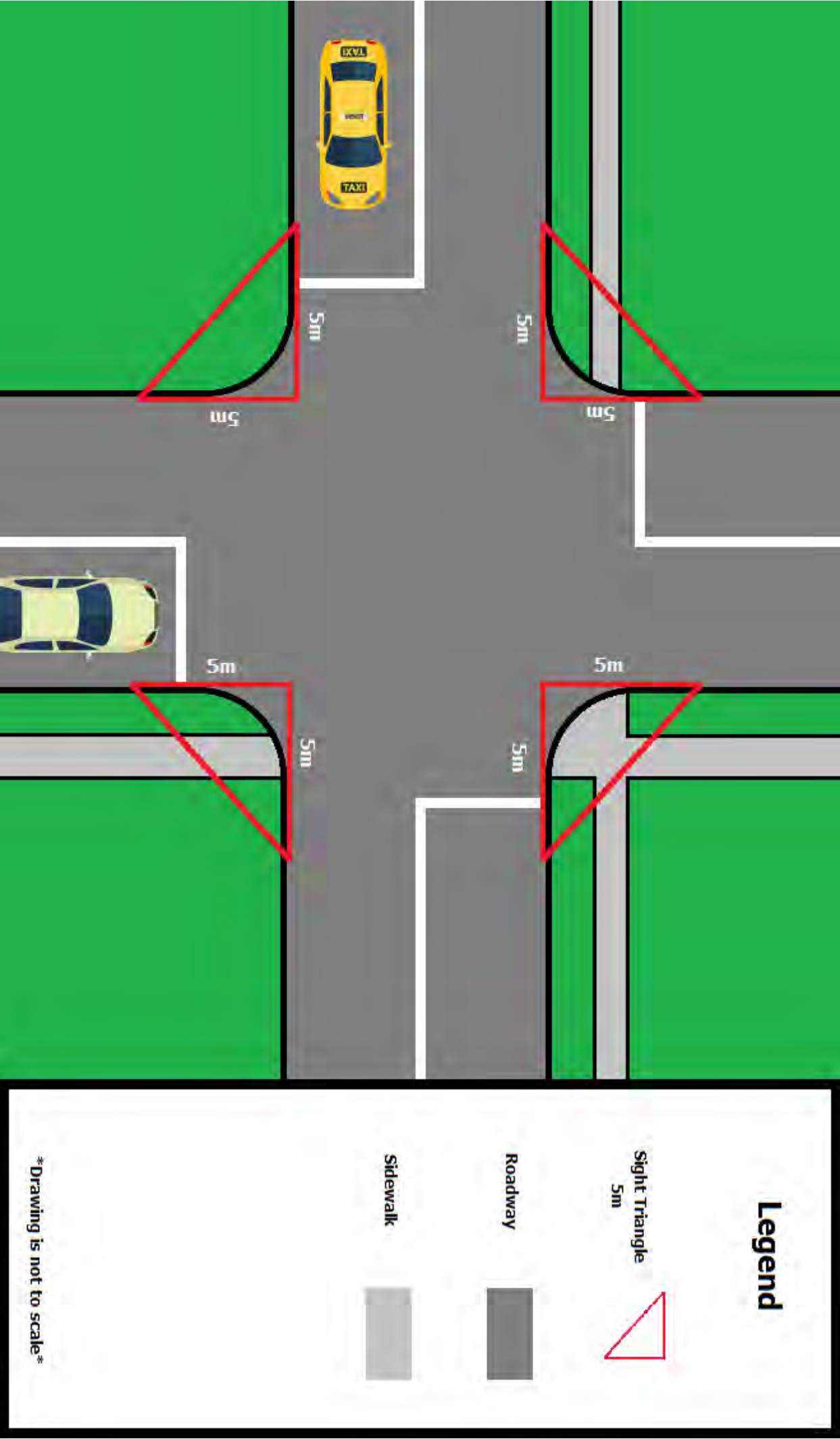
ENACTED THIS DAY OF , 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Schedule A

Diagram 1



The Corporation of the Town of Newmarket

By-law Number 2017-XX

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

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

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

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

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

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

1. Short Title of By-Law

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

2. Scope

- 2.1 Where provisions in this by-law conflict with a provision from any other Town of Newmarket By-law, the provisions of this By-law take precedence.
- 2.2 Words that are defined in Section 3 below but appear within this By-law unbolded and without the first letter capitalized shall have their ordinary and plain meaning.

3. Definitions

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

In this By-law:

“**Billboard Sign**” means an outdoor **Sign** maintained by a person engaged in the sale or rental of space on the **Sign** to a client, upon which advertising of a business, activity, goods, products, services or facilities is not located or offered on the premises.

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

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

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

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

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

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

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

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

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

- (c) A **Candidate** or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**; or,
- (d) A **Third Party Advertisement**.

“Fascia Sign” means a sign applied to or erected on and entirely supported by the wall of a building or structure.

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

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

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

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

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

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

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

“Person” means an individual, business, firm, body corporate, corporation, unincorporated business, partnership, association, **Trade Union**, or municipality.

“Place” means to: attach, install, erect, build, construct, reconstruct, move, display or affix. **“Places”** and **“Placing”** shall have the same meaning.

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

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

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

- (a) An individual who is normally a resident in Ontario;
- (b) A corporation that carries on business in Ontario; or,
- (c) A trade union that holds bargaining rights for employees in Ontario.

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

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

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

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

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

“Third Party” means any **Person** who is not a registered **Candidate**, political party, or constituency association who incurs expenses with respect to a **Third Party Advertisement**.

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

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

Third Party Advertisement does not include an advertisement by or under the direction of a **Candidate** or an advertisement described in subsection 1 (2) or (2.1) of the **Municipal Elections Act**.

“Third Party Election Sign” means an **Election Sign**, the expense for which has been incurred by a **Registered Third Party**. For greater certainty, **Third Party Election Signs** shall not be under the direction of a certified **Candidate** for public office in a municipal, provincial, or federal election.

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

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

“Trade Union” means a trade union as defined in the federal Labour Relations Act, 1995 or the Canada Labour Code (Canada) and includes a central, regional or district labour council in Ontario.

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

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

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

“Voting Location” shall also include any location that has been established as a Voter Assistance Centre by the Clerk.

4. General Prohibitions

4.1 No **Owner** or **Person** shall **Place** or permit to be **Placed** an **Election Sign** except in accordance with this By-law.

4.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** that:

- (a) Is illuminated, has flashing lights, or rotating parts;
- (b) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
- (c) Impedes or obstructs the **Town’s** maintenance operations;
- (d) Is on a **Roadway**;
- (e) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
- (f) Is less than 10 metres (32.8 feet) from a **Roadway** on a **Highway** where pedestrians are prohibited;
- (g) Is on a median or island located within the **Roadway** or a roundabout;
- (h) Is within a **Sight Triangle**;
- (i) Is less than 3 metres (9.8 feet) from a **School Crossing**;

- (j) Is less than 30 metres (98.4 feet) from an **Intersection Pedestrian Signal**;
 - (k) Is between the curb and the **Sidewalk**, where there is a **Sidewalk**;
 - (l) Is located within 1.8 metres (6 feet) away from the face of the curb or edge of pavement of a **Roadway** and where there is a **Sidewalk**, not within 0.6 metres (2 feet) of such **Sidewalk**;
 - (m) Is on a trailer;
 - (n) Simulates any traffic **Sign**, traffic signal, any other **Sign** that directs the movement of traffic, or any official **Sign**;
 - (o) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
 - (p) Is affixed to public utility poles, telephone pole, hydro pole, light standard or any other utility infrastructure using items such as, but not limited to: nails, screws, tacks, staples, glue or wire;
 - (q) Is **Placed** on, painted on, attached to, or supported by a tree, stone or other natural object;
 - (r) Be **Placed** so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a **Highway**; or,
 - (s) Be **Placed** on a boundary fence line or noise attenuation wall which is located on **Public Property**.
- 4.3 Clause 4.2(l) does not apply when the **Sidewalk** is less than 0.6 metres (2 feet) from the main wall of the building, in which case the **Election Sign** shall be placed at the furthest distance possible from the **Sidewalk** or from the face of the curb or edge of pavement.
- 4.4 No **Election Sign** shall be in a state of disrepair or be located where it is a general hazard to public safety.
- 4.5 No **Candidate** or **Registered Third Party** shall **Place** or permit to be **Placed** an **Election Sign**, that is visible, in or on a vehicle that is parked or stopped on the property of any premise used as a **Voting Location** on any **Voting Day**, including during the advanced voting days or period.

- 4.6 No **Owner** shall display, on any **Election Sign**, a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the **Town**.
- 4.7 **Mobile Signs** are not permitted to be used as **Election Signs**.
- 4.8 No **Owner** shall display, **Place** or permit to be **Placed** an **Election Sign** on or in a **Voting Location** or the abutting municipal **Boulevard**.

5. Election Signs

- 5.1 No **Candidate** or **Registered Third Party** shall **Place** or permit to be **Placed** an **Election Sign** without obtaining an election sign permit and making payment of the prescribed election sign permit fee. The election sign permit shall be:
 - (a) In a form prescribed by the **Town**; and,
 - (b) Accompanied by the prescribed election sign permit fee in accordance with the Town's Fees and Charges By-law.
- 5.2 Subject to subsection 5.1, an **Owner** shall only **Place** or permit to be **Placed** an **Election Sign** for a federal or provincial election or by-election the day after the writ of an election or by-election is issued.
- 5.3 Subject to subsection 5.1, an **Owner** shall only **Place** or permit to be **Placed** an **Election Sign** for a municipal election after the **Candidate** has filed his or her nomination with the **Town Clerk**, or in the case of a **Registered Third Party**, registered with the **Town Clerk**, and no earlier than:
 - (a) 10:00 AM 28 calendar days (4 weeks) prior to **Voting Day** in the year of a regular election or by-election; or,
 - (b) 10:00 AM Nomination Day for a by-election, if Nomination Day is less than 28 calendar days (4 weeks) prior to **Voting Day**.
- 5.4 Despite subsections 5.2 and 5.3, an **Election Sign** which is a **Fascia Sign** may be **Placed** to the face of the building or building unit which is used as a **Campaign Office** provided that:
 - (a) The sign complies with the Fascia Sign provisions of the Town's Sign By-law as amended from time to time;

- (b) The **Candidate** has filed his or her nomination with the **Town Clerk**, or in the case of a **Registered Third Party**, registered with the **Town Clerk** and paid the applicable nomination filing fees; and,
 - (c) Submitted a permit and paid the permit fee in accordance with subsection 5.1.
- 5.5 **Election Signs Placed** or permitted to be **Placed** by a **Registered Third Party** shall include the following information in accordance with the **Municipal Elections Act**:
 - (a) The name of the **Registered Third Party**;
 - (b) The municipality where the **Third Party** is registered; and,
 - (c) A telephone number, mailing address, or email address to contact the registered party.
- 5.6 **Election Signs Placed** or permitted to be **Placed** by a **Registered Third Party** shall include the necessary information required in accordance with the **Canada Elections Act** or, the **Election Act**, as the case may be.
- 5.7 A **Third Party** that does not register in accordance with the **Municipal Election Act**, **Election Act**, or **Canada Elections Act**, is not permitted to **Place Election Signs**.
- 6. **Size**
 - 6.1 With the exception of a **Billboard Sign**, an **Election Sign** shall only have a maximum:
 - (a) **Sign Area** of 1.49 square metres (16 square feet);
 - (b) Height of 1.22 metres (4 feet); and,
 - (c) Width of 1.22 metres (4 feet).

7. Private Property

- 7.1 Subject to subsection 4.2, **Election Signs** are permitted on **Private Property**, provided that:
- (a) The property owner, tenant, or occupant of the property consents;
 - (b) Unless the property has more than 1 abutting street line, the number of **Election Signs**, per **Candidate** or **Registered Third Party Placed** or permitted to be **Placed**, can be no more than the number of abutting street lines on the **Private Property**;
 - (c) The **Election Sign** does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and,
 - (d) No **Election Sign** shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of a building including, but not limited to: emergency water connections, or fire hydrants.
- 7.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** on a right-of-way adjacent to a private residence unless permission has been granted by someone in the household, who is not a minor.
- 7.3 In a rural residential area or on a farm, **Election Signs** shall only be **Placed** or permit to be **Placed** within the portion of **Private Property** being maintained for residential purposes.

8. Public Property

- 8.1 In addition to the limitations in subsection 4.2, an **Owner** shall not **Place** or permit to be **Placed** an **Election Sign** on **Public Property** at any of the intersections listed in accordance with Schedule A of the Regional Municipality of York's Sign By-law 2015-36, as amended from time to time.
- 8.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** within a **Park**.

9. Election Signs on Highways

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

10. Removal of Election Signs

- 10.1 Every **Person** shall remove his, her or its **Election Sign** within 72 hours (3 days) immediately following **Voting Day**.
- 10.2 The **Town Clerk** and/or a **Municipal Law Enforcement Officer** may remove any **Election Sign Placed** in contravention of this By-law without notice.
- 10.3 The **Town Clerk** and/or a **Municipal Law Enforcement Officer** may destroy any **Election Signs** which have been removed and not claimed and retrieved by the **Owner** within the time period as prescribed by the **Town Clerk**. **Election Signs** removed in accordance with this By-law may be destroyed or otherwise disposed of by the **Town** without notice and/or compensation to any party.
- 10.4 The **Town** may recover the expense for the removal of an **Election Sign** under subsection 10.2 of this By-law from the **Owner** of such **Sign** or **Signs** and may commence proceedings against the **Owner** to recover such costs.
- 10.5 An **Owner**, or any **Person** acting on behalf of the **Owner** may, at any time following **Voting Day**, retrieve the **Election Sign** at no cost.

- 10.6 The **Town Clerk** may make regulations under this By-law prescribing the rules and procedures for the retrieval and destruction of **Election Signs** removed under this By-law, without limitation, the form of and any information required to be provided to the **Town Clerk** and/or a **Municipal Law Enforcement Officer** to authorize the release of an **Election Sign**, dates on or by which an **Election Sign** may be retrieved or destroyed, and the manner in which notice may be given to an **Owner** relating to the retrieval and destruction of an **Election Sign**.
- 10.7 The **Town Clerk** may make regulations under this By-law prescribing the rules for unpaid fines.
- 11. Fees**
- 11.1 All fees are to be paid in accordance with the Town of Newmarket Fees and Charges By-law.
- 11.2 **Election Sign** permit fees are non-refundable.
- 11.3 The **Town** Treasurer, or his or her designate, will place all unpaid removal of **Election Sign** fees on the **Candidate** or **Registered Third Party's** municipal tax roll or send the unpaid fees to a financial collection agency.
- 12. Order**
- 12.1 If a **Municipal Law Enforcement Officer** is satisfied that this By-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.
- 12.2 An Order to Discontinue Activity shall set out:
- (a) The municipal address of the property on which the contravention occurred;
 - (b) The date of the contravention;
 - (c) The reasonable particulars of the contravention of the by-law; and,
 - (d) The date by which there must be compliance with the order.
- 12.3 No **Person** shall contravene an Order to Discontinue Activity.

13. Service of Order

13.1 The Order to Discontinue Activity may be served by:

- (a) Personally on the **Person** to whom it is directed;
- (b) Registered mail or regular mail to the last known address of that **Person**, in which case it shall be deemed to have been given on the fifth day after it is mailed; or,
- (c) E-mail to the last known e-mail address of that **Person**, in which case it shall be deemed to have been given on the day after it is e-mailed.

14. Power of Entry

14.1 The **Town** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) The provisions of this By-law;
- (b) An Order issued under this By-law; or,
- (c) An Order made under Section 431 of the Municipal Act.

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

- (a) Require the production of documents or relevant items for inspection;
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) Require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) Alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

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

- 14.4 The **Town's** power of entry may be exercised by an employee, inspector or agent of the **Town** or by a member of a police force with jurisdiction, as well by any person under his or her direction.
- 14.5 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, a **Municipal Law Enforcement Officer**, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.
- 14.6 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.
- 15. Offence, Penalty and Presumption**
- 15.1 Every **Person** or **Owner** who contravenes any provision of this By-law is guilty of an offence.
- 15.2 If an **Election Sign** has been **Placed** or displayed in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 15.3 Every **Person** or **Owner** who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00);
 - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than two hundred dollars (\$200.00) and not more than one hundred thousand dollars (\$100,000.00);
 - (c) Upon conviction for a continuing offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) for each day or part of a day that the offence continues. The total of the daily fines is not limited to one hundred thousand dollars (\$100,000.00);
 - (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00). The total of all fines for each included offence is not limited to one hundred thousand dollars (\$100,000.00).

- 15.4 For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 15.5 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 15.6 Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this bylaw, any **Person** or **Owner** named on the **Sign** or **Election Sign** shall be presumed to have been the **Person** or **Owner** who **Placed** or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.7 Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this By-law, and the **Sign** or **Election Sign** has no **Person’s** or **Owner’s** name on it, but a telephone number appears on the **Sign** or **Election Sign**, any **Person** or **Owner** to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the **Person** or **Owner** who **Placed** or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.8 Where a **Sign** or **Election Sign** is **Placed** or displayed by a **Third Party** or **Registered Third Party** in contravention of any provision of this By-law, the corporation, trade union, or an individual of the **Third Party** or **Registered Third Party** shall be presumed to have knowingly concurred in the **Placement** or displaying of the sign in contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.9 Where an authorized officer or **Municipal Law Enforcement Officer** has reasonable grounds to believe that an offence has been committed by any **Person** or **Owner**, the authorized officer or **Municipal Law Enforcement Officer** may require the name, address and proof of identity of that person or **Owner**, and the person or **Owner** shall supply the required information.

16. Enforcement

- 16.1 This By-law may be enforced by the **Municipal Law Enforcement Officer** or by any other person appointed by the **Town** for the purpose of enforcing this By-law.

17. Severance

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

18. Indemnification

- 18.1 The **Candidate, Owner, Registered Third Party or Third Party** shall indemnify and hold harmless the **Town** and/or the Region (and the respective officers, Council members, partners, agents and employees of the Town and/or the Region) from and against (a) all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the **Town** and the Region, and (b) against all losses, damages, liabilities, judgements, claims, suits, demands or expenses which the **Town** and/or the Region may sustain, suffer or be put to, resulting from or arising out the issuance of the permit or the actions of the **Candidate, Owner, Registered Third Party or Third Party**. This indemnification shall include but is not limited to any legal costs incurred by the **Town** and/or the Region on a substantial indemnity basis, including those incurred to defend any criminal prosecutions against the **Town** and/or the Region resulting from the actions of the **Candidate, Owner or Registered Third Party or Third Party**.

19. Administration

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

20. Force and Effect

- 20.1 This By-law shall come into force and effect on the day it is passed.

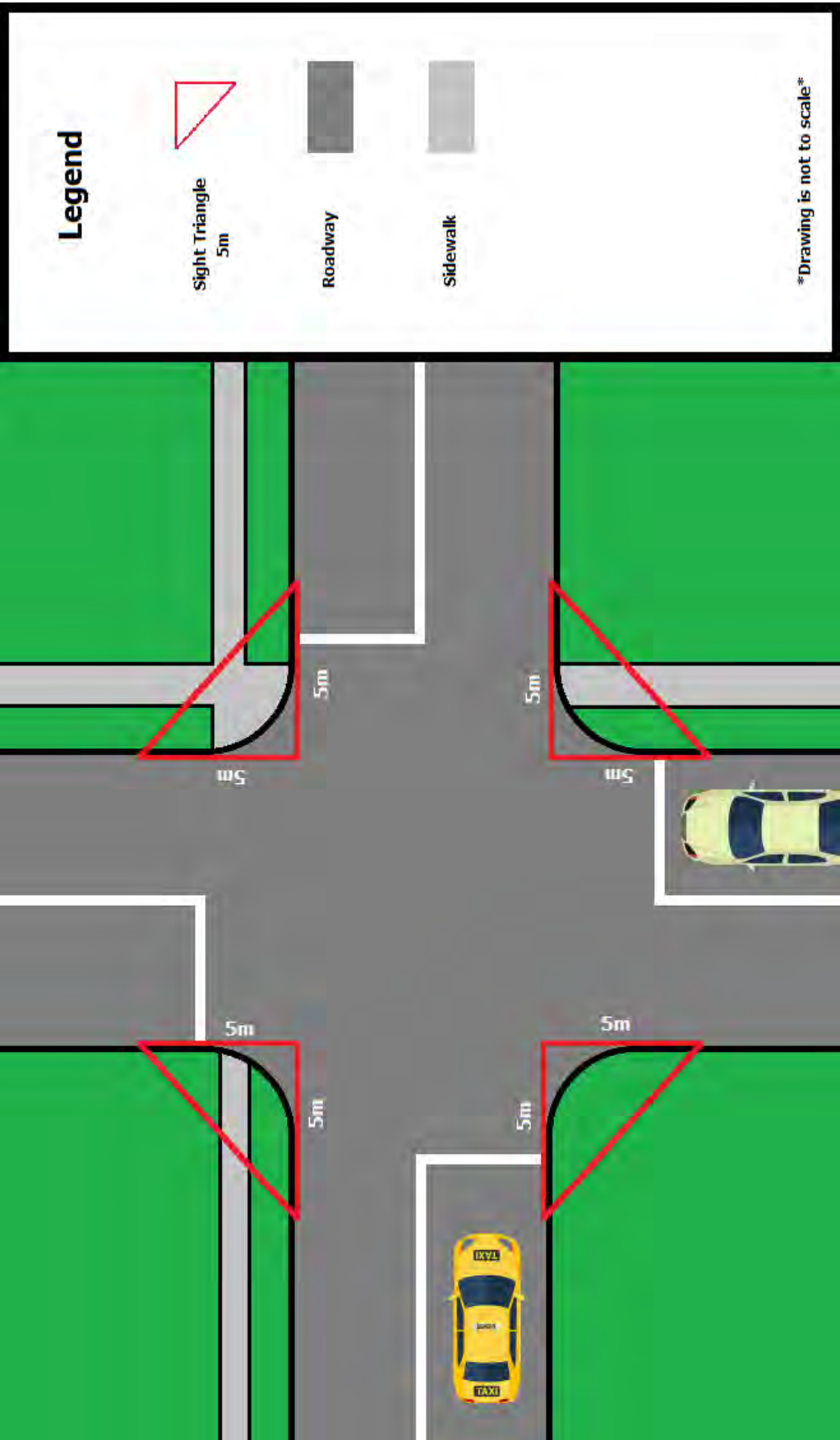
Read a first, second, third time, and enacted on December 4, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Schedule A

Diagram 1 - Sight Triangle



Appendix C - Comparison of York Region Election Sign By-laws 2017-25 - Legislative Services Report Revisions to Sign By-law and standalone Election Sign By-law

Municipality (The year Election Sign regulations were last updated)	Public property and private property placement of signs	First day signs can be erected during Federal, Provincial or Municipal election	Last day signs must be removed	Size of Signs	Application Permit Fee & Removal of Sign Fee
Aurora (2016)	Private Property: 1 sign per candidate per lot. Public Property: candidate signs permitted on public property with prescribed restrictions and setbacks.	Federal/Provincial/Municipal: 10:00 am, 28 days prior to Voting Day	Within 72 hours following the closing of polls on Voting Day.	Election signs may not exceed 1.49 m ² or 1.22 metres in height or width.	No application fee \$20.00 per sign removed
East Gwillimbury (2014)	Private Property: no limit on number of candidate signs on private property. Public Property: candidate signs not permitted on public property.	Federal/Provincial/Municipal: Nomination Day	72 hours after completion of voting on Voting Day.	Election signs may not exceed 1.49 m ² or 1.22 metres in height or width.	No application fee \$10 per day removal
Georgina (2010)	Private Property: no limit on number of candidate signs on private property. Public Property: candidate signs permitted on public property with prescribed restrictions and setbacks.	Federal/Provincial: Issuance of the writ of an election. Municipal: Nomination Day	7 days following Voting Day.	2 m ² and no higher than 2.5 metres above ground.	No application fee

Appendix C - Comparison of York Region Election Sign By-laws 2017-25 - Legislative Services Report Revisions to Sign By-law and standalone Election Sign By-law

Municipality (The year Election Sign regulations were last updated)	Public property and private property placement of signs	First day signs can be erected during Federal, Provincial or Municipal election	Last day signs must be removed	Size of Signs	Application Permit Fee & Removal of Sign Fee
King (2013)	Private Property: 2 signs per property. Public Property: candidate signs permitted on public property with prescribed restrictions and setbacks.	Federal/Provincial: Issuance of the writ of an election. Municipal: 42 days prior to Voting Day.	72 hours after Voting Day.	On private property: maximum size of 3 m². On public property: minimum size of 1 m² and maximum size of 1.5 m².	\$250 refundable permit fee \$20 per sign removed
Markham (2010)	Private Property: 1 sign per candidate. Public Property: candidate signs permitted on public property with prescribed restrictions and setbacks.	Federal/Provincial: Issuance of the writ of an election. Municipal: 28 days prior to Voting Day.	72 hours after Voting Day.	Election signs may not exceed 1.49 m² or 1.22 metres in height or width. No higher than 2 metres above the ground.	\$250 refundable permit fee \$25 per sign removed
Newmarket (2014)	Private Property: 1 sign per property; 2 signs for corner lots. Public Property: candidate signs permitted on public property with prescribed restrictions and setbacks.	Federal/Provincial: Issuance of the writ of an election. Municipal: 30 days prior to Voting Day.	72 hours after Voting Day.	Election signs may not exceed 1.49 m² or 1.22 metres in height or width.	\$250 refundable permit fee \$25 removal fee

Appendix C - Comparison of York Region Election Sign By-laws
2017-25 - Legislative Services Report
Revisions to Sign By-law and standalone Election Sign By-law

Municipality (The year Election Sign regulations were last updated)	Public property and private property placement of signs	First day signs can be erected during Federal, Provincial or Municipal election	Last day signs must be removed	Size of Signs	Application Permit Fee & Removal of Sign Fee
Richmond Hill (2009)	Private Property: no limit on number of candidate signs on private property. Public Property: candidate signs permitted on public property with prescribed restrictions and setbacks.	Federal/Provincial: Issuance of the writ of an election. Municipal: Nomination Day	72 hours after Voting Day.	On private property: maximum of 1.2 m ² . On public property: Election signs may not exceed 1.49 m ² or 1.22 metres in height or width.	\$250 non-refundable permit fee
Vaughan (2014)	Private Property: no limit on number of candidate signs on private property. Public Property: candidate signs not permitted on public property.	Federal/Provincial: Issuance of the writ of an election. Municipal: 42 days prior to Voting Day.	48 hours after Voting Day.	Election signs may not exceed 1.49 m ² or 1.22 metres in height or width.	\$300 non-refundable permit fee for office of Mayor, Regional Councillor, or for Provincial or Federal Office. \$150 non-refundable permit fee for office of Ward Councillor \$50.00 non-refundable permit fee for the office of School Trustee

Appendix C - Comparison of York Region Election Sign By-laws 2017-25 - Legislative Services Report Revisions to Sign By-law and standalone Election Sign By-law

Municipality (The year Election Sign regulations were last updated)	Public property and private property placement of signs	First day signs can be erected during Federal, Provincial or Municipal election	Last day signs must be removed	Size of Signs	Application Permit Fee & Removal of Sign Fee
Whitchurch-Stouffville (2017)	Private property: no limit on number of candidate signs on private property. Public property: candidate signs permitted on public property with prescribed restrictions and setbacks.	Federal/Provincial: Issuance of the writ of an election. Municipal: 25 days prior to Voting Day.	72 hours after Voting Day.	No smaller than 8 ft². No larger than 21.5 ft².	\$249 refundable permit fee \$10 per sign
York Region (2015)	Private Property: not regulated in York Region by-law, as individual municipal by-laws would apply. Public Property: candidate signs permitted on Regional roads with prescribed restrictions and setbacks. Where election signs are permitted: max. of 2 signs per candidate and no more than 1 sign per candidate on any one corner.	Municipal: 10:00 am, 28 days prior to Voting Day	72 hours after Voting Day.	Election signs may not exceed 1.49 m² or 1.22 metres in height or width.	\$250 non-refundable permit fee for each area municipality in which signs are placed.



