

## Additions & Corrections to the Agenda

Note: Additional items to this agenda are shown under the addendum header.

## Declarations of Pecuniary Interest

## Presentations & Recognitions

### 1. **vivaNext re: update on the Newmarket construction project**

Liza Sheppard, Director, Bus Rapid Transit Program, YRRTC, Chris Scott, Manager of Infrastructure, Bus Rapid Transit, YRRTC, and Sophia Bittar, Community Liaison, YRRTC will be in attendance to provide a verbal presentation.

Note: Presentation to be distributed when available.

### 2. **Proposed Corporate Restructuring of Newmarket and Tay Group of Companies (+/- 2:30-3:00 PM)**

Paul Ferguson, Newmarket Tay-Power Distribution Ltd. will be in attendance to provide a verbal presentation.

Note: Presentation to be distributed when available.

## Deputations

## Consent Items

### 3. **Property Tax Rates and By-law for 2018** Financial Services May 22, 2018

Pg. 1

1. That the report entitled Property Tax Rates and By-law for 2018 dated May 22, 2018 be received; and,
2. That the property tax rates for 2018, as applied to the assessment roll returned be set for Town purposes as follows:

Property Class	Tax Rate
Residential	0.341343%
Multi-Residential	0.341343%
Commercial	0.420637%
Industrial	0.511093%
Pipeline	0.313694%
Farm	0.085336%

3. That the applicable tax rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**4. Delegated Authority for Fees/Charges**  
Financial Services

**Note:** Report to be distributed with the addendum agenda.

**5. Restricted Acts after Nomination Day in an Election Year**  
Legislative Services  
May 22, 2018

Pg. 12

1. That the report entitled "Restricted Acts after Nomination Day in a Municipal Election Year" dated May 22, 2018 be received; and,
2. That Council approve the amendment to the Delegation By-law, as provided in Attachment A to this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**6. Zoning By-law Amendment Application – 285 Harry Walker Parkway South**  
**Staff Report**  
Planning & Building Services  
May 7, 2018

Pg. 19

1. That the report entitled Zoning By-law Amendment Application – 285 Harry Walker Parkway South, dated May 7, 2018 be received;

2. That Council amend Zoning By-law 2010-40 for the lands at 285 Harry Walker Parkway South to be substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 3 to this report;
  3. That Diron Developments Limited, c/o Diego Toneguzzo, 221 Hanlan Road, Unit 9, Woodbridge, ON L4L 3R7, be notified of this action; and
  4. That Weston Consulting Inc., c/o Sandra Patano, 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8, be notified of this action.
- 7. Servicing Allocation Policy Update** Pg. 30  
Planning & Building Services  
May 22, 2018
1. That the report entitled Servicing Allocation Policy Update dated May 22, 2018 be received; and,
  2. That Council adopt the Servicing Allocation Policy, updated May, 2018, included as Attachment 1 to this Report.
- 8. Road Occupancy By-law** Pg. 42  
Public Works Services  
May 7, 2018
1. That the Staff Report entitled Road Occupancy By-law dated May 7, 2018 be received; and,
  2. That the Road Occupancy By-law be adopted; and,
  3. That the current Road Occupancy By-law 2015-16 be hereby repealed; and,
  4. That the Fees and Charges By-law be updated to reflect the Road Occupancy Fees included herewith; and,
  5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- 9. Newmarket Economic Development Advisory Committee Meeting Minutes of November 23, 2017** Pg. 82
1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of November 23, 2017 be received.
- 10. Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2018** Pg. 88

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of March 20, 2018 be received.
- 11. Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018** Pg. 93
  1. That the Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018 be received.
- 12. Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018** Pg. 98
  1. That the Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018 be received.
- 13. Outstanding Matters List** Pg. 103
  1. That the list of outstanding matters be received.

## **Action Items**

## **Reports by Regional Representatives**

## **Notices of Motions**

## **Motions**

## **New Business**

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

## **Public Hearing Matter**

## **Addendum (Additions and Corrections)**

## **Adjournment**



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

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

## Property Tax Rates and By-law for 2018 Staff Report

Report Number: 2018-21

Department(s): Financial Services

Author(s): Grace Marsh

Meeting Date: May 22, 2018

### Recommendations

1. That the report entitled Property Tax Rates and By-law for 2018 dated May 22, 2018 be received; and,
2. That the property tax rates for 2018, as applied to the assessment roll returned be set for Town purposes as follows:

Property Class	Tax Rate
Residential	0.341343%
Multi-Residential	0.341343%
Commercial	0.420637%
Industrial	0.511093%
Pipeline	0.313694%
Farm	0.085336%

3. That the applicable tax rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### Purpose

The purpose of this report is to provide for the levy and collection of property tax for 2018.

## Background

The Municipal Act, 2001, as amended under s.312, requires that each year Council enact a By-law levying a separate tax rate, as specified in the By-law, on the assessment in each property class in the local municipality for all property rateable for municipal purposes.

## Discussion

### Town of Newmarket Tax Ratios and Tax Rates

The property tax rates for Town purposes are determined using the approved tax ratios applied to the 2017 Assessment Roll as returned for 2018 taxation, and the approved 2018 Town tax supported operating budget.

Tax Ratios establish the weighted level of taxation born by each broad property class in relation to the residential class. The tax ratios for 2018 are set and approved by Regional Council. They are consistent Region wide. In 2016, regional and local municipal staff undertook a review of the impact of market value reassessment and the resulting tax shifts that naturally occur when one property class has values that increase at a higher rate than others do.

Regional Council adopted a 'revenue neutral' approach, which increases the ratios for commercial and industrial property, and reduces the impact of tax shifting on to the residential classes. This same approach has been carried forward for 2018.

The chart below demonstrates the change in ratios for each class, comparing 2016, 2017 and 2018.

Property Class	2016 Tax Ratio	2017 Tax Ratio	2018 Tax Ratio
Residential (Houses & Condos)	1.000000	1.000000	1.000000
Multi-Residential (Apartments)	1.000000	1.000000	1.000000
Commercial	1.117200	1.181313	1.232300
Industrial	1.312400	1.416888	1.497300
Pipelines	0.919000	0.919000	0.919000
Farms	0.250000	0.250000	0.250000

One way to understand the effect of a change in the ratio is that commercial properties will bear a 23% premium on each dollar of assessment and industrial properties will bear a 49% premium on each dollar of assessment. Residential properties have no premium as their ratio is regulated as 1.

Schedule "A" attached to the By-law lists the proposed tax rates required to raise the approved 2018 Town tax supported regular and supplementary budget requirement of \$61,283,530. This results in an average municipal (Town only) increase to a homeowner assessed at \$572,500 of 5.1% or \$94.84.

#### Region of York and Education Tax Rates

The Region of York has set the property tax rates they require to fund their budgets. The Region will be raising \$61.6 million in Newmarket. This represents 5.76% of the total Regional levy as compared to 5.78% in 2017. This results in an average increase to a homeowner in Newmarket of \$50.08 or 2.6%. The impact in Newmarket is slightly lower than the average because our rates of growth are lower than some other municipalities in York Region.

The Ministry of Finance has provided the Education Property Tax Rates for 2018. The Residential tax rate has been reset and the uniform rate for the entire Province for 2018 is 0.170%, reduced from 0.179% in 2017. The average home assessed at \$572,500 will see an increase of \$31.26 or 3.3% which results from the average assessment increase in Newmarket being higher than the overall Provincial average.

#### Summary – 2018 Combined Tax Rates

The final residential tax rate for 2018 will be 0.861949%. An average residential property with a 2018 phased-in assessment of \$572,500 will pay \$4,934.66 for 2018. For comparison, we have shown the tax levy for this property for 2017.

	2017	2018	\$ Change	% Change
Town Portion	\$1,859.35	\$1,954.19	\$94.84	5.1%
Region Portion	\$1,957.14	\$2,007.22	\$50.08	2.6%
School Board Portion	\$941.99	\$973.25	\$31.26	3.3%
Total	\$4,758.48	\$4,934.66	\$176.18	3.7%

Within the Town's portion, there is a 2.99% levy increase as approved by Council during the operating and capital budget process as well as an additional 2.6% increase to provide the funding for the Mulock Estate purchase, combined with the impact of some inter-class shifting despite the Region's revenue neutral ratio approach.

The sharing of each \$1.00 of property tax collected for the three main broad classes is as follows;

	Residential	Commercial	Industrial
Town of Newmarket	\$0.39	\$0.23	\$0.24
Region of York	\$0.41	\$0.24	\$0.25
Education	\$0.20	\$0.53	\$0.51
Total	\$1.00	\$1.00	\$1.00

The total taxation for all three levels of government in Newmarket will be in excess of \$170 million and is managed by Town staff in terms of billing, collection, adjustments and remittance to the Region and School Boards.

In addition to the above levies, there are also payments-in-lieu (PIL's) calculated and levied using the same tax rates for the applicable classes, or using rates set by Provincial Regulation for the railway rights of way, electrical corridors and the heads and beds levy for the hospital.

Properties identified within the Business Improvement Area (BIA) will be levied a total of \$30,000 apportioned according to their commercial assessment and the funds will be provided to the Treasurer of the BIA.

### Capping and Clawback

Commercial and industrial (C/I) properties continue to be subject to the capping and clawback program introduced in 1998 to help mitigate the excessive property tax increases that occurred during the first province-wide reassessment at current value assessment (CVA) in 1998.

The policy decisions for this program rest with the upper tier and consultation is undertaken with all the local municipalities. Historically, Newmarket has always recommended that all available options to reduce the impact of capping and clawback be adopted and Regional Council have agreed to continue that strategy. There was some concern that continuing with the revenue neutral ratio strategy could lengthen the time required to finally exit capping and clawback, however early analysis indicates this will not be the case for 2018. Staff will continue to monitor this in future years.

## Property Tax Due Dates

As noted in the attached By-law, the due dates for the final three installments for the residential levy will be:

Thursday July 26/18      Tuesday August 28/18      Tuesday September 25/18

The dues dates for the non-residential levy, as well as any supplementary or omitted billing from Amended Property Assessment Notices (APAN's) will be established as they are processed with the legislated minimum of 21 days from the date of the billing.

Property taxes can be paid by any of the following methods:

- Telephone or On-Line Banking
- Pre-authorized Payment Plans (with pre-registration)
- In person at Customer Service at the Town office or Recreation centers
- Mailing or dropping off cheques at the Town office
- Credit Card (on-line only) at [www.plastiq.com](http://www.plastiq.com) (service charge applies)

Residents are strongly encouraged to use their on-line or telephone banking as the safest, most secure and efficient manner of payment.

## Property Tax Assistance Programs

Council approved the continuation of the Town's Tax Assistance to the Elderly program for 2018 and increased the grant amount to \$302 from \$293 per eligible property. This increase was in line with the tax increase from the regular budget only, and the amount will be adjusted in 2019 to allow for the increase generated by the supplementary budget. Applications are available on the Town's website and will be accepted up to December 1, 2018.

Council has approved the delegation of the Town's authority under the Municipal Act to the Assessment Review Board to hear applications for full or partial property tax relief in cases of sickness or extreme poverty. Applications are available on the Town's website and will be accepted up to February 28, 2019 for the 2018 tax year.

All eligible York Region residents also have the opportunity to defer the property tax increases under a Regional Tax Deferral program. Tax increases on the principal residence are deferred for payment indefinitely, with no late payment fees applied, and are only required to be repaid when the property is sold or transferred to a non-spouse.

There are also tax rebate programs available for heritage properties, demolished or razed by fire properties and for registered charities in eligible properties. Full information on all the assistance programs is available on our website or from Customer Service.

In 2017, all York Region municipalities voted to eliminate the tax rebate for vacant commercial or industrial properties starting with the 2018 tax year and O.Reg 325/01 amended as 360/18 has now been issued to confirm this change.

## **Conclusion**

### **2018 Combined Tax Rates**

The final residential tax rate for 2018 will be 0.861949%. An average residential property with a 2018 phased-in assessment of \$572,500 will pay \$4,934.66 for 2018. This is an overall increase of 3.7%.

## **Business Plan and Strategic Plan Linkages**

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

## **Consultation**

- Financial Services Report 2017-61 (Amended) Approval of 2018 Capital and Operating Budgets
- Financial Services Report 2018-04 Supplementary Budget Staff Report
- Ministry of Education and Ministry of Finance Letters Regarding Education Tax Rates and Proportions of Enrolment 2018
- Regional Municipality of York Reports 2018 Property Tax Ratios and Property Tax Rates
- Online Property Tax Analysis (OPTA) for statistics and analysis
- Municipal Property Assessment Corporation, 2017 Assessment Roll for 2018 Taxation

## **Human Resource Considerations**

None

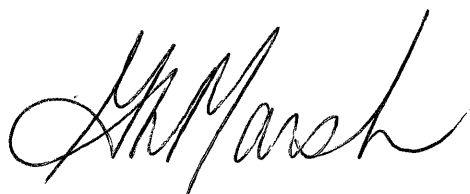
## **Budget Impact**

The proposed property tax rates for the Town will increase the tax levy on an average home by 5.1% and raise the necessary funds to cover the 2018 tax-supported operating original and supplementary budgets as approved by Council.