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 TOWN OF NEWMARKET
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November 27, 2017

Corporate Services – Legislative Services Report - 2017-26

TO: Committee of the Whole

SUBJECT: Procedure By-Law Update and Draft Electronic Participation in Meetings Policy

ORIGIN: Legislative Services Department
 Kiran Saini, Deputy Town Clerk
 Andrew Walkom, Council/Committee Coordinator

Recommendations

1. That the Corporate Services – Legislative Services Report - 2017-26 entitled “Procedure By-Law Update and Draft Electronic Participation in Meetings Policy” be received; and,
2. That Council adopt the amendments to the Procedure By-law attached as **Appendix A** with an effective date of January 1, 2018; and,
3. That Council approve the Electronic Participation in Meetings Policy attached as **Appendix B**, with an effective date of January 1, 2018; and,
4. That the Town Clerk be authorized to administer the Electronic Participation in Meetings Policy and develop the necessary Procedures to implement the Policy, as required; and,
5. That Council permit the Accessibility Advisory Committee to participate using the Electronic Participation in Meetings Policy effective January 1, 2018 for a trial period of one year; and,
6. That staff be directed to report back in 2019 with a review of the Electronic Participation in Meetings Policy.

Purpose

The purpose of this report is to seek Council approval of: 1) revisions to the Procedural By-law; and, 2) the draft Electronic Participation in Meetings Policy.

Background

On June 28, 2017, staff issued an Information Report to Council entitled [Bill 68 - Modernizing Ontario's Municipal Legislation Act, 2017](#). This report outlined a number of amendments to the Municipal Act, Municipal Elections Act, and Municipal Conflict of Interest Act. Staff also noted that many of the amendments to these Acts would come into effect in stages; however, the dates were not all yet known at the time the report was issued.

The Province has now announced that on January 1, 2018, some of the amendments to the Municipal Act will come into effect including a revised definition of “meeting”, additional matters for which Council may close a meeting to the public, and allowing electronic participation in meetings.

In order for the Town to allow for electronic participation, the Town is required to adopt a mechanism for Members to participate remotely. A draft Policy has been developed and attached as **Appendix B** to this report.

In addition to the legislative amendments, process improvement changes were needed to clarify meeting procedures, as well as expedite routine matters during meetings.

The proposed amendments that reflect the legislative amendments and process improvements to the Town's Procedure By-law are attached as **Appendix A**.

Revisions to the Procedural By-law (Appendix A)

Below is a summary of the amendments to the Procedure By-law, with a note to show if the amendment is because of the legislative changes or for process improvements:

1. Definition of Meeting (legislative amendment)
The definition of “meeting” has been revised to align with the definition as per the Municipal Act. The new definition of a meeting will be as follows:
 - Where a quorum of members is present; and,
 - Where members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council or a Committee.
2. Closed Meeting Provisions (legislative amendment)
Section 239 (2) of the Municipal Act will now permit additional open meeting exceptions. The Procedure By-law will be amended to allow four additional reasons for closing a meeting, or part of a meeting to the public, as follows:
 1. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 2. Trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

3. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or,
4. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Staff will provide information on considerations for the new closed meeting provisions in a future Information Report.

3. Closed Meeting Investigations (legislative amendment)
The Municipal Act will now require municipalities that have received a report from a closed meeting investigation to pass a resolution stating how it intends to address the report from the investigator. This subsection was included in the By-law to align with the requirements of the Municipal Act.
4. Correspondence (process improvement)
In April 2017, Council began receiving correspondence through Council Information Packages, which includes items not requiring Council's support or endorsement in accordance with the Procedure By-law. The process for having items included on a Committee of the Whole or Council agenda is similar to the process for Information Reports distributed by staff. If, after having received an item through the Council Information Package, a Council Member wishes to discuss the item at a Committee of the Whole or Council meeting, staff will include this item on the agenda. The By-law is being updated to reflect the current process for circulating correspondence and also to include these items on the Town's website to enhance communication, transparency, as well as providing greater public awareness of issues.
5. Recorded Votes (process improvement)
In response to developing meeting efficiencies for Council, a number of exceptions to required recorded votes during Council meetings have been added. This will expedite Council meetings by saving time during routine procedural matters. Unless requested by a Council Member, recorded votes will no longer be required for:
 - i) Adjournment; or,
 - ii) A Confirmatory By-law.

Draft Electronic Participation in Meetings Policy (Appendix B)

On January 1, 2018, the Municipal Act will permit municipalities to participate through electronic communication, provided that the requirements are stipulated in the municipality's Procedure By-law. The Municipal Act also states that Members cannot participate using electronic communication in meetings that are closed to the public, and that the member cannot count towards quorum. As such, a section has been added to the Procedure By-law to allow for Members to participate electronically in meetings. This change allows greater flexibility in participation and accommodation for members who cannot be physically present for a meeting for whatever reason.

As this form of participation will be new to all Ontario municipal councils, staff recommend that electronic participation be introduced as a pilot project for the Accessibility Advisory Committee, for a trial period of one year. In late 2014, the Accessibility Advisory Committee recommended that the Municipal Act be amended to allow for alternate means of meeting participation. This trial period will allow staff to review best practices from other Ontario municipalities that may implement procedures in 2018, and to refine the Town's policy accordingly. It would also allow the staff to monitor the level of participation through electronic means. The ability to participate electronically in meetings brings an opportunity to accommodate members who would otherwise be absent, and is considered an overall accessibility enhancement.

The attached draft policy requires Members to provide the Clerk with at least 48 hours' notice that they wish to participate electronically to ensure that the technical requirements can be arranged in advance of the meeting. The draft policy permits those who are participating electronically to vote, and prescribes a detailed process for voting. The draft policy only applies to Members of Council and Advisory Committees, and not to members of the public who wish to participate electronically. The reason for the limited scope of the policy is to ensure that staff time and resources are being used in an appropriate and effective manner.

To ensure that the policy is being implemented in an effective manner, the policy authorizes the Clerk to develop procedures that may be deemed necessary to implement the policy.

Business Plan and Strategic Linkages

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

Consultation

As electronic participation has not been permitted in Ontario municipalities previous to the Bill 68 amendments, staff consulted a wider range of sources, including the York Region School Board's by-law and electronic participation policy. Municipalities in British Columbia such as Abbotsford, Port Coquitlam, and Victoria have allowed for electronic participation for some time, and they were consulted for their experience.

Legislative Services will use the information from this pilot project with the Accessibility Advisory Committee as part of the overall review of the 2014-2018 Advisory Committees scheduled for 2019.

Human Resources Considerations

Not applicable to this report.


Budget Impact

No budget impact.

Contact

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

Approval

X 

Lisa Lyons
Director of Legislative Services/Town Clerk

X 

Esther Armchuk
Commissioner of Corporate Services

Corporation of the Town of Newmarket

By-law Number 2017-XX

A By-law to amend By-law 2015-50, being a By-law to govern the proceedings of Council and Committee meetings.

Whereas the Municipal Act, 2001, as amended, has been further amended by the Province.

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

1. That subsection 1 o) of By-law 2015-50 be amended as follows:

“meeting” means any regular, special or other meeting of Council, of a local board or of a Committee of either of them, where,

 - i) a quorum of members is present; and,
 - ii) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee; and,
2. That subsection 9 a) of By-law 2015-50 be amended to add the following clauses:
 - viii) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - ix) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - x) A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or,
 - xi) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; and,
4. That clause 9 b) i) of By-law 2015-50 be moved to subsection 9 a); and,
5. That clause 9 a) viii) of By-law 2015-50 be moved to subsection 9 b); and,
6. That subsection 9 b) of By-law 2015-50 be amended as follows:

Council or a Committee shall also resolve into a Meeting closed to the public for the following purposes:

- i) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, and Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, 2001, or the investigator referred to in subsection 239.2 (1) of the Municipal Act, 2001.

7. That subsection 9 h) of By-law 2015-50 be amended to add the following clause:
 - ii) If the report of a Closed Meeting Investigation finds that a meeting or part of a meeting appeared to be improperly closed to the public, contrary to section 239 of the Municipal Act or this Procedure By-law, Council shall pass a resolution stating how it intends to address the report.
8. That subsection 32 h) of By-Law 2015-50 be replaced with the following:
 - h) Where correspondence is not requested to be included in a Council or Committee of the Whole agenda, it is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records. Correspondence will be made available to the public on the Town's website through a Council Information Package; and,
9. That section 57 of By-Law 2015-50 be amended to add the following subsection:
 - e) Unless otherwise requested by a Member, no recorded vote is required for the following motions:
 - i) Adjournment;
 - ii) A Confirmatory By-law; and,
10. That By-Law 2015-50 be amended to add the following section:

64. Electronic Participation in Meetings

 - a) Members may only participate in meetings open to the public using electronic communication, in accordance with the Electronic Participation in Meetings Policy, as amended from time to time.
 - b) Members participating through electronic communication shall not be counted towards quorum.
 - c) Members cannot participate through electronic communication during a meeting that is closed to the public in accordance with Section 239 of the Municipal Act, 2001, as amended.
 - d) The Clerk may provide for administrative procedures for facilitating electronic participation in meetings; and,
11. That this By-law 2017-XX come into force and effect on January 1, 2018.

Read a first, second, third time, and passed on December 4, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



Corporate Policy

Electronic Participation in Meetings

Policy Number: to be assigned upon approval

Topic: Municipal Governance

Applies to: Newmarket Council and Committee Members

Policy Statement and Strategic Plan Linkages

The Town of Newmarket's Council and Committees provide guidance and vision for the matters facing the community. It is essential that members be provided with the opportunity to participate in this process and accommodated when they are unable to attend in-person. Electronic participation gives members the ability to join the meeting from a different physical location, which improves Council's and Committees' inclusivity and representation.

This policy relates to Council's strategic priorities of being "Well-Equipped and Managed", and "Well-Respected". The ability for members to participate electronically enhances the decision making process, improves community involvement through committees and provides accommodation for those members who would otherwise be unable to attend meetings.

Purpose and Applicability

This policy provides guidance to Council, staff, and Committee Members on electronic participation during meetings of Council and Committees of the Town of Newmarket, and the necessary framework to ensure consistent administrative practices.

This policy applies to Council and Committees, subject to legislative requirements and governing by-laws. The policy does not apply to internal bodies (e.g., staff committees and staff task forces) or to the public.

Definitions

Note: All defined terms are in bold font with the first letter capitalized.

Advisory Committee means a Committee established to provide advice to Council and staff as mandated in its Terms of Reference;

Audio-only communication means a type of electronic communication which transmits audio only without picture to the participant, such as teleconferencing;

Audiovisual communication means a type of electronic communication which transmits both audio and video, allowing the participant to both hear and see the other participants;

CAO means the Chief Administrative Officer of the Town or his/her designate;

Chair means the presiding officer and spokesperson of a Committee;

Clerk means the Director of Legislative Services/Town Clerk or his/her designate;

Electronic Participation means the participation in a meeting of a member who is not physically present in the room but through electronic means such as Audio-only communication, Audiovisual communications, or voice-over-internet-protocol (VOIP);

Quorum means a majority of Members of Council or an Advisory Committee;

Member means a Member of a Council or an Advisory Committee;

Town means the Corporation of the Town of Newmarket;

Provisions

1. Participation

- 1.1 In accordance with the Municipal Act, 2001, as amended from time to time:
 - 1.1.1 **Members** participating electronically do not count towards **Quorum**; and,
 - 1.1.2 **Members** participating electronically may not participate in a meeting that is closed to the public.
- 1.2 All **Members** may participate electronically using **Audio-only communication** or **Audiovisual communication** approved by the **Clerk**.
- 1.3 The **Member** presiding as **Chair** of a meeting shall not participate electronically.
- 1.4 The **Clerk**, or recording secretary, of a meeting shall not participate electronically.

1.5 If there are members of the public that are physically in attendance at a meeting, they must be able to hear the **Member(s)** who are participating electronically using **Audio-only communication**, or see the **Member(s)** who are participating using **Audiovisual communications**.

1.6 **Members** participating using **Audio-only communication**, shall verbally announce if they have to leave the meeting, and shall verbally announce when they are joining a meeting.

1.7 Members of the public shall not attend meetings using **Electronic Participation**.

2. Notice

2.1 **Members** shall provide Legislative Services with at least 48 hours' notice prior to a meeting in order to participate electronically.

2.2 **Members** will be advised prior to any meeting if any **Member(s)** will be participating electronically.

3. Technical Requirements

3.1 **Members** participating electronically shall be responsible for testing and ensuring the reliability of their connection using **Audio-only communication** or **Audio-visual communication** prior to the start of the meeting.

3.2 If, a **Member** loses connectivity during a meeting for more than 2 minutes, the **Member** will be deemed to have left the meeting, and:

3.2.1 On the second occurrence of losing connectivity, shall not be permitted to re-join the meeting to avoid disruption to the meeting.

3.3 **Members** shall only electronically participate in meetings that are being held in meeting rooms at 395 Mulock Drive that can accommodate the technical requirements of **Electronic Participation**.

4. Voting

4.1 All **Members** participating electronically must vote on matters which require voting.

- 4.2 Subject to Section 3.2 of this policy, **Members** participating electronically must be present for the entirety of a discussion if voting on a matter.
- 4.3 When the **Chair** calls for a vote on a matter, **Members** who are participating using **Audio-only communications**, shall verbally announce their vote by stating “in favour” or “opposed”.
- 4.4 When the **Chair** calls for a vote on a matter, **Members** who are participating using **Audiovisual communications**, shall visually show their vote by raising their hand to show they are either “in favour” or “opposed”.

5. Administration and Contact

- 5.1 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.
- 5.2 All questions, or concerns with respect to this Policy should be directed to the **Clerk**.

Cross-References

Municipal Act, 2001, as amended from time to time
Town of Newmarket Procedure By-law 2015-50

Contact

Lisa Lyons, Director of Legislative Services/Town Clerk
905-953-5300 ext. 2211
llyons@newmarket.ca

Details

Approved by: Council
Adoption Date:
Policy Effective Date: January 1, 2018
Last Revision Date:
Revision No: 000



TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

November 6, 2017

CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT 2017-24

TO: Committee of the Whole

SUBJECT: VivaNext Bus Rapid Transit Y3.2 Yonge Street (Noise By-law Exemption)

ORIGIN: Legislative Services

RECOMMENDATIONS

a) THAT Corporate Services – Legislative Services Report 2017-24 dated November 6, 2017, regarding vivaNext Bus Rapid Transit Y3.2 Yonge Street Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:

- i. THAT the request from RapidLINK for a noise exemption to perform necessary works for the vivaNext Bus Rapid Transit Y3.2 project between the hours of 9:00 pm to 7:00 am from December 5, 2017 until December 31, 2018, be approved; excluding the following:**

Year 2017	Year 2018
December 25, 2017 (Christmas Day)	January 1, 2018 (New Year's Day)
December 26, 2017 (Boxing Day)	December 25, 2018 (Christmas Day)
	December 26, 2018 (Boxing Day)

- ii. AND THAT this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.**

COMMENTS

This report is to seek Council's approval of request for an exemption from the Noise By-law (By-law 2004-94) from RapidLINK in regarding to the vivaNext Bus Rapid Transit Y3.2 project located approximately 200m south of Sawmill Valley Drive to 200m north of Davis Drive along the Yonge Street corridor. Appendix A includes a letter of request from Habib Gailan, Senior Quality Control Administrator, RapidLINK. The request relates to various works to be performed for the vivaNext Bus Rapid Transit Y3.2 project. The work is to take place from December 7, 2015 to December 31, 2016.

Attachment "A" outlines details to the request.

The Region's request is to undertake the work at non-peak hours being (9 p.m. through 7 a.m.) when the traffic is less congested so as to minimize disruption to businesses and residents.

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between the 8 p.m. and 7 a.m. Monday through Friday and 8 p.m. to 9 p.m. on Saturdays, Sundays and holidays.

The York Region Rapid transit Corporation's Liaison Specialists will coordinate advanced communication and notification with the public.

Similar noise exemption requests have been granted by Council since January 2013.

Given the context for the process required to be undertaken, staff recommends approval of the exemption request to the Noise By-law during the hours requested.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the "Well Equipped and Managed" link of the Town's community vision implementing policy and processes that reflect sound, accountable governance

HUMAN RESOURCE CONSIDERATIONS

There are no human resources considerations related to this report.

BUDGET IMPACT

There are no budget impacts related to this report.

CONTACT

For more information on this report, please contact Lesley Long, Supervisor of Bylaws at llong@newmarket.ca or at 905 953-5300, ext. 2222


Lesley Long, Supervisor of Bylaw Enforcement


Lisa Lyons, Director, Legislative Services /Town Clerk


Esther Armchuk, Commissioner of Corporate Services

October 20, 2017

To Ms. Lesley Long - Supervisor, Bylaw Enforcement Legislative Services at Town of Newmarket

From Habib Gailan, P.Eng.
 EMAIL habib.gailan@ca.crh.com

Subject: REQUEST FOR EXEMPTION FROM THE TOWN OF NEWMARKET'S NOISE BYLAW (2004-94)
 VIVA NEXT BUS RAPID TRANSIT Y3.2 - YONGE STREET FROM SAWMILL VALLEY DRIVE TO DAVIS DRIVE

This request is submitted on behalf of the RapidLINK design-build team retained by York Region Rapid Transit Commission (YRRTC) to construct the Yonge Street VIVA Next BRT project. To complete work in the Y3.2 segment, RapidLINK's civil work will take place from approximately 200m south of Sawmill Valley Drive northerly to 200m north of Davis Drive within the Town of Newmarket. We propose to carry out several civil activities work during the evening/night and to do so; RapidLINK will require an exemption from the Town's Noise by-law.

Civil work activities in the evening/night will:

- Avoid conflicts with the construction currently on-going on Davis Drive;
- Minimize traffic congestion at the Yonge Street and Davis Drive intersection;
- Be less disruptive to the local businesses along Yonge Street;
- Reduce interaction with the public (questions from passer byers) and disruption to pedestrian traffic; and
- Reduce user delays; and
- Result in fewer complaints from the public and businesses along this section of Yonge Street.

It is understood the Town requires project specific information to prepare a Request for Exemption from the Town's noise by-law, which will be subsequently presented to the Town of Newmarket Council for approval.

The work carried out by RapidLINK will include routine civil work activities along the roadway and boulevards of Yonge Street within the limits referenced above. The civil work activities will include the following:

- Mainline Paving
- Side Road Paving
- Reinstatement of driveways
- Concrete curb installation
- Watermain shutdowns and maintenance
- Storm and Sanitary sewer works
- Hydrovac and utility installations
- Drilling and caisson installation
- Private Property works
- Transformer relocations
- Excavation and trucking of materials
- Traffic closures
- Sidewalk closures



The requested exemption is a time-sensitive issue as we anticipate our civil work activities will commence immediately and will be completed by December 2018. During this period, we are requesting exemption of the Noise By-Law between the hours of 19:00 and 07:00.

Please note that all public notification/communication to be carried out through Community Liaison at York Region Rapid Transit Commission "YRRTC".

We trust this provides the Town with the required information to process the Request for Exemption. If you have any questions or concerns, please feel free to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Habib Gailan".

Habib Gailan, P.Eng.
Sr. Quality Control Administrator
York RapidLINK Constructors

Cc:

Jeff Fellman, Project Manager, York RapidLINK Constructors
Linda Gregatto, Deputy Project Manager, York RapidLINK Constructors



**Extract from
Council Meeting of
Tuesday, November 14, 2017**

6. Consideration of Items Requiring Discussion (Regular Agenda)

R4. PRCS17-041 – Central York Fire Services Headquarters Station 4-5

Moved by Councillor Thompson

Seconded by Councillor Abel

1. That Report No. PRCS17-041 be received; and
2. That the design for the Central York Fire Services Station 4-5 presented by Thomas Brown Architects Inc. be approved; and
3. That staff be authorized to proceed with Phase 2 of the RFP submitted by Thomas Brown Architects Inc. for the preparation of detailed drawings, specifications and tender documents in the amount of \$165,000, excluding disbursements and taxes.

Carried



Town of Aurora
Council Report

No. PRCS17-041

Subject: Central York Fire Services Headquarters Station 4-5

Prepared by: Allan D. Downey, Director of Parks, Recreation and Cultural Services

Department: Parks, Recreation and Cultural Services

Date: November 14, 2017

Recommendation

1. That Report No. PRCS17-041 be received; and
2. That the design for the Central York Fire Services Station 4-5 presented by Thomas Brown Architects Inc. be approved; and
3. That staff be authorized to proceed with Phase 2 of the RFP submitted by Thomas Brown Architects Inc. for the preparation of detailed drawings, specifications and tender documents in the amount of \$165,000, excluding disbursements and taxes.

Executive Summary

This report is to seek approvals for conceptual design and to proceed with Phase 2 of the project:

- Several Task Force meetings have taken place
- Alternative designs were presented and evaluated
- Two storey concept was recommended by the Task Force to the Joint Council Committee
- Refinement of the concept design has been ongoing
- Task Force recommends to the Joint Council Committee that the concept design be approved and the project proceed to Phase 2
- The project continues to be within acceptable budget tolerances subject to a final design cost estimate
- Next steps upon receiving Council approval will be a presentation to the Town of Newmarket Council

November 14, 2017

Page 2 of 5

Report No. PRCS17-041

- Public awareness and communication strategy will initiate once approvals of Phase 2 is received

Background

Town of Aurora Council approved Report PRCS17-008 on March 28, 2017 engaging the services of Thomas Brown Architects Inc.

A Facility Task Force was also established to oversee the project and provide input into the design and guide the process.

The Task Force presented the draft design to the Joint Council Committee (JCC) on November 7, 2017. JCC recommend the approval the design and recommended proceeding to Phase 2 of the RFP process.

Analysis

Several Task Force meetings have taken place

The Architect has met with members of the Task Force on Fire Headquarters Station 4-5 on August 1st, September 11th, October 17th. In addition, they have met with the Fire Chief and his staff on several occasions to obtain input and requirements for the facility.

Alternative designs were presented and evaluated

The Architect was tasked to present alternative designs for the facility as part of their design exercise. The alternative designs considered are one storey and two storey concepts as well as alternative site considerations of the proposed facility.

These alternatives were presented, along with preliminary cost estimates, to the Task Force. The Task Force recommended a two storey concept with responding fire vehicles entering onto Earl Stewart Drive.

Two storey concept was recommended by the Task Force to the Joint Council Committee

On September 26, 2017, Thomas Brown Architects Inc. presented the alternative concepts and the recommended two storey concept, with associated cost estimates to the members of the Joint Council Committee.

November 14, 2017

Page 3 of 5

Report No. PRCS17-041

Members provided input at the meeting as well as being provided an opportunity to contact the Fire Chief with any concerns or issues they had with the concept presented or request additional information.

Approvals were not requested at that meeting.

Refinement of the concept design

Following the JCC presentation on September 26, 2017, the Architect and the Fire staff have continued to meet and refine the design. The facility Task Force were presented with these design refinements on October 17, 2017. Preliminary cost estimates were also provided at that meeting for review.

Task Force recommends to the Joint Council Committee that the concept design be approved and the project proceed to Phase 2

The Task Force is satisfied that the concept design has reached a stage where approval could be recommended that the preliminary cost estimates are aligned with the budget. Phase 2 of the project as outlined in the RFP engages the architect to complete a detailed design, construction drawings and specifications and preparation of tender documents. Completion of Phase 2 is estimated to take 5-6 months.

The project continues to be within acceptable budget tolerances subject to a final design cost estimate

At this point in the design phase, preliminary budget estimates are slightly over budget; however, several items within the overall budget are only estimated and, as the project details become more refined, so will the budget estimates.

Staff are confident that the project can be delivered at this time within the approved overall budget.

Next steps upon receiving Joint Council Committee recommendations are presentations and approvals from the Town of Aurora Council and the Town of Newmarket Council

This being a joint project, the Joint Council Committee recommendations will require approval from both Aurora and Newmarket Council's. Council approval is required to authorize staff to proceed to Phase 2 and acceptance of the concept changes. The Architect will be asked to make a presentation to each Council as part of this approval process.

November 14, 2017

Page 4 of 5

Report No. PRCS17-041

Public awareness and communication strategy will initiate once approvals of Phase 2 is received

The RFP includes the creation and erection of a sign on the site selected for this facility. In addition, an on-line communication strategy will commence to inform the public of the project and track its progress. Public inquiries will also be responded to as part of this on-line communication strategy.

Advisory Committee Review

None required.

Financial Implications

Approved total budget is \$11,000,000.

Estimated construction contract	8,408,545
- 27,569 sq ft @ \$305/sq ft	
- includes site servicing to landscaping	
- includes prefab shed for training area	250,000
Total construction contract	8,658,545
Project management fees	300,000
Architectural fees @ 7%	600,000
Permits	50,000
Provision for adverse soils	200,000
Allowance for training props	100,000
Escalation provision	260,000
Owners contingency	875,000
Estimated total project cost - Class C Estimate	11,043,545
All amounts include the non-refundable HST components.	

Communications Considerations

Communications strategy will commence upon approval to proceed with Phase 2 of the project.

November 14, 2017

Page 5 of 5

Report No. PRCS17-041

Link to Strategic Plan

Firehall 4-5 Task Force Terms of Reference supports the Strategic Plan Goal of Supporting an Exceptional Quality of Life for All by encouraging an active and healthy

lifestyle. Leverage partnerships with local boards, chambers and business organizations to promote Aurora as a preferred location for business.

Alternative(s) to the Recommendation

None.

Conclusions

The project continues to proceed on budget and on schedule. Staff recommend proceeding to the engagement of the Architect for Phase 2 of the RFP in the amount of \$165,000.

Attachments

None.


Previous Reports

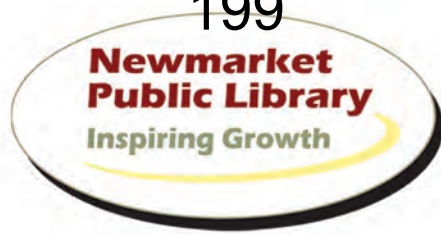
None.

Pre-submission Review

Departmental Approval


Allan D. Downey
Director, Parks, Recreation and Cultural
Services


Doug Nadorozny
Chief Administrative Officer



Newmarket Public Library STRATEGIC PLAN 2013-2016



Report to the Community 2016-2017

literacy debate learning discovery insight

INSPIRING

The Library's Role...

Inspiring the growth of an engaged and informed Newmarket as the centre of community dialogue, debate and discovery in dynamic and welcoming physical and virtual environments.

To fulfill this role, we will...

- Ignite Community Dialogue, Discovery and Debate
- Lead a learning community
- Ready our Capabilities

We will achieve this while focusing on five Key Elements:

- Collaborative Relationships
- Spaces
- Positioning
- Resources
- Organization & Operations

200 MESSAGE FROM THE CEO



“**Four** years ago, the Library began the implementation of its 2013-2016 Strategic Plan, with each year ending with a Report to the Community on our progress. This year, we cap the Plan with another report and a view to the future. The next step will be to renew our Strategic Plan to reflect the next phase of actions to cement the Library as a centre of learning and discovery in our community.

Our Library's contribution to the community is immense. Besides books and literacy, we provide online media, digital skills learning, and community conversation. An Economic Impact Study completed in the past year showed that for every \$1 investment, the Library returns \$7.85 in benefits to Newmarket residents. But our ability to ramp up that investment is limited by the size and scope of our current library building. It just isn't enough to reach every resident and provide the level of service they need.

Our community's future depends on our ability to make smart investments now to build an intelligent, connected community where citizens thrive through lifelong learning. I invite you to contact me to discuss our community and our library's future.”

Todd Kyle, CEO
tkyle@newmarketpl.ca
October 2017

Newmarket Public Library Board

- Joan Stonehocker (Chair)
- Tara Brown (Vice Chair)
 - Darcy McNeill
- Venkatesh Rajaraman
- Councillor Kelly Broome
- Councillor Jane Twinney
 - Councillor Tom Vegh

Contact: board@newmarketpl.ca

Igniting Community Dialogue, Discovery & Debate

- The Library continued its IdeaMarket series of community conversations, presenting programs on topics such as global warming, entrepreneurship, and the housing crisis.
- New activities were established at the Library in partnership with community agencies, including:
 - An FLL Junior club (with FIRST Lego League).
 - An original play, The Haunted Library (with Shadowpath Theatre).
 - Legal workshops (with the Ontario Bar Association).
- The Library continued its ongoing involvement with the Community Collaborative Ecosystem, supporting intelligent and connected infrastructure and collaboration to build a knowledge-driven community.
- The Library continued to expand its community engagement with the launch of its redesigned website which allows for easier feedback and service requests, and offers program registration and payment.



Haunted Library play with Shadowpath Theatre



IdeaMarket community discussions

By the numbers

1.89 million

number of times the Library's online resources were accessed in 2016

6,500

people who were matched with volunteer opportunities by the Library's York Info service in 2016

2,100

number of participants at Library outreach events in 2016

145,000

number of visits to the Library's website in 2016

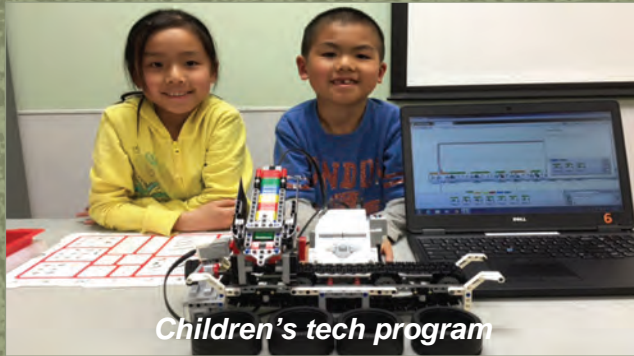
\$7.85

return for every \$1 investment in Library expenditures, according to the Economic Impact Study (2016)

Leading a Learning Community



Maker Hub during Digital Shift tech help



Children's tech program

26,300

number of questions answered by Library staff during 2016

254,000

number of visits to the Library recorded in 2016

14,000

number of people who attended Library programs in 2016

836

number of people who attended computer and maker-related programs in 2016

219

number of 3D prints completed by Library users in 2016.

34,500

number of times residents logged into the Library's computer workstations in 2016

24%

percentage of Library users who reported using a computer for employment purposes, according to the Impact Survey. 9 people reported getting a job as a result.

By the numbers

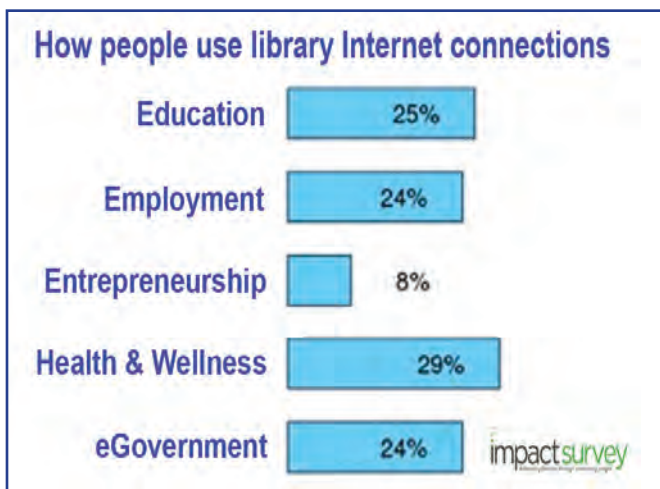
- The Library continued to provide a wide array of technology discovery and computer learning programs to the community. New programs included: Social Media 101, Let's Tinker (3D design), and Robotics 101.
- The Library launched the Maker Hub, a space that features 3D printing, a digital vinyl cutter, and a media editing workstation. The Hub is open for drop-ins five days per week for 3-4 hours each day and offers programs and appointments as well.
- The Library expanded its device loan program to offer laptop computers for home loan.



Funding for some of these initiatives was provided by the Government of Ontario.

Readying Our Capabilities

- The Library launched its “pop-up library” kiosk at community events and facilities, providing library information, Internet access, e-resource cards, and free books.
- The Library added three new online services to its offerings: Hoopla (movies, TV shows, audiobooks, music, and e-books), Law Depot (customized legal form templates), and Comics Plus.
- The Library continued the Impact Survey as a regular outcome measure. The survey showed that library Internet access is valued and needed by Newmarket residents to improve their lives.



Pop-up Library outreach at York Pride Fest

25,000

number of residents with a Library card

506,000

number of items borrowed from the Library in 2016

17%

percentage of borrowing that is digital media

30,000

total e-music streams and downloads from the Library in 2016.

850

number of enrollments in the Library's online Gale Courses in 2016

3,400

followers of the Library's social media accounts

3,700

number of subscribers to the Library's e-newsletter

72%

percentage of items checked out using the Library's two self-serve stations

By the numbers

Newmarket Public Library

438 Park Ave.

Newmarket, ON L3Y 1W1

www.newmarketpl.ca

2017-2018 Digital Ad Campaign

The Library is continuing to promote its Online Library using digital ads through Metroland Media. During the campaign the ads will generate 390,000 impressions on yorkregion.com, and 720,000 impressions on other websites visited by people using mobile devices within a 5km radius of the library.

The screenshot shows the YorkRegion.com website interface. At the top, there is a banner for Newmarket Public Library with the text "I can't believe the library has **STREAMING MOVIES**. Believe it. Browse our eVideos" and a photo of a woman. Below the banner, the website header includes the date "SATURDAY, OCTOBER 7, 2017", the temperature "18 °C", and the "YorkRegion.com" logo. To the right of the logo are links for "REGISTER", "GUEST", and "WEB LOGIN", along with the "metrolandmedia" logo. Below the header is a navigation bar with icons and labels for "FULL MENU", "LOCAL NEWS", "WHAT'S ON", "COMMUNITY", "CRIME", "EVENTS", "EXPLORE YORK", "CLASSIFIEDS", "OBITUARIES", and "SEARCH". A large yellow banner across the middle of the page reads "3 DAYS ONLY Stouffville TOYOTA THANKSGIVING DAY SALE!". At the bottom right, there is a link for "IB World School".

innovation creativity connections exploration



MINUTES

205 Central York Fire Services - Joint Council Committee

Tuesday, September 26, 2017 at 9:30 AM

Town of Aurora, Holland Room
100 John West Way, Aurora

The meeting of the Central York Fire Services - Joint Council Committee was held on Tuesday, September 26, 2017 in the Holland Room, Town of Aurora, 100 John West Way, Aurora, Ontario.

Members Present

Newmarket:

Councillor Twinney, Chair
Councillor Hempen

Aurora:

Councillor Thompson, Vice Chair
Councillor Abel (arrived at 9:35 AM)
Councillor Mrakas

Regrets

Newmarket:

Councillor Bisanz

Staff Present

Newmarket:

B. Shelton, Chief Administrative Officer
L. Georgeff, Director of Human Resources
M. Mayes, Director of Financial Services/Treasurer
D. Schellenberg, Manager, Finance & Accounting
K. Saini, Deputy Town Clerk, Recording Secretary

Aurora:

D. Nadorozny, Chief Administrative Officer
A. Downey, Director of Parks, Recreation, and Cultural
Services (9:30 AM to 10:42 AM)

Central York Fire Services:

I. Laing, Fire Chief
C. Duval, Deputy Fire Chief
R. Volpe, Deputy Fire Chief

The meeting was called to order at 9:31 AM with Councillor Twinney in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Deputations

None.

Presentation

1. Design for the new Central York Fire Services Headquarters Station 4-5

Mr. Paul McIntosh and Mr. Chris Kubbinga, Thomas Brown Architects provided a presentation regarding the design for the new Central York Fire Services (CYFS) Headquarters Station 4-5. There was discussion regarding the preliminary space for the headquarters office, suppression staff space, equipment space, apparatus bay/service space, training/classroom space, and circulation and walls. There was discussion regarding the preliminary design for the new Station. It was noted that CYFS staff would review the preliminary design space, and provide comments to Thomas Brown Architects. Al Downey provided an update on next steps for the design space.

Moved by: Councillor Abel
Seconded by: Councillor Thompson

1. That the presentation provided by the Mr. Paul McIntosh and Mr. Chris Kubbinga, Thomas Brown Architects regarding the Central York Fire Services Headquarters 4-5 design update be received.

Carried

Approval of Minutes

2. Central York Fire Services - Joint Council Committee Meeting Minutes of May 16, 2017

Moved by: Councillor Thompson
Seconded by: Councillor Mrakas

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

Carried

Items

3. Progress Update - Fire Station 4-5

This matter was discussed as part of item 1.

4. “Future Home of Fire Station 4-5” Signage Discussion

It was noted that a sign indicating the site is a future home of the new Fire Station would only be erected once the building’s design has been approved by Council.

5. 2017 Central York Fire Services Budget Report - Second Quarter

Moved by: Councillor Hempen
Seconded by: Councillor Thompson

1. That the Joint Central York Fire Services and Corporate Services Report - Financial Service 2017-34 dated August 21, 2017 regarding the 2017 Central York Fire Services Budget Report - Second Quarter be received for information purposes.

Carried

6. 2018 Draft Operating and Capital Budget Report

Moved by: Councillor Thompson
Seconded by: Councillor Mrakas

1. That Joint Central York Fire Services Report - Financial Services - 2017-42 dated September 13, 2017 regarding Draft 2018 Operating and Capital Budget be received and the following recommendations be adopted:
 - a. That the Joint Council Committee (JCC) receive and review the draft budgets; and,
 - b. That a special JCC meeting be called in October to finalize a recommendation to be sent to Aurora Council for review.

Carried

New Business

7. Fire Medics

Councillor Mrakas inquired about the role of fire medics and its impact to Central York Fire Services.

It was requested that this item be added to the November agenda for discussion.

Closed Session

Councillor Twinney advised that there was no requirement to resolve into a Closed Session.

Adjournment

Moved by: Councillor Abel
Seconded by: Councillor Mrakas

1. That the Central York Fire Services Joint Council Committee Meeting adjourn at 10:58 AM.

Carried

Date

Councillor Twinney, Chair



MINUTES

209 Central York Fire Services - Joint Council Committee (Special Budget)

Wednesday, October 25, 2017 at 9:30 AM

Town of Newmarket, Cane A and B
395 Mulock Drive, Newmarket

The special budget meeting of the Central York Fire Services - Joint Council Committee was held on Wednesday, October 25, 2017 in Cane A and B, Town of Newmarket, 395 Mulock Drive, Newmarket, Ontario.

Members Present

Newmarket:

Councillor Twinney, Chair
Councillor Hempen
Councillor Bisanz

Aurora:

Councillor Thompson, Vice Chair
Councillor Abel
Councillor Mrakas

Staff Present

Newmarket:

P. Noehammer, Commissioner, Development & Infrastructure Services
E. Armchuk, Commissioner, Corporate Services
M. Mayes, Director of Financial Services/Treasurer
K. Saini, Deputy Town Clerk, Recording Secretary

Aurora:

J. Gaertner Deputy Treasurer
M. Ramunno, Director of Planning Services
Director of Parks, Recreation, and Cultural Services

Central York Fire Services:

I. Laing, Fire Chief
R. Volpe, Deputy Fire Chief

The meeting was called to order at 9:34 AM with Councillor Twinney in the Chair.

Additions & Corrections to the Agenda

Moved by: Councillor Abel
Seconded by: Councillor Bisanz

1. That Joint Central York Fire Services/Corporate Services Report - Financial Services 2017-47 dated October 18, 2017 regarding 2017 CYFS Budget Report - Third Quarter be added to the agenda.

Carried

Declarations of Pecuniary Interest

None.

Deputations

None.

Presentation

None.

Approval of Minutes

None.

Items**1. Draft 2018 Operating and Capital Budgets - Update**

Mr. Mayes, Director of Financial Services provided an overview of the 2018 draft budget. Joint Central York Fire Services/Corporate Services Report - Financial Services Report 2017-47 was used and referenced in the discussion. There was discussion regarding budget targets, staffing, and multi-year budgeting.

Next steps regarding the budget process were discussed. It was noted that the draft budget will be presented to Aurora's General Committee, Aurora Council, Newmarket's Committee of the Whole, and finally Newmarket Council.

Moved by: Councillor Mrakas

Seconded by: Councillor Abel

1. That Joint Central York Fire Services/Corporate Services Report - Financial Services 2017-47 dated October 18, 2017 regarding 2017 CYFS Budget Report - Third Quarter be received for information purposes; and,
2. That the Joint CYFS/Corporate Services report - Finance 2017-44 dated October 10, 2017 regarding the draft 2018 Operating and Capital Budget - Update be received and the following recommendations be adopted:
 - a. That the Joint Council Committee (JCC) receive and review the draft budgets; and,
 - b. That the October 25, 2017 JCC Meeting be used to finalize a recommendation to be sent to Aurora Council for review and then to Newmarket Council for approval.

Carried

New Business

None.

Closed Session

Councillor Twinney advised that there was no requirement to resolve into a Closed Session.

Adjournment

Moved by: Councillor Abel
Seconded by: Councillor Bisanz

1. That the Special Budget Central York Fire Services Joint Council Committee Meeting adjourn at 9:52 AM.

Carried

Date

Councillor Twinney, Chair

The meeting of the Newmarket Downtown Development Committee was held on Friday, June 30, 2017 in Cane A & B, 395 Mulock Drive, Newmarket.

Members Present: Jackie Playter, Chair
Councillor Kwapis
Olga Paiva
Barbara Leibel

Absent: Steve Whitfield

Staff Present: C. Kallio, Economic Development Officer
E. Bryan, Business Development Specialist

The meeting was called to order at 10:01 AM.

Jackie Playter in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

- a. Olga Paiva advised that due to ongoing litigation, she would not be participating in any discussion or voting pertaining to Item 4 of the agenda, (RC Design; 241 Main Street South) due to a conflict of interest regarding the use of the lane easement as outlined in the statement of claim issued to neighbouring properties, Lake Simcoe Region Conservation Authority and the Town of Newmarket in April, 2014.
- b. Jackie Playter declared a conflict in the Community Grant application from The Very Useful Theatre Company as she sits on the Board of Directors. She advised she would not participate in any discussion or voting of the foregoing matter.

Presentations & Recognitions

None.

Deputations

None.

Approval of Minutes

1. Newmarket Downtown Development Committee Meeting Minutes of March 31, 2017.

Moved by: Councillor Kwapis
Seconded by: Olga Paiva

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

Carried

Items

2. Financial Incentives Program Grant Application 2017-06 – Interior Renovation and Improvement Program and Façade Improvement and Restoration Program Grant Applications, 221 Main Street South.

The Economic Development Officer provided details associated with the application and advised as a follow-up to the March 31, 2017 Newmarket Downtown Development Committee meeting, the owner of 221 Main Street South is requesting assistance for a portion of interior renovation costs incurred since the Newmarket Downtown Development Committee application was received and funding assistance to repair the rear wall of the building.

Moved by: Councillor Kwapis
Seconded by: Olga Paiva

1. That the Interior Renovation and Improvement Program Grant application in the amount of \$3,000 be approved; and,
2. That the Façade Improvement and Restoration Program Grant application in the amount of \$12,500.00 be approved, subject to confirmation of final costs and final approval from the Planning Department following consultation with the Lower Main Street Heritage Conservation District Advisory Committee; and,
3. That the Project Feasibility Study Program Grant application in an amount up to \$300.00 be approved, subject to confirmation of final costs; and,
4. That Ms. Anne Martin, 355 Millard Avenue, Newmarket, ON L3Y 1Z6 be notified of this action.

Carried

3. Financial Incentives Program Grant Application 2017-05 – Project Feasibility Study Program – 206 Main Street South.

The Economic Development Officer advised that at the May 31, 2017 Newmarket Downtown Development Committee meeting, façade improvements, interior renovations and planning/building permit rebates were approved for the property known as 206 Main Street South. He advised that as part of the interior renovations, the applicant is required to submit certified drawings to the Town of Newmarket for plumbing renovations and is therefore applying for assistance under the Project Feasibility Study program to offset fifty percent of those costs.

Moved by: Olga Paiva
Seconded by: Councillor Kwapis

1. That the Project Feasibility Study Program Grant application in the amount of \$1250.00 be approved; and
2. That Haven Eclectic Modern Style, 206 Main Street South, Newmarket, ON L3Y 3Z3 be notified of this action.

Carried

4. Financial Incentives Program Grant Application 2017-08 – Project Feasibility Study Program and Interior Renovation and Improvement Program Grant Applications – 241 Main Street South.

The Economic Development Officer advised that as part of growth, the owner of RC Design would like to renovate the existing basement into office and meeting space. He advised that the owner is requesting support to offset professional fees for design/preparation of building plans and quotations for work to be performed.

Moved by: Councillor Kwapis
Seconded by: Barbara Leibel

1. That the Project Feasibility Study Program Grant application in the amount of \$675.00 be approved; and
2. That the Interior Renovation and Improvement Program Grant application in the amount of \$15,000.00 be approved; and,
3. That RC Design, 241 Main Street South, Newmarket, ON L3Y 3Z1 be notified of this action.

Carried

Olga Paiva took no part in the discussion or voting of the foregoing matter.

5. Financial Incentives Program Grant Application 2017-09 – Project Feasibility Study Program, 262 Main Street South.

The Economic Development Officer advised application 2017-09 for the property known as 262 Main Street South has been withdrawn from this agenda.

Jackie Playter vacated the Chair.

Councillor Kwapis assumed the Chair.

6. Community Grant Application – The Very Useful Theatre Company – Newmarket Festival of One Act Plays – October 5 to 7, 2017.

The Economic Development Officer advised that The Very Useful Theatre Company is seeking community grant support for its proposed “Newmarket Festival of One Act Plays” scheduled for October 5 to 7, 2017 at the Old Town Hall. He advised that The Very Useful Theatre Company is a registered not-for-profit charitable organization with a mandate to utilize community based theatre productions as fund raising events on behalf of local charitable organizations. In this case, they are partnering with the Rotary Club of Newmarket and are seeking funding to offset rental fees and marketing/publicity costs.

Moved by: Barbara Leibel

Seconded by: Olga Paiva

1. That the Community Grant application from The Very Useful Theatre Company in the amount of \$1,500.00 be approved; and,
2. That The Very Useful Theatre Company, 60 Harrison Drive, Newmarket, ON L3Y 4P4 be notified of this action.

Carried

Jackie Playter took no part in the discussion or voting of the foregoing matter.

Councillor Kwapis vacated the Chair.

Jackie Playter assumed the Chair.

New Business

None.

Adjournment

Moved by: Councillor Kwapis
Seconded by: Olga Paiva

1. That the meeting adjourn at 11:00 AM.

Carried

Date

J. Playter, Chair

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, October 17, 2017 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Councillor Hempen
Joan Seddon
Malcom Watts
Billie Locke, Vice Chair

Absent: Rohit Singh
Athol Hart, Chair

Staff Present: L. Long, Supervisor, Municipal By-law Enforcement
H. Leznoff, Council/Committee Coordinator

The meeting was called to order at 7:30 PM with Billie Locke in the chair.

Additions and Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations

None.

Approval of Minutes

None.

Correspondence

None.

Items

1. Review of Property standards By-law

The Supervisor, Municipal By-law Enforcement and Committee members reviewed the proposed amendments to the Property Standards By-law, specifically Section 50 which addressed heritage properties and heritage related definitions. The Committee discussed the follow topics: heritage fencing and heritage attributes defined in the by-law, repair requirements including materials for repair of heritage properties, the potential for consultation with the Property Standards Committee when a heritage property is being discussed, the process for a property to receive an order under the By-law and the timeframes for compliance, enforcement and penalties for noncompliance, and how the By-law will better protect heritage properties.

The Heritage Newmarket Advisory Committee supports the amendments to the Property Standards By-law, including the addition of a Heritage section.

Adjournment

Moved by: Joan Seddon
Seconded by: Malcom Watts

1. That the Heritage Newmarket Advisory Committee adjourn at 8:48 PM

Carried

Date

B. Locke, Vice Chair

From: Mark Koning
Sent: November 14, 2017 3:39 PM
Subject: Red for Change & World AIDS Day

Hello,

This a follow up to a formal letter that was sent out in the mail last week and I wanted to make sure that the notice was received. In summary, our letter requested that you:

- Issue a proclamation declaring December 1 as World AIDS Day.
- Share a photo of you wearing a red ribbon for our social media campaign Red for Change: Wear It, Hold It, Show It. We will widely share this photo on our Facebook page and Twitter feeds during World AIDS Awareness Week (November 23-30) and on World AIDS Day. This will showcase your solidarity with people living with this chronic illness in your constituency. (A ribbon was include in the letter mailed to your office)
- Participate in our World AIDS Day vigil on Friday, December 1 (please see invitation attached). We would greatly welcome your presence if available.

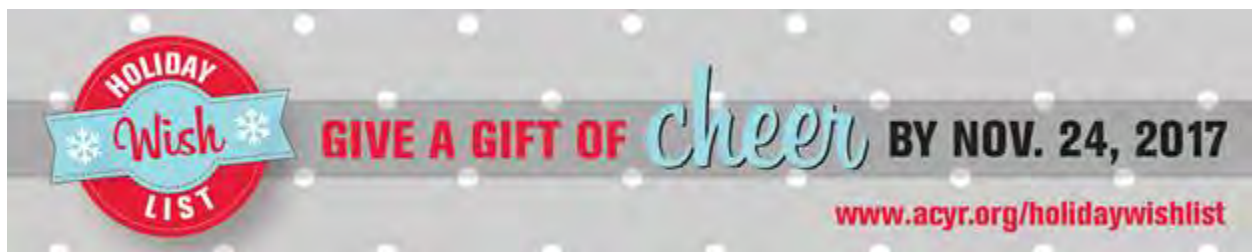
Please do not hesitate to contact me with any questions.

Thank you,

Mark

Mark Koning (pronouns: he/him)
Communications & Administration Coordinator
AIDS Committee of York Region
mkoning@acyr.org | | 905-884-0613 x203 (Work)

10909 Yonge St. #203, Richmond Hill, ON L4C 3E3
Toll Free 1-800-243-7717 **Fax** 905-884-7215
www.acyr.org



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 facebook [AIDSCOMMITTEE OFYORK REGION](https://www.facebook.com/AIDSCOMMITTEE OFYORK REGION)
 Read all about it! [ACYR Blog](https://www.acyr.org/blog)



WORLD AIDS DAY OPEN HOUSE

LEARN ABOUT OUR PROGRAMS

FRIDAY DECEMBER 1, 2017 6:00 PM - 8:00 PM

*Feel free to stay longer for a candlelight vigil to
commemorate World AIDS Day starting 8:15 PM*

UNIT 203, 10909 YONGE STREET, RICHMOND HILL



Refreshments & Hor's D'oeuvres will be served at the
reception downstairs in Imagine Cinemas party room

Please RSVP by Monday, November 27
mkoning@acyr.org or 416-553-5650



We thank our neighbours Imagine Cinemas
Elgin Mills for hosting this event.



Town of Newmarket

Outstanding Matters List

Schedule A: Items for the 2014-2018 Term of Council

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
1.	<p>Meeting Date: Council – December 5, 2016</p> <p>Subject: Item 44 Development & Infrastructure Services – Planning & Building Services Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street s</p>	<p>That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</p> <p>➤ Planning and Building Services</p>	Q1, 2019 OMB Hearing Scheduled for August 2018.	This direction has been deferred as it will be Council's position at the Ontario Municipal Board hearing related to 178-194 Main Street South
2.	<p>Meeting Date: Council – April 4, 2016</p> <p>Subject: Joint Report Community Services - Recreation and Culture, Development and Infrastructure Services - Public Works, Engineering, Corporate Services - Finance 2016-14 dated March 31, 2016 regarding Implementation Plan - Future Facilities and Land Use</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Phase 2 of the Recreation Playbook Implementation Plan be approved as outlined in the report, with public consultation done as part of applicable design processes; and, 2. That Phase 3 of the Recreation Playbook Implementation Plan be shared with the community through a public consultation process and that staff then report back; and, 3. That future Council Workshops be done to consider specific uses and negotiation strategies on potential property acquisitions, as outlined in the report; and, 4. That as part of the 2016 Capital Budget, the design for an outdoor basketball court at Ken Sturgeon Park be undertaken, and funding for construction be requested in the 2017 Capital Budget funded from Development Charges and Capital Reserves, in order to include this project in Phase 2 of the Recreation Playbook implementation plan. <p>Responsible Department: ➤ Recreation and Culture</p>	Q4, 2016 Q2, 2017 Q4, 2017 Q1, 2018	An information report will be forthcoming in Q4, 2017 outlining a series of PIC's that will be related to various aspects of Phase 3 of the Recreation Playbook

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
3.	<p>Meeting Date: Committee of the Whole – November 28, 2016</p> <p>Subject: Development & Infrastructure Services Report – ES 2016-54 Public Consultation and Support Plan – Transportation Services Update</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017; and, 2. That the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q1, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
4.	<p>Meeting Date: Committee of the Whole – February 27, 2017</p> <p>Committee of the Whole - November 6, 2017</p> <p>Subject: Residential Parking</p>	<p>Recommendation:</p> <p>1. That staff prepare a report on options and opportunities to address residential on-street and off-street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Responsible Department: ➤ Planning and Building Services</p>	<p>Q3/Q4, 2017 November 6, 2017 Committee of the Whole</p> <p>Q1, 2018</p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
5.	<p>Meeting Date: Committee of the Whole – February 27, 2017</p> <p>Subject: Development & Infrastructure Services – Planning & Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy. 2. That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and, 3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	<p>Q3/Q4, 2017/November 27 Committee of the Whole</p> <p>2018</p> <p>November 13, 2017 – Council</p>	
6.	<p>Meeting Date: Committee of the Whole – March 20, 2017</p> <p>Subject: Council Remuneration and Tax Status (CAO/Finance/Human Resources Report 2017-03)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council maintain the 1/3 tax free status relative to Council remuneration; 2. And that the matter of Council Remuneration and Tax Status be brought forward within the first twelve months of a new term of Council beginning in 2018. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ CAO/Finance/Human Resources 	Q1 - 2018	
7.	<p>Meeting Date: Council – March 27, 2017</p> <p>Subject: Zoning By-law Review</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff review Zoning By-law 2010-40 and 2013-40 to address best practices related to infill development standards across the Town as a whole. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning & Building Services 	<p>Q3/Q4, 2017</p> <p>Q1 – 2018 Workshop to be Scheduled</p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
8.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Community Services – Commissioner and Newmarket Public Library Joint Report 2017-07 regarding Library Facility Needs Assessment</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the library facility needs assessment be referred to staff to be brought forward with the operational efficiency review. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Community Services – Commissioner/Library 	Q1, 2018	To follow Efficiency Review Workshop
9.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Information Document for Residents Related to Construction Sites</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council approve the following motion in principle: 2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and, 3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and, 4. That the aforementioned motions be referred to staff for a report back including options and resource requirements. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning & Building Services 	Q4, 2017 Q1, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
10.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding Newmarket East-West Bikeway PIC Report</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and, 2. That staff monitor the implementation of the bike lanes, analyze the impacts for a one year period and provide a report back to Council in one year. <p>1. That staff review proposed modifications to the east-west bike lane and report back in the Spring of 2018.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	<p>May, 2018</p> <p>Q2, 2018</p>	
11.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Corporate Services Report – Legislative Services 2017-07 – “Restricted Area for Driving Schools and Instructors”</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Option 1 of the Report be implemented; and, 2. That staff provide a status report on the “Restricted Area” within 12 months of implementing Option 1 of the Report. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Legislative Services 	<p>May, 2018</p>	
12.	<p>Meeting Date: Committee of the Whole - June 19, 2017</p> <p>Subject: Textile Diversion Program</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the PowerPoint presentation entitled “Diabetes Canada – Textile Diversion Program for the Town of Newmarket” by Mr. Ryan Michaels and Mr. Blaine Hobson be received and referred to staff. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Public Works Services 	<p>Q1, 2018</p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
13.	<p>Meeting Date: Committee of the Whole – August 28 – Motion</p> <p>Subject: Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area</p>	<p>Recommendation: That the Operational Leadership Team recommends that the following recommendation be referred to staff for review and report:</p> <ol style="list-style-type: none"> 1. That The Accessibility Advisory committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services (lead), Planning and Building Services, Engineering Services & Legal Services <p>Recommendation: 1. The Operational Leadership Team recommends to Council that the following be referred to staff for review and report:</p> <ol style="list-style-type: none"> a. That the Heritage Newmarket Advisory Committee recommend to Council that the request to remove the property known as 770 Gorham Street from the Municipal Register of Non-Designated Heritage Properties be denied; and, b. That the Heritage Newmarket Advisory Committee recommends to Council that the property known as 770 Gorham Street be designated as a heritage property due to its cultural and architectural importance. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q1-Q2 2018	
14.	<p>Meeting Date: Committee of the Whole – August 28 – Motion</p> <p>Subject: Item 5 of the draft Heritage Newmarket Committee Meeting Minutes of July 11, 2017 re: 770 Gorham</p>	<p>Recommendation: 1. The Operational Leadership Team recommends to Council that the following be referred to staff for review and report:</p> <ol style="list-style-type: none"> a. That the Heritage Newmarket Advisory Committee recommend to Council that the request to remove the property known as 770 Gorham Street from the Municipal Register of Non-Designated Heritage Properties be denied; and, b. That the Heritage Newmarket Advisory Committee recommends to Council that the property known as 770 Gorham Street be designated as a heritage property due to its cultural and architectural importance. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	November 27, 2017 Committee of the Whole	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
15.	<p>Meeting Date: Committee of the Whole – August 28, 2017</p> <p>Subject: Items 6 and 9 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 re: Workplan and Operating Budget Discussion and Ontario Heritage Conference</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> The Operational Leadership Team recommends to Council that the following be referred to staff for consideration as part of the 2018 budget process: <ol style="list-style-type: none"> That Heritage Newmarket Advisory Committee recommend to Council that \$5,000 be allocated for designation reports; and, That Heritage Newmarket Advisory Committee recommend to Council that \$500 be allocated towards a workshop for Real Estate professionals and Property Appraisers; and, That Heritage Newmarket Advisory Committee recommend to Council that \$1,600 be allocated towards purchasing 4 Heritage Conservation District plaques; and, That the Heritage Newmarket Advisory Committee recommend to Council that \$3,000 be allocated towards attendance for two members to attend the annual Heritage Conference. <p>Responsible Department:</p> <ul style="list-style-type: none"> Financial Services 	<p>October 16, 2017 November 20, 2017 December 4, 2017</p>	To be removed upon budget approval
16.	<p>Meeting Date: Committee of the Whole – August 23-, 2017</p> <p>Subject: Flooding Concerns</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> That staff bring forward a report looking at subsidies or other methods/options for homeowners dealing with flooding issues. <p>Responsible Department:</p> <ul style="list-style-type: none"> Public Works Services/ Corporate Communications 	Q2, 2018	This item is related to backflow preventers
17.	<p>Meeting Date: Committee of the Whole September 25, 2017</p> <p>Subject: Diversity and Inclusivity Strategy</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> That the report entitled "Diversity and Inclusivity Programs" be deferred to a future Committee of the Whole meeting, as York Region is currently amending its Diversity and Inclusivity Charter. <p>Responsible Department:</p> <ul style="list-style-type: none"> Human Resources Department 	Q4 2017 Q3, 2018	York Region conducting further public consultation