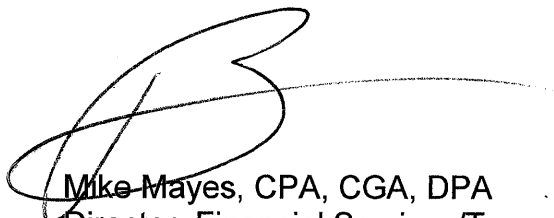
## **Attachments**

Appendix 'A' (Draft By-law with Schedule 'A')

## Approval



Grace Marsh, CMMIII, CMRP, Paralegal  
Supervisor, Property Tax & Assessment



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



Esther Armchuk, LL.B.  
Commissioner, Corporate Services

## Contact

For more information on this report, contact: Grace Marsh at 905-953-5300, ext. 2143 or via e-mail at [gmarsh@newmarket.ca](mailto:gmarsh@newmarket.ca)



# CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2018-

A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF THE SUMS REQUIRED BY THE CORPORATION OF THE TOWN OF NEWMARKET FOR 2018 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUISITIONING THE PAYMENT OF TAXES FOR 2018.

WHEREAS Section 312 (2) of the *Municipal Act, 2001, as amended*, provides that the Council of a local municipality shall, after the adoption of estimates for the year, enact a By-law to levy a separate tax rate on the assessment in each property class;

AND WHEREAS Sections 307 and 308 of the said *Act* require tax rates to be established in the same proportion to tax ratios;

AND WHEREAS estimates have been prepared showing the sum of \$169,585,360 is required to be raised for the lawful purposes of the Corporation of the Town of Newmarket for the year 2018 which estimates are made up as follows:

1.	Town of Newmarket General Purposes	\$ 59,966,587
2.	Regional Municipality of York Purposes	\$ 61,593,952
3.	Ontario Education Purposes	<u>\$ 48,024,821</u>
		<u>\$169,585,360</u>

AND WHEREAS any special levy in the Town of Newmarket is based upon the Current Value Assessment as returned on the last revised Assessment Roll as determined by the Municipal Property Assessment Corporation in accordance with the *Assessment Act, R.S.O. 1990, as amended*, and summarized on Schedule "A" attached to this By-law;

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

1. THAT the following property tax class ratios are to be applied in determining tax rates for taxation in 2017:

Residential/Farm Property Class	1.000000
Multi-Residential Property Class	1.000000
Commercial Property Class	1.232300
Industrial Property Class	1.497300
Pipelines Property Class	0.919000
Farmlands Property Class	0.250000

2. AND THAT for the year 2018, the Corporation of the Town of Newmarket shall levy upon the Residential Assessment, Multi-Residential Assessment, Commercial Assessment, Industrial Assessment, Pipeline Assessment and Farm Assessment the rates of taxation set out in this By-law. The optional property classes allowable, which were not adopted by the Region of York, have been included within Schedule

"A" for clarity, shown with the tax rates established for the default Commercial and Industrial Assessment classes for the respective optional classes. This presentation was selected to coincide with the property tax class codes and qualifiers used by the Municipal Property Assessment Corporation in its communication with property owners concerning their property assessments;

3. AND THAT the sum of \$59,966,587 be levied and collected for the Town of Newmarket's General Purposes, as provided by the Corporation's 2018 Operating and Supplemental Budget; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
4. AND THAT the sum of \$61,593,952 be levied and collected for the Town of Newmarket's share of the 2018 Budget for The Regional Municipality of York; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
5. AND THAT the sum of \$48,024,821 be levied and collected for the Town of Newmarket's share of the 2018 Ontario Education levy; such sum to be provided by applying to the taxable assessments the tax rates summarized in Schedule "A" which are the rates prescribed for use by Ontario Regulation 400/98 as amended by O.Reg. 26/18;
6. AND THAT for properties so assessed, payments in lieu of taxes shall be calculated using the tax rates in Schedule "A" which would be applicable to the property if it were subject to tax;
7. AND THAT for the railway rights-of-way assessments and for the utility transmission and distribution corridor, assessments shall have their taxes due to the Corporation of the Town of Newmarket calculated in accordance with the Regulations as established by the Minister of Finance and the returned assessment roll;
8. AND THAT for the purpose of the Business Improvement Area projects, the sum of \$30,000 shall be levied and collected from the property owners within the business improvement area;
9. AND THAT the Treasurer shall add to the Collector's Roll, all or any arrears for fees or charges which should be collected pursuant to any statute or by-law to the respective properties chargeable thereto and that the same shall be collected by the Treasurer, or designate, in the same manner and at the same time as all other rates or levies;
10. AND THAT the Interim Tax Levy pursuant to By-law Number 2018-02 shall be shown as a reduction on the final tax levy;
11. AND THAT all taxes levied under the authority of this By-law shall become due and payable in three installments; the first installment due July 26, 2018, the second installment due August 28, 2018 and the third installment due September 25, 2018, and all installments shall be payable to the Corporation of the Town of Newmarket;

These due dates are subject to amendment by the Treasurer or designate, if required, to meet the statutory timing required following the tax demand date;

12. AND THAT the Treasurer or designate for the Corporation of the Town of Newmarket send or mail or cause to be sent or mailed, the notice specifying the amount of taxes payable by any person liable for taxes, addressed to that person's place of residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs otherwise in which case it shall be sent to that address; email address or mortgage or finance company;
13. AND THAT taxes are payable at the Municipal Offices, 395 Mulock Drive, Newmarket, and at such other places as may be designated by the Town from time to time;
14. AND THAT residents who qualify for the Low Income Seniors and Low Income Disabled Tax Deferral Program need to apply to the Tax Office in accordance with the program policies as established by the Regional Municipality of York. The amount of deferral for 2018 will be determined once the application has been approved;
15. AND THAT if any section or portion of this by-law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the Corporation of the Town of Newmarket that all remaining sections and portions of this By-law continue in force and effect;
16. AND THAT Schedule "A" attached hereto shall be and form a part of this By-law.

ENACTED THIS                      DAY OF

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

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

**SCHEDULE "A"**  
**Corporation of the Town of Newmarket**  
**2018 Schedule of Tax Rates for Taxable Property**

<b>PropertyAssessment Class</b>	<b>RTC/Q</b>	<b>Town Rate</b>	<b>Region Rate</b>	<b>School Rate</b>	<b>Total Rate</b>
Residential Taxable: Full	RT, RH	0.341343%	0.350606%	0.170000%	<b>0.861949%</b>
Residential Taxable: Full Shared PIL	RH	0.341343%	0.350606%	0.170000%	<b>0.861949%</b>
Multi-Residential Taxable: Full	MT	0.341343%	0.350606%	0.170000%	<b>0.861949%</b>
Commercial Taxable: Full	CT	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Commercial Taxable: Excess Land	CU	0.294446%	0.302436%	0.676536%	<b>1.273418%</b>
Commercial Taxable: Full Shared PIL	CH, CF, CP, DF	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Commercial Taxable: Excess Land, Shared PIL	CK	0.294446%	0.302436%	0.676536%	<b>1.273418%</b>
Commercial Payment in Lieu: General	CG	0.420637%	0.432052%	0.000000%	<b>0.852689%</b>
Commercial Payment in Lieu: General Excess Land	CW	0.294446%	0.302436%	0.000000%	<b>0.596882%</b>
Parking Lot Taxable: Full	GT	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Commercial Taxable: Vacant Land	CX	0.294446%	0.302436%	0.676536%	<b>1.273418%</b>
Office Building Taxable: Full	DT	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Shopping Centre Taxable: Full	ST	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Shopping Centre Taxable: Excess Land	SU	0.294446%	0.302436%	0.676536%	<b>1.273418%</b>
Commercial (New Construction) Taxable: Full	XT	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Commercial (New Construction) Taxable: Excess Land	XU	0.294446%	0.302436%	0.676536%	<b>1.273418%</b>
Office Building (New Construction) Taxable: Full	YT	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Office Building (New Construction) Taxable: Excess Land	YU	0.294446%	0.302436%	0.676536%	<b>1.273418%</b>
Shopping Centre(New Construction) Taxable: Full	ZT	0.420637%	0.432052%	0.966480%	<b>1.819169%</b>
Industrial Taxable: Full	IT	0.511093%	0.524962%	1.090000%	<b>2.126055%</b>
Industrial Taxable: Full Shared PIL	IH	0.511093%	0.524962%	1.090000%	<b>2.126055%</b>
Industrial Taxable: Excess Land, Shared PIL	IK	0.332210%	0.341226%	0.708500%	<b>1.381936%</b>
Industrial Taxable: Excess Land	IU	0.332210%	0.341226%	0.708500%	<b>1.381936%</b>
Industrial Taxable: Vacant Land	IX	0.332210%	0.341226%	0.708500%	<b>1.381936%</b>
Large Industrial Taxable: Full	LT	0.511093%	0.524962%	1.090000%	<b>2.126055%</b>
Large Industrial Taxable: Excess Land	LU	0.332210%	0.341226%	0.708500%	<b>1.381936%</b>
Industrial(New Construction)Taxable: Full	JT	0.511093%	0.524962%	1.090000%	<b>2.126055%</b>
Pipeline Taxable: Full	PT	0.313694%	0.322207%	1.340000%	<b>1.975901%</b>
Farm Taxable: Full	FT	0.085336%	0.087651%	0.042500%	<b>0.215487%</b>



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

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

## **Restricted Acts after Nomination Day in a Municipal Election Year Staff Report**

Report Number: 2018-06

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: May 22, 2018

### **Recommendations**

1. That the report entitled "Restricted Acts after Nomination Day in a Municipal Election Year" dated May 22, 2018 be received; and,
2. That Council approve the amendment to the Delegation By-law, as provided in **Attachment A** to this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to provide Council with information on the restricted act provisions as provided by Section 275 of the Municipal Act, 2001, and to seek approval for additional delegated authority.

The additional delegated authority is requested to ensure that the Town's operations are able to continue during the period where Council's ability to act is restricted. This delegation will not be used to advance matters that are known to be sensitive or of significant interest to the public and / or Members of Council. For example, this broad authority will not be used with respect to decisions regarding the Hollingsworth Arena. Specific delegated authority will be sought separately with respect to those sensitive files.

## Background

Section 275 of the Municipal Act sets out the two dates for which the “lame duck” provisions may be invoked: 1) July 27, 2018 (Nomination Day); and 2) October 22, 2018 (Voting Day). If, on either of those dates, it can be determined with certainty that the new Council will include less than 75% of the outgoing Council Members (for Newmarket Council, 75% is 7 Members of Council). This restriction period is commonly referred to as the “lame duck” period.

## Discussion

For Newmarket Council to be in a restricted period as described above, it would need to be determined, with certainty, that 3 Members of the current Council would **not** be on the new 2018-2022 Term of Council.

## Potential “Lame Duck” Timeframes

The following are two timeframes of when Council may be restricted in its acts:

If, on July 27, 2018, 3 or more current Members of Council decide **not** to run for office again for the 2018-2022 Term of Council, then Council would be considered “lame duck” until the beginning of the new Term of Council (i.e., December 1, 2018).

If, on October 22, 2018, 3 or more current Members of Council are **not** re-elected or acclaimed, then Council would be considered “lame duck” until the beginning of the new Term of Council (i.e., December 1, 2018).

## Restricted Acts in a “Lame Duck” Period

In accordance with subsection 275(3) of the Municipal Act, if Council was in a “lame duck” situation, Council is restricted in the following:

- (a) The appointment or removal from office of any officer of the municipality;
- (b) The hiring or dismissal of any employee of the municipality;
- (c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and,
- (d) Making any expenditures or incurring any other liability which exceeds \$50,000.

Subsection 275 (4) of the Municipal Act clarifies that (c) and (d) do not apply if these dispositions or expenditures were previously approved in the budget by July 27, 2018 (Nomination Day) and, that Council may take all necessary and appropriate actions in the event of an emergency.

Additionally, any person or body that exercises authority previously delegated by Council is not prevented from continuing to act during a restricted ("lame duck") period. For example, staff that has specific delegated authority to hire or dismiss employees or incur expenditures or dispose of property, will not be impacted if there is a period of "lame duck". This previous authority may be found in individual Council reports or in the Delegation By-law.

In the event there is a period of "lame duck" with Council in 2018 (and for future Council terms), this report provides additional opportunities for Council to delegate authority to staff to ensure that there is continuity in the services provided by the Town. However, as stated in the purpose section, this delegated authority will not be used to advance politically sensitive matters. On those items, staff will seek separate specific authority to act during this period that is particular to each file.

## **Delegation of Authority**

### **Current Delegation**

Council has previously delegated the authority staff to appoint or dismiss employees below the level of the Chief Administrative Officer. These hiring and dismissal practices are exercised through the Human Resources policies and procedures developed by staff.

Additionally, Council has delegated authority to staff under the Delegation By-law, 2016-17 to approve various administrative, operational, and technical matters.

### **Additional Delegation Required**

To ensure that staff has the authority to administer matters that may arise during a restricted period, it is recommended that the Chief Administrative Officer be given authority to approve the acts as described by subsection 275(3) of the Municipal Act.

**Attachment A** outlines the additional delegated authority, which is as follows:

- (1) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000.00 at the time of disposal; and,
- (2) Making any expenditures or incurring any other liability which exceeds \$50,000.00.

**The above delegated authority would only be used if Council is in a restricted period during a Municipal Election year.**

Staff provide an annual report to Council on the matter for which were approved in accordance with the Delegation By-law. Any matters approved during a restricted period would also be included in this report.

Municipalities such as the City of Markham and Regional Municipality of York have delegated this same authority to staff.

## **Conclusion**

If 3 current Members of Council do not file their nomination forms on July 27, 2018 (Nomination Day) Council will be considered "lame duck". The Town Clerk will advise Council if this situation occurs; however, with the additional delegated authority to staff, the "lame duck" impact may be minimal.

## **Business Plan and Strategic Plan Linkages**

This report relates to the well-equipped and managed link of the Town's Community vision.

## **Consultation**

Staff from Legal and Human Resources were consulted in this report. The City of Markham and the Regional Municipality of York's Delegated Authority By-laws were reviewed as part of this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

**Attachment A** - Amendments to Delegation By-law

**Approval**

Lisa Lyons, Director of Legislative Services/Town Clerk  
Legislative Services



Karen Reynar, Director of Legal Services/Municipal Solicitor  
Legal Services



Esther Armchuk, Commissioner of Corporate Services  
Corporate Services

**Contact**

For additional information please contact Kiran Saini, Deputy Town Clerk at  
905-953-5300 extension 2203 or [ksaini@newmarket.ca](mailto:ksaini@newmarket.ca)

**Attachment A****Corporation of the Town of Newmarket  
By-law 2018-XX**

A By-law to amend By-law 2016-17.

Whereas Council of the Corporation of the Town of Newmarket adopted By-law 2016-17 Being a By-law to Delegate Administrative Matters to Staff on April 25, 2016;

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

1. That Schedule "A" of By-law 2016-17 be amended according to Schedule A of this By-law;

Enacted this XX day of May, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
Restricted Acts after Nomination Day During a Municipal Election Year for Council	Council is restricted in its acts during a Municipal Election Year, in accordance with section 275 of the Municipal Act, 2001, as amended.	Municipal Act, 2001 By-law 2018-XX	During the restricted period, where, in the opinion of the Chief Administrative Officer, such action is in the best interests of the Town, and delegated authority is not currently provided for in either the Delegation By-law 2016-17 or the Procurement By-law 2014-27, the Chief Administrative Officer shall have the authority to:  (1) Dispose of any real or personal property of the municipality which has a value exceeding \$50,000.00 at the time of disposal; and,  (2) Make any expenditures or incur any other liability which exceeds \$50,000.00.		Chief Administrative Officer	



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

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

## **Zoning By-law Amendment Application 285 Harry Walker Parkway South Staff Report**

Report Number: 2018-33

Department(s): Planning and Building Services

Author(s): Matthew Peverini, BURPI, B.Sc.

Meeting Date: May 22, 2018

### **Recommendations**

1. That the report entitled Zoning By-law Amendment Application – 285 Harry Walker Parkway South, dated May 7, 2018 be received;
2. That Council amend Zoning By-law 2010-40 for the lands at 285 Harry Walker Parkway South to be substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 3 to this report;
3. That Diron Developments Limited, c/o Diego Toneguzzo, 221 Hanlan Road, Unit 9, Woodbridge, ON L4L 3R7, be notified of this action; and
4. That Weston Consulting Inc., c/o Sandra Patano, 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8, be notified of this action.

### **Purpose**

The purpose of this report is to provide Council with the rationale for recommending approval of the proposed Zoning By-law Amendment application at 285 Harry Walker Parkway South, as submitted by Diron Developments Limited.

### **Background**

#### **Location**

The subject lands are located on the east side of Harry Walker Parkway South, south of Gorham Street and west of Highway 404 (see Attachment 1 for Location Map), being Plan 65M2558, Part Lot 13, Plan RS65R20749, Parts 4, 8 and 9. The nearest signalized intersection is located approximately 120 metres north of the subject lands at Gorham Street and Harry Walker Parkway South. The lands are municipally recognized as 285 Harry Walker Parkway South.

The subject lands are currently vacant, having an approximate area of 6,945 square metres, with a lot frontage of approximately 53.75 metres on Harry Walker Parkway South. Surrounding land uses include:

North:	Cintas Uniform Services and associated parking
South:	Toronto North (Newmarket) "O" Division Detachment of the Royal Canadian Mounted Police, and associated surface parking
East:	Highway 404
West:	York Region District School Board offices and associated parking

## Proposal

Concurrent applications have been submitted for a Zoning By-law Amendment and Site Plan Approval. The applicant is proposing to rezone the subject lands from the existing General Employment Exception 12 (EG-12) Zone to a General Employment Exception XX (EG-XX) Zone to permit the proposed development as outlined below.

The proposed development is a stand-alone overflow parking lot intended to provide parking for the York Region District School Board (YRDSB) offices located across the street at 300 Harry Walker Parkway South and 1260 Gorham Street. As per the submitted Planning Justification Letter, the registered property owner has both undertaken discussions and entered into a lease agreement with the YRDSB for the exclusive use of the proposed parking lot.

The proposed parking lot consists of a maximum of 148 parking spaces oriented in four east-west rows. Of which, 95 parking spaces are to be contained within a fenced portion at the east end of the site, while the remaining 53 parking spaces are to be located in the remaining unsecured portion of the property. These spaces will be the overflow parking for the YRDSB site, while also providing for parking of YRDSB maintenance vehicles.

The development proposes vehicular access via two driveways along Harry Walker Parkway South; 6.0 metre drive aisles interior to the site; and a pedestrian walkway that will extend from the subject lands to the signalized intersection of Gorham Street and Harry Walker Parkway South.

A Conceptual Site Plan is appended to this report as Attachment 2.

## Discussion

### Provincial Policy Statement and Provincial Plans

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

Section 1.3 of the PPS encourages planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic

base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. The proposed application intends to provide ancillary parking to account for needs of the existing YRDSB offices across the street at 300 Harry Walker Parkway South and 1260 Gorham Street.

Section 1.6.2 of the PPS encourages Planning authorities to promote the implementation of green infrastructure to complement other infrastructure. The proposed development consists of low-impact development (LID) features in the form of bio-swales located within curbed islands, and a dry stormwater management pond.

The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) provides a framework for managing growth in the Greater Golden Horseshoe including: direction on how and where to grow, the provision of infrastructure to support growth, and protecting valuable heritage systems. The proposed development is located within an existing built-up area, and makes use of vacant lands to support the growing needs of an employment use.

Through the analysis provided above, staff is of the opinion that the proposed development is consistent with the PPS and conforms to the Growth Plan.

### **York Region Official Plan**

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

The YROP provides in Subsection 4.3.1 that employment forecasts in Table 1: York Region Population and Employment Forecast by Local Municipality, of the Plan be used as the basis for planning employment lands. The property is currently vacant and the proposal makes use of this underutilized site, while at the same time does not preclude the subject lands from being redeveloped at a later date.

Section 4.3 of the YROP allows for limited ancillary uses on employment lands, provided that the proposed uses are intended to primarily service businesses in the employment lands. Further, this section encourages that the development of employment lands be designed to be walkable and transit-accessible where possible.

The proposal intends to serve as an ancillary use to the YRDSB offices west of the subject lands. The applicant is proposing to construct a walkway through the site and within the municipal right-of-way along Harry Walker Parkway South to provide a connection to the signalized intersection at Harry Walker Parkway South and Gorham Street. The walkway will ensure the site and surrounding employment lands are designed to be walkable and accessible where possible.

Planning Staff have circulated the application to the Regional Municipality of York. The Region has advised that they have no concerns or additional submission requirements, and signed off on the proposal. Through the analysis provided above, staff is satisfied that the proposed development is in conformity with the YROP.

### **Town of Newmarket Official Plan**

The Town of Newmarket Official Plan (OP) provides land use policies to guide land use and development in accordance with provincial and regional plans.

The subject lands are designated “Business Park – Mixed Employment” in the Town’s OP, and is located along a Primary Collector Road. The Business Park designation strives to sufficiently provide for employment needs of the community.

Section 6.2 of the OP states that “uses incidental to the primary permitted uses are allowed in all Business Park designations”. The proposed development is intended to be an accessory use to the existing YRDSB offices, and will provide the necessary infrastructure to sustain and encourage the current and continued employment use of the YRDSB facilities.

Section 6.3.2 of the OP requires a high standard of site design and landscaping for lands located within the Business Park – Mixed Employment designation. The applicant has submitted plans that propose to implement areas of landscaping and LID features. Further, a sidewalk on Harry Walker Parkway South and associated signage has been included at the request of the Town. This will provide a safe pedestrian access route for patrons to walk to the signalized intersection at Harry Walker Parkway South and Gorham Street in order to access the YRDSB facilities. This sidewalk along Harry Walker Parkway South is characteristic of what the OP envisions for a Primary Collector Road.

The Planning Department has considered the development to be in accordance with the intent of the Official Plan, therefore not requiring an application for Official Plan Amendment.

### **Town of Newmarket Zoning By-law 2010-40**

The subject lands are currently zoned General Employment Exception 12 (EG-12) by Zoning By-law 2010-40. The applicant is proposing to rezone the subject lands to a General Employment Exception XX (EG-XX) Zone with site-specific provisions reflecting the proposed development.

A draft amendment to the Zoning By-law is appended to this report as Attachment 3. Changes to the proposed zone standards include:

- Addition of a permitted use on the property to allow for a standalone overflow parking lot with 148 parking spaces for exclusive use by the York Region District School Board; and

- A minimum drive aisle width of 6.0 metres, as opposed to the By-law requirement of 6.7 metres.

Staff have reviewed Section 16.1.1, Policy 3, in the OP with regards to the proposed Zoning By-law Amendment and found all requirements are met as outlined below. In considering an amendment to the Zoning By-law, Council shall be satisfied that:

- a) the proposed change is in conformity with the Official Plan

The proposal intends to add a permitted use that is accessory to the existing YRDSB offices at 300 Harry Walker Parkway South and 1260 Gorham Street. The OP specifically outlines that “uses incidental to the primary permitted uses are allowed in all Business Park designations”. With this said, staff have considered the development to be in accordance with the intent of the Official Plan, therefore not requiring an application for an Official Plan Amendment.

- b) the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

**Figure 1** depicts the land uses immediately adjacent the subject lands. To the immediate north and south of are parking lots that serve the main building on the abutting parcels and to the west are the YRDSB offices. Therefore, the proposed use is generally compatible with adjacent uses. Buffering will be provided in accordance with the Town’s Zoning By-law.



Figure 1: Surrounding land-use context

- c) potential nuisance effects upon adjacent uses are mitigated;

Nuisance effects typically refer to impact of noise and airborne particles on occupiers of neighbouring properties, usually from employment uses. It is not anticipated that this development will cause any nuisance effects with the exception of construction activities which will be addressed in a construction management plan considered through the site plan approval process.

- d) adequate municipal services are available;

As the proposed development is a parking lot, no servicing of the lot is required.

- e) the size of the lot is appropriate for the proposed use;

The proposed development can be appropriately accommodated on these lands, while also providing required buffering, low-impact development features, and a pedestrian walkway.

- f) the site has adequate road access and the boundary roads can accommodate the traffic generated;

This proposal accesses Harry Walker Parkway South, a primary collector road, via 2 points of entrance/egress. Primary collector roads are designed to carry medium volumes of traffic between Arterial, Minor Collector and Local Roads.

- g) the on-site parking, loading and circulation facilities are adequate;

The proposed overflow parking lot is adequate for the use of the YRDSB offices at 300 Harry Walker Parkway South and 1260 Gorham Street. No loading spaces are proposed or required. Engineering services has no objection with the proposed circulation on-site.

- h) public notice has been given in accordance with the Planning Act.

Appropriate notice has been given in accordance with the Planning Act through the posting of Notice of Application on the property and the mailing of Notice of Application to all property owners within a 120 metre radius of the subject lands. The Statutory Public Meeting was held on March 19, 2018.

### **Site Plan Application**

The applicant has applied for Site Plan Approval, which is being processed concurrently with this Zoning By-law Amendment application. The Town is currently anticipating

receipt of the second technical site plan submission. The conceptual site plan is appended as Attachment 2 to this report. Staff continues to work with commenting agencies and the applicant to address site plan issues.