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
18.	<p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Petition regarding Speed and Traffic Mitigation near Queen Street/Lorne Avenue</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q2, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
19.	<p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Development and Infrastructure Services/Planning & Building Services Report 2017-29 Proposed Natural Heritage System for the Greater Horseshoe</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services/Planning & Building Services Report 2017-29 dated September 25, 2017 regarding the Proposed Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe, Summary of Criteria and Methods, be received; and, 2. That Council endorse the Region's submission to the province in response to Environmental Registry Posting Numbers 013-0968 regarding Draft Provincial guidance on Natural Heritage Systems and Agricultural System mapping, including the following key comments: <ol style="list-style-type: none"> a. The Province is commended for their flexible approach to finalizing the agricultural system through the municipal comprehensive review process; b. Proposed natural Heritage mapping should remind draft until finalized through municipal comprehensive reviews; c. All existing settlement designations are accurately mapped and protected through municipal comprehensive reviews; d. Local municipalities should have the opportunity to complete environmental studies before the Natural Heritage mapping is finalized; and, 3. That this recommendation be forwarded to the Regional Municipality of York and the Province of Ontario; and, 4. That staff schedule a Council Workshop or Special Committee of the Whole to achieve a current Council position on issues related to Oak Ridges Moraine designations and Natural Heritage System Designations to be the basis for input into the Regional Municipal Comprehensive Reviews. <p>Responsible Department: ➤ Planning and Building Services</p>	<p>Q4, 2017, Workshop scheduled for November 20, 2017 at 1:30 PM.</p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
20.	<p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Petition to re-start grass clipping disposal service in Newmarket</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the petition to re-start grass clipping disposal service in Newmarket be referred to staff for review and report. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Public Works Services 	Q1, 2018	
21.	<p>Meeting Date: Committee of the Whole - September, 25, 2017</p> <p>Subject: That Corporate Services – Legislative Services Report 2017-16 Vacant Building Report – Window Wrap Program</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled "Vacant Buildings/Storefronts" be received; and, 2. That staff be directed to report back on Option 2, a Window Wrap program. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services/Economic Development 	Q1, 2018	
22.	<p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Subject Welcome Sign on Longford Drive</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff be directed to schedule a meeting for the Mayor, Deputy Mayor & Regional Councillor, Councillor Hempen, Councillor Broome and the property owner to discuss the potential signage on Longford Drive; and, 2. That staff provide an alternative signage and seating area option that would be as cost effective as possible. <p>Responsible Department</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q1, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
23.	<p>Meeting date: Committee of the Whole – October 16, 2017</p> <p>Subject Development and Infrastructure Services/Planning & Building Services Report 2017-39- Newmarket GO Station – Draft Mobility Hub Station Area Plan</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. <p>Responsible Department ➤ Planning and Building Services</p>	Q1, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
24.	<p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p>Subject Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. <p>Responsible Department ➤ Engineering Services</p>	Q3, 2018	
25.	<p>Meeting date: Committee of the Whole – October 16, 2017</p> <p>Subject Low Impact Development</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff be directed to report to Council in 2018 with best practices and opportunities to implement Low Impact Development (LID) in relation to flooding, flood mitigation, and storm water management in residential neighbourhoods. <p>Responsible Department ➤ Engineering Services</p>	Q3, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
26.	Meeting Date: Committee of the Whole – October 16, 2017 Subject: Parking on Lundy's Lane	Recommendation: 1. That the information package be received and referred to the budget process. Responsible Department ➤ Financial Services	December 4, 2017	To be removed upon budget approval
27.	Meeting Date: Committee of the Whole – November 6, 2017 Subject: Newmarket Tay Hydro – Establishment of a Subsidiary Company	Recommendation: 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. Responsible Department ➤	January 15, 2018 Committee of the Whole (Closed Session) January 15, 2018 Special Council to ratify decisions	
28.	Meeting Date: Committee of the Whole – November 6 Subject: All-way stop at Sawmill Valley Drive and Peter Hill Drive	Recommendation: 1. That staff be directed to review and report back on the potential for an all-way stop at Sawmill Valley Drive and Peter Hill Drive and opportunities for crosswalk enhancements. Responsible Department ➤ Engineering Services	Q2, 2018	



TOWN OF NEWMARKET

Outstanding Matters

Schedule B: Items for the 2018-2022 Term of Council

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>1. Meeting Date: Council – December 14, 2015</p> <p>Subject: Item 35 - Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff provide alternate trail options for this area at a lower cost; and, 2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and, 3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	<p>Timeline to be determined</p>	<p>Deferred subsequent to VivaNext construction</p> <p>October 24, 2017 P. Noehammer advised this item should be moved to Schedule B</p>
<p>2. Meeting Date: Special Committee of the Whole-January 30, 2017</p> <p>Subject: Internet Voting and Ranked Ballots</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services 	<p>Q1, 2019</p>	

3.	<p>Meeting Date: Council – June 7, 2016 – Item 35</p> <p>Subject: Federal Infrastructure Funding (Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary' <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Strategic Initiatives 	2018	Awaiting next phase of funding announcements
4.	<p>Meeting Date: Council – June 26, 2017- Item 10</p> <p>Subject: Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That traffic impacts be monitored post construction. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Development is estimated to not be completed before 2020	



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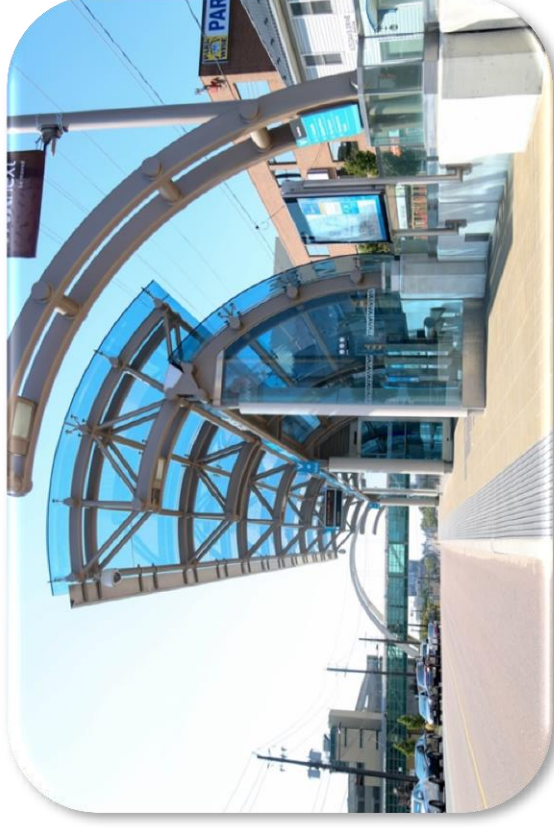
Update: rapid transit projects
Town of Newmarket
November 27, 2017

Current rapid transit projects

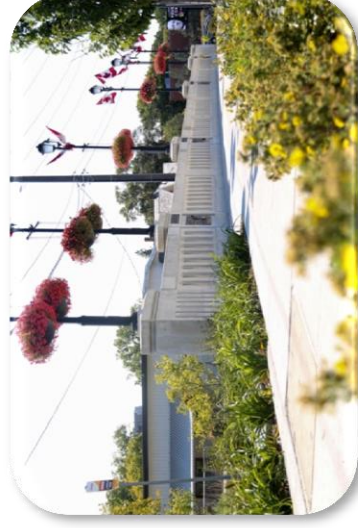
- > Davis Drive rapidway
- > Yonge Street rapidway

Community relations

- > Ongoing communications
- > Business support program
- > #MyYongeStreet Selfie Contest



- > Keith Bridge opening
- > Minor repairs are ongoing



update >> future developments

- > Apartment building at 212 Davis
- > Commercial building at 514 Davis
- > Additional properties



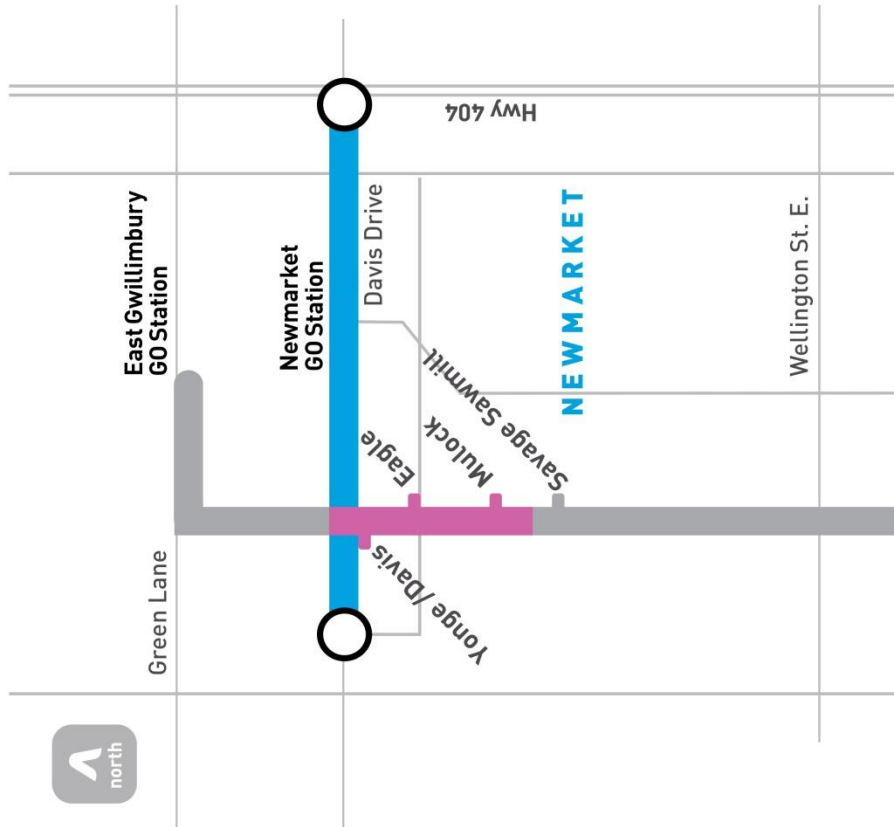
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update >> Union Hotel

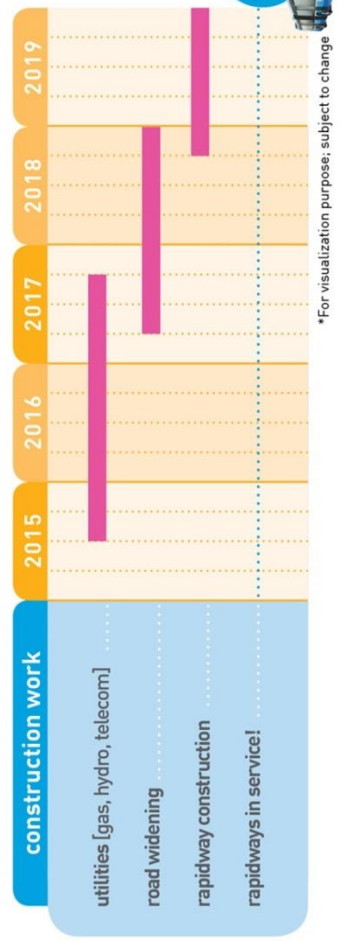
- > Work is ongoing to winterize the building
- > Completing technical and building condition assessments
- > Preparing the property to be in market



construction update >> Yonge Street



Yonge Newmarket construction timeline



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*For visualization purpose, subject to change

construction – utility relocation

- > Most of the utility relocation is complete
 - > Enbridge – 100% complete
 - > Bell – 100% complete
 - > Hydro – 99% complete
 - > Rogers – 85% complete



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construction – roadway widening

- > Road and boulevard construction underway on the west side of Yonge
 - > Traffic staging – complete
 - > Storm sewer installation – complete
 - > Road widening – ongoing
 - > Boulevard work – ongoing



winter maintenance plan – early December

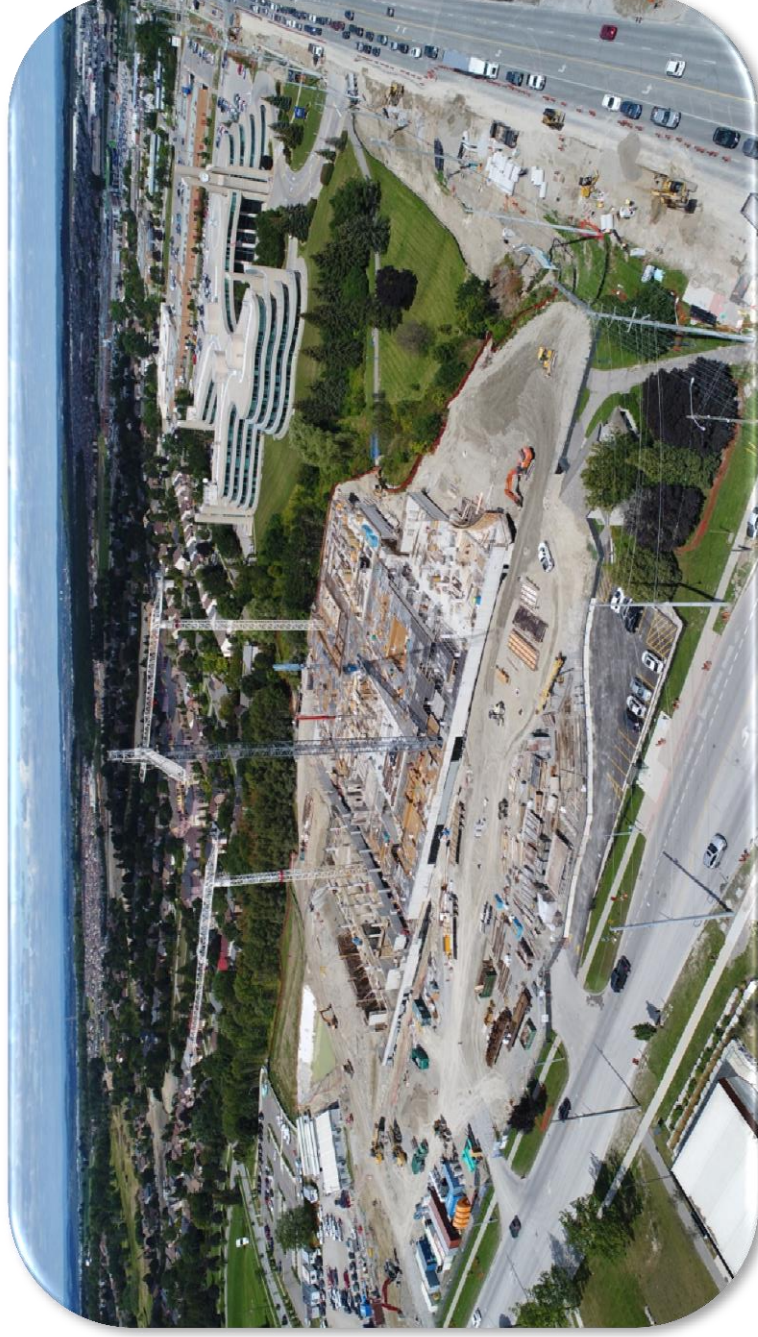
- > Traffic staging
- > Pedestrian access will be maintained
- > Temporary sidewalks
- > Transit bus bays



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construction – what to expect in 2018

- > Completion of boulevard works on west side
- > Crews will move to the east side of Yonge



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Yonge Street / Newmarket

A destination and a journey.

Yonge Street is the spine of the Yonge rapid transit network with its long history as the economic and cultural centre of Toronto and York Region. As Yonge continues to evolve with the addition of the rapidway, plans for this area include a wide range of new development initiatives, from great shopping and entertainment to vibrant public spaces, connecting you to Davis Drive and other Newmarket amenities.

Why? It's all part of the comprehensive rapid transit network that connects the Region's urban centres and supports our growing communities. Yonge Street is centrally located in York Region making it both an ideal transit corridor and a great place to work, shop, live or play.

Are we there yet? Well, not yet. Large infrastructure projects like these take several years. To start off, the relocation of underground and above ground utilities is underway and lane closures are needed at times. Construction happens in many stages so sign up for transport updates to stay informed so you can plan ahead.

Additional rapidways on Yonge Street north to Green Lane and south of Mulick Drive are dependent on future funding commitments, but all part of the larger network plan.

photo & video gallery

business profiles

find it on Yonge north
 Yonge Street is a key of Newmarket's shopping areas. From shops to resale clothing, and from restaurants to veterinarians, it has everything you need and more!

Shop Yonge, Newmarket
 Shop Davis, Newmarket
 Shop 2 Vaughan
 Shop Bathurst & Centre, Vaughan
 Shop Yonge, Richmond Hill

project status
 roadway under construction
 expected completion
 Dec. 2019
 33% complete

view project timelines >
 latest updates
 overnight water main installation at Yonge and Davis
 Newmarket water main service connection at Yonge and Eagle
 all project updates >

subscribe to notices >
 project newsletter >
 project brochure >
 environmental assessment >
 project fact sheets >

Community Liaison
 Sophia Bittor
 Tel: 905.886.4747
 Ext 77116
 cell: 905.886.0713
[sophia.bittor@yng.ca](#)



business support program

- > Fall/Winter campaigns include:
 - > Newspaper, radio and digital ads
 - > Geo-targeted mobile advertisements
 - > YRT bus advertising [interior bus cards and bus backs]
 - > Website and social media posts
 - > Complimentary memberships to the Newmarket Chamber of Commerce
- > For more information on the Business Support Program, contact your Community Liaison

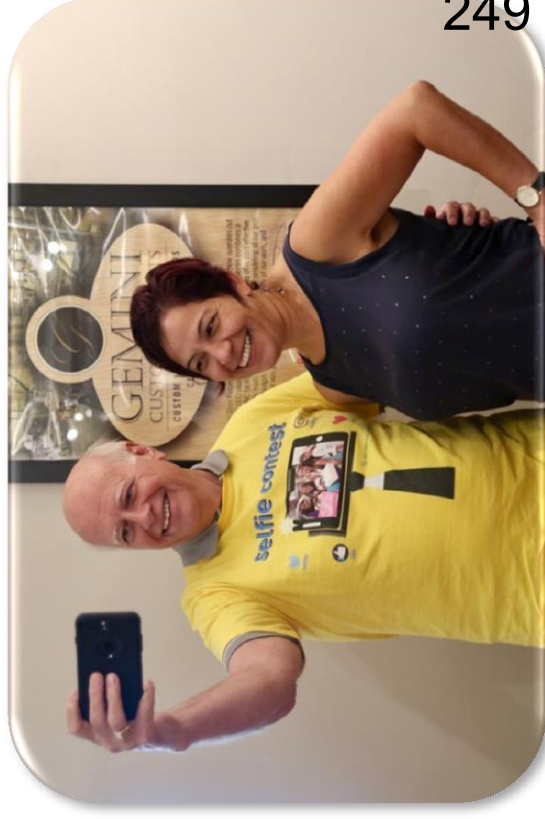


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ShepYonge

#MyYongeStreet selfie contest

- > Shoppers encouraged to take a “selfie” with their purchase, then share the photo on Twitter, Instagram or email it with the hashtag #MyYongeStreet
- > The contest encouraged residents to shop on Yonge Street in Newmarket
- > There were three weekly \$100 winners
- > Three grand prize winners were randomly selected; each winner had a chance to spend their funds in a Yonge Street shopping spree
- > The selfie contest closed on Sept 3 with more than 50 entries



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Sophia Bittar
Community Liaison
Yonge Street, Newmarket





DRAFT 2018 OPERATING AND CAPITAL BUDGETS

Committee of the Whole

November 27, 2017

Presented by:
Mike Mayes, Director, Financial Services

Budget process overview

On an annual basis, the Town of Newmarket prepares an annual budget to authorize its expenditures for the year. For 2018, this includes:

- \$128 million in operating expenditures
 - \$84 million in tax-supported operations
 - \$44 million in rate-supported operations (water, stormwater, building)
- \$26 million in capital expenditures

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When developing the budget, the Town prioritizes projects and services that are required to meet legislative requirements and community needs.

Although the budgets are broken down into service areas, the budget is considered and recommended as a whole to enhance the Town's decision-making process.



Potential impact on the average residential property



Proposed increases for the average residential property with a 2017 assessment of \$508,750 using 200 cubic metres of water per year.

	2018 Budget	Increase	Monthly cost
Property taxes	\$ 1,851.27	\$ 53.75 2.99%	\$ 154.27
Water	\$ 1,157.41	\$ 67.71 6.21%	\$ 96.45
Stormwater	\$ 33.97	\$ 3.72 12.30%	\$ 2.83

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All-in tax impact on the average residential property

	2017	2018	Increase \$	Increase %
Town	\$ 1,797.52	\$ 1,851.27	\$ 53.75	2.99%
Region	1,892.06	1,944.47	52.41	2.77%
	\$ 3,689.58	\$ 3,795.74	\$ 106.16	2.88%
School Board	910.66	910.66	0.00	0.00%
Total	\$ 4,600.24	\$ 4,706.40	\$ 106.16	2.31%

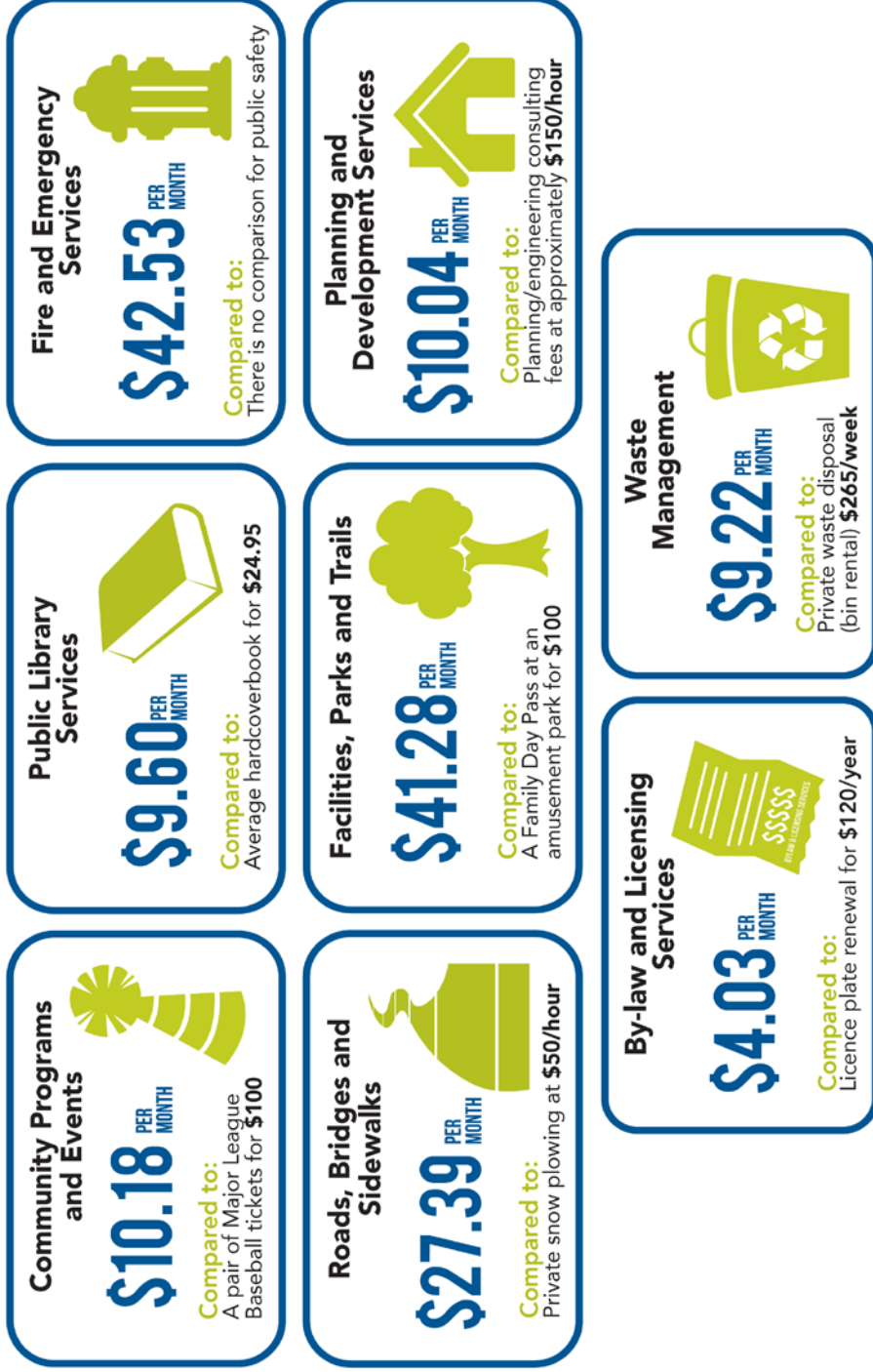
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Based on an average 2017 assessment of \$508,750
 The Region and School Boards' changes do not include an
 estimate for the impact of tax-shifting



What the budget delivers

Monthly municipal tax breakdown vs. common costs fees and expenses, based on the average assessed home in Newmarket of \$508,750.



Council Decisions

- ✓ 2.99% tax increase target met
- ✓ Reviewed and approved Decision Packages and Capital requests to support Council priorities
- ✓ \$200,000 in budget reductions
- ✓ Funding for extraordinary budget items within available²⁵₅₇ sources
- ✓ Developed a strategy for dealing with Bill 148, Fair Workplaces, Better Jobs Act, which:
 - ✓ Maintains service levels
 - ✓ ARF contributions remain intact
 - ✓ Does not require an additional tax levy



Sustainability – Historic funding for asset replacements

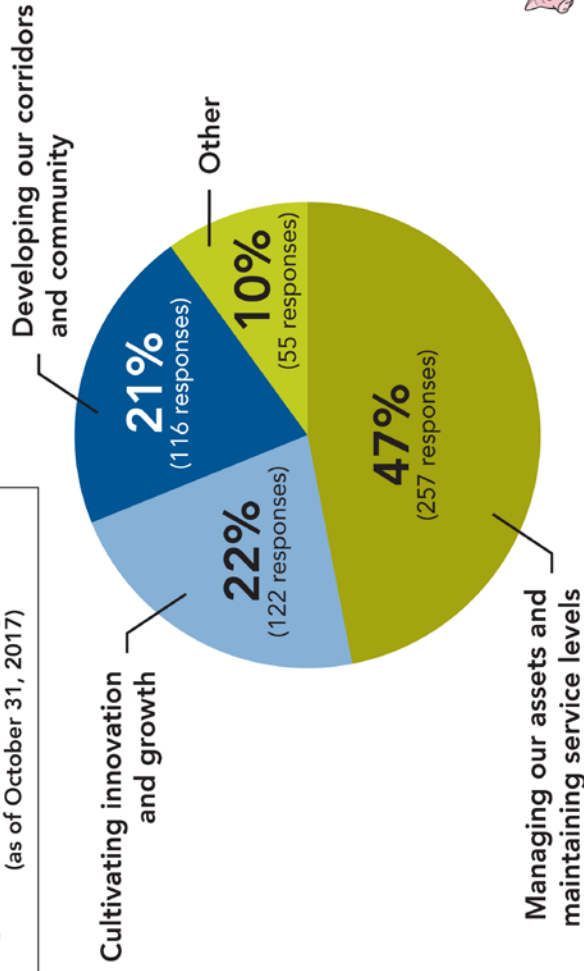
	2013	2014	2015	2016	2017	2018
	In \$ thousands					BUDGET
Town	364	208	505	425	- 983	327
CYFS		150				148
Gas Tax		37		116		116
	364	395	505	541	- 983	591
Tax %	0.83%	0.82%	1.00%	1.02%	n/a	1.05%
Rate	223	347	620	488	1,271	38
Increase	587	742	1,125	1,029	288	629
Total	15,254	15,898	17,020	18,049	18,334	18,927

In 2017, the Stormwater Rate Group was established and \$983,000 in annual ARF contributions was transferred from the tax-supported budget



2018 Budget Engagement

550 responses collected through the budget game online and at community events (as of October 31, 2017)



259



GET INVOLVED

Give us your feedback on the 2018 budget by:



Playing our "Put your money where it matters" budget game at newmarket.ca/2018budget



Contacting the Town of Newmarket at 905-895-5193 or by emailing finance@newmarket.ca



Speaking with your Council representative. For more information, visit newmarket.ca/mayorandcouncil



Attending or giving a deputation at an upcoming budget meeting – **November 13, 20 or 27.**

For updates on the budget process and more information, visit newmarket.ca/2018budget

BE ENGAGED.
USE YOUR VOICE.



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November 21, 2017

JOINT CAO/COMMISSIONERS AND CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2017-61

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: Approval of 2018 Capital and Operating Budgets

ORIGIN: Director, Financial Services/Treasurer

RECOMMENDATIONS:

1. That Joint CAO/Commissioners and Corporate Services Report - Financial Services 2017-61 dated November 21, 2017 regarding Approval of the 2018 Operating and Capital Budgets be received and the following recommendations be adopted:
 - a) That the proposed 2018 Operating Budget with expenditures of \$127,927,654 be approved, which is comprised of the following components:
 - 1) \$63,446,921 for the Town portion, which includes an additional \$331,892 for asset replacement funding;
 - 2) \$30,000 for the Newmarket Business Improvement Area (BIA);
 - 3) \$4,050,823 for the Library portion;
 - 4) \$16,762,672 for Central York Fire Services (Newmarket's share) which includes an additional \$249,600 for asset replacement funding;
 - 5) \$39,248,453 for the Water and Wastewater Rate Groups which includes an additional \$680,557 for asset replacement funding;
 - 6) \$1,852,084 for the Stormwater Management Rate Group which includes a reduction of \$642,488 for asset replacement funding;
 - 7) \$2,536,701 for the Building Permit Rate Group;
 - b) And that the proposed 2018 Capital Budget with new expenditures of \$25,933,120 be approved subject to the following conditions:

That Council provides separate approval for expenditures on the following projects after consideration of additional reports:

 - 1) Heritage Conservation District update (project #26)
 - 2) Fernbank Farmhouse maintenance (project #47)
 - 3) Outdoor Train (project #56)
 - c) And that the proposed 2018 Operating and Capital Budgets be forwarded to the Council meeting of December 4, 2017 for final approval.

COMMENTS:**Purpose**

This report is to obtain Committee of the Whole approval of the 2018 Operating and Capital Budgets so they may be recommended to Council for final approval and adoption.

Budget Impact

The average residential property will have a tax increase of \$53.75 (2.99%), a water/wastewater rate increase of \$67.71 (6.21%) and a stormwater rate increase of \$3.72 (12.83%).

BACKGROUND**Council Priorities**

The focus of the 2018 Budget is Sustainability – financial, environmental, community and organizational readiness.

Council's strategic priorities for 2018 are:

1. Developing corridors and community
2. Manage assets, maintain service levels and cultivate talent
3. Cultivate innovation and growth

Budget Assumptions

The 2018 budget was built using the following assumptions:

1. Inflation at 2.1%. This is based on the March 2017 annual increase in the Toronto CPI. The latest result, October, was 1.7%.
2. Growth at 1.24%. This is projected by the Town's Growth Revenue Model.
3. A budgetary adjustment of \$560,661 is equivalent to a 1% change in property taxes.
4. Preservation of service levels for a growing population, with any reductions based on prioritization.
5. Service level preservation takes precedence over service level enhancements.

Budget Process

Joint CAO / Commissioners, Corporate Services Report - Financial Services 2017-29 established the overall budget process and targets for 2018.

The complex budget process was made more manageable by splitting it into sections or 'hypothetical' buckets. Each of these buckets is filled by a funding source. The amount available from each funding source was determined by Council in consultation with staff.

- Tax supported operations:
 - 2.35% tax increase for the base budget
 - 1% for infrastructure levy and extraordinary items
 - \$200,000 in reductions to be found to reduce the total tax increase to be not more than 2.99%
 - Enhancements carried forward from 2015 commitments
 - Growth to be matched with growth revenues, which is a 1.24% assessment increase
 - Fees and charges targeted a 2.1% revenue increase
- Rate-supported budgets – water, wastewater and storm water in accordance with their 6-year financial plans
- Capital budget - within the available funding envelopes

These were then further segregated and allocated to individual departments. For instance, Fire Services was allocated 0.67% of a tax increase (\$375,000) and the Newmarket Public Library 0.13% (\$75,000). Budgets were then created by balancing service level expectations with resources.

Requests for additional resources were made through the use of Decision Packages. They are categorized as mandatory, growth or enhancement and include all relevant and incremental costs and revenues applicable to the request. All requests for additions to the staffing complement were done through Decision Packages.

A point system was used as a preliminary evaluation tool to evaluate proposals across departments and to form the recommendations to Council.

Category	Maximum Score	Description
Priority	9 points	This category gives points to proposals that meet Council priorities and fewer points to lesser priorities.
Desired Service Level	3 points	This category gives points to proposals that maintain or move toward desired service levels established by Council.
Business Case	5 points	This category gives points to proposals that create cost efficiencies or increase revenue.
Risk Reduction	25 points	This category provides points to proposals that reduce risks the Town faces. The proposal must drastically reduce the Town's risk to reach the 25 points.

Requests were prioritized by total points after a sore-thumbing exercise to check for internal consistency.

Budget Schedule

The preliminary draft budget was presented to Committee of the Whole on October 16, 2017. There were Special Committees of the Whole on November 13 and November 20, 2017 to deal with the Draft 2018 Operating and Capital Budgets. This report consolidates the directions provided at these meetings and answers additional questions from Committee and the public.

Budget documents have been promptly posted to the 2018 Budget Page on the Town's website.

TAX-SUPPORTED OPERATING BUDGETS

Corporate Services Report – Financial Services 2017-58 and the presentation made to Special Committee of the Whole on November 20, 2017 provided details on the 2018 Tax-supported Operating Budget and provided an opportunity for review and discussion.

Base Budget

The base budget is the net cost to maintain the Town's service levels for a stable population. It includes non-tax revenues and efficiencies. An additional \$192,000 of support costs has been allocated from the tax-supported budget to the rate-supported budgets – water (\$113,000) and wastewater (\$79,000).

The tax-supported base budgets all fit within the funding allocation provided to them.

Mandatory Items

Mandatory items are the net cost of new items required by legislation, health & safety, contractual agreement or other legal obligation. If the net cost is minor, it is included in the base budget. If it is significant, then additional budget funding is requested with a Decision Package. Doing so allows their mandatory status to be confirmed.

Appendix A1 lists \$70,000 in mandatory Decision Packages included in the 2018 budget, and A3 lists those deferred for future consideration.

Enhancements

Enhancements are the net cost of increases to service levels. There are no new service level enhancements included in the 2018 budget as not all growth requests were included. This is in accordance with the 5th budget assumption - service level preservation takes precedence over service level enhancements..

The two enhancements included are: the 4th and final phases of initiatives that commenced in 2015. Council committed to these items in future years subject to budget approval. The initiatives are Sidewalk Snow Clearing (\$100,000) and Traffic Management (\$55,000). Their costs are offset by room that was created in the 2017 budget and reported on with the 1st quarter results in Financial Services Report 2017-27.

Appendix A1 lists the enhancement Decision Packages included in the 2018 budget, and A3 lists those deferred for future consideration.

Growth

Net growth is the additional cost to maintain the existing level of service for a growing community, including both expenses and revenues.

The goal for 2018 was to be financially sustainable by matching growth revenues with expenses - growth revenues not to be applied to the base budget.

Assessment growth for 2018 is projected to be 1.24%. In consultation with the Planning Department, projected population and employment numbers were extrapolated into the type of construction they will generate. This has formed the basis for a growth revenue forecast model. This model was used for supporting the 2014 Development Charges Background Study and 2016 Parkland Dedication By-laws.

To be consistent, 1.24% is the factor used for all growth in 2018. Any differences would be minor.

Assessment growth of 1.24% or \$695,000 has been allocated as follows:

- \$223,500 for identified operating costs of growth-related projects approved in the 2017 capital budget; of this:
 - \$87,200 is to be applied to the 2018 operating budget for the operating costs of completed capital projects
 - \$136,300 is to be deferred to the 2019 operating budget for the operating costs of projects not completed
- \$69,431 as a provision for incremental growth
- \$402,069 for growth-related Decision Packages
 - \$262,678 for implementation of the Fire Master Plan (CYFS)
 - \$139,391 for the rest of the Town

Incremental growth reflects costs that increase as the Town grows. This includes supplies and contracted services for the maintenance of roads and other infrastructure, waste management and telecommunications. A growth rate of 1.24% has been applied to the \$7.1 million 2017 budget for these costs. This excludes staffing costs.

Appendix A1 lists the growth-related Decision Packages included in the 2018 budget, and A3 lists those deferred for future consideration.

Central York Fire Services (CYFS)

The budget for CYFS has two components – Newmarket's portion of the joint services shared with Aurora, and costs that are not shared which includes facilities and other provisions.

The original funding envelope for the CYFS increase was \$725,000 - \$435,000 for the base budget and \$290,000 for growth. This was reduced by \$100,000 to \$625,000 - \$375,000 for base and \$250,000 for growth.

On October 23, 2017 Joint Council Committee (JCC) recommended the Central York Fire Services (CYFS) budget. In compliance with the Joint Services Agreement, the capital budget was forwarded to Aurora's General Committee for review on November 7, 2017. Aurora Council is supportive of the budget.

The JCC recommended budget is an increase of \$1,135,085, including an increase to ARF contributions of \$249,600. Newmarket's share (59.35%) of the increase is \$661,337 – \$398,659 for base and \$262,678 for growth. Combined with the unshared fire costs which had a decrease of \$83,027, the combined fire increase was \$578,310 and within the funding envelope.

Newmarket Public Library (NPL)

The budget allocation for the Library was \$75,000. That is the requested increase in their annual grant.

The Newmarket Library Board approved the Library's budget at their meeting on September 20, 2017.

Newmarket Downtown Business Improvement Area (BIA)

The BIA has a special levy for businesses within its district. The total amount remains unchanged at \$30,000. The expense budget is limited to that funding.

Decision Packages

Requests for additional resources were made through the use of Decision Packages. They are categorized as mandatory, growth or enhancement and include all relevant and incremental costs and revenues applicable to the request. All requests for additions to the staffing complement are done through Decision Packages.

Summary of Decision Packages

	Mandatory	Growth	Enhancements *	Total
Town	\$ 70,000	\$ 139,391	\$155,000	\$ 364,391
CYFS		262,678		262,678
Library				0
Tax-supported	\$ 70,000	\$ 402,069	\$ 155,000	\$ 627,069
Water	\$ 8,267	\$ 42,474		\$ 50,741
Wastewater		42,475		42,475
Stormwater	600,000	107,356		707,356
Rate-supported	\$ 608,267	\$ 192,305	\$ 0	\$ 800,572
Capital-supported	\$ 194,490	\$ 47,379		\$ 241,869
Total	\$ 872,757	\$ 641,753	\$ 155,000	\$ 1,669,510

* There are no new enhancements. The items included in the 2018 budget are from Decision Packages submitted previously in 2015.

Appendix A1 lists the tax-supported Decision Packages included in the 2018 budget, and A3 lists those deferred for future consideration.

Additional \$200,000 in budget reductions

Council's direction was to find an additional \$200,000 in budget reductions which would lower the tax increase from 3.35% to 2.99%.

It is recommended that budget refinements be used, and that adjustments be made to some of the provisions made in the budget. These are possible with the reduction of the C.P.I. provision in the draft budget from 2.1% to 1.7%.

Extraordinary Budget Items

There are a number of extraordinary items anticipated for 2018 that would normally be included in the Base Budget but are proposed to be considered separately because the base budget is not able to absorb them. These are substantial increases beyond normal inflation in the cost of some goods and services. To include them in the base budget would require reductions in other areas and service level reductions.

The items identified for 2018 total \$929,108 and consist of the following:

- Waste management – the new contract for garbage and recycling is expected to result in an annual increase of \$515,000, which is \$429,108 in excess of the provisions made in the base (inflation) and growth (1.24%) budgets.
- Tax adjustments – addressing the erosion of our assessment base for which an additional provision of \$200,000 was requested.
- Legal services – the Town is being drawn into more legal issues defending the Town and its interests for which an additional \$200,000 was requested.
- EAB (Emerald Ash Borer) – the cost of the next phase is an increase of \$100,000.

The original consideration was to offset these costs by a reduction in the infrastructure levy. This has been replaced by the following recommended measures:

1. Tax room created by payments for Phase 1 of the Honeywell project be applied - \$149,000. These payments end in 2017.
2. The waste management reserve be used to phase in the waste management increase over 2 years - \$250,000. This will be a budget driver for 2019.
3. Requested increases of \$300,000 be reduced and deferred:
 - a. tax adjustments reduced from \$200,000 to \$100,000,
 - b. legal services reduced from \$200,000 to \$100,000,
 - c. Emerald Ash Borer (EAB) \$100,000 increase deferredThese may be budget drivers in the next 1 to 3 years and will be mitigated somewhat in future years when there is a surplus.
4. Town's tax-supported ARF contributions be reduced - \$230,108.

Although the majority of these expenses are being deferred, this is considered appropriate as 2018 is an exceptional year. Staff will manage prudently and report to Council accordingly.

Strategy for Bill 148

Municipalities are challenged in calculating the impact of the Bill due to the uncertainty of the final approved requirements and what phasing may, or may not be included. During the writing of this report, Bill 148 was passed on November 22, 2017 with several amendments. Based on our current review of the new requirements, it would be responsible to include some provision. It is also important not to overburden taxpayers if there is potential for a lower impact due to legislative or operational changes. The phasing-in of an increase of this magnitude would be appropriate.

It is recommended that \$280,000 be included in the 2018 budget. The following adjustments have been made to the budget to accommodate this:

- Delayed the hiring of the Applications Support Analyst for Fire Services (Decision Package #37) to save \$30,000.
- Increased the general allowance for delayed hiring (gapping) from \$400,000 to \$500,000.
- Additional savings have been found by lowering the provision for Tax Adjustments and Legal Services by another \$50,000 each. This reduces the increases in these two areas provision to \$50,000 respectively.
- Increased user fee revenues in affected areas by a targeted \$50,000. There has not been sufficient time to finalize how this will be accomplished. Staff will report back to Council – there may be some mid-year fee increases in 2018.

This is \$45,000 more than the original recommendation and does not have any impact on the Asset Replacement Fund contributions. Staff will continue to monitor the enactment of Bill 148. Should the requirement for 2018 exceed the budget provisions, then staff will attempt to manage the budget through delayed hiring (gapping) and other means, the rate stabilization reserve would be drawn upon as required and Council would be so advised.

RATE-SUPPORTED BUDGETS

Corporate Services Report – Financial Services 2017-56 and the presentation made to Special Committee of the Whole on November 13, 2017 provided details on the 2018 Draft Rate-Supported Operating Budgets and provided an opportunity for review and discussion.

There are three financial performance indicators for rate groups. They are measures of sustainability and are included in the 6-year financial plans.

1. Rate revenues – set a ceiling for increases. Increases are lower if the other measures can still be met.
2. Contributions to the asset replacement fund (ARF)
3. Contributions to the rate stabilization reserve fund

If there are unforeseen budgetary issues that prevent the achievement of all three goals, contributions to the reserve funds will be decreased if additional rate increases are not considered to be acceptable.

Appendix A2 lists the rate-supported Decision Packages included in the 2018 budget, and A3 lists those deferred for future consideration.

Water and wastewater

Newmarket has a financially sustainable water and wastewater system. They have full cost recovery, healthy reserve fund levels, and significantly lower infrastructure gaps than other municipalities.

The increases in ARF contributions are in line with the 6-year Financial Plans. Budgeted expenses are less than anticipated. This created an opportunity to offset the projected water deficit and to decrease the revenue requirement.

Newmarket's residential charges are the 2nd highest in York Region while the large non-residential charges are the lowest. Monthly charges are being increased to the largest users. These tiered rates are being phased in and will be fully implemented by 2020. This strategy will make water more affordable for residents and small businesses.

Stormwater

Newmarket is one of only 12 municipalities in Ontario that have a storm water charge.

Storm water has \$600,000 in expenses that were not included in the 6-year financial plan (Decision Packages 1 & 2). To cover these additional expenditures and to maintain the ARF and rate stabilization contributions at the 6-year plan's level would have required a fee increase of about 50%. This was not considered acceptable. Consequently, the ARF contribution was decreased. This will not impair the 2018 program and future budgets will be adjusted to compensate.

Building Permit Rate Group ("Building Department")

The primary financial indicator for this rate group is the relationship between annual expenses and the reserve. The target is 1.5 to 2 years' worth of expenses. The proposed budget, along with no fee increase for 2018 should achieve that target.

ASSET REPLACEMENT FUND (ARF)

The Infrastructure Levy includes changes in the annual contributions to the Asset Replacement Fund (ARF). The rate-supported budgets have factored ARF requirements into their 6-year plans and are moving towards sustainability. For the tax-supported budget, including Fire and Library, this is shown as a separate levy.

The Capital Financing Sustainability Strategy recommended an annual increase in the tax-supported ARF contribution equal to a 1% tax increase. For 2018, this would be an increase of \$560,000.

ARF contributions summary

Area	2017 budget	2018 request	2018 adjustment	2018 budget
Tax-supported				
Town	\$ 7,803,398	\$ 562,000	- \$ 230,108	\$ 8,135,290
CYFS	850,000	249,600		1,099,600
Library	223,550			223,550
	\$ 8,876,948	\$ 811,600	- \$ 230,108	\$ 9,458,440
Rate-supported				
Water	\$ 2,713,083	\$ 414,073		\$ 3,127,156
Wastewater	3,674,219	266,484		3,940,703
Stormwater	983,000	43,000	- 685,488	340,512
	\$ 7,370,302	\$ 723,557	- \$ 685,488	\$ 7,408,371
Total	\$ 16,247,250	\$ 1,535,157	- \$ 915,596	\$ 16,866,811

The amounts for CYFS include the portion paid by Aurora – \$345,100 in 2017 (40.4%) and \$486,987 in 2018 (40.65%)

The adjusted 2018 increase is \$581,492 for the tax supported budgets and \$38,069 for rate supported – a total increase of \$619,561.

The increase in ARF contributions for the Town tax-supported budget has been decreased to offset the cost of extraordinary budget items. The storm water decrease offsets unplanned mandatory items. The 2018 capital program is not affected by these adjustments.

The 2018 increase in funding available for the replacement of tax-supported capital assets is at the highest level it has been since the infrastructure levy was introduced in 2013 – higher in actual dollars and proportional to taxes.

Historic funding for Newmarket's asset replacements

Area	2013	2014	2015	2016	2017	2018
Tax-supported						
Town	\$ 363,773	\$ 208,000	\$ 505,127	\$ 424,583	-\$ 983,000	\$ 327,000
Newmarket's share of CYFS		150,125				148,138
Gas Tax		36,797		115,790		115,790
	\$ 363,773	\$ 394,922	\$ 505,127	\$ 540,373	-\$ 983,000	\$ 590,928
Tax % equivalence	0.83%	0.82%	1.00%	1.02%	n/a	1.05%
Rate-supported	223,572	346,804	620,000	488,395	1,270,842	38,069
Annual increase	\$ 587,345	\$ 741,726	\$1,125,127	\$1,028,768	\$ 287,842	\$ 628,997

CYFS ARF contributions represent the Town's proportional share.

Total annual funding available for Newmarket's asset replacement

	2013	2014	2015	2016	2017	2018
Gas Tax	\$2,278,999	\$2,315,796	\$2,315,796	\$2,431,586	\$2,431,586	\$2,547,376
ARF - asset replacement fund - total	13,216,374	13,921,303	15,046,430	15,959,408	16,247,250	16,866,811
Less Aurora's share of CYFS	(241,500)	(339,575)	(341,955)	(341,700)	(345,100)	(486,987)
Total *	\$15,253,873	\$15,897,524	\$17,020,271	\$18,049,294	\$18,333,736	\$18,927,200

** Due to annual changes in Aurora's proportionate share of CYFS, the above two tables do not reconcile*

In 2017, the Stormwater Rate Group was established and \$983,000 in annual ARF funding was transferred to it from the tax-supported budget.

In 2018, Stormwater ARF contributions will be decreased by \$685,488 to cover unplanned expenses. Otherwise, the consolidated ARF increase would have been \$1,314,485.

CONSOLIDATED OPERATING BUDGETS

The following table summarizes the proposed expenses and expenditures:

SUMMARY OF OPERATING EXPENSES AND EXPENDITURES					
Area	Expenses Based on PSAB	Principal Repayment on Long-term Debt	Capital Financing	Transfer to Reserves/ Reserve Funds	Total Expenditures
Town	\$49,758,703	\$2,628,063	\$294,000	\$10,766,155	\$63,446,921
BIA	30,000				30,000
Library	3,784,717			266,106	4,050,823
CYFS	15,641,377			1,121,295	16,762,672
Tax-supported	\$69,214,797	\$2,628,063	\$294,000	\$12,153,556	\$84,290,416
Water/Wastewater	31,064,262	483,454		7,700,737	39,248,453
Storm Water	1,500,623			351,461	1,852,084
Building	2,536,701				2,536,701
Rate-supported	35,101,586	483,454	0	8,052,198	43,637,238
TOTAL	\$104,316,383	\$3,111,517	\$294,000	\$20,205,754	\$127,927,654

Expenses based on PSAB are used for financial statement reporting as regulated by the Public Sector Accounting Board (PSAB), but do not include amortization.

Principal Repayment on Long-term Debt excludes interest which is included in *Expenses*.

Capital Financing is the amount transferred from the Operating to the Capital Budget. It does not include the operating and maintenance costs of new infrastructure, which is included in *Expenses*.

Transfer to Reserves/ Reserve Funds includes \$16,866,811 contributed to the Asset Replacement Fund.

Total Expenditures are an expanded fund-based approach used for budgeting and management purposes.

CAPITAL BUDGET

Corporate Services Report – Financial Services 2017-56 and the presentation made to Special Committee of the Whole on November 13, 2017 provided details on the 2018 Draft Capital Budget and provided an opportunity for review and discussion.

Additional information was requested on three projects:

- Heritage Conservation District update (project #26)
- Fernbank Farmhouse maintenance (project #47)
- Outdoor Train (project #56)

Reports will be provided to Council on these prior to any expenditures being incurred.

There was a request for information on Fire Truck replacements – over the last 5 years and projected for the next 10 years. The response is contained within Corporate Services Information Report – Financial Services 2017-62 (forthcoming).

2018 Draft Capital Budget (in \$ millions)

	ARF	DC's	Other	General	Total
Replacement	10.9		3.6		14.5
Growth		8.7	0.6		9.3
Other	0.9		0.7	0.5	2.1
Total	11.8	8.7	4.9	0.5	25.9

The 2018 Capital Budget includes \$25,933,120 in new expenditures. Appendix B provides a list of the capital projects.

Replacements are determined by condition assessments such as the Roads Need Study; \$14,488,100 in replacements is funded from the Asset Replacement Fund (\$10.9 million), Federal Gas Tax (\$2.1 million), grants (\$795,000) and reserves (\$650,000).

Growth needs are determined by growth plans such as the Development Charges (DC) Background Study. \$9,313,020 is included to maintain service levels in the face of growth and is funded from Development Charges (\$8.7 million), reserves (\$374,000) and other sources (\$278,000).

Other includes projects and studies that address legislated and health & safety requirements, and that meet Council direction. \$2,132,000 is funded from the storm water ARF (\$914,000), general funding (\$495,000), grants (\$481,000) and reserves (\$241,000).

General funding is from either the operating budgets (tax or rate-supported, as appropriate) or from general capital reserves – those not designated for a specific purpose.

Appendix A1 lists the capital-supported Decision Packages included in the 2018 budget, and A3 lists those deferred for future consideration.

There is sufficient funding available for the proposed capital program.

NEXT STEPS

The recommendations, as may be revised by Committee of the Whole, will proceed to Council on December 4, 2017 for adoption.

Council will be presented with a report reconciling the approved budget to the budget as presented on the financial statements in April, 2018. This is in compliance with PSAB standards.

These recommended budgets, along with the 2017 Capital Carryovers, will formulate the Reserves and Reserve Funds budget which will be presented in April, 2018.

The final tax rate will be set and the all-in total will be known when we receive the Regional and School Board tax rates and obtain confirmation of the tax ratios. The setting of the Town's tax rates (previously referred to as "mill rates") will be in June, 2018.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Equipped and Well Managed through fiscal responsibility.

CONSULTATION

All members of the Senior and Operational Leadership Teams participated in the preparation of the budgets.

Members of Council provided directions, comments and questions at the Special Committees of the Whole on November 13 and 20, 2017. Appendix C contains the answers to questions.

Newmarket Public Library Board

The Newmarket Library Board approved the library's budget at their meeting on September 20, 2017.

Joint Council Committee (JCC)

On October 23, 2017 Joint Council Committee (JCC) recommended the Central York Fire Services (CYFS) budget. In compliance with the Joint Services Agreement, the capital budget was forwarded to Aurora's General Committee for review on November 7, 2017. Aurora Council is supportive of the budget.

Water and Wastewater Budgets

The Water, Wastewater and Stormwater budgets are in accordance with their 6-year financial plans, as amended, for changes in the rate structure.

Public Engagement**2018 Budget – Community Engagement Phase I and Phase II****Phase I – July to September 30, 2017**

The first objective of the community engagement plan was to have residents understand the budget process and communicate the budget theme of sustainability with a focus on the three priorities as identified by Council: Developing our corridors and community; Managing assets and maintaining our service levels; and Cultivating innovation and growth.

The second objective was to gather feedback through the "Put your money where it matters" budget game, in which residents have one "budget buck" to allocate to the priority that matters the most to them. Residents were also given the option to choose "other" and provide their own priority. The game was available both online and in person at events. A goal of collecting over 516 responses (2016's total participation rate) was set for the entire engagement campaign (July to end of October).