## **Consultation**

### **Community Consultation**

A Statutory Public Meeting was held on March 19, 2018 at 7:00 PM in accordance with the requirements of the Planning Act. In attendance were members of Committee of the Whole, Planning Staff, the Applicant, and representatives of the applicant. No members of the public spoke to the application.

There were concerns noted in the Statutory Public Meeting that the proposed development would yield jay-walking from the subject lands to the YRDSB offices across the street. The applicant is proposing an internal pedestrian walkway through the site, and will be constructing a pedestrian walkway along the east side of Harry Walker Parkway South to Gorham Street in an effort to provide safe pedestrian access to the YRDSB site. Engineering Services have reviewed the concept and advise they have no objection at this time. The pedestrian walkway will be further refined through the ongoing site plan approval process.

### **Agency Circulation**

The application was circulated to all the appropriate agencies and Town Departments. These comments were considered by staff in the development of this report's recommendations.

### **Comments**

#### **Newmarket Accessibility Advisory Committee**

Upon circulation of the application to the Advisory Committee, the Committee raised concern that there were no barrier-free parking spaces proposed on site. The YRDSB has agreed to provide additional barrier-free parking spaces on their site at 300 Harry Walker Parkway South to address these concerns.

#### **Economic Development**

There had been initial concerns that developable industrial lands being purposed for parking, as lands positioned immediately adjacent to Highway 404 are especially valuable for employment development. Upon further discussion with Economic Development, there is no objection to the proposed Zoning By-law Amendment.

## Conclusion

It is recommended that Council approve the proposed Zoning By-law Amendment application, as the project is consistent with the PPS and conforms to relevant Planning documents.

## Business Plan and Strategic Plan Linkages

Well Planned and Connected: Reviewing Zoning By-law Amendment applications with respect to the Town's Official Plan.

## Human Resource Considerations

Not applicable to this report.

## Budget Impact

Not applicable to this report.

## Attachments

Attachment 1 – Location Map

Attachment 2 – Conceptual Site Plan

Attachment 3 – Draft Zoning By-law Amendment

## Approval




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Matthew Peverini, BURPI, B.Sc.  
Planner




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




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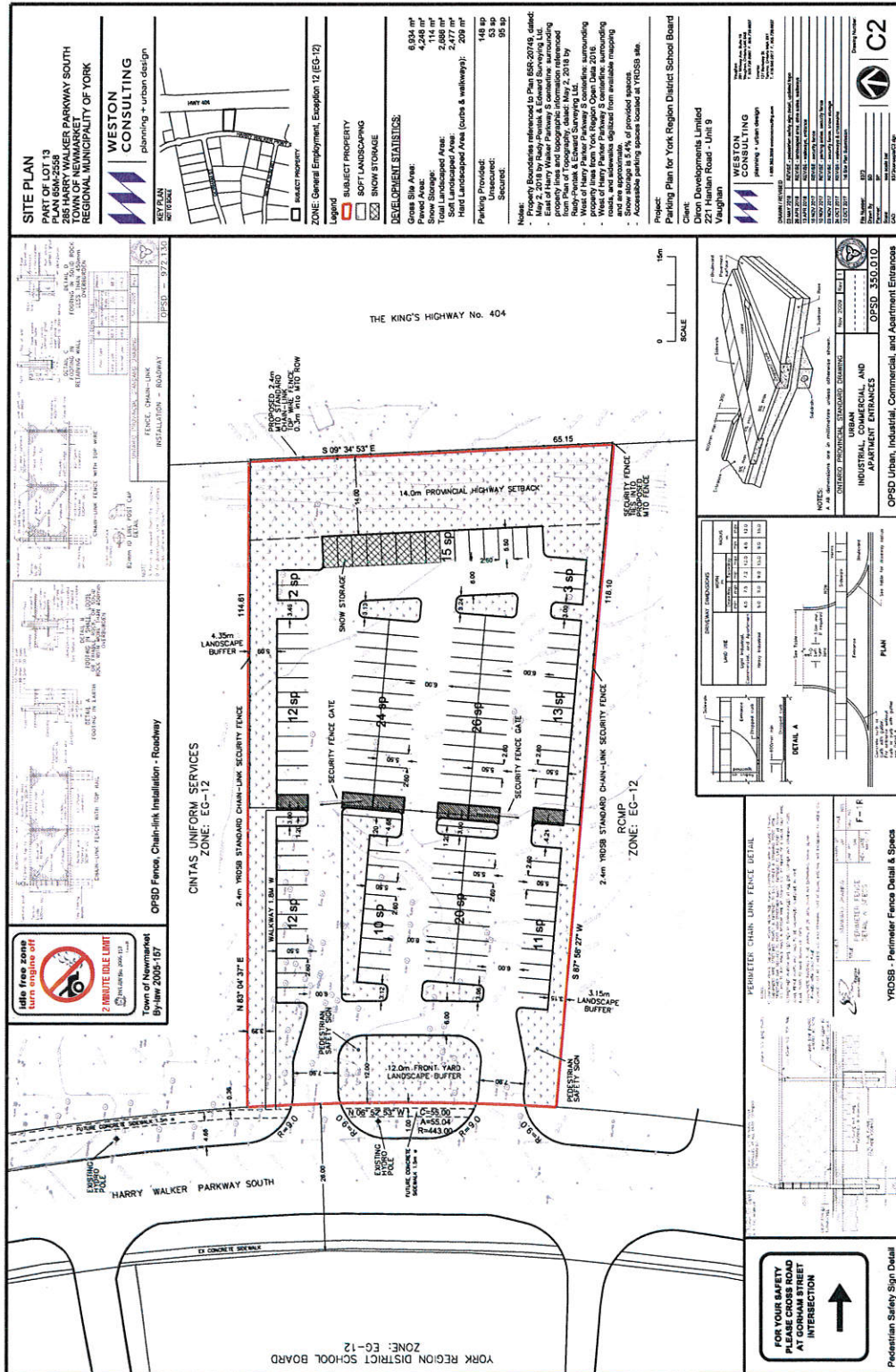
Peter Noehammer, P. Eng.  
Commissioner Development and  
Infrastructure Services

## Contact

Matthew Peverini, Planner, at x 2453; mpeverini@newmarket.ca



## Attachment 2 – Conceptual Site Plan



## Attachment 3 – Draft Zoning By-law Amendment

Exception XX	Zoning EG-XX	Map 15	By-Law Reference 2018-XX	File Reference D14-NP-17-25
i)	Location:	285 Harry Walker Parkway South		
ii)	Legal Description:	Plan 65M2558, Part Lot 13, Plan RS65R20749, Parts 4, 8 and 9		
iii)	Development Standards:	(a) Building <i>Height</i> (maximum): 15 m		
iv)	Uses:	<p>A stand-alone overflow <i>Parking Lot</i> with a maximum of 148 parking stalls for the exclusive use by the York Region District School Board offices located at 300 Harry Walker Parkway South and 1260 Gorham Street shall also be permitted.</p> <p>(a) Only in conjunction with the above additional permitted use, a Drive Aisle Width (minimum) of 6 m shall be permitted.</p>		



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

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

## **Servicing Allocation Policy Update Staff Report**

Report Number: 2018-34

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: May 22, 2018

### **Recommendations**

1. That the report entitled Servicing Allocation Policy Update dated May 22, 2018 be received; and,
2. That Council adopt the Servicing Allocation Policy, updated May, 2018, included as Attachment 1 to this Report.

### **Purpose**

The purpose of this Report is to provide information regarding the proposed update to the Town's Servicing Allocation Policy, included as Attachment 1, for Council's consideration for adoption. The Town's Servicing Allocation Policy is hereafter referred to as "the Policy".

### **Background**

The original version of the Policy was adopted by Council in 2009 and has undergone a series of updates, with the most recent update being in September, 2017. Since that time, servicing allocation remains a limited resource for the Town. In light of the unprecedented servicing constraints that the Town will face over the next 5-10 years, the Policy is proposed to be revised again, to include the Inflow and Infiltration Reduction Program, a Strategic Condominium Reserve, and additional emphasis and clarity regarding affordable housing.

### **Discussion**

#### **A Constrained Resource**

The Policy sets out a system to prioritize servicing allocation among new developments within the Town. Servicing allocation in Newmarket, and elsewhere in York Region, is a

constrained resource however there are incremental and more significant planned improvements to resolve this issue.

Through planned infrastructure improvements (forcemain twinning), in 2016 Newmarket was granted an additional 1500 persons of capacity which at the time was expected to accommodate residential growth to the end of 2021. However, this capacity is not yet available to distribute as these infrastructure improvements are not yet complete (construction is not expected to start until 2019). The Upper York Sewage Solution is scheduled for completion in 2026 at the earliest and there is therefore a significant gap that needs to be addressed. Discussions with the Region are ongoing regarding the continued assignment of servicing allocation in a manner that adequately accommodates planned growth, should available servicing allocation be exhausted.

The Town currently has servicing capacity for 576 people left in its reserve, of which a minimum 96 people is earmarked for development in the Urban Centres. However, over the past two years, various planning policies have been put in place to encourage the redevelopment and intensification of the Urban Centres. These efforts, combined with natural market growth, have led to an increase in both the number of applications received, and the scale of those applications, within the Urban Centres. With these more numerous and larger applications being filed, the already limited servicing resource has become even more strained.

This strain is exemplified by comparing the population generated by three of the more significant residential developments in the Urban Centres:

<b>Application</b>	<b>Phase 1 Population*</b>	<b>Subsequent Phases Population*</b>	<b>Total Population (all Phases)*</b>
Redwood (17645 Yonge St)	Previously allocated	675	1034
Deerfield (175 Deerfield Rd)	355	546	901
Kerbel (17365/17395 Yonge St)	702	0	702
<b>TOTAL</b>	<b>1057 people</b>	<b>1,221 people</b>	<b>2,637 people</b>

\*Based on information received as of May 8, 2018

In addition to the above developments, there are other large-scale residential / mixed use applications that are expected to be formally submitted in the near future that will place even greater pressure on this limited resource.

Given the above, it is evident that the existing minimum of 96 people earmarked for the Urban Centres is inadequate to sustain the area's current growth and intensification.

## Revisions to the Policy

In light of this constrained servicing context, the Policy is proposed to be revised to add additional elements that will be considered by the Town when decisions on allocation are being made, with the overall objective to be as efficient as possible with the limited servicing capacity.

### **1. Inclusion of Inflow & Infiltration (I&I) Reduction Program**

York Region completed an Inflow and Infiltration Reduction Strategy in 2011 and partnered with all nine local municipalities to fund and implement the Strategy. One component of the Strategy is to partner with the building industry to reduce inflow and infiltration through capacity assignment incentive programs.

Essentially, this program involves creating efficiencies to the servicing system through various works (e.g. sewer point repairs, downspout/roof leader/sump pump disconnections, installation of watertight manhole covers) which eliminate sources of storm water inflow, thereby creating sanitary sewer capacity in the system for the development of additional residential units. The developer funds these works for the benefit of creating servicing capacity on a two-to-one basis for a development that is being proposed.

This Program is a creative solution that generates net new servicing capacity, at no cost to the Town. As such, it is now proposed to be included in the Policy. The Policy has been revised to state that within the Urban Centres, applications that participate in the I&I Program receive 2 points, in the Emerging Residential and Stable Residential Areas, participation in the I&I Program has been added as a criterion to consider when Council is assessing multiple applications for servicing.

### **2. Inclusion of a Strategic Condominium Reserve**

As a means to encourage condominium development within the Urban Centres, a separate 'Strategic Condominium Reserve' is now proposed to be included in the Policy. This is a separate reserve of servicing allocation that will be available to the first residential condominium application that receives Site Plan Approval. Eligible applications must: i) provide housing for at least 300 people (in total or as a first phase), and ii) be located entirely within the Urban Centres Secondary Plan area. This reserve shall exist for a period of three years, or until it is utilized.

The servicing that is allocated through this reserve shall be subject to Section 5 of the Policy, being the Rescinding and Reallocation of Servicing section, which allows the Town to rescind/reallocate the servicing capacity if no actual development has taken place within 1 year from the date that capacity was allocated.

### **3. Additional Emphasis on Affordable Housing**

The Town continues to find ways to encourage additional levels of affordable housing to be built in the community and staff believe servicing allocation can play a role in this process.

While the current Policy includes affordable housing as a criterion for consideration, the proposed Policy includes more specific and explicit affordable housing requirements, that are applicable both inside and outside the Urban Centres.

A wide range of building practices exist that can directly result in the creation of more affordable housing units (e.g. accessory dwelling units, laneway housing) or indirectly by reducing hard construction costs (e.g. utilizing wood frame construction, reduced parking requirements, more equitable parkland dedication requirements). It is further understood that innovation in the homebuilding industry is constantly evolving, with new building practices and policy tools being regularly introduced.

Therefore, the revised Policy does not list any specific building practices or policy tools, rather, in order to prioritize a development for allocation, it requires applications to include a meaningful number of affordable housing units to the satisfaction of Council, for applications inside and outside the Urban Centres. For guidance, the affordable housing policies of the Secondary Plan and Official Plan are provided as footnotes in the Policy, which include the 35% (in the Provincial Urban Growth Centre) and 25% (elsewhere in the Town) affordability targets. Further, the Policy requires legal agreements to be executed detailing occupant eligibility, affordability rates and secured duration periods.

This approach provides a specific requirement (a meaningful number of affordable housing units to the satisfaction of Council), policy direction (the Secondary Plan / Official Plan's affordable housing policies) and requires the application of a practical tool (legal agreement) to ensure the actual affordability of the units, yet is flexible enough to allow developers to determine which building practices and/or policy tools will be used to satisfy this requirement.

#### **Marianneville (Kerbel) I&I Details**

At the April 16<sup>th</sup> Special Committee of the Whole, Committee asked for additional detail regarding the Kerbel I&I program; specifically, which lands are included in the program, how is allocation provided and repaid, how much allocation has been granted and repaid to-date, and the expected timing for repayment for the balance of the allocation.

#### Applicable Lands

The Kerbel I&I program applies to all of the lands typically referred to as the “Glenway East” lands, being the 742 units approved through the OMB settlement, as well as Kerbel property at the northeast corner of Yonge and Millard currently proposed for 360 apartments.<sup>1</sup> The following Figures show all of the lands subject to the Kerbel I&I program.

Figure 1 – Glenway East (hi-lighted areas)



Figure 2 – Yonge/Millard (N/E Corner)



<sup>1</sup> The current application is for an 11 + 12 storey mixed-use building, however staff understands that a revised development concept may now be contemplated.

### How is Allocation Provided and Paid Back to the Town?

In the case of the Kerbel program, the Town “up-fronts” allocation to the developer (i.e. grants allocation from the Town’s reserve) as various phases move through the site plan process. The developer then pays back the allocation in tranches after the remedial works being undertaken by the developer have been inspected and approved by both the Town and the Region, and after the Region has confirmed the number of units of allocation to be compensated for the works done. All units that are repaid to the Town can then be used exclusively at the Town’s discretion – for example maintained in the Town’s reserve and/or granted to any other development(s) the Town deems appropriate.

### How Much Allocation Has Been Provided and Paid Back To-Date?

To-date, Council has granted allocation in full to Phases 1 (114 units/325 people) and 2 (309 unit/919 people) of the Marianneville (Glenway East) development, being all of the proposed units within the approved draft plan with the exception of the former school site block. Kerbel has repaid the Town 188 people worth of allocation, with a further repayment expected in 2018.

No allocation has been granted for any of the units in the former school block or for the proposed development at Yonge/Millard. At such time as allocation is granted to these developments, Kerbel will then also be required to pay back that allocation in accordance with the terms of the I&I agreement.

### Timing for the Remaining Repayment

The Town has no influence on the timing of the repayments or the time that York Region may need to verify the remedial works and quantify the allocation; however, from staff’s experience, it has been known to take more than two years to repay “up-fronted” allocation in full. In the case of the tri-party agreement with Kerbel in Newmarket, it’s first round of allocation (325 people) was granted in 2015 and, as noted above, 188 persons of capacity has been repaid to-date, with an additional repayment (amount unknown) anticipated in 2018.

### Expiry/Duration of the Agreement

While there is no formal expiry date in the tri-party agreement, it does require the developer to submit a schedule of construction that is approved by the Region and Town. If the works are not completed in the time frame set out in the schedule, the Town or the Region may draw upon the letter of credit to take any necessary action(s) to complete the works or restore disturbed areas. The agreement also includes a “Nullification of the Agreement” clause, which states that, if the works are not commenced within 2 years or completed within 5 years from the date of execution of the agreement, the Town or Region may declare the agreement null and void.

## Business Plan and Strategic Plan Linkages

Well-Equipped and Managed:

- Creating a clear vision of the future and supporting plans and strategies to guide the way.

## Consultation

Consultation for existing version of this Policy was undertaken in 2017 with York Region and the development industry.

## Human Resource Considerations

None.

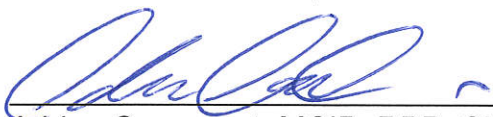
## Budget Impact

None.

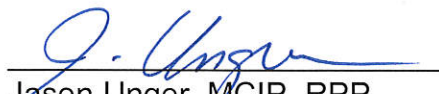
## Attachments

Servicing Allocation Policy, updated May, 2018

## Approval



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



Jason Unger, MCIP, RPP  
Assistant Director of Planning



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



Peter Noehammer, P. Eng.  
Commissioner of Development &  
Infrastructure Services

## Contact

Adrian Cammaert, Senior Policy Planner, [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)

# Servicing Allocation Policy

Adopted by Council: August, 2009  
Amended: May, 2011  
Amended: September, 2017  
Amended: May, 2018





## **Town of Newmarket Servicing Allocation Policy**

**(Adopted by Council August 2009, as amended May 2011, September 2017, and May 2018)**

### **1. Prioritization of Servicing Allocation**

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

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

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

<b>Metric</b>	<b>Available Points</b>
Applications that participate in the Region’s Sustainable Development through LEED® Incentive Program (LEED). (minimum requirement of 4 storeys).	3
Applications that do not require an amendment to the Urban Centres Secondary Plan.	3
Applications that include a meaningful number of affordable housing units, to the satisfaction of Council, that will contribute to meeting the Urban Centres Secondary Plan’s affordable housing policies <sup>1</sup> . Respective legal agreement(s) shall be required to be executed detailing occupant eligibility, affordability rates and secured duration periods, among other items.	3
Applications that do not require an amendment to the Urban Centres Zoning By-law. <i>Note: Not applicable until the UC ZBL is in force and effect.</i>	2
Applications that participate in the joint Region and Town Inflow and Infiltration Reduction Program	2
Applications that include a conveyance of lands to the Town to implement the future public street network, as per Schedule 5 of the Urban Centres Secondary Plan.	2
Applications that are located in the Provincial Urban Growth Centre.	1

<sup>1</sup> For reference, Section 6.4.3 i) of the Urban Centres Secondary Plan states that a minimum of 35% of new housing units in the *Provincial Urban Growth Centre* and a minimum of 25% of new housing units elsewhere in the Urban Centres shall be affordable to *low and moderate income households* (italicized terms are defined in the Urban Centres Secondary Plan).

Applications that are located in the portion of the Newmarket GO Station Mobility Hub Study area that falls within the Urban Centres Secondary Plan area.	1
<b>Total Available Points</b>	<b>17</b> <b>(15 until the UC ZBL is in force and effect)</b>

Applications will be assessed using the above metrics and servicing allocation shall be given to the application having the highest point total. Where there are multiple applications within the Urban Centres Secondary Plan area that have the same point total, an analysis shall be undertaken by the Town to assess the objectives of the Official Plan, Urban Centres Secondary Plan, and/or any other Town, Regional or Provincial goals that may be supported.

- b) After consideration has been given to applications within the Urban Centres Secondary Plan area, consideration shall then be given to providing allocation to those applications in the Historic Downtown Centre as shown on Schedule “A”, Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Historic Downtown Centre that together exceed the available allocation, an analysis shall be undertaken by the Town to assess the objectives of the Official Plan and/or any other Town, Regional or Provincial goals that may be supported.
- c) After consideration has been given to applications within the Historic Downtown Centre, consideration shall then be given to providing allocation to those applications in the Emerging Residential Areas as shown on Schedule “A”, Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Emerging Residential Areas that together exceed the available allocation, priority will be given to applications that satisfy one or more of the following criteria, to the satisfaction of Council:
  - 1. a meaningful number of affordable housing units are provided, that will contribute to meeting the Official Plan’s affordable housing policies<sup>2</sup>. Respective legal agreement(s) shall be required to be executed detailing occupant eligibility, affordability rates and secured duration periods, among other items; and/or
  - 2. participate in the joint Region and Town Inflow and Infiltration Reduction Program; and/or
  - 3. facilitate the completion of a community.
- d) After consideration has been given to applications within the Emerging Residential Areas, consideration shall then be given to providing allocation to those applications in the Stable Residential Areas as shown on Schedule “A”, Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Stable Residential Areas that together exceed the available allocation, priority

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<sup>2</sup> For reference, Section 3.10.2.1 of the Official Plan states that a minimum of 25 % of new housing development outside the Urban Centres Secondary Plan will be affordable to low and moderate income households.

will be given to applications that satisfy one or more of the following criteria, to the satisfaction of Council:

1. a meaningful number of affordable housing units are provided, that will contribute to meeting the Official Plan's affordable housing policies<sup>3</sup>. Respective legal agreement(s) shall be required to be executed detailing occupant eligibility, affordability rates and secured duration periods, among other items; and/or
2. participate in the joint Region and Town Inflow and Infiltration Reduction Program; and/or
3. facilitate the completion of a community.

## **2. Strategic Condominium Reserve**

A strategic condominium reserve shall be created by the Town to provide servicing allocation for the first residential condominium development in the Urban Centres that receives Site Plan approval. Development applications eligible to access this reserve must be for residential condominiums that provide housing for at least 300 people (in total or as a first phase) and be located entirely within the Urban Centres Secondary Plan area. This reserve shall exist for a period of three years, or until it is utilized.

## **3. Participation in York Region's Sustainable Development Incentive Programs**

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

## **4. Allocation Tied to Land**

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

## **5. Rescinding and Reallocation of Servicing**

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

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<sup>3</sup> For reference, Section 3.10.2.1 of the Official Plan states that a minimum of 25 % of new housing development outside the Urban Centres Secondary Plan will be affordable to low and moderate income households.

## **6. Extension of Allocated Servicing**

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



Development and Infrastructure Services – Public Works Services  
 Town of Newmarket  
 Operations Center  
 1275 Maple Hill Court,  
 Newmarket, Ontario, L3Y 9E8

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

## **Road Occupancy By-law Staff Report**

Report Number: 2018-22

Department(s): Public Works Services

Author(s): Michelle O'Brien

Meeting Date: May 22, 2018

### **Recommendations**

1. That the Staff Report entitled Road Occupancy By-law dated May 7, 2018 be received; and,
2. That the Road Occupancy By-law be adopted; and,
3. That the current Road Occupancy By-law 2015-16 be hereby repealed; and,
4. That the Fees and Charges By-law be updated to reflect the Road Occupancy Fees included herewith; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of revising the current Road Occupancy By-law is to ensure that desired levels of service for the community and the Corporation of the Town of Newmarket are consistently met. This will be achieved by addressing identified gaps in the existing Road Occupancy By-law.

### **Background**

In 2009 the Town of Newmarket adopted its first Road Occupancy By-law (By-law 2009-32) to regulate the use, alteration, and occupancy of highways under the jurisdiction of the municipality. Although it substantially remained the same, this By-law was revised in

2015 to better define the term Applicant and to increase the value of required liability insurance from two million dollars to five million dollars (see By-law 2015-16).

This proposed iteration of the By-law will change the existing By-law considerably. Most importantly, it will give the Corporation the ability to prompt immediate action when unsafe conditions are identified in the field; a process that is much more cumbersome currently. Eliminating or mitigating the potential for personal injury as soon as it becomes apparent, will reduce the risk of financial loss the Corporation may realize from legal claims against the Town. It also introduces streamlined measures to make the customer experience more efficient.

## **Discussion**

Below is a list of some of the proposed changes and benefits the revised Road Occupancy By-law will provide. They include the following:

- 1) Clearer and more concise definitions
- 2) Better definition for when a Road Occupancy Permit is needed
- 3) Outline Applicant's and Permit Holder's responsibilities
- 4) Allowance for Exemptions when residents and/or business owners have already obtained permission from the Town through other means (ie: Road Closure)
- 5) Option for same-day service
- 6) Built-in flexibility for Town to prohibit potential public health and safety hazards
- 7) Ability for Town to refuse an Applicant based on past performance and jeopardizing the health and safety of the general public
- 8) Better understanding of who is responsible for restoration work and costs when public and/or private property is damaged
- 9) Further definition of Contractor's responsibilities when Emergency work is needed to restore private services
- 10) Ability to issue fines (on-the-spot ticketing) for contraventions of the By-law including, but not limited to, the following:
  - Contractors working on the roadway or boulevard without a permit
  - Dumping gravel or other construction material on the roadway
  - Contractors leaving the work-site in an unsafe condition
  - Blocking a sidewalk with material or machinery, preventing safe passage for pedestrians

## Conclusion

The revised Road Occupancy By-law will provide benefits for both contractors and the Town of Newmarket. For example, Contractors will have the opportunity to take advantage of expedited turn-around-times and the Town will have the ability to issue fines on-the-spot and prompt immediate action to make an unsafe condition safe again.

## Business Plan and Strategic Plan Linkages

Forming part of Newmarket's Strategic Plan, *Living Well* focuses on public health and safety to create a truly livable and engaged community. This is achieved, in part, by ensuring contractors are working on our roadways and boulevards in a manner that supports the health and safety needs of our community.