The three priorities, the budget process and the budget game were promoted through a new 2018 budget webpage, postcards, media releases, media pick-up, emails, the Newmarket Now e-newsletter, marquees and signage at Town facilities, Town Page ads, posters, social media posts and community events. As part of the community engagement efforts, the budget team attended a number of new Town-run events to help drive participation in the budget game.

The budget team attended a Moonlight Movies night, “New’bark’et, the Central York Fire Services annual Open House and a Farmers’ Market. In September, an incentive to enter to win a \$100 credit to apply to any future Recreation & Culture program was added to the promotion of the game to further encourage participation.

As a result of the communications tactics and community outreach efforts, a total of 531 responses were collected for Phase I of community engagement, exceeding the overall participation rate for 2016. 388 people participated in the budget game at the events and 143 responses were collected through the online version of the budget game (as of September 30, 2017).

Phase II – October 1 to end of November

Phase II of Budget Engagement took place during the months of October and November. The budget game was available online up until October 31. 18 responses were collected online from September 30 to October 31. From Phase I and Phase II, a total of 550 participants gave feedback through the “Put your money where it matters” budget game.

- **388** people participated in the budget game at the events
- **162** responses were collected through the online version of the budget game (as of October 31, 2017).

From the 550 responses total:

- 47% (257 participants) chose “Managing assets and maintaining our service levels”
- 22% (122 participants) chose “Cultivating innovation and growth”
- 21% (116 participants) chose “Developing our corridors and community”
- 10% (55 participants) chose “Other”

In addition to the budget game, residents had the opportunity to provide feedback through emailing finance@newmarket.ca, calling the Town directly, speaking with their Council Representative or attending or giving a deputation at a budget meeting. These opportunities were advertised through:

- Newmarket Now e-newsletter
- Town of Newmarket Twitter account and retweets
- Town Page of the Newmarket Era
- Postcards
- Get Involved section of snapd newspaper
- Online

A media release on the direction of the budget – what's included, what's not included and the efficiencies realized to meet the target for the budget will be issued after Council's confirmation of the 2018 Budget.

HUMAN RESOURCE CONSIDERATIONS

The budget includes appropriate staffing levels to meet legislated requirements and Council objectives.

New staffing requests are included in the Decision Packages in Appendix A. Details were provided in Financial Services Report 2017-56, Capital and Rate Supported Operating Budgets and Financial Services Report 2017-58, 2018 Tax Supported Operating Budget; which were presented to Special Committee of the Whole (Budget) on November 13 and November 20, 2017.

BUDGET IMPACT

Tax-Supported Operating Budget

The recommended draft operating budgets would result in a 2.31% "all-in" (Region, School Board, Town) tax increase to the average residential taxpayer.

	2017	2018	\$ CHANGE	% CHANGE
Town portion	\$ 1,797.52	\$ 1,851.27	\$ 53.75	2.99%
Region portion	1,892.06	1,944.47	52.41	2.77%
Municipal sub-total	\$ 3,689.58	\$ 3,795.74	\$ 106.16	2.88%
School Board Portion	910.66	910.66	0.00	0.00%
TOTAL	\$ 4,600.24	\$ 4,706.40	\$ 106.16	2.31%

- Based on an average 2017 assessment of \$508,750
- The Region and School Boards' changes do not include an estimate for the impact of tax-shifting.

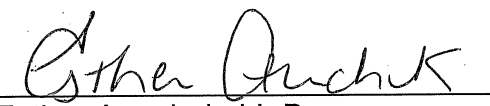

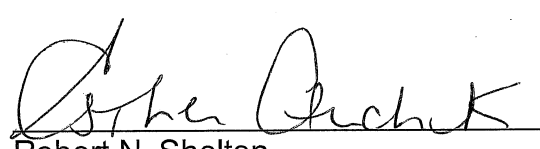
The Regional Municipality of York is considering implementing a 1% infrastructure levy in 2018. This is not included in the above table. If it had been included, the Regional increase would be \$71.33 (3.77%) and the total increase would be \$125.09 (2.72%).

Capital Budget

The recommended draft capital budget includes \$25,933,120 in new expenditures, for which there is adequate financing provided.

CONTACT

For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca


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for: Ian McDougall
Commissioner, Community Services
for: Peter Noehammer
Commissioner, Development and
Infrastructure Services
for: Robert N. Shelton
Chief Administrative Officer
MM/Im
Attachments:

- Appendix A1-A3 2018 Decision Packages Summary (3 pgs.)
- Appendix B1-B2 2018 Capital Budget Requests List (4 pgs.)
- Appendix C – Answers to budget questions from the Special Committee of the Whole Meeting held on November 20, 2017
- Appendix D – Comments from the Community Engagement Process

Appendix A1

Recommended 2018 Decision Packages - Tax Supported

Evaluation Points	DP Form #	Department	Initiative	Staffing Request Amount	Other Request Amount	Total Amount	Revenue/Recovery /Internal Charge	Net Impact on Tax	Tax Levy Increase	Net Impact on Rate or Capital	Account
MANDATORY / LEGISLATIVE											
28	8	Public Works	Facility Parking Lot & Walkway Winter Maintenance		15,000	15,000		15,000	0.03%		52811
27	4	DIS	Asset Management Implementation - 2 FTEs	194,490		194,490			0.00%	194,490	63110
27	6	Public Works	Snow Storage Dumping Fees		25,000	25,000		25,000	0.04%		32221
17	5	Public Works	Environmental Monitoring of Soil & Ground Water		30,000	30,000		30,000	0.05%		TBD
TOTAL MANDATORY / LEGISLATIVE				194,490	70,000	264,490	-	70,000	0.12%	194,490	
GROWTH -CYFS											
21	16	CYFS	4 Additional Fire Fighters	161,060	-	161,060	-	161,060	0.29%		21221
			Annualization for 2017 New FF's Hired (4)					46,076			21221
28	24	IT	Applications Support Analyst	87,133	6,450	93,583	(38,042)	55,542	0.10%		13621
Total CYFS				248,193	6,450	254,643	- 38,042	262,678			
Other Tax Supported											
22	10	Legislative Services	Enforcement Officer - Licensing	96,718	14,740	111,458	(160,375)	(48,917)	-0.09%		13121
20	25	Legislative Services	2 Enforcement Officers - Parking	156,997	12,450	169,447	(152,160)	17,287	0.03%		26112
27	27	Legislative Services	Licenses for New Land Use System		24,800	24,800	-	24,800	0.04%		26112
23	37	Public Works	Convert Solid Waste Inspector From Casual to Full-time	15,203		15,203	(15,203)	(0)	0.00%		42711
27	19	Communications	Digital Communications Specialist	87,133	2,500	89,633	-	89,633	0.16%		13141
23	33	Public Works	Conversion of 1 Parks Attendant to Full-time	26,282		26,282		26,282	0.05%		52811
27	20	Human Resources	Health & Safety Coordinator- Contract Position	30,306	-	30,306		30,306	0.05%		10225
14	38	Recreation & Culture	Convert Fitness Programmer Position to Permanent Full-time	9,067		9,067	(9,067)	0	0.00%		57346
19	23	IT	Regular Part-time Position for Telecommunications Support	47,379	-	47,379	-	-	0.00%		13621
TOTAL GROWTH				717,279	60,940	778,219	- 374,847	402,069	0.72%	47,379	
GRAND TOTAL				\$713,938	\$911,769	\$1,625,707	-\$374,847	\$472,069	0.84%	\$241,869	

Appendix A2

Recommended 2018 Decision Packages - Rate Supported

Evaluation Points	DP Form #	Department	Initiative	Category	Staffing Request Amount	Other Request Amount	Total Amount	Revenue/ Recovery /Internal Charge	Net Impact on Rate	Account
Storm Water										
27	1	Storm Water	Stormwater Management Facility Maintenance Program	Mandatory		400,000	400,000		400,000	45001
24	2	Storm Water	Catch Basin Cleaning	Mandatory		200,000	200,000		200,000	45001
27	18	Storm Water	Sr. Climate Change Coordinator -Contract to Full-Time	Growth	107,356		107,356		107,356	45001
Total Storm Water					107,356	600,000	707,356	-	707,356	
Water & Wastewater										
27	3	Water	Convert Water Quality Analyst From Contract to Full-time	Mandatory	8,267		8,267		8,267	42421
17	22	Water & Wastewater	GIS Technician- Cost Allocation to Water &WW	Growth	\$78,499	\$6,450	\$84,949		84,949	42421
Total Water & Wastewater					86,766	6,450	93,216	-	93,216	
GRAND TOTAL					\$194,122	\$606,450	\$800,572	\$0	\$800,572	

Appendix A3

2018 Decision Packages - Deferred

Evaluation Points	DP Form #	Department	Initiative	Staffing Request Amount	Other Request Amount	Total Amount	Revenue/ Recovery /Internal Charge	Net Impact on Tax	Tax Levy Increase	Net Impact on Rate or Capital	Account
ENHANCEMENT											
28	7	Public Works	Contractor for Proposed Street Tree Bylaw in Late 2017		10,000	10,000	(5,000)	5,000	0.01%		52811
22	11	Public Works	Court Snow Plowing		75,000	75,000		75,000	0.13%		32221
17	13	Public Works	Casual Staff for Forestry Management	21,600		21,600		21,600	0.04%		52811
15	12	Public Works	Washroom Cleaning Contract		63,000	63,000	(45,936)	17,064	0.03%		52811
15	14	Public Works	General Parks Response Crew	41,085		41,085		41,085	0.07%		52811
12	9	Library	Monday Services	59,977	6,212	66,189	(1,200)	64,989	0.12%		91131
9	15	Public Works	Lawn Maintenance Contractor for Non Compliant Property		15,000	15,000		15,000	0.03%		52811
TOTAL ENHANCEMENT				122,662	169,212	291,874	(52,136)	239,738	0.43%		
GROWTH											
26	36	Public Works	Additional Full-time Road Operator	74,171	1,000	75,171		75,171	0.13%		32210
23	29	Public Works	Facility Maintenance Operator	70,766		70,766	(49,766)	21,000	0.04%		57301
23	33	Public Works	Conversion of 2 Parks Attendants to Full-time	52,564		52,564		52,564	0.09%		52811
21	30	Public Works	Summer Maintenance 6 months Lead Hand Contract	13,176		13,176		13,176	0.02%		52811
21	32	Public Works	Full-time Natural Heritage Coordinator	120,741		120,741		120,741	0.22%		52811
20	25	Legislative Services	2 Enforcement Officers - Parking	156,997	12,450	169,447	(152,160)	17,287	0.03%		26112
27	20	Human Resources	Health & Safety Coordinator	65,219		65,219	(27,000)	38,219	0.07%		13221
20	21	Financial Services	Tax Clerk	72,017	-	72,017	(35,000)	37,017	0.07%		14212
20	28	Customer Services	Customer Kiosk Associates- Contract to Part-time	42,120	-	42,120	-	42,120	0.08%		13823
20	40	Customer Services	Customer Service Associate-Regular PT to FT	8,000		8,000	-	8,000	0.01%		13821
18	26	Legislative Services	Additional Records and Projects Coordinator	87,133		87,133		87,133	0.16%		13127
18	35	Public Works	Convert Fleet Admin. Assistant From Casual to Full-time	37,349		37,349		37,349	0.07%		32361
17	39	IT	GIS Analyst	96,718	6,450	103,168		103,168	0.18%		13621
16	17	Library	Technology Programming and Outreach	20,782	400	21,182	(400)	20,782	0.04%		91131
12	34	Public Works	Lawn Maintenance Contractor for New Areas		65,000	65,000		65,000	0.12%		52811/17
10	31	Public Works	Horticulture Contract Operator Conversion to FTE	22,504		22,504		22,504	0.04%		52811
TOTAL GROWTH				940,256	85,300	1,025,556	(264,326)	761,230	1.36%		35,383
GRAND TOTAL				\$1,036,352	\$1,062,919	\$2,099,271	-\$316,462	\$1,000,969	1.79%	\$35,383	

Appendix B1

2018 CAPITAL BUDGET REQUEST - Recommended

Date: November 8, 2017

Line #	Commission / Department	Project Name	Priority Ranking	Annual or Committed	Category	Total Cost	2018 Cost	ARF	DC	Reserves & Reserve Funds	Gas Tax	General	Other Funding Source	Infrastructure Grant	Operating Impact - 2018	Operating Impact - 2019	Additional Capital Needs
1	CVFS	Pads for Suppression and Prevention	3		Other	19,500	19,500			11,573			7,927				
2	CVFS	Life Cycle Replacement of Personal Protective Equipment	2		Replacement	55,000	55,000	55,000									
3	CVFS	Personal Protective Equipment & Uniforms for New Recruits	1		Growth	27,000	27,000		16,025				10,975				
4	CVFS	Purchase of an additional Prevention Vehicle	3		Growth	38,500	38,500		22,850				15,650		500		
5	CVFS	Replacement of Equipment	2		Replacement	100,000	100,000	100,000					162,900				
6	CVFS	New Fire Engines for Station 4-5	3		Growth	995,000	400,000		237,400			35,000					
7	Newmarket Fire	LED Sign for Station 4-1	1		Other	35,000	35,000										
8	Newmarket Fire	Roof Replacement - Station 4-2	2		Replacement	170,000	170,000	170,000									
9	Library	Computer Hardware & Software	2	Annual	Replacement	52,200	52,200	52,200									
10	Library	Equipment	2		Replacement	6,000	6,000	6,000									
11	General Government	DC Background Study	1		Growth	70,000	35,000		35,000								
12	Communications	WAB Project & AODA Compliance	1		Other	25,000	25,000					25,000					
13	IT	Upgrade/Repairs Desktop and Peripheral Equipment	2	Annual	Replacement	163,000	163,000	163,000									
14	IT	Server Room Equipment Replacement	2	Annual	Replacement	195,000	195,000	195,000									
15	IT	Software Licenses	2	Annual	Replacement	98,000	98,000	98,000									
16	IT	Upgrade/Repairs ERP systems	2	Annual	Replacement	200,000	200,000	200,000									
17	IT	Storage Attached Network Replacement	2		Replacement	90,000	90,000	90,000									
18	IT	GIS Upgrade & Replacement	2		Replacement	50,000	50,000	50,000									
19	IT	Internet Voting	1		Other	60,000	60,000					60,000					
20	Legislative Services	Vehicle Equipment for Enforcement Officers	1		Growth	50,000	50,000			50,000							
21	Legislative Services	Additional Vehicle for Enforcement Officers	1		Growth	33,000	33,000			33,000							
22	Recreation & Culture	Culture Master Plan	3		Other	150,000	75,000			75,000							
23	Recreation & Culture	Theatre	2		Replacement	400,000	400,000			400,000							
24	DIS - Planning	Musko GO Station Secondary Plan	1		Growth	250,000	250,000		250,000								
25	DIS - Planning	Official Plan Review	1		Growth	250,000	250,000		250,000								
26	DIS - Planning	Heritage Core, Dist. Update	2		Growth	50,000	50,000		50,000								
27	DIS - Planning	Old Main Street Trolley Plan	2		Other	65,000	65,000			65,000							
28	DIS - Planning	Residential Parking Review	2		Growth	100,000	100,000		100,000								
29	DIS - Planning	Community Energy Plan Implementation	1		Other	310,000	310,000					205,000	105,000				
30	DIS - Planning	Urban Carlen Road Network Centreline Study	3		Growth	200,000	200,000		200,000								
31	DIS	Install Street Lights on Bathurst Street	1		Growth	60,000	60,000		60,000								
32	DIS	Washway Modifications	1		Replacement	150,000	150,000										
33	DIS	Trial Lighting - TIT Trolley to CN Crossing	1		Other	160,000	160,000					80,000	80,000				
34	DIS	Davis & Bathurst Intersection Improvements (Sidewalk & Streetlighting)	2		Growth	1,550,000	1,550,000		1,550,000							50,000	
35	DIS	Engineering/Design for Future Projects	2	Annual	Replacement	850,000	850,000	850,000									
36	DIS	Yonge St. North of Davis to Green Lane Consulting	2		Growth	500,000	500,000		500,000								
37	DIS	Municipal Infrastructure Projects	2	Annual	Replacement	4,235,000	4,235,000	2,135,000									
38	DIS	Yonge Street/RRCTC Project Consulting	2	2017 Committed	Growth	200,000	200,000										
39	DIS	Streetscaping - VMA Project	3		Growth	400,000	400,000		400,000								
40	DIS	Active Transportation Plan Implementation	1	2017 Committed	Growth	150,000	150,000		150,000								
41	DIS	Bridge and Culvert Inspection, Repair and Replacement	1	Annual	Replacement	550,000	550,000	275,000					275,000				
42	DIS	Major Centre Road Replacement	1		Replacement	950,000	950,000	950,000									
43	DIS	Town Energy Reduction Plan	1		Other	40,000	40,000					40,000					
44	DIS	Demolition of Scout Hall	1		Replacement	65,000	65,000										
45	DIS	Sauelle Building - Glenview	3		Growth	500,000	500,000		500,000								
46	DIS	365 Mlock Building Maintenance Need	2		Replacement	125,000	125,000	125,000									
47	DIS	Feedback Farmhouse Maintenance	2		Replacement	600,000	600,000			250,000			350,000				
48	DIS	All Other Facility Maintenance Needs	2	Annual	Replacement	934,500	934,500	934,500									
49	DIS	Accessible Upgrade to Park Washrooms	1		Replacement	50,000	50,000	50,000									
50	DIS	Urban Forestry Management Program	1		Other	50,000	50,000					50,000					
51	DIS	Suniel Park Development	2	2017 approved without amount	Growth	230,020	230,020						88,720				10,000

2018 CAPITAL BUDGET REQUEST - Recommended

Date: November 8, 2017

Line #	Commission / Department	Project Name	Priority Ranking	Annual or Committed	Category	Total Cost	2018 Cost	ARF	DC	Reserves & Reserve Funds	Gas Tax	General	Other Funding Source	Infrastructure Grant	Operating Impact - 2018	Operating Impact - rates	Operating Impact - 2019	Additional Capital Needs
52	DIS	Spots Field Lighting Replacement	2		Replacement	1,016,000	1,016,000	1,016,000	-	-	-	-	-	-	-	-	50,000	
53	DIS	Recreation Playbook Implementation	1	2017 Committed	Growth	1,013,000	1,013,000	-	911,700	101,300	-	-	-	-	-	-	192,000	
54	DIS	Secondary Plan - Historic Park Design & Implementation	1		Growth	190,000	190,000	-	135,000	15,000	-	-	-	-	-	-		
55	DIS	George Richardson Park North Playing Site for User Groups	2		Replacement	275,000	275,000	275,000	-	-	-	-	-	-	-	-		
56	DIS	Outdoor Trail	2		Replacement	100,000	100,000	100,000	-	-	-	-	-	-	-	-		
57	DIS	Netting for Bad Diamonds	2	2017 Committed	Replacement	225,000	225,000	225,000	-	-	-	-	-	-	-	-		
58	DIS	Tree Canopy Increasing Planting	3		Other	90,000	90,000	-	-	80,000	-	-	-	-	-	-		
59	DIS	Truck - Solid Waste	2		Growth	50,000	50,000	-	45,000	5,000	-	-	-	-	-	-		
60	DIS	Vehicles and Equipment Replacement	2	Annual	Replacement	1,254,000	1,254,000	1,254,000	-	-	-	-	-	-	-	-		
61	DIS	Mini Excavator	2		Growth	95,000	95,000	-	95,000	-	-	-	-	-	-	-		
62	DIS	Asset Management Strategy Implementation	1		Replacement	498,400	498,400	326,400	-	-	-	-	-	170,000	-	-		
63	DIS	Capital Projects - Engineering Staff Time	2	Annual	Replacement	900,000	900,000	900,000	-	-	-	-	-	-	-	-		
64	Water	Watermain Replacement - 380 Bayview Parkway	2		Replacement	100,000	100,000	100,000	-	-	-	-	-	-	-	-		
65	Water & Wastewater	Wastewater Master Servicing Study Implementation	2	2017 Committed	Growth	1,281,500	1,281,500	-	1,281,500	-	-	-	-	-	-	-		
66	Storm Water	Stormwater Management Pond Clean Outs	1		Other	714,000	714,000	714,000	-	-	-	-	-	-	-	-		
67	Storm Water	Local Inland Development (LID) & New Stormwater Facilities	3	2017 Committed	Other	200,000	200,000	200,000	-	-	-	-	-	-	-	-		
68	DIS	Hester Park Trail & Breathing Space Construction	1		Growth	1,700,000	1,700,000	-	1,530,000	170,000	-	-	-	-	-	-		
69	DIS	Vehicle Charging Stations	3		Other	18,000	18,000	-	-	-	-	-	-	-	-	-		
70	DIS	LED Lighting Pathways	1		Other	180,000	180,000	-	-	-	-	-	-	-	-	-		
80	DIS	LED Lighting Upgrade	3		Other	28,000	28,000	-	-	-	-	-	-	-	-	-		
81	DIS	RECLAS Water Treatment	3		Other	42,500	42,500	-	-	-	-	-	-	-	-	-		
82	DIS	Greenbus Operating System	3		Other	20,000	20,000	-	-	-	-	-	-	-	-	-		
79	Legislative Services	Vehicle Replacement	2		Replacement	33,000	33,000	33,000	-	-	-	-	-	-	-	-		
TOTAL						\$26,933,120	\$25,933,120	\$11,857,100	\$9,650,775	\$1,265,673	\$2,100,000	\$895,000	\$1,554,372	\$0	\$3,000	\$0	\$302,000	

Appendix B2

2018 CAPITAL BUDGET REQUEST - Deferred

Date: November 8, 2017

Line #	Commission / Department	Project Name	Priority Ranking	Amount Committed	Category	Total Cost	2018 Cost	ARF	DC	Reserves & Reserve Funds	Gas Tax	General	Other Funding Source	Infrastructure Grant	Operating Impact - 2018	Operating Impact - 2019	Operating Impact - 2019	Additional Capital Needs
71	General Government	Business Continuity Plan	3		Other	50,000	50,000					50,000						
72	DIS	Kingsdale Shoulder Rehabilitation	3		Other	70,000	70,000	-	-	-	-	70,000	-					
73	DIS	Asphalt Paving of Old Bathurst Street	3		Other	275,000	275,000	-	-	-	-	275,000	-					
74	DIS	Rehabilitate Avinger Pkwy - Seniors Meeting Place	3		Other	250,000	250,000	-	-	-	-	250,000	-					
75	DIS	Fuelty Improvement	3		Other	656,500	656,500					656,500						
76	DIS	Self Cleaning Washroom	3		Other	150,000	150,000	-	-	-	-	150,000	-					
77	DIS	Trail Paving John F Smith Trail	3		Other	275,000	275,000	-	-	-	-	275,000	-					
78	DIS	Paving of Limestone Walkways	3		Other	134,745	134,745	-	-	-	-	134,745	-					
Total Deferred						\$1,861,245	\$1,861,245	\$0	\$0	\$0	\$0	\$1,861,245	\$0	\$0	\$0	\$0	\$0	\$0

APPENDIX D – Comments from Phase I of Community Engagement – “Put your money where it matters budget game, updated as of October 31, 2017 (*update includes three final comments in list*).

Comments include those written in “Other” category or as part of opportunity to give open-ended feedback on the back of the “budget bucks” and online.

- Create more sports facilities for kids
- Renovating and revitalizing the Seniors' Meeting Place
- Plan for new public library
- Get side streets fixed up
- Maintain and improve infrastructure
- Protect our green spaces and Main Street
- Adhere to the town-wide plan with targeted intensification
- New dog parks
- Proper designated bike lanes
- More bike lanes
- Improve parks for families
- Preserve the heritage of Main Street
- Address crime
- No water rate increase
- New library in next 5 years
- Put money against our debt
- More development on Main Street to keep the small town feel
- Redo Cane Parkway
- Recreation
- Maintain historic downtown
- Maintaining and updating our parks and green space
- Maintain services as are
- Roads and service, road repair, bike accessible
- Managing our park and recreation programs
- Bike lanes by library corner at park and main
- Northbound ramp to the 404 from Mulock and a southbound exit
- Keeping historic Main Street the same/avoid large change
- Downtown parking
- The industrial area of Harry Walker Parkway needs to be re-vamped, losing industry to other jurisdictions
- Improve air quality in the 404/Leslie/Mulock area
- Maintain Downtown
- Lower taxes/ don't waste money
- Intensification on main corridors

- Stop wasting tax dollars;
- Promote smaller classes in schools, more help for teachers
- The Town should not be competing with private business e.g. the Fitness Centre
- Heritage development in downtown centre
- More small businesses, artist, musicians and cultural identity
- Preserve small town community feel
- More non chain-restaurants and less box stores
- Our emergency department needs to be cleaned up at Southlake
- Getting rid of debt
- Entertainment for the teen population
- Pay off debt
- Dirt transfer station, at new roots garden centre
- Make Niagara Street one way
- Develop/intensify Main Street
- Get clock tower into action
- Love the Downtown/Riverwalk commons and events
- There still needs to be a focus on the Downtown
- Don't want new Yonge/Davis buildings to overshadow existing residents
- These areas of focus seem to overlap each other. I don't understand the difference between them
- Downtown parking issues need to be addressed
- Can we get YRT buses off Davis or into the VIVA lanes? They are causing traffic to slow down and congestion along Davis Drive. Will this be the same for Yonge Street?
- We moved to Newmarket for the small Town feel, love the Downtown, but it has gotten too big creating too much traffic congestion. Considering moving out
- Housing way too expensive, need condo's for our children to be able to live here
- Environmental protection
- Decent affordable housing, 1 million Canadians use a food bank, youth mental health crisis, the curriculum is grueling
- Developing our Corridors and community, as long as it includes protection of our green spaces and continued development of our trail system
- Traffic mitigation
- Organizing mental health services (**comment from Phase II**)
- Safety (**comment from Phase II**)
- Research (**comment from Phase II**)



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Memorandum #2

Use of Corporate Resources & Election Campaign Activities Policy

November 27, 2017

This second memorandum will provide Members of Council with additional information on the revisions to the Town's existing Use of Corporate Resources & Election Campaign Activities Policy following the discussion held at the November 13, 2017 Council meeting.

Discussion at Council on November 13, 2017

A number of concerns were addressed by Council on November 13, 2017, and the following highlights the amendments that have been made to the Policy. The major amendments to the Policy are highlighted in yellow.

- **Policy Title**

It was suggested that the title "Use of Corporate Resources in an Election Period Policy" did not reflect all of the areas that the Policy covers. As such, the title of the Policy has not changed, and remains "Use of Corporate Resources & Election Campaign Activities Policy".

- **Purpose**

There was discussion regarding the primary purpose of the Policy. Additional language in the purpose has been added to reflect that the Policy develops a framework intended to protect incumbent candidates from, any real or perceived material advantage, over non-incumbent candidates because incumbent candidates have access to corporate resources during election periods.

- **Definitions**

Following the discussion at Council, staff included three new definitions to the Policy to provide clarity and assist candidates with understanding what "campaign activity", "corporate resource", and "event" mean. The definitions are as follows:

Campaign Activity means any activity, using campaign materials, by or on behalf of a candidate, political party, or registered third party meant to elicit support during the election period.

Corporate Resource means anything that a person would have access to only by virtue of their elected Office or employment with the Town of Newmarket. This includes items such as the use of: an Office title (such as "Mayor", "Deputy Mayor & Regional Councillor", or "Councillor"); Town employees; Town events; Town facilities; Town funds; information; and infrastructure.

Event means an organized activity that is not a campaign activity.

- **Permitted Activities for Members and Candidates**

Section 4 of the Policy lists the activities for Members of Council during a municipal election period, and Candidates during other election periods. This means that there are some activities that are not permitted for **all** Members of Council as of May 1 in an election year, even if they have not filed their nomination papers. This Policy applies to all Members of Council, whether or not they are seeking re-election. This scope is not new to the Policy; however, it is highlighted in this memorandum for the purposes of demonstrating how section 4 of the Policy would be applied. Section 4 also applies restrictions to Members of Council who may be a candidate in a provincial election, federal election, or leadership contest.

- **Using Corporate Resources to Organize Events**

To ensure that incumbent candidates (i.e. Members of Council) do not enjoy any real or perceived material advantage over non-incumbent candidates it is recommended that the Policy creates a framework for all types of events, both campaign and non-campaign related.