When our roadways and boulevards are free from obstructions and potential hazards, they serve the community by interconnecting the whole community. They service the needs of all Newmarket residents and ensures increased accessibility for all persons of all abilities. A well maintained network of roadways and sidewalks allows for a *Well-Balanced* community.

Further, *Well-Equipped and Managed* is intended to lay the foundation for the future success of our community by ensuring efficient management of capital assets. Equipping Newmarket's staff with the tools and processes they need to ensure capital assets are maintained efficiently and safely is essential to the success of our community program. Supporting the revised Road Occupancy By-law brings us one step closer to bringing Newmarket's vision into focus.

## Consultation

Several meetings were held and attended by various internal stakeholders throughout 2017 and at the beginning of 2018. Individual representatives from Engineering Services, Public Works Services, Legal Services and Legislative Services reviewed the proposed document and offered comments, suggestions and recommendations. The document was revised based on the feedback provided.

On April 4, 2018, a Public Information Center (PIC) was held for internal and external stakeholders. The Town of Newmarket Council and the general public were invited to learn more about the proposed changes to the existing By-law, ask questions and provide any comments that would potential shape the proposed By-law. No comments were received from any of the PIC participates.

## Human Resource Considerations

There is no impact to current staffing levels.

## Budget Impact

There is no current impact on Capital or Operating budgets.

## Attachments

Appendix A – Proposed Road Occupancy By-law

Appendix B – Proposed Road Occupancy Fees & Proposed Contravention Fines

Appendix C – PIC Display Board showing the condition of unattended site at the northwest corner of Harry Walker Parkway and Maple Hill Court on December 2016

Appendix D – PIC Display Board showing various pictures of potential public health and safety liability scenario examples

Appendix E – PIC PowerPoint slideshow of Frequently Asked Questions (FAQs)

## Approval

Michelle O'Brien  
Infrastructure & Environmental Coordinator

Chris Kalimootoo  
Director, Public Works Services

Peter Noehammer  
Commissioner, Development & Infrastructure Services

## Contact

Please direct any questions to Michelle O'Brien at [mobrien@newmarket.ca](mailto:mobrien@newmarket.ca) or 905-953-5300.

## Appendix A – Proposed Road Occupancy By-law

**Corporation of the Town of Newmarket****By-law 2018-XX**

A **By-law** to regulate the use, alteration, and occupancy of highways under the jurisdiction of the municipality.

**WHEREAS** Section 8(1) of the Municipal Act, 2001, S.S. 2001, c.25, as amended (the “Municipal Act”) provides that the powers of a municipality under any Act (as defined thereunder) shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act;

**AND WHEREAS** Section 11(3)1 of the Municipal Act provides that a municipality may pass by-laws within the following spheres of jurisdiction: Highways, including parking and traffic on Highways;

**AND WHEREAS** Section 391(1) of the Municipal Act provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided by the municipality or done on behalf of it;

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

**AND WHEREAS** Section 429(1) of the Municipal Act provides that a municipality may establish a system of fines for a by-law passed under the Municipal Act;

**AND WHEREAS** Section 444 of the Municipal Act provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do work required to correct the contravention;

**AND WHEREAS** Section 446 of the Municipal Act provides that a municipality may proceed to do things at a person’s expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

**AND WHEREAS** Section 23.1 of the Municipal Act provides that a municipality may delegate its powers and duties under the Act subject to such conditions and limits as the council of the municipality consider appropriate;

**AND WHEREAS** the Council of the Corporation of the Town of Newmarket desires to repeal and replace By-law 2015-16 with an updated road occupancy by-law;

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

## **1.0 SHORT TITLE**

1.1 This By-law shall be known as the “Road Occupancy By-law”.

## **2.0 DEFINITIONS**

**Alter** means to change in any manner and includes excavate, disturb, restore, renovate, or repair, and “alteration” has a corresponding meaning.

**Appeals Committee** means the **Appeal Committee** established by the **Town**.

**Applicant** means a Person making application for a **Permit**.

**Boulevard** means the portion of the **Highway** between a property line and the boundary line of the **Roadway**.

**Construction** means anything done in the erection, installation, extension or material alteration, demolition, or repairs of a building, structure, or utility, or surface grading and includes landscaping.

**Contractor** means any **Person** alone or with others undertaking **Construction** on a **Highway**.

**Damage** means harm or injury to the **Boulevard** or **Roadway**, including without limitation, harm, injury, disturbance, cracking, cutting, gouging or displacement of or to the pavement, curb or sidewalk, landscaping, trees, retaining walls, municipal appurtenances, **Street Furniture** resulting from the use of the **Boulevard** or **Roadway** to occupy or perform **Construction** such that, in the sole opinion of the **Director**, the **Boulevard** or **Roadway** is not in its pre-construction condition.

**Director** means the Director of Public Works Services for the **Town** or designate.

**Emergency** means a situation that poses a threat to public health or safety and includes a disruption of services supplied by the public utilities or the **Town**.

**Highway** includes a common and public highway, street, avenue, parkway, drive, square, place, bridge, viaduct or trestle, or sidewalk, any part of which is intended for or used by the general public for pedestrian and/or vehicular passage and includes a **Boulevard** and **Roadway**.

**Landscape or Construction Material** including gravel, soil, sod, bricks, paving stones, landscaping rocks, wooden planks or boards.

**Newmarket Standard** means The Town of Newmarket Standards, as amended from time to time intended as guidelines for land development and Town projects to aid in providing uniform designs throughout the municipality and are to be used in conjunction with Ontario Provincial Standard Drawings (“O.P.S.D.”).

**Obstruct** includes encumber, **Damage**, foul, block, or **Alter**, and “obstruction” and “obstructing” have corresponding meanings.

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

**Order** includes a Work Order, Order to Comply and Order to Discontinue.

**Outdoor Patio** means a designated area within a **Highway** associated with an eating establishment where food or drink is offered for sale and/or consumed, and includes any required sidewalk extensions.

**Permit** means a Road Occupancy Permit issued by the **Director** pursuant to **this By-law**, and any other permit as required to undertake **Construction** on the **Highway**.

**Permit Holder** means the **Applicant** named in a **Permit**.

**Person** includes a natural individual, association or organization, firm, partnership, **Contractor**, corporation, owner, agent or trustee and their heirs, executors, assigns, administrators, or other legal representatives of an individual, association or organization, firm or partnership of a **Person** to whom the context can apply according to the **By-law**.

**Public Utility** means a municipality, a municipal board or commission, or a corporation that provides **Utility Service** under the authority of any statute, charter, by-law or franchise.

**Roadway** means the part of the **Highway** that is improved, designed and ordinarily used for vehicular traffic, but does not include the **Boulevard**.

**Security** means cash, certified cheque, or letter of credit provided to the **Town** to secure the performance by the **Permit Holder** of all its obligations under a **Permit** and this **By-law**.

**Street Furniture** includes benches, garbage containers, hard rails, tables, posts, signs, any other above ground appurtenance that is owned by the **Town** and used by the public.

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

**Utility Service** means the production, transmission or supply to the public by a **Public Utility** of necessities or conveniences and includes, but is not limited to, the production,

transmission and supply of gas, oil, water, electricity, sewage and storm water services, telephone service, cable television, and any other telecommunications service.

### 3.0 GENERAL PROVISIONS

- 3.1 The **Town** maintains its right to enter onto any portion of a **Roadway** or **Boulevard** and undertake any **Construction** needed to reinstate the **Roadway** and/or **Boulevard** back to its original condition having existed prior to private alterations made with or without a **Permit**.
- 3.2 The **Town** is not responsible for damage, maintenance or replacement of any **Alternations** made to a **Boulevard** by a **Person**.
- 3.3 No **Person** shall **Alter**, occupy, **Obstruct** or **Damage**, cause or permit the use of any **Highway** by:
  - 3.3.1 depositing, throwing, spilling, tracking, cause or permit the depositing, throwing, spilling or tracking of any material, waste or sediment onto the **Highway**;
  - 3.3.2 depositing of snow or ice on a **Roadway**, sidewalk, or onto a **Boulevard** not contiguous with the property from where the snow was moved;
  - 3.3.3 the placement of any snow or ice, or any materials or equipment, or any structures within 1.2 m, in any direction of a fire hydrant;
  - 3.3.4 **Altering** the grade on any **Boulevard** unless otherwise approved by the **Town**;
  - 3.3.5 cutting, **Altering**, extending, in any manner whatsoever of a concrete curb, open or contained culvert, culvert overpass or similar structure, or landscape feature;
  - 3.3.6 allowing the direct discharge of water from any irrigation system, sump pump or down spout onto a **Highway**;
  - 3.3.7 creating any **Obstruction** within any ditch, cutter, or watercourse on any **Highway**;
  - 3.3.8 the placement of any debris on any portion of a **Highway** except for items that are placed at the roadside and are approved collectable under the **Town's** waste management program;
  - 3.3.9 the placement of any **Landscape or Construction Material**, or bins on any portion of a **Highway**.

### 4.0 SPECIFIC PROVISIONS

#### Road Occupancy Permit

- 4.1 No **Person** shall **Alter**, occupy, **Obstruct** or **Damage**, cause or permit the use of any **Highway** without first having obtained a **Permit**.
- 4.2 No **Person** shall undertake **Construction** on land abutting a **Highway**, which may affect the drainage of the **Highway** or require alteration of **Town** infrastructure without first having obtained a **Permit**.
- 4.3 Without limiting the generality of Section 3.0, no **Person** shall **Alter**, occupy, **Obstruct** or **Damage**, cause or permit the use of any **Highway** without having obtained a **Permit** for any of the following:
  - 4.3.1 the placement of equipment or motorized equipment other than licensed motor vehicles on any portion of a **Highway**
  - 4.3.2 **Altering** or damaging any portion of a **Highway**, including but not limited to sod, trees, light poles, street signs asphalt, road sub-base, concrete curb, sidewalk or other appurtenance within the **Highway**; and
  - 4.3.3 the placement, removing or moving of any **Street Furniture** on any portion of a **Highway**.

#### **Use of a Boulevard or Roadway**

- 4.4 No **Person** shall in relation to a **Boulevard** or **Roadway**:
  - 4.4.1 create or establish vehicle access to a property across a **Boulevard** without approval of the **Director**.
  - 4.4.2 construct a driveway apron crossing the **Boulevard** at width greater than the curb cut at the street-line and greater than the width of the driveway, as permitted under the applicable Zoning By-law.
  - 4.4.3 construct, install or place any raised curb, retaining wall or similar feature, fence, post, light post, rock(s), decorative wall, or landscape feature within 0.5 m of a sidewalk.
  - 4.4.4 place, deposit or plant any object, which in the opinion of the **Town** may impede the **Town's** ability to maintain the **Boulevard** or **Roadway**, or create a hazard.
  - 4.4.5 place, deposit or plant any object, or create any visual **Obstruction** on any portion of the **Boulevard** or **Roadway**.
  - 4.4.6 leave an excavation open or unattended without first securing the excavation with appropriate safety measures and barricades, and warning or cautionary signage.

- 4.4.7 erect or maintain, without permission of the **Town**, scaffolding needed to facilitate **Construction** on any portion of the **Boulevard** or **Roadway**.

## 5.0 EXEMPTIONS

- 5.1 Any **Person** or **Public Utility** will not require a **Permit** from the **Town** where:
- 5.1.1 the **Highway** is under the jurisdictional authority of the Regional Municipality of York, Registered Condominium Corporations, or is an unassumed land under the care and control of a developer.
  - 5.1.2 a road closure has been authorized by the **Town** and no alteration to the **Highway** is needed.
  - 5.1.3 **Emergency** repairs are required.
  - 5.1.4 an **Outdoor Patio** has been authorized by the **Town**.
- 5.2 Notwithstanding the exemptions listed in Section 5.1, every **Person** or **Public Utility** shall comply with the requirements of the Ministry of Transportation Traffic Control Manual for Roadway Operations as amended or replaced from time to time.
- 5.3 Subject to Section 5.1, when **Public Utilities** must complete work relating to an **Emergency**, the **Public Utility** shall immediately notify the **Town**, and on the next working day obtain a **Permit**, as required by this **By-law**.
- 5.4 The provisions of this **By-law** do not apply to a motor vehicle legally parked, licensed and operable pursuant to the regulations of the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended.
- 5.5 The provisions of this **By-law** do not apply to activities undertaken by any police force, fire department, paramedic or ambulance service in the course of their regular duties.

## 6.0 ADMINISTRATION

### Permit Administration

- 6.1 A **Person** who applies for a **Permit** under this **By-law** shall:
- 6.1.1 complete an application for the **Permit** on the forms as provided by the **Director**;
  - 6.1.2 submit the application along with the applicable fees and charges as provided for in the **Town's** Fees & Charges By-law; and,
  - 6.1.3 provide any documentation, deposit or **Security**, and insurance certificate(s), as required by the **Director** as prerequisites and requirements for the issuance of the **Permit**.

- 6.2 The issuance of a **Permit** under this **By-law** does not relieve any **Person** from the necessity of acquiring any other license or permit, or complying with any other applicable laws, by-laws, regulations, and requirements of other governmental authorities.
- 6.3 A **Permit** is the property of the **Town** and is not transferable unless otherwise authorized by the **Director**.
- 6.4 Every **Applicant** shall post with the **Town** the required deposit or security, by way of certified cheque, debit card, or letter of credit, in a form satisfactory to the **Town**. If deemed necessary by the **Director**, the deposit or security shall be held by the **Town** for a period of up to one year following the completion of **Construction**.

## 7.0 PERMIT CONDITIONS

- 7.1 A **Permit Holder** shall comply or ensure compliance with all provisions and conditions of the **Permit** and this **By-law**.
- 7.2 A **Permit Holder** shall provide and maintain a contact phone number by which the **Director** or an **Officer** may reach the **Permit Holder** at all times.
- 7.3 Every **Permit Holder** shall forthwith rectify damage, and shall reinstate the **Highway**, to its original condition, to the satisfaction of the **Director**.
- 7.4 Every **Permit Holder** shall provide all signs, barricades, traffic control devices, flag persons, and other persons and equipment required by the **Director** prior to the commencement of, and for the duration of, the use and occupancy of the **Highway**.
- 7.5 Every **Permit Holder** shall maintain or provide alternate access to all private and public properties for the duration of the use and occupancy of the **Highway** and to keep such access free and clear of all mud, debris and other materials.
- 7.6 Every **Permit Holder** shall agree to hold harmless, indemnify and defend the **Town**, its elected officials employees and agents, from and against any action, claim, loss, damage, cost or expense arising directly or indirectly as a result of the issuance of a **Permit** to the **Permit Holder**.
- 7.7 Every **Permit Holder** shall notify the police, emergency medical services, the fire department, any public transportation service or school bus service, and any property owner or occupant whose access to their property may be affected by the use and occupancy of the **Highway**.
- 7.8 A **Permit** shall become void if the work or activity authorized by the **Permit** is not commenced within sixty (60) calendar days of the date that the **Permit** is issued, and a new **Permit** shall be required if the work or activity is to proceed.

- 7.9 In the event the permitted work or activity cannot be completed within the time set out in the **Permit**, the **Permit Holder** must notify the **Director** of the additional required time and the reasons therefor, and shall request an extension of the **Permit** which extension may be granted at the discretion of the **Director** who may impose additional conditions upon the **Permit**.
- 7.10 Every **Permit Holder** shall effect all repairs and make all improvements to the **Highway** as may be deemed necessary by the **Director** to reinstate the **Highway** to the **Newmarket Standard**.
- 7.11 Every **Permit Holder** shall effect all repairs to real and personal property adjacent to the **Highway** that has been damaged or destroyed in the course of the use and occupancy of the **Highway** as may be necessary to restore it to its pre-occupancy condition to the satisfaction of the **Director**.
- 7.12 **Town** or the **Public Utility**, as the case may be, shall have the sole right to determine who, at the expense of the **Permit Holder**, may carry out any necessary repairs to any **Highway** or **Utility Service** that has been damaged by a **Permit Holder**
- 7.13 In the event that a **Permit Holder** fails to undertake any work required by the **Director** within such time as may be specified by the **Director** by way of notice, the **Director** may arrange for the work to be done by the **Town** or a third party, at the **Permit Holder's** expense.
- 7.14 Upon the final restoration of the **Highway** to the satisfaction of the **Director** the **Town** shall:
- (a) assume responsibility for maintaining the **Highway**, and any further maintenance or repair works; and,
  - (b) release the **Security** or the remaining balance thereof to the **Permit Holder** upon written request by the **Permit Holder**.

## **8.0 ISSUANCE OF A PERMIT**

- 8.1 The **Director** shall refuse to issue a **Permit** where:
- (a) the application is incomplete;
  - (b) the **Permit** fee has not been paid;
  - (c) the requisite insurance(s) has not been provided;
  - (d) **Security** has not been provided; or
  - (e) a 24 hour emergency contact telephone number has not been provided.
- 8.2 The **Director** may refuse to issue a **Permit** where:

- (a) the **Applicant** or their agent or **Contractor** has/have violated the conditions of any previously issued **Permits**;
- (b) the **Applicant** or their agent or **Contractor** has/have previously committed an offence under this **By-law**;
- (c) the **Applicant** has failed to reimburse the **Town's** costs and expenses incurred for repairs under or in the administration of any previously issued **Permit**;
- (d) the **Applicant** proposes to **Alter** or **Damage** a **Highway** which was constructed, reconstructed or resurfaced within the previous five (5) years; or
- (e) there exists such other reason(s) as the **Director** may deem appropriate and which reasons shall be delivered in writing to the **Applicant** upon request.

## 9.0 COMPLIANCE

9.1 The **Director** may revoke a **Permit** at any time for any of the following:

- (a) if the **Permit Holder** and/or **Contractor** violates or permits the violation of any condition of the **Permit** or of any provision of this **By-law**;
- (b) if the **Permit Holder** and/or **Contractor** violates or permits the violation of any provision of any other law relating to the permitted work or activity;
- (c) for the existence of any condition or the doing of any act that:
  - (i) constitutes a threat to public health and safety;
  - (ii) is a nuisance; or
  - (iii) endangers life or property;
- (d) where the **Permit** has been issued on mistaken, false or misleading information; and
- (e) where the permitted work or activity is not carried out in a diligent and workmanlike manner based on the sole discretion of the **Director**.

9.2 In the event that a **Permit** has been revoked by the **Director**, the **Permit Holder** shall:

- (a) immediately cease and desist all activities for which the **Permit** was issued; and
- (b) immediately restore the **Highway** to the **Newmarket Standard** at the **Permit Holder's** sole cost and expense, failing which the **Town** may restore the **Highway** to the **Newmarket Standard** at the sole cost and expense of the **Permit Holder**, and such cost and expense shall be paid by the **Permit Holder** forthwith upon demand.

- 9.3 The **Director** shall have the authority to issue an **Order** to any **Person** who is **Altering, Obstructing, Damaging** or occupying any **Highway** to immediately cease and desist from such activity and/or to restore the **Highway** to the **Newmarket Standard**.

## 10.0 EMERGENCY REPAIRS

- 10.1 Where the **Director** determines that an **Obstruction** of a **Highway** is or may create a hazardous condition to the safety of any **Person** using the **Highway**, the **Director** may take any action necessary to have the **Obstruction** immediately removed, and the **Highway** repaired, if necessary, and all costs incurred by the **Town** in undertaking this work shall be expenses owed to the **Town** by the owner, occupant and/or **Contractor** of the property from which the **Obstruction** comes from, relates to, or was created for.
- 10.2 All work done by the **Town** pursuant to Section 10.1 hereof shall be paid by the **Applicant**, owner, occupant and/or **Contractor** of the property forthwith upon demand.

## 11.0 POWER OF ENTRY

- 11.1 The **Town** may enter on 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**; and/or
  - (c) an **Order** made under Section 431 of the Act.
- 11.2 Where an inspection is conducted by the **Town** pursuant to Section 11.1, the person conducting the inspection may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
  - (c) require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and/or
  - (d) alone or in conjunction with any **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 11.3 The **Town** may undertake an inspection pursuant to an **Order** issued under Section 438 of the Act.

- 11.4 The **Town's** power of entry may be exercised by an employee, **Officer** or agent of the **Town** or by a member of a police force with jurisdiction, as well by any **Person** under his or her direction.
- 11.5 No **Person** shall hinder or **Obstruct**, or attempt to hinder or **Obstruct** the **Town**, or an **Officer** from carrying out inspections of land to ensure compliance with this **By-law**.

## 12.0 ORDERS AND REMEDIAL ACTION

- 12.1 If a **Person** and/or **Permit Holder** contravenes any of the provisions of this **By-law**, the **Director** may issue an **Order** to the **Person** and/or to the **Permit Holder** to discontinue the contravening activity. The **Order** shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the property on which the contravention occurred, and the date by which there must be compliance with the **Order**.
- 12.2 If a **Person** and/or **Permit Holder** has contravened a provision of this **By-law**, the **Director** may issue an **Order** to the **Person** and/or **Permit Holder** who contravened the **By-law**, and order the **Person** and/or **Permit Holder** to undertake such work to correct the contravention. The **Order** shall set out the reasonable particulars of the contravention adequate to identify the contravention; the location of the property on which the contravention occurred; and the date by which there must be compliance with the **Order**. The **Order** may also provide that if the **Person** and/or **Permit Holder** fails to correct the contravention, the **Town** may do the work to correct the contravention at the expense of the **Person** and/or the **Permit Holder**.
- 12.3 If the **Director** has issued an **Order** directing or requiring that a **Person** and/or **Permit Holder** do a matter or thing to correct a contravention of this **By-law**, and the **Person** and/or **Permit Holder** fails to correct the contravention, the **Town** may do all work necessary to correct the contravention at the expense of the **Person** and/or **Permit Holder**.
- 12.4 The **Town** may recover the cost of any corrective work in Section 12.3 from the **Person** and/or **Permit Holder** by:
- (a) legal action; and/or
  - (b) by adding the costs to the tax roll of property owned by the **Person** and/or **Permit Holder** located within the boundaries of the **Town** and collecting these costs in the same manner as property taxes; and/or
  - (c) deduct the costs for the corrective work from the **Security**.
- 12.5 Where the cost of repairing or restoring any part of the **Highway** or other municipal service exceeds the **Security** amount, the excess amount of such costs, including administrative costs, shall be a debt owing to the **Town**.

12.6 An **Order** may be served by:

- (a) delivering it personally to the **Permit Holder** and/or the **Person** in contravention of the by-law;
- (b) sending it by registered mail to the last known address of the **Permit Holder** and/or the **Person** in contravention of the **By-law**, including according to the current assessment rolls;
- (c) posting it at the site where the contravention has occurred.

### 13.0 APPEALS

13.1 An **Applicant** may appeal to the **Appeals Committee**;

- a) if the **Director** refuses to issue a **Permit**. The **Applicant** may appeal within thirty (30) days from the date of receiving notice of the refusal;
- b) if the **Director** fails to make a decision on the application. The **Applicant** may appeal within forty five (45) days after a complete application is deemed to have been received by the **Director**; or
- c) if the **Applicant** objects to a condition in the **Permit**. The **Applicant** may appeal within thirty (30) days after the issuance of the **Permit**.

13.2 Where an **Order** has been served, the **Permit Holder** or the **Person** to whom the **Order** has been served may apply to the **Appeals Committee** to appeal the **Order** within thirty (30) days of being served with the **Order**.

### 14.0 PENALTY PROVISION

14.1 Every **Person** who contravenes a provision of this **By-law**, including an **Order** issued under this **By-law**, is guilty of an offence.

14.2 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.

14.3 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.

14.4 Any **Person** who is guilty of an offence under this **By-law** shall be subject to the following penalties:

- (a) Upon a first conviction, the minimum fine shall be \$400.00 and the maximum fine shall be \$100,000.00;
- (b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;

(c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and

(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.

14.5 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**.

14.6 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.

14.7 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.

14.8 In addition to any other remedy or penalty provided by law, the court in which the conviction has been entered, or any other court of competent jurisdiction may make an **Order**:

14.8.1 prohibiting the continuation or repetition of the offence by any **Person**;

14.8.2 require the **Person** to pay a Special Fine, in addition to a Regular Fine, which fine shall eliminate any economic gain or advantage derived by the **Person** as a result of contravening this **By-law**.

## 15.0 VALIDITY AND INTERPRETATION

15.1 Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the **By-law** requires otherwise.