There were concerns regarding restricting Members of Council from holding events that have not been held within the previous two years. Section 4 of the Policy now states that as of May 1, all Members of Council are not permitted to use corporate resources for organizing/hosting an event, seek donations for an event or seek sponsorships for an event. This does not restrict Members of Council from hosting or organizing an event or seeking donations or sponsorships for an event; however, it only restricts Members from using corporate resources for this purpose, and therefore does not create an advantage for any candidate during an election period.

- **Applicability of Policy for Events in 2018**

Staff from the executive offices and Legislative Services have reviewed the number of events that Members of Council are currently organizing for 2018. It was noted that all events will be held prior to May 1, 2018, except for the Council-endorsed Mayor's Golf Tournament (which is scheduled for September 2018). Save the date invitations for this event have already been distributed, and planning and organization of the event has begun.

As a transition period for the implementation of this section within the Policy, and given that the Mayor's Golf Tournament is Council-endorsed, it would be recommended that this event be discontinued after 2018.

Attachment

Revised Use of Corporate Resources & Election Campaign Activities Policy - dated November 27, 2017

Contact

For more information, contact Lisa Lyons, Director of Legislative Services
llyons@newmarket.ca



Corporate Policy

Sub Topic:	Use of Corporate Resources & Election Campaign Activities Policy	Policy No. Corp.1-01
Topic:	Use of Corporate Resources & Election Campaign Activities Policy	Applicability: Members of Council, Election Candidates, Third Party Advertisers & All Employees
Section: Legislative Services, Corporate Services		Council Adoption Date: December 12, 2005
Effective Date: December 12, 2005		Date: November 27, 2017
	Revision No: 2	

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. It also ensures that incumbent municipal candidates do not enjoy any material advantage over other candidates through the use of corporate resources. This Policy develops a framework for addressing any real or perceived advantages that incumbent candidates may have over non-incumbent candidates.

Scope

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

Definitions

Note: Defined terms in this Policy have been bolded.

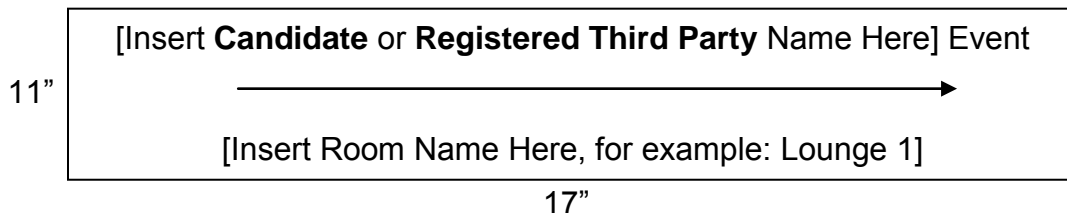
Candidate means any person who has filed, and not withdrawn a nomination, for an elected office at the municipal, regional, school board, provincial or federal level, or political party in an **election** or by-election.

Campaign Activity means any activity, using **campaign materials**, by or on behalf of a candidate, political party, or registered third party meant to elicit support during the election period.

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.

Corporate Resource means anything that a person would have access to only by virtue of their elected Office or employment with the Town of Newmarket. This includes the items such as use of: an Office title (such as “Mayor”, “Deputy Mayor & Regional Councillor”, or “Councillor”); Town **employees**; Town events; **Town facilities**; Town funds; information; and infrastructure.

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 is defined for the purposes of this policy as follows:

Regular municipal election (includes regional and school board)	the period commences on the first day nominations may be filed and ending on Voting Day .
Municipal by-election (includes regional and school board)	the period commences on the first day nominations may be filed and ending on Voting Day
Provincial or federal election	the election period commences the day the writ for the election is issued and ends on Voting Day ;
Provincial party leadership contests	the period commences with the date of registration as a candidate 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.

Event means an organized activity that is not a **campaign activity**.

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 premises of that facility such as parking areas. Including but not limited to: The Magna Centre, Ray Twinney Recreation Complex, Lions Hall, Community Centre, and 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 45th 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. General Policy Principles

- 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 in support of or opposition of a question on the ballot during an **election period**.
- 1.2 Nothing in this Policy shall preclude a **Member** 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 activities**, 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 5 of this Policy.
- 1.7 **Members** may not use **corporate resources** for **campaign activities**, to print or distribute campaign material, or for any **election-related** purpose.
- 1.8 **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 **election-related**.

- 1.9 **Member's** 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 or **campaign activities**.

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

- 2.1 **Candidates** and **registered third parties** may not display **campaign materials** or hold/host **campaign activities** 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 Despite subsection 2.1 of this Policy, **Candidates** and **registered third parties** shall not use the Municipal Offices (located at 395 Mulock Drive) or the Town's Operations Centre (located at 1275 Maple Hill Court) to display **campaign material** or undertake **campaign activities**.
- 2.3 **Candidates** and **registered third parties** shall not rent **Town facilities** for **campaign 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** or undertake any **campaign activities** for themselves, a political party, registered third party, or in support of or opposition of a question on a ballot.

- 3.2 With the exception of the Municipal Offices (395 Mulock Drive), and the Operations Centre (1275 Maple Hill Court), **candidates** and **registered third parties** may attend, campaign, and undertake **campaign activities** at non-Town organized **events** held at Town-owned facilities only with the permission of the **event** permit holder.

4. **Activities not permitted for: 1) Members of Council during a Municipal Election Period; and, 2) Candidates during other Election Periods**

- 4.1 In any material printed or distributed by the Town of Newmarket, using **corporate resources**, **Members** during a municipal **election period**, or **candidates** in other **election periods**, are not permitted to:
- 4.1.1 Illustrate that an individual (either a **Member** or any other individual) is a **candidate** registered in any **election**;
 - 4.1.2 Identify where they or any other individual will be running for office; or,
 - 4.1.3 Profile or make reference to a **candidate** in any **election**.
- 4.2 **Members** during a municipal **election period**, or **candidates** in other **election periods**, may not hold **Ward Meetings** during this period.
- 4.3 The Town shall not provide the following to **Members** during a municipal **election period**, or **candidates** in other **election periods**, and will resume these services the day after the end of the **election period**:
- 4.3.1 All forms of advertising, including in municipal publications;
 - 4.3.2 All printing, high speed photocopying for distribution including but not limited to distribution of publications such as newsletters;
 - 4.3.3 The ordering and use of custom branded stationery; and,
 - 4.3.4 All expenses related to ward or community meetings, business cards.
- 4.4 Notwithstanding section 4.3 **Members**, or **candidates** in other **election periods**, may make a request to Council to direct staff to use **corporate resources** to inform constituents of emerging, urgent community issues during an **election period**.

- 4.5 Subject to the Elected Officials Expense Policy and the Guidelines for Discretionary Expenses, all expenses as outlined in section 4.3 of this Policy are subject to the following:
- 4.5.1 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.
 - 4.5.2 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.
- 4.6 **Members** during a municipal **election period**, or **candidates** in other **election periods**, shall not use **corporate resources** to organize/host an **event**, seek donations for an **event**, or seek sponsorships for an **event**.
- 4.7 Ward publications will not be distributed following the start of the **election period** in a municipal **election** year, or the day after a **candidate** files his/her nomination papers in other **election periods**.

5. Procedures for Town of Newmarket Employees

- 5.1 **Employees** shall not use **corporate resources** in support of or in opposition to a **candidate**, political party, or **registered third party**.
- 5.2 **Employees** shall not canvass nor actively work in support of or in opposition to 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.
- 5.3 **Employees** shall not canvass nor actively work in support of or in opposition to 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.
- 5.4 **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**.
- 5.5 **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**.
- 5.6 **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.

- 5.7 **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.

6. Administration and Contact

- 6.1 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.
- 6.2 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, as amended
 Canada Elections Act, S.C. 2000, c.9, as amended
 Election Act, R.S.O. 1990, c. E.6, as amended
 Municipal Act, 2001, as amended
 Municipal Conflict of Interest Act, 1990, as amended
 Council Code of Conduct
 Employee Code of Conduct
 Use of Corporate Logo, Crest and Images Policy



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Memorandum

External Legal Review of standalone Election Sign By-law

November 27, 2017

As stated on page 8 of Legislative Services report 2017-25 entitled “Revisions to Sign By-law and standalone Election Sign By-law”, staff advised Members of Council that Newmarket was participating in a shared external legal review of the standalone Election Sign By-law with other York Region municipalities. The legal review has completed, and the following highlights the subsequent revisions made to the By-law. The amendments to the By-law are highlighted in yellow for ease of reference.

Definitions

Given that Third Party Advertising will be new to municipal elections in 2018, the By-law has been revised to reflect a definition that more closely aligns with the Municipal Elections Act. The definition of Third Party Advertising is as follows:

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

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

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

It was recommended that the definition of Third Party Election Sign be removed as it created redundancy with the definition of “Election Sign”.

Election Signs

It was recommended that the By-law address billboard and vehicles used as election signs in a separate section to ensure that the regulations are clear. As such, section 4.4 now states:

- 4.4 No Owner shall Place or permit to be Placed, a Billboard Sign or an Election Sign on a vehicle that:
- (a) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
 - (b) Impedes or obstructs the Town’s maintenance operations;
 - (c) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;

- (d) Is within a Sight Triangle;
- (e) Simulates any traffic Sign, traffic signal, any other Sign that directs the movement of traffic, or any official Sign;
- (f) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
- (g) Is in a state of disrepair or is located where it is a general hazard to public safety; or,
- (h) Be Placed so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a Highway.

Attachment

Revised Draft Election Sign By-law

Contact

For more information, contact Kiran Saini, Deputy Town Clerk, ksaini@newmarket.ca

The Corporation of the Town of Newmarket**By-law Number 2017-XX**

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

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

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

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

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

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

1. Short Title of By-Law

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

2. Scope

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

2.2 Words that are defined in Section 3 below but appear within this By-law unbolded and without the first letter capitalized shall have their ordinary and plain meaning.

3. Definitions

Note: Defined terms in this By-law are in bold and the first letter has been capitalized.

In this By-law:

“Billboard Sign” means an outdoor **Sign** maintained by a person engaged in the sale or rental of space on the **Sign** to a client, upon which advertising of a business, activity, goods, products, services or facilities is not located or offered on the premises.

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

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

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

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

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

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

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

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

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

- (c) A **Candidate** or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**;

Election Signs include **Signs Placed** by a **Registered Third Party**.

"Fascia Sign" means a sign applied to or erected on and entirely supported by the wall of a building or structure.

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

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

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

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

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

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

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

"Person" means an individual, business, firm, body corporate, corporation, unincorporated business, partnership, association, **Trade Union**, or municipality.

"Place" means to: attach, install, erect, build, construct, reconstruct, move, display or affix. **"Places"** and **"Placing"** shall have the same meaning.

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

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

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

- (a) An individual who is normally a resident in Ontario;
- (b) A corporation that carries on business in Ontario; or,
- (c) A trade union that holds bargaining rights for employees in Ontario.

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

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

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

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

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

“Third Party” means any **Person** who is not a registered **Candidate**, political party, or constituency association who incurs expenses with respect to a **Third Party Advertisement**.

Third Party Advertisement means an advertisement under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act** in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing:

(a) A certified **Candidate**;

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

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

~~**“Third Party Election Sign”** means an Election Sign, the expense for which has been incurred by a Registered Third Party. For greater certainty, Third Party Election Signs shall not be under the direction of a certified Candidate for public office in a municipal, provincial, or federal election.~~

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

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

“Trade Union” means a trade union as defined in the federal Labour Relations Act, 1995 or the Canada Labour Code (Canada) and includes a central, regional or district labour council in Ontario.

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

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

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

“**Voting Location**” shall also include any location that has been established as a Voter Assistance Centre by the Clerk.

4. General Prohibitions

4.1 No **Owner** or **Person** shall **Place** or permit to be **Placed** a **Sign** except in accordance with this By-law.

4.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** that:

- (a) Is illuminated, has flashing lights, or rotating parts;
- (b) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
- (c) Impedes or obstructs the **Town's** maintenance operations;
- (d) Is on a **Roadway**;
- (e) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
- (f) Is less than 10 metres (32.8 feet) from a **Roadway** on a **Highway** where pedestrians are prohibited;
- (g) Is on a median or island located within the **Roadway** or a roundabout;
- (h) Is within a **Sight Triangle**;
- (i) Is less than 3 metres (9.8 feet) from a **School Crossing**;
- (j) Is less than 30 metres (98.4 feet) from an **Intersection Pedestrian Signal**;
- (k) Is between the curb and the **Sidewalk**, where there is a **Sidewalk**;
- (l) Is located within 1.8 metres (6 feet) away from the face of the curb or edge of pavement of a **Roadway** and where there is a **Sidewalk**, not within 0.6 metres (2 feet) of such **Sidewalk**;
- (m) Is on a trailer;

- (n) Simulates any traffic **Sign**, traffic signal, any other **Sign** that directs the movement of traffic, or any official **Sign**;
 - (o) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
 - (p) Is affixed to public utility poles, telephone pole, hydro pole, light standard or any other utility infrastructure using items such as, but not limited to: nails, screws, tacks, staples, glue or wire;
 - (q) Is in a state of disrepair or is located where it is a general hazard to public safety;
 - (r) Is **Placed** on, painted on, attached to, or supported by a tree, stone or other natural object;
 - (s) Be **Placed** so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a **Highway**; or,
 - (t) Be **Placed** on a boundary fence line or noise attenuation wall which is located on **Public Property**.
- 4.3 Clause 4.2(l) does not apply when the **Sidewalk** is less than 0.6 metres (2 feet) from the main wall of the building, in which case the **Election Sign** shall be placed at the furthest distance possible from the **Sidewalk** or from the face of the curb or edge of pavement.

4.4 No Owner shall Place or permit to be Placed, a Billboard Sign or an Election Sign on a vehicle that:

- (a) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
- (b) Impedes or obstructs the **Town's** maintenance operations;
- (c) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
- (d) Is within a **Sight Triangle**;
- (e) Simulates any traffic **Sign**, traffic signal, any other **Sign** that directs the movement of traffic, or any official **Sign**;

- (f) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
 - (g) Is in a state of disrepair or is located where it is a general hazard to public safety; or,
 - (h) Be **Placed** so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a **Highway**.
- 4.5 No **Candidate** or **Registered Third Party** shall **Place** or permit to be **Placed** an **Election Sign**, that is visible, in or on a vehicle that is parked or stopped on the property of any premise used as a **Voting Location** on any **Voting Day**, including during the advanced voting days or period.
- 4.6 No **Owner** shall display, on any **Election Sign**, a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the **Town**.
- 4.7 **Mobile Signs** are not permitted to be used as **Election Signs**.
- 4.8 No **Owner** shall display, **Place** or permit to be **Placed** an **Election Sign** on or in a **Voting Location** or the abutting municipal **Boulevard**.

5. Election Signs

- 5.1 No **Candidate** or **Registered Third Party** shall **Place** or permit to be **Placed** an **Election Sign** without obtaining an election sign permit and making payment of the prescribed election sign permit fee. The election sign permit shall be:
- (a) In a form prescribed by the **Town**; and,
 - (b) Accompanied by the prescribed election sign permit fee in accordance with the Town's Fees and Charges By-law.
- 5.2 Subject to subsection 5.1, an **Owner** shall only **Place** or permit to be **Placed** an **Election Sign** for a federal or provincial election or by-election the day after the writ of an election or by-election is issued.
- 5.3 Subject to subsection 5.1, an **Owner** shall only **Place** or permit to be **Placed** an **Election Sign** for a municipal election after the **Candidate** has filed his or

her nomination with the **Town Clerk**, or in the case of a **Registered Third Party**, registered with the **Town Clerk**, and no earlier than:

- (a) 10:00 AM 28 calendar days (4 weeks) prior to **Voting Day** in the year of a regular election or by-election; or,
- (b) 10:00 AM Nomination Day for a by-election, if Nomination Day is less than 28 calendar days (4 weeks) prior to **Voting Day**.

5.4 Despite subsections 5.2 and 5.3, an **Election Sign** which is a **Fascia Sign** may be **Placed** to the face of the building or building unit which is used as a **Campaign Office** provided that:

- (a) The sign complies with the Fascia Sign provisions of the Town's Sign By-law as amended from time to time;
- (b) The **Candidate** has filed his or her nomination with the **Town Clerk**, or in the case of a **Registered Third Party**, registered with the **Town Clerk** and paid the applicable nomination filing fees; and,
- (c) Submitted a permit and paid the permit fee in accordance with subsection 5.1.

5.5 **Election Signs Placed** or permitted to be **Placed** by a **Registered Third Party** shall include the following information in accordance with the **Municipal Elections Act**:

- (a) The name of the **Registered Third Party**;
- (b) The municipality where the **Third Party** is registered; and,
- (c) A telephone number, mailing address, or email address to contact the registered party.

5.6 **Election Signs Placed** or permitted to be **Placed** by a **Registered Third Party** shall include the necessary information required in accordance with the **Canada Elections Act** or, the **Election Act**, as the case may be.

5.7 A **Third Party** that does not register in accordance with the **Municipal Election Act**, **Election Act**, or **Canada Elections Act**, is not permitted to **Place Election Signs**.

6. Size

6.1 With the exception of a **Billboard Sign**, an **Election Sign** shall only have a maximum:

- (a) **Sign Area** of 1.49 square metres (16 square feet);
- (b) Height of 1.22 metres (4 feet); and,
- (c) Width of 1.22 metres (4 feet).

7. Private Property

7.1 Subject to subsection 4.2, **Election Signs** are permitted on **Private Property**, provided that:

- (a) The property owner, tenant, or occupant of the property consents;
- (b) Unless the property has more than 1 abutting street line, the number of **Election Signs**, per **Candidate** or per **Registered Third Party Placed** or permitted to be **Placed**, can be no more than the number of abutting street lines on the **Private Property**;
- (c) The **Election Sign** does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and,
- (d) No **Election Sign** shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of a building including, but not limited to: emergency water connections, or fire hydrants.

7.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** on a right-of-way adjacent to a private residence unless permission has been granted by someone in the household, who is not a minor.

7.3 In a rural residential area or on a farm, **Election Signs** shall only be **Placed** or permit to be **Placed** within the portion of **Private Property** being maintained for residential purposes.

8. Public Property

8.1 In addition to the limitations in subsection 4.2, an **Owner** shall not **Place** or permit to be **Placed** an **Election Sign** on **Public Property** at any of the

intersections listed in accordance with Schedule A of the Regional Municipality of York's Sign By-law 2015-36, as amended from time to time.

- 8.2 No **Owner** shall **Place** or permit to be **Placed** an **Election Sign** within a **Park**.

9. Election Signs on Highways

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

10. Removal of Election Signs

- 10.1 Every **Person** shall remove from the property his, her or its **Election Sign** within 72 hours (3 days) immediately following **Voting Day**.
- 10.2 The **Town Clerk** and/or a **Municipal Law Enforcement Officer** may remove any **Election Sign Placed** in contravention of this By-law without notice.
- 10.3 The **Town Clerk** and/or a **Municipal Law Enforcement Officer** may destroy any **Election Signs** which have been removed and not claimed and retrieved by the **Owner** within the time period as prescribed by the **Town Clerk**. **Election Signs** removed in accordance with this By-law may be destroyed or otherwise disposed of by the **Town** without notice and/or compensation to any party.
- 10.4 The **Town** may recover the expense for the removal of an **Election Sign** under subsection 10.2 of this By-law from the **Owner** of such **Sign** or **Signs** and may commence proceedings against the **Owner** to recover such costs.
- 10.5 An **Owner**, or any **Person** acting on behalf of the **Owner** may, at any time following **Voting Day**, retrieve the **Election Sign** at no cost.

- 10.6 The **Town Clerk** may make regulations under this By-law prescribing the rules and procedures for the retrieval and destruction of **Election Signs** removed under this By-law, without limitation, the form of and any information required to be provided to the **Town Clerk** and/or a **Municipal Law Enforcement Officer** to authorize the release of an **Election Sign**, dates on or by which an **Election Sign** may be retrieved or destroyed, and the manner in which notice may be given to an **Owner** relating to the retrieval and destruction of an **Election Sign**.
- 10.7 The **Town Clerk** may make regulations under this By-law prescribing the rules for collecting unpaid fines.
- 11. Fees**
- 11.1 All fees are to be paid in accordance with the Town of Newmarket Fees and Charges By-law.
- 11.2 **Election Sign** permit fees are non-refundable.
- 11.3 The **Town** Treasurer, or his or her designate, will place all unpaid removal of **Election Sign** fees on the **Candidate** or **Registered Third Party's** municipal tax roll or send the unpaid fees to a financial collection agency.
- 12. Order**
- 12.1 If a **Municipal Law Enforcement Officer** is satisfied that this By-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.
- 12.2 An Order to Discontinue Activity shall set out:
- (a) The municipal address of the property on which the contravention occurred;
 - (b) The date of the contravention;
 - (c) The reasonable particulars of the contravention of the by-law; and,
 - (d) The date by which there must be compliance with the order.
- 12.3 No **Person** shall contravene an Order to Discontinue Activity.

13. Service of Order

13.1 The Order to Discontinue Activity may be served by:

- (a) Personally on the **Person** to whom it is directed;
- (b) Registered mail or regular mail to the last known address of that **Person**, in which case it shall be deemed to have been given on the fifth day after it is mailed; or,
- (c) E-mail to the last known e-mail address of that **Person**, in which case it shall be deemed to have been given on the day after it is e-mailed.

14. Power of Entry

14.1 The **Town** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) The provisions of this By-law;
- (b) An Order issued under this By-law; or,
- (c) An Order made under Section 431 of the Municipal Act.

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

- (a) Require the production of documents or relevant items for inspection;
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) Require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) Alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

- 14.3 The **Town** may undertake an inspection pursuant to an Order issued under Section 438 of the Municipal Act.
- 14.4 The **Town's** power of entry may be exercised by an employee, inspector or agent of the **Town** or by a member of a police force with jurisdiction, as well by any person under his or her direction.
- 14.5 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, a **Municipal Law Enforcement Officer**, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.
- 14.6 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.
- 15. Offence, Penalty and Presumption**
- 15.1 Every **Person** or **Owner** who contravenes any provision of this By-law is guilty of an offence.
- 15.2 If an **Election Sign** has been **Placed** or displayed in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 15.3 Every **Person** or **Owner** who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00);
 - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than two hundred dollars (\$200.00) and not more than one hundred thousand dollars (\$100,000.00);
 - (c) Upon conviction for a continuing offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) for each day or part of a day that the offence continues. The total of the daily fines is not limited to one hundred thousand dollars (\$100,000.00);
 - (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00). The

total of all fines for each included offence is not limited to one hundred thousand dollars (\$100,000.00).

- 15.4 For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 15.5 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 15.6 Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this bylaw, any **Person** or **Owner** named on the **Sign** or **Election Sign** shall be presumed to have been the **Person** or **Owner** who **Placed** or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.7 Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this By-law, and the **Sign** or **Election Sign** has no **Person’s** or **Owner’s** name on it, but a telephone number appears on the **Sign** or **Election Sign**, any **Person** or **Owner** to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the **Person** or **Owner** who **Placed** or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.8 Where a **Sign** or **Election Sign** is **Placed** or displayed by a **Third Party** or **Registered Third Party** in contravention of any provision of this By-law, the corporation, trade union, or an individual of the **Third Party** or **Registered Third Party** shall be presumed to have knowingly concurred in the **Placement** or displaying of the sign in contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.9 Where an authorized officer or **Municipal Law Enforcement Officer** has reasonable grounds to believe that an offence has been committed by any **Person** or **Owner**, the authorized officer or **Municipal Law Enforcement Officer** may require the name, address and proof of identity of that person or **Owner**, and the person or **Owner** shall supply the required information.

16. Enforcement

- 16.1 This By-law may be enforced by the **Municipal Law Enforcement Officer** or by any other person appointed by the **Town** for the purpose of enforcing this By-law.

17. Severance

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

18. Indemnification

- 18.1 The **Candidate, Owner, Registered Third Party** or **Third Party** shall indemnify and hold harmless the **Town** and/or the Region (and the respective officers, Council members, partners, agents and employees of the Town and/or the Region) from and against (a) all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the **Town** and the Region, and (b) against all losses, damages, liabilities, judgements, claims, suits, demands or expenses which the **Town** and/or the Region may sustain, suffer or be put to, resulting from or arising out the issuance of the permit or the actions of the **Candidate, Owner, Registered Third Party** or **Third Party**. This indemnification shall include but is not limited to any legal costs incurred by the **Town** and/or the Region on a substantial indemnity basis, including those incurred to defend any criminal prosecutions against the **Town** and/or the Region resulting from the actions of the **Candidate, Owner** or **Registered Third Party** or **Third Party**.

19. Administration

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

20. Force and Effect

20.1 This By-law shall come into force and effect on the day it is passed.

Read a first, second, third time, and enacted on December 4, 2017.

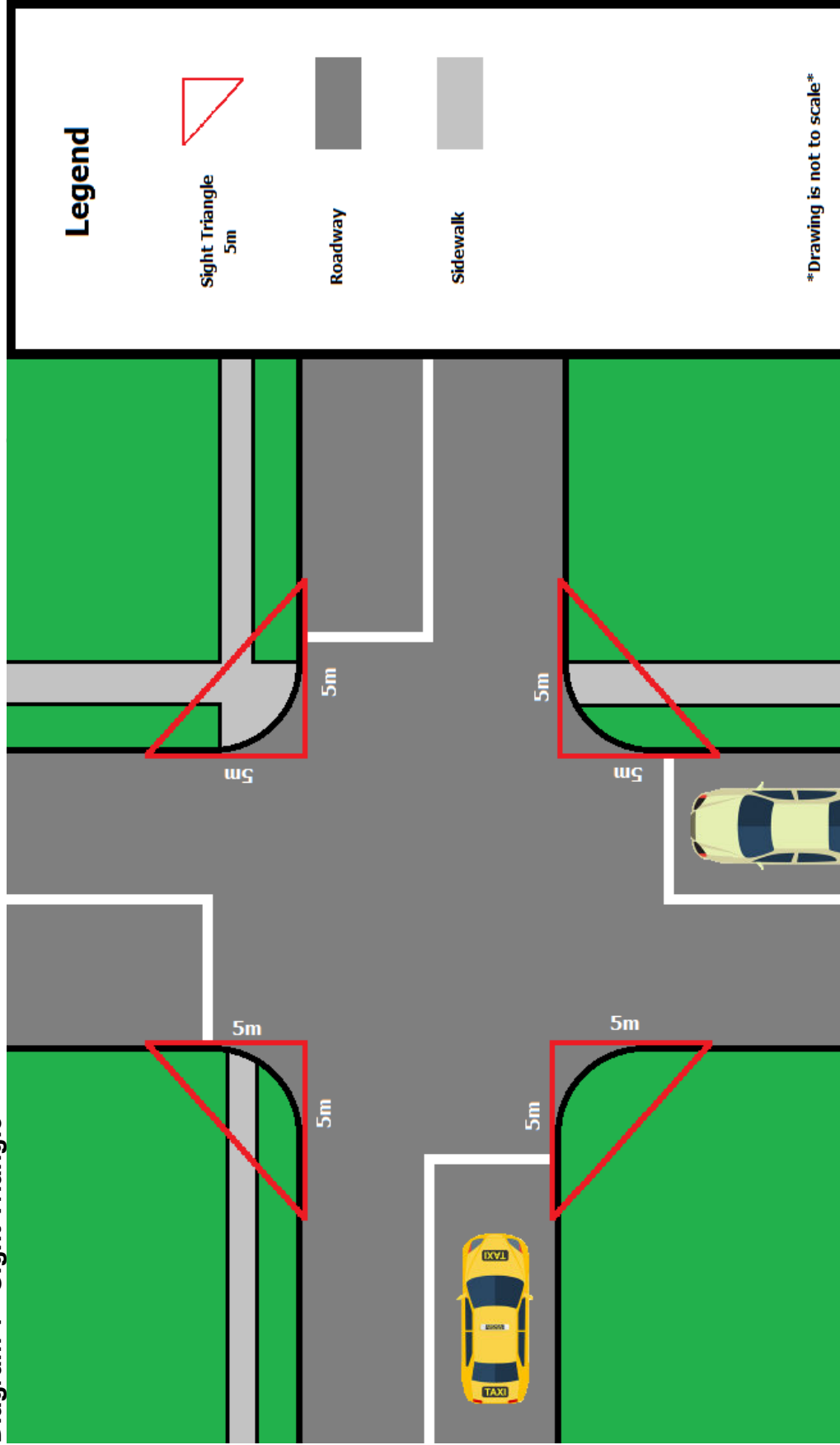
Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Revised Draft

Schedule A

Diagram 1 - Sight Triangle





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

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Amendment to Procurement By-law Staff Report

Report Number: 2017-58

Department(s): Corporate Services (Procurement Services)

Author(s): Sunny Khemai, Manager, Procurement Services

Meeting Date: November 27, 2017

Recommendations

1. That Corporate Services – Procurement Services report dated November 27, 2017 entitled “Amendment to Procurement By-law 2014-27” be received; and,
2. That the Sole or Single Source threshold amount in Table 5 Schedule “D” Thresholds of the Procurement By-law 2014-27 for the C.A.O. be increased from a range of \$25,000.01 to \$49,999.99, to a range of \$25,000.01 to \$99,999.99; and,
3. That the Sole or Single Source threshold amount in Table 5 Schedule “D” Thresholds of the Procurement By-law 2014-27 for Council be increased from \$50,000 and over, to \$100,000 and over; and,
4. That Council adopt the amendments to the Procurement By-law 2014-27 attached to this report as Appendix B.