15.2 If a court of competent jurisdiction declares any provisions of this **By-law** to be invalid or to be of no force and effect, it is the intention of Council in enacting this **By-law** that the remainder of the **By-law** shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

## 16.0 REPEAL

16.1 By-law 2009-32 and 2015-16, as amended, are hereby repealed.

## 17.0 FORCE AND EFFECT

17.1 This **By-law** shall come into force and effect on the date of enactment and passage.

Enacted this xxx day of xxx, 2018

Mayor's Full Name, Mayor

Clerk's Full Name, Town Clerk

## Appendix B – Proposed Road Occupancy Fees &amp; Proposed Contravention Fines

**Road Occupancy Fees**

<b>No.</b>	<b>Description</b>	<b>Fee</b>	<b>Notes</b>
1	Road Occupancy Permit	\$80.83	Regular processing time (3 to 5 business days)
2	Road Occupancy Permit (NEW) (RUSH)	\$130.83	Same day service (minimum 2 hours)
3	Existing Permit Revision or Extension (NEW)	\$45.00	Regular processing times apply. Fee payable prior to re-issuance of permit.
4	Security deposit	\$2,000.00	Return of deposit subject to inspection.
5	Post Inspection (and re-inspection, as needed)	\$130.49	Post inspection required prior to release of securities. Re-inspection may be required to inspect the correction of deficiencies cited during the initial post inspection. Re-inspection fee payable prior to release of security. Where applicable, fee is in accordance with the Municipal Access Agreement.
6	Road Degradation (life cycle losses) (NEW)		Penalty for decreasing pavement service life where ROP activates (ie: cut, bore, excavate, etc.) degrade road surfaces. Where applicable, fee is in accordance with the Municipal Access Agreement.
		\$50/m <sup>2</sup>	Road surface < 2 years
		\$40/m <sup>2</sup>	Road surface between 2 and 3 years
		\$30/m <sup>2</sup>	Road surface between 4 and 5 years
		\$20/m <sup>2</sup>	Road surface between 6 and 10 years
		\$15/m <sup>2</sup>	Road surface years > 10 years

**Set Fines for Infractions for the Town of Newmarket By-law No. 2018-XX, Road  
Occupancy By-law**

<b>ITEM</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining the Offense</b>	<b>Set Fine</b>
1	depositing, throwing, spilling, tracking, cause or permit the depositing, throwing, spilling or tracking of any material, waste or sediment onto the <b>Highway</b>	3.3.1	\$400.00
2	depositing of snow or ice on a <b>Roadway</b> , sidewalk, or onto a <b>Boulevard</b> not contiguous with the property from where the snow was moved from	3.3.2	\$400.00
3	the placement of any snow or ice, or any materials or equipment, or any structures within 1.2 m, in any direction of a fire hydrant	3.3.3	\$400.00
4	altering the grade on any <b>Boulevard</b> unless otherwise approved by the Town	3.3.4	\$400.00
5	cutting, altering, extending, in any manner whatsoever of a concrete curb, open or contained culvert, culvert overpass, or similar structure or landscape	3.3.5	\$400.00
6	allowing the direct discharge of water from any irrigation system, sump pump or down spout onto a <b>Highway</b>	3.3.6	\$400.00
7	creating any obstruction within any ditch, cutter, or watercourse on any <b>Highway</b>	3.3.7	\$400.00
8	the placement of any debris on any portion of a <b>Highway</b> except for items that are placed at the roadside and are approved collectable under the <b>Town's</b> waste management program	3.3.8	\$400.00
9	the placement of any <b>Landscape or Construction Material</b> , or bins on any portion of a <b>Highway</b>	3.3.9	\$400.00
10	No <b>Person</b> shall <b>Alter</b> , occupy, <b>Obstruct</b> or <b>Damage</b> , cause or permit the use of any Highway without first having obtained a <b>Permit</b>	4.1	\$400.00
11	No <b>Person</b> shall undertake <b>Construction</b> on land abutting a <b>Highway</b> , which may affect the drainage of the <b>Highway</b> or require alteration of <b>Town</b> infrastructure without first having obtained a <b>Permit</b>	4.2	\$400.00
12	no <b>Person</b> shall <b>Alter</b> , occupy, <b>Obstruct</b> or <b>Damage</b> , cause or permit the use of any <b>Highway</b> without having obtained a <b>Permit</b>	4.3	\$400.00
13	the placement of equipment or motorized equipment – no Road Occupancy Permit	4.3.1	\$400.00
14	altering or damaging any portion of a <b>Highway</b> , including but not limited to sod, trees, light poles,	4.3.2	\$400.00

ITEM	Short Form Wording	Provision Creating or Defining the Offense	Set Fine
	street signs asphalt, road sub-base, concrete curb, sidewalk or other appurtenance within the <b>Highway</b> – no Road Occupancy Permit		
15	the placement, removing or moving of any <b>Street Furniture</b> on a <b>Highway</b> – no Road Occupancy Permit	4.3.3	\$400.00
16	create or establish vehicle access to a property across a <b>Boulevard</b> – no Road Occupancy Permit	4.4.1	\$400.00
17	construct a driveway apron crossing the Boulevard at width greater than the curb cut at the street-line and greater than the width of the driveway	4.4.2	\$400.00
18	construct, install or place any raised curb, retaining wall or similar feature, fence, post, light post, rock(s), decorative wall, or landscape features within 0.5 m of a sidewalk	4.4.3	\$400.00
19	place, deposit or plant any object, which in the opinion of the <b>Town</b> may impede the <b>Town's</b> ability to maintain the <b>Boulevard or Roadway</b> , or create a hazard	4.4.4	\$400.00
20	place, deposit or plant any object, or create any visual obstruction on any portion of the <b>Boulevard or Roadway</b>	4.4.5	\$400.00
21	leave an excavation open or unattended without first securing the excavation with appropriate safety measures and barricades, and warning or cautionary signage	4.4.6	\$400.00
22	erect or maintain, without permission of the Town, scaffolding needed to facilitate <b>Construction</b> on any portion of the <b>Boulevard or Roadway</b>	4.4.7	\$400.00
23	Hinder or obstruct any person exercising a power to perform duty under <b>By-law</b>	11.5	\$400.00
24	Fail to comply with <b>Order</b> issued under <b>By-law</b> .	14.1	\$400.00

## Appendix C – PIC Display Board



## Appendix D – PIC Display Board

## Potential Public Health and Safety Liability?

Yes!! Materials on the boulevard are visual distractions and obstructions for drivers and sidewalk users.



Gravel on roadway equals vehicular and pedestrian hazard.

Yes!! All construction, landscaping material and equipment must be stored on private property.

Yes!! Contractors are required to restore all work areas to ensure sidewalks remain safe for pedestrian use.



Tripping hazards may result in pedestrian injury.



Raised edge approximately four inches above adjacent bay.

Yes!! This settled sidewalk bay was identified when our winter maintenance staff hit the raised edge with a snow-plow.



# Road Occupancy By-law PIC

Prepared by: Michelle O'Brien  
Department Name: Public Works  
Date: April 4, 2018

# **Frequently Asked Questions**

## **When is a Road Occupancy Permit Required?**

A Road Occupancy Permit (ROP) is required for all activities within the municipality's right-of-way, including occupying a laneway or excavating to replace a water service, to name a few.



## **Do I need an ROP to resurface my driveway?**

If your driveway resurfacing includes removing and replacing existing asphalt, interlock, concrete, or any other material that requires the use of heavy equipment, then yes, your contractor is responsible for obtaining an ROP prior to starting any work.



The Spruce

## **Why does my contractor need a permit? It just increases the cost of my project. 💰**

Unfortunately, accidents happen and when they do, homeowners and the Town of Newmarket are the only parties left to “pay the bill” when sued. The negligent contractor often disappears and can no longer be found.

The ROP process offers a layer of protection for homeowners in situations like these. Through the ROP process, contractors must provide proof of insurance and agree to certain terms and conditions intended to serve the best interests of the Town, the homeowner and the general public. That way, should things go wrong, the Town can leverage this information and deal with the situation more effectively.

**Can I apply for an ROP for my contractor?**



DDS International

**No, the contractor hired to do the work must apply  
for the permit.**

## **Do I need an ROP to re-shingle my roof?**

No, your roofing contractor does not need an ROP to re-shingle your roof.

However, it should be noted that the roofing contractor is not permitted to store any materials or equipment on the public boulevard or roadway. Doing so will result in a By-law infraction and is subject to fines, which your contractor will undoubtedly transfer the cost to you.



## **Do I need an ROP to fill my pool with a water truck?**

Provided your pool can be filled from the water truck parked in your driveway, then an ROP is not required.

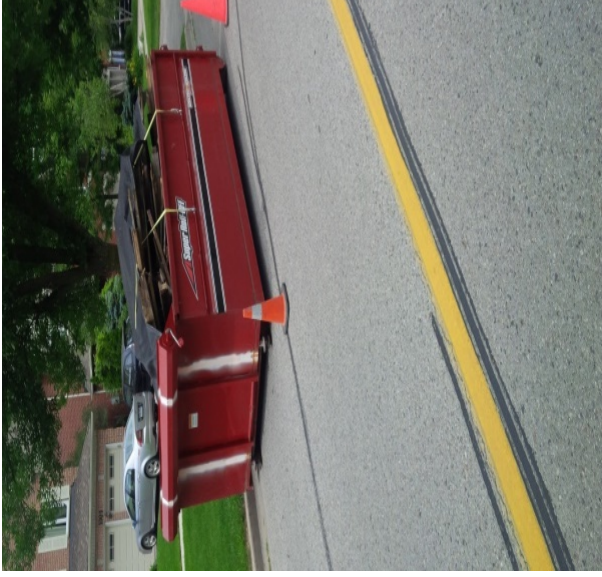
However, should property conditions prevent the use of your private driveway and temporary occupation of the boulevard is needed to run hoses, etc., from the water truck parked on the roadway, then an ROP will be needed.

## **Do I need an ROP to put a waste bin on my driveway?**

No, you do not need an ROP to put a waste bin on your driveway.

However, care must be taken to ensure that the waste bin does not impact the use of the sidewalk. A waste bin placed, in part or in full, on a sidewalk is an infraction of the By-law and is subject to fines payable by the homeowner and/or waste haulage company.

## Do I need an ROP to put a waste bin on the road?



For public health and safety reasons, the Town of Newmarket does not allow residents or contractors the use of the public boulevard or roadway for waste bins. Parking waste bins on the public boulevard or roadway is considered an infraction of the Road Occupancy By-law and is subject to certain fines, payable by the homeowner and/or waste haulage company.

## Do I need an ROP to store aggregate material/soil on the road?



For public health and safety reasons, the Town of Newmarket prohibits the use of the public boulevard or roadway by residents and contractors for storage of aggregate material/soil. Storing aggregate material/soil or any other construction material or equipment on the public boulevard or roadway is considered an infraction of the Road Occupancy

By-law and is subject to certain fines payable by the homeowner and/or contractor.

## **Do I need an ROP to store aggregate material/soil on my driveway?**



No, you do not need an ROP to store aggregate material/soil on your driveway.

However, care must be taken to ensure that the aggregate material/soil does not impact the use of the sidewalk. Aggregate material/soil stored on a private driveway that impacts the use of a sidewalk is an infraction of the Road Occupancy By-law and is subject to certain fines payable by the homeowner and/or contractor.

## **Do I need an ROP to do landscaping on my property?**

Minor landscaping on your property will not require an ROP. However, should your landscaping plan include work within the public boulevard and/or requires the use of heavy equipment, then yes, your contractor will need to obtain a permit before starting.



**I am moving. Do I need an ROP when a moving truck blocks the sidewalk/part of the road while it is loaded? It's not going to take too long.**

A licenced motor vehicle legally parked on the roadway or in a private driveway does not need an ROP.

On the rare occasion where a resident requires the use of a tractor-trailer for moving and area conditions allow, the temporary occupation of a trailer on the roadway will require an ROP and shall be subject to various terms and conditions.

**I am getting material delivered to my home, do  
I need an ROP to park a vehicle on the road to  
off load it?**

No, an ROP is not needed to park a licenced motor vehicle  
in a designated parking area.

## **What happens if I don't get an ROP because I didn't know?**



Knowing the law is everyone's responsibility and ignorance of the law is no excuse. Every person (including you and/or your

contractor) who contravenes a provision of the Road

Occupancy By-law by doing work that requires an ROP

without first obtaining an ROP is deemed guilty of an offence and shall be responsible for payment of fines.

Road Occupancy Permits are issued by the Town of Newmarket Operations Center. Permit applications can be obtained from the Operations Center or by accessing the Road Occupancy Permit page of the Town of Newmarket Website.

**Protect yourself and your community!!**

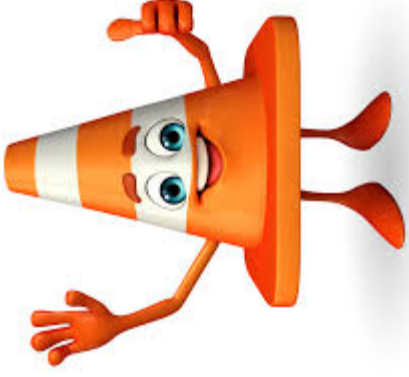
**Before your contractor starts work on your property,  
ask to see their Road Occupancy Permit.**

**If they don't have a permit, don't let them start.**

**Direct them to the Town of Newmarket  
Operations Center for their permitting needs.**



**Thank-you for making Newmarket even safer!!**



123rf.com

Should you have any questions or require additional information regarding Road Occupancy Permits or the permit process in general, please contact the Town of Newmarket Operations Center.

The Operations Center can be reached by calling 905-953-5300,  
press 2 and enter extension 2550.

Thursday, November 23, 2017 at 5:00 PM  
Unika Lounge, 200 Main Street South

The meeting of the Newmarket Economic Development Advisory Committee was held on Thursday, November 23, 2017 in the Unika Lounge, 200 Main Street South.

Members Present: Mayor Van Bynen  
Deputy Mayor & Regional Councillor