Purpose

The purpose of this report is to obtain Council approval for the revisions to Table 5 of Schedule “D” of the Procurement By-law.

Background

A review of the Procurement By-law in its entirety has been initiated by the Corporate Services Commission in response to the recent ratification of the Canadian Free Trade Agreement (CFTA). The By-law is a requirement of the *Municipal Act*, and sets out the

Town's procedures and practices to procure goods and services that have been approved by Council in the annual capital and operating budgets. Recommendations to revise the By-law to better align the Town's procurement policies and procedures with the CFTA are forthcoming and will be detailed in a subsequent report to Council in early 2018.

In the interim, and based on recent experience in procuring specialized goods and services in connection with the Digitalized Speedboards and the Soofa Benches, it has been identified and recommended that Table 5 of Schedule "D" Thresholds of the Procurement Bylaw, specifically Sole or Single Source Authorization Limits pertaining to the C.A.O. and Council be revised.

Discussion

A review of Sole/Single Source Thresholds among N6 municipalities was recently conducted by Procurement Services. The following table illustrates the current Single/Sole Source Authorization Limits. By comparison, Newmarket and Stouffville have the lowest Council approval thresholds.

	Newmarket	York Region	Aurora	East Gwillimbury	Georgina	King	Stouffville
Council Single/Sole Source Authorization Limit	\$50,000	\$150,000	\$100,000	\$100,001	\$100,000	\$100,000	\$30,000

The proposed revisions to the By-law would now require that the Manager, Procurement Services assess and determine eligibility of all Sole or Single Source requests prior to C.A.O. approval of contracts between \$25,000 and \$99,999.00. This strategy provides a greater level of procurement oversight while extending the C.A.O.'s approval authority. Respectively, Council's Sole or Single Source approval threshold would also change to \$100,000 or more, aligning the Town of Newmarket's thresholds with neighbouring municipalities.

For reference, the current Table 5 of Schedule "D" from the Procurement By-law is attached to this report as Appendix A, and the proposed Table 5 of Schedule "D" from the Procurement By-law is attached to this report as Appendix B as a draft By-law.

Conclusion

The proposed revisions to the By-law will ensure continued efficiency in the purchase of budgeted goods and services and is in alignment with thresholds of neighboring municipalities.

Business Plan and Strategic Plan Linkages

Well Equipped and Managed; Efficiency/Financial Management - Ensuring effective and efficient services, as well measuring and benchmarking our financial performance.

Consultation

The C.A.O., Legal department, and Legislative Services department was consulted in connection with this report.

Human Resource Considerations

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

Budget Impact

There will be no budget impact associated with the recommended change to the Procurement By-law.

Attachments

Appendix A – Table 5, Schedule “D” (Current Version)

Appendix B – Draft By-law to Amend Procurement By-law 2014-27

Approval


Sunny Khemai
Manager, Procurement Services



for: Karen Reynar
Director, Legal Services



Esther Armchuk, LL.B.
Commissioner, Corporate Services



R.N. Shelton
Chief Administrative Officer

Contact

Please direct any questions to Sunny Khemai at skhemai@newmarket.ca or 905-953-5300 x2351.

APPENDIX A – CURRENT VERSION

SCHEDULE “D” THRESHOLDS

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements And Parties responsible for Contract Execution	
					TABLE 5. SOLE OR SINGLE SOURCE PURCHASES	
Up to \$10,000.00	Not applicable	Advertising not required	Director	Director and in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required	
\$10,000.01 to \$25,000.00	Not applicable	Advertising not required	Commissioner	Commissioner in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required	
\$25,000.01 to \$49,999.99	Not applicable	Advertising not required	C.A.O.	C.A.O. in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional Director and Manager, Procurement Services.	
\$ 50,000.00 and over	Not applicable	Advertising not required	Council	A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional Director and Manager, Procurement Services.	

Corporation of the Town of Newmarket

By-law Number 2017-XX

A By-law to amend By-law 2014-27, being a By-law to define the Procurement Policies for the Corporation of the Town of Newmarket.

Whereas Section 270 of the Municipal Act, 2001, as amended provides that a municipality shall adopt and maintain policies with respect to its procurement of goods and services; and,

Whereas Council enacted By-law 2014-27 to define the Procurement policies and procedures for the Corporation of the Town of Newmarket, herein after, called “the Owner” and it is now deemed necessary to amend By-law 2014-27; and,

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

1. That the Sole or Single Source threshold amount in Table 5 of Schedule “D” Thresholds of the Procurement By-law 2014-27 for the C.A.O. be replaced with \$25,000.01 to \$99,999.99; and,
2. That the Sole or Single Source threshold amount in Table 5 of Schedule “D” Thresholds of the Procurement By-law 2014-27 for Council be replaced with \$100,000.00 and over; and,
3. That Table 5 of Schedule “D” Thresholds of the Procurement By-law 2014-27 regarding Sole or Single Source Purchases be deleted and replaced with:

SCHEDULE “D” THRESHOLDS

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	Method of Procurement	Advertising	Reporting	Authority	Contract Agreement Requirements and Parties Responsible for Contract Execution
TABLE 5. SOLE OR SINGLE SOURCE PURCHASES					
Up to \$10,000.00	Not applicable	Advertising not required	Director	Director and in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required

\$10,000.01 to \$25,000.00	Not applicable	Advertising not required	Commissioner	Commissioner in consultation with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$25,000.01 to \$99,999.99	Not applicable	Advertising not required	C.A.O.	C.A.O. in consultation and agreement with the Manager, Procurement Services. A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement Optional Director and Manager, Procurement Services.
\$100,000.00 and over	Not applicable	Advertising not required	Council	Council A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement Optional Director and Manager, Procurement Services.

4. That this By-law 2017-XX come into force and effect on December 4, 2017.

Enacted this 4th day of December, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Water Digitization Project Staff Report

Report Number: 2017-57

Department(s): Information Technology, Public Works Services

Author(s): Julien Patel

Meeting Date: November 27, 2017

Recommendations

1. THAT Infomax Technologies be awarded the contract for the Water Digitization Project in the amount of \$64,300 plus annual operating costs of \$14,880 for a term of up to four years (to 2021), in accordance with the single source provisions of the Town's Procurement By-law 2014-27.
2. AND THAT the Director, Public Works Services and the Manager, Procurement Services be authorized to execute the agreement.

Purpose

The purpose of this report is to advise Council of the Town of Newmarket's Digital Pen initiatives and to request Council approval of the single source award to Infomax Technologies for the development of a customized work order management system to collect, inventory and analyze data for water linear assets.

Background

In 2014, the Town of Newmarket retained Infomax Technologies Corp. to provide a digital pen solution as a pilot project through a public bid, Request for Proposal (QBRFP2014-51) process. The term of contract with Infomax is to 2021.

The pilot project resulted in 500 percent and 1200 percent administrative efficiencies with respect to Locate Requests and Fleet Work Order services, which was piloted from June 2015 to June 2017. The success of this innovative solution resulted in the Town publishing articles in Municipal Interface and Public Sector Digest, several presentations at various conferences, and earning the Excellence in Municipal Systems award in June

2016. Since June 2017, the pilot solutions were operationalized and have led the Town and Infomax to discuss future pilot opportunities.

The Town of Newmarket, Development and Infrastructure Services Commission, submitted a funding application for nine (9) water and wastewater projects the Clean Water and Wastewater Fund (CWWF). The Town of Newmarket was successful in receiving approximately \$2.5 million dollars in Federal (50%) and Provincial (25%) grants for nine (9) projects including the “Development and Implementation of a GIS Strategy for Water and Wastewater Linear Assets”. As part of the funding program, each project must have 60% of total eligible costs spent prior to March 31, 2018 to be eligible for reimbursement.

Discussion

The Public Works Service departments leverage a mix of paper and electronic based operations within Water/Waste Water. Water/Waste Water staff are able to view municipal systems such as water, sanitary and storm through the Town’s geographic information system (GIS) and their existing tablets. At this time, staff do not have a streamlined process to collect, inventory and analyze data for various types of water/waste water operations. As a result, the Town is interested in developing a customized work order system that integrates with the Town’s current digital pen and GIS environments. This project will standardize 27 Water/Waste services in terms of documentation and process and will streamline daily and emergency operations within existing systems and technology.

Developing a customized solution that integrates with the Town’s existing systems and digital pen solution provided by Infomax will ensure continuity through a standardized platform for the current and future management of data collection, and the subsequent emergence of asset management software to be implemented in the future.

The Town’s Procurement By-law allows for a Single Source purchase without a competitive bid process in certain circumstances including:

- For reasons of standardization, warranty, function or service, such as technical qualifications;
- Where compatibility with an existing product, equipment, facility or service is a paramount consideration;

In accordance with Schedule “D” of the Town’s Procurement By-Law, Council has the authority to approve Sole or Single Source Purchases with an estimated value of \$50,000.00 and over.

The Manager of Procurement Services is satisfied that the justification provided by Public Works Services is compliant with the single source requirements of the Procurement By-Law.

Conclusion

It is the objective of the Town to create a standardized platform to collect, manage and analyze Water/Waste Water data, to increase efficiency in the management of work orders and enhance the Town's capability to effectively manage assets.

Business Plan and Strategic Plan Linkages

This project will ensure that staff are 'Well-Equipped & Managed' and are embracing 'Excellence' while developing innovative approaches to meet Public Works Services strategic business goals and objectives.

This project also supports the Well-Planned & Connected, strategically planning for the future in relation to Asset Management, and enhancing information access for staff and the public through open data initiatives.

Consultation

This project is recommended as part of a long-standing IT and Public Work Services Steering Group and through consultation with the Management staff of Procurement Services and Water/Waste Water, and the Chief Administrative Officer.

Human Resource Considerations

All project work will be managed by Infomax Technologies and the Town's Information Technology and Public Work Services staff. No additional support is required.

Budget Impact

The capital portion of this budget is entirely funded through the CWWF program and is valued at \$64,300. Capital funding is time-sensitive as the grant requires that 60 percent of the eligible costs/expenditures have been paid by March 31, 2018.

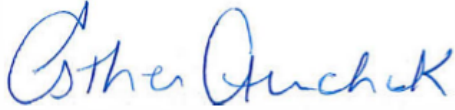
There are sufficient funds for the fees associated with the on-going maintenance, licensing and support of the customized solution (\$14,880 per year).

Attachments

None.

Approval

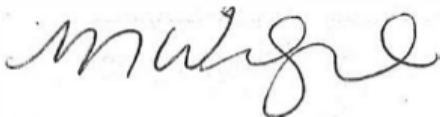
Single Source requests with a value greater than \$49,999.99 require Council approval in accordance with Schedule "D" of the Procurement By-law 2014-24.



Esther Armchuk
Commissioner, Corporate Services



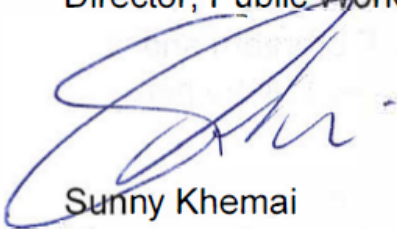
Peter Noehammer
Commissioner, Development & Infrastructure Services



Mary-Anne Wigmore
A/Director, Information Technology



Chris Kalimootoo
Director, Public Works Services



Sunny Khemai
Manager, Procurement Services

Contact

Please direct any questions to Julien Patel at jpatel@newmarket.ca or 905-895-5193.

Deputation and Further Notice Request Form

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

Name:	
Organization / Group/ Business represented:	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting:
Is this an item on the Agenda? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please submit all materials at least 5 days before the meeting.	

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Name: <u>Stephen Meyer / Brad Rogers</u>	
Organization / Group / Business represented: <u>Oxford Homes</u>	
Address: <u>260 Eagle St</u>	Postal Code:
Daytime Phone No: <u>77</u>	Home Phone:
Email: <u>Stephen@oxforddevelopments.ca</u>	Date of Meeting: <u>November 27th, 2017</u>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: <u>14</u>
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>Our request is for Committee to grant 27 units of servicing allocation to our project at 260 Eagle Street.</u>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: Brad Rogers (Groundswell Urban Planners Inc.)	
Organization / Group/ Business represented: 400 Park Avenue Inc.	
Address: 95 Mural Street, Unit 402	Postal Code: L4B 3G2
Daytime Phone No: 905-597-8204	Home Phone:
Email: brad@groundswellplan.com	Date of Meeting: November 27, 2017
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:14
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I wish to address Council on behalf of my client with regards to granting allocation for the King George School (Park Avenue) development. The staff report has highlighted that Council at any time can grant allocation and has provided King George School development as one of the planning projects to consider. We have planning approvals in place and are working towards site plan agreement. We shall also seek clarification on whether this allocation request also includes a credit for the two existing dwellings on the property.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: Chris Matson of Matson McConnell Ltd.	
Organization / Group/ Business represented: representing Sundial Homes (Davis) Limited	
Address: 2430A Bloor St. W, Toronto	Postal Code: M6S 2V5
Daytime Phone No: 416-348-0077 x224	Home Phone:
Email: cmatson@mmland.ca	Date of Meeting: November 27, 2017
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: Report 2017-49/Item 14
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I wish to address Committee regarding the Servicing Allocation Report. The Sundial lands are described and referred to in the report as a candidate for interim servicing allocation, and i would like to briefly provide the Committee with some background and a status update	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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National Eating Disorder Information Centre

200 Elizabeth St., ES 7-421, Toronto, ON M5G 2C4

ph 416-340-4156 | f 416-340-4736 | t 1-800 NEDIC-20 | nedic@uhn.ca

www.nedic.ca

Town of Newmarket
395 Mulock Drive
P.O. Box 328 STN Main
Newmarket, Ontario

November 17, 2017

To Whom It May Concern:

I am writing to request a proclamation from the Town of Newmarket the week of February 1st to February 7th 2018 as Eating Disorder Awareness Week (EDAW). EDAW has been commemorated across Canada since 1988 by established eating disorder organizations, education and public health institutions, and concerned members of the public. It draws attention to the causes, prevalence and impact of eating disorders.

Eating disorders are the number one cause of death among all psychiatric illnesses and are the third most common cause of death in teenage girls. In fact, 5-8% of Canadian girls will experience an eating disorder in their lifetime. However, eating disorders can develop in anyone, regardless of age, ethno-racial background, socioeconomic status, gender or ability. Unfortunately, stigma and secrecy still surround eating disorders, causing many people who are suffering to refrain from seeking help, and to struggle in silence.

We know that through open, supportive dialogue, we can help break the shame and silence that affect nearly 1 million Canadians that are living with a diagnosed eating disorder and the millions of others who are struggling with unhealthy food and weight preoccupation. EDAW is a time to increase awareness about eating disorders, their impact and to shed light on the dangerous and pervasive myths that surround them. It is a time of year when Canadians can learn more about eating disorders and about the resources that are available for individuals and family members who are impacted by them.

The National Eating Disorder Information Centre (NEDIC) was a founding member of the international drive to institute EDAW. Founded in 1985, NEDIC is Canada's oldest national organization dedicated to helping those with eating disorders. We provide education and information as well as support and referral for those with eating disorders, their families, friends and health care professionals. Since our toll-free helpline became available to Canadians from coast to coast in 2013, we have spoken with thousands of individuals, parents, friends, and teachers who are seeking help and information. It is through our outreach and education efforts, that we are able to support these individuals in their struggle to find hope and healing.

Municipal recognition of EDAW would help to affirm the experiences of those with a friend, family member, or important person in their life who is dealing with this life-threatening mental illness, and draw attention to the need for eating disorder prevention, research, treatment, and resources. Attached please find the goals of Eating Disorder Awareness Week 2018.

Please proclaim EDAW in the Town of Newmarket and help raise awareness and hope among the many who are impacted by this illness.

For more information about Eating Disorder Awareness Week and this request, please contact me.

Thank You.

Kind Regards,

Alicia Pinelli
Outreach and Education Team Member

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Proclamation

**Eating Disorder Awareness Week (EDAW)
February 1st- 7th 2018**

WHEREAS: Eating Disorder Awareness Week will be from February 1 – 7, 2018; and

WHEREAS: The National Eating Disorder Information Centre (NEDIC) is Canada's only national organization dedicated to helping those with eating disorder, food and weight preoccupation and related issues. NEDIC provides information, education, resources and referrals to individuals with eating disorders, their families, friends and health care professionals; and

WHEREAS: Eating disorders have the highest mortality rate among all psychiatric illnesses and can develop in anyone, regardless of age, ethno-racial background, socioeconomic status, gender or ability; and

WHEREAS; Stigma, secrecy and stereotypes still surround eating disorders, causing many people who are suffering to refrain from seeking help; and

WHEREAS; Open supportive dialogue can help break the shame and silence that affect nearly 1 million Canadians living with diagnosable eating disorders and the millions of others who are struggling with food and weight preoccupation; and

WHEREAS; Eating Disorder Awareness Week seeks to raise awareness of eating disorders, shed light on dangerous and pervasive myths, and promote prevention. It is also a time of year for Canadians to learn about available resources and appropriate services for themselves and/or loved ones; and

WHEREAS, Eating Disorder Awareness Week aims to teach Canadians that eating disorders are not a choice, and that eating disorders are a serious and dangerous mental illness.

Appendix C – Answers to Budget Questions

General

1. How is the average residential assessment of \$508,750 determined?

The average assessment is provided by the Province's Online Property Tax Analysis (OPTA) system based on the assessment values set by the Municipal Property Assessment Corporation (MPAC). The number currently used is the value of the Median/Typical Single Family Home. The value of Condominium units is not included in that number.

Values were established as at January 1, 2016 (prior to the extreme rise in sale prices of houses during mid-2016 and into 2017). Value changes are also phased-in over the four year cycle (2017 to 2020) meaning this average will change annually.

We do not have the final roll for 2018 yet. Initial numbers project an average residential assessment of approximately \$517,500.

The next province-wide assessment will be in 2020 with values set as at January 1, 2020 for taxation purposes in 2021 through 2024.

2. What is the projected all-in tax increase, including the Region and School Board portions?

The recommended draft operating budgets would result in a 2.31% "all-in" (Region, School Board, Town) tax increase to the average residential taxpayer.

	2017	2018	\$ CHANGE	% CHANGE
Town portion	\$ 1,797.52	\$ 1,851.27	\$ 53.75	2.99%
Region portion	1,892.06	1,944.47	52.41	2.77%
Municipal sub-total	\$ 3,689.58	\$ 3,795.74	\$ 106.16	2.88%
School Board Portion	910.66	910.66	0.00	0.00%
TOTAL	\$ 4,600.24	\$ 4,706.40	\$ 106.16	2.31%

- *Based on an average 2017 assessment of \$508,750*
- *The Region and School Boards' changes do not include an estimate for the impact of tax-shifting.*

The Regional Municipality of York is considering implementing a 1% infrastructure levy in 2018. This is not included in the above table. If it had been included, the Regional increase would be \$71.33 (3.77%) and the total increase would be \$125.09 (2.72%).

3. How does the new stormwater rate factor into this?

For 2018, the average residential property will have a \$53.75 (2.99%) increase in taxes and a \$3.72 (12.83%) increase in stormwater charges, for a total of \$57.47 (3.14%).

If stormwater had been kept on taxes and had the same cost increases, the average resident would have paid \$58.42 for the stormwater portion, which is \$24.45 more than the 2018 stormwater charge. The tax increase would have been \$60.17 (3.25%).

The separation and redistribution of the stormwater charge has saved the average residential property \$21.76 in 2017 and will save \$24.46 in 2018.

4. For the last three years, what have been the savings from gapping vacant positions?

This can be difficult to calculate as gaps in vacant positions can be filled with casual staff and/or additional overtime. The following chart shows the net amount of savings after adjusting for increased casual wages and overtime costs.

	2014	2015	2016	2017 projected	2018 Budget
Town	\$0	\$350,000	\$690,000	\$580,000	\$500,000
CYFS	0	65,000	170,000	0	30,000
Library	0	85,000	105,000	30,000	20,000
Total	\$0	\$500,000	\$965,000	\$610,000	\$550,000

Gapping targets

	2014	2015	2016	2017	2018 Budget
Town	\$75,000	\$131,000	\$400,000	\$400,000	\$500,000
CYFS					30,000
Library			10,000	10,000	20,000
Total	\$75,000	\$131,000	\$410,000	\$410,000	\$550,000

Newmarket is trying to promote itself as an Employer of Choice. Systematic gapping could put this at risk by creating challenges for succession planning and knowledge transfers.

5. Where does the 2017 operating surplus come from?

Surpluses are projected for 2017 - \$400,000 to \$600,000 for the tax-supported budget and \$100,000 in the water/wastewater budgets.

The details are provided in Finance report 2017-48 on the 3rd quarter results, which is included in the CAO's 3rd quarter report on Municipal Administration and Management.

6. What is the amount in our rate stabilization reserve?

At the end of 2016, there was \$295,000 in the tax-supported rate stabilization fund. There are no transfers to or from that reserve in the 2017 budget. Subject to Council priorities, this balance may be enhanced by the projected 2017 surplus.

There are also rate stabilization reserves for the rate groups – water and wastewater (\$3 million), and building (\$4 million). They cannot be applied to tax-supported operations.

Enhancements

7. Is the 4th phase of sidewalk snow clearing in the budget?

It is included.

In 2015, Council approved the 1st phases of enhancements for sidewalk snow clearing and traffic management. The costs of a phased approach were also presented and Council endorsed the overall program subject to annual budget approval.

The 4th phases are shown in the budget as committed enhancements. They had been considered as potential areas for service level reductions but these reductions are not recommended and an alternative option has been presented and is recommended.

8. How was revenue projected for licensing & enforcement?

A business analysis has been prepared based on past revenue collection and future business operations. Projections are inclined to be conservative.

The two additional parking officers are required to meet current service levels and the one new licensing officer is going to enforce our current licensing by-laws as well as help implement new areas of licensing (such as the recently updated Special Occasion Permits, Clothing Donation Bins, Fireworks and Driving Schools Restricted Area by-laws)where we project an increase in revenue. These are growth-related expenditures mitigated by revenue generation.

Growth

9. What is incremental growth?

Incremental growth reflects costs that increase as the Town grows. This includes supplies and contracted services for the maintenance of roads and other infrastructure, waste management and telecommunications. A growth rate of 1.24% has been applied

to the \$7 million 2017 budget for these costs. This excludes staffing costs. Requests for additional staffing will continue to be made with a supporting business case using the Decision Package form.

10. What is the assessment growth for 2017 projected to be?

In consultation with the Planning Department, projected population and employment numbers were extrapolated into the type of construction they will generate. This has formed the basis for a growth revenue forecast model. This model was used as support for the 2014 Development Charges Background Study and 2016 Parkland Dedication By-laws.

Using this model, assessment growth was projected to be 1.23% for 2017. At this time we have had gross assessment growth of 0.80%. However, we have also had 0.64% of re-assessment decreases, giving us a net assessment growth of 0.16%.

Assessment growth for 2018 is budgeted to be 1.24%.

Central York Fire Services (CYFS)

11. How is Aurora's contribution for its share of the CYFS ARF shown in our budget? Is it a revenue?

Aurora's share of the 2018 CYFS ARF will be \$486,987. It is not revenue. It is included with Aurora's total share (\$10,490,381) as a reduction of expenses.

12. Do we include the full annual cost for new CYFS staff in the budget?

The Town's practice is to include in the budget 100% of the wages and benefits of new hires in their first year, regardless of when they are expected to actually start. This ensures sustainability. Deferring these costs to future years creates a budget driver in future years called annualization.

However, an exception has been made for CYFS. As the recruitment practices ensure that the hiring dates for new staff will be April 1st, the practice has been to apply de-annualization and to only budget for 75% of the cost of new staff. However, as a result 25% of the cost of new staff from the prior year needs to be included in the budget (annualization).

Extraordinary Budget Items

13. How much are we spending on the Emerald Ash Borer (EAB) program?

\$391,000 was spent in 2016 on the EAB program. Year-to-date spending in 2017 has been \$347,000.

The 2018 base budget includes \$523,000. The request for an additional \$100,000 has been deferred.

It was originally forecasted that the current level of funding could start to be reduced in 2019 as the peak spending passed; however, this will now be 2020 at the earliest. The program will focus on life safety and property damage as priorities in removing dead or dying Ash trees, with some stump grinding and new tree replanting being deferred.

As these costs are reduced, consideration can be given to using the tax room to increase annual contributions to the asset replacement fund or to fund future extraordinary budget items.

Rate Supported Budgets

14. What are the plans for the use of the building permit reserve?

The Building Code Act restricts the collection of fees to the administration and enforcement of the Building Code Act. The reserve, as it is funded from these fees, would have the same restriction.

BMA Management Consulting did a review of the Town's Building Permit Fees in 2015. This study recommended a ceiling for the reserve but did not suggest any additional uses of the reserve.

There are two areas where further research is possible:

1. Discounting fees as a development incentive
2. Ensuring that all non-building department costs related to Building Code activities are captured. Our current costing structure is based on an extensive study that was done over 10 years ago.

Bill 148

15. What would be the impact of a further increase in user fees?

The majority of our user fees are in the rate-supported budgets – water, wastewater, stormwater and building. The largest area with tax-supported user fees is recreation, about \$6 million. There are over \$400,000 in planning fees, \$350,000 in licence fees and about \$750,000 in all other areas. The total is about \$7.5 million.

A 1% increase in these fees could generate another \$75,000 assuming there were no changes in costs or demand. It is not clear whether there is sufficient elasticity in our current pricing to allow for a further increase. For instance, Recreation did not increase their fees for 2018 as they are at the top end of the market.

16. How was the phasing plan arrived at?

Options were considered for building the impact of Bill 148 into the budget. They included factoring in the 50-100% of the potential maximum financial impact. A range was used because of the uncertainty over what the final legislation may include and how it may be phased in. Three and five year periods were used as anything beyond that could be overlapping with other provincial initiatives.

The recommended option was 75% of the maximum cost over a 5 year period. This was selected as municipalities are starting to get some exemptions and the impact could be managed.

17. What is the projected cost of Bill 148?

A separate information report will provide these details.

Asset Replacement Fund (ARF)

18. What are the components of the increase in the asset replacement fund?

Please see Asset Replacement Fund (ARF) on pages 11-12 of the report.

Capital Budget

19. What is the amount of grants included in the capital budget?

The 2018 Capital Budget includes \$2,100,000 from the Federal Gas Tax allocation, \$170,000 from the Ontario Community Investment Fund (OCIF) and \$460,000 in funding from various other grants. The Gas Tax and OCIF sources are sustainable for the next few years. The other grants are mostly one-timers.

The actual Gas Tax allocation for 2018 will be \$2,547,376, \$115,790 more than the 2017 allocation due to indexing. This supports the capital program but has no direct impact on the operating budget.

20. Are costs included in the 2018 Budget for the AMPS Program?

Not at this time.

Staff are still reviewing this program in consultation with other York Region municipalities. Staff will come forward with a report by the end of March 2018 to discuss the program, and outline the business case associated with developing and implementing the program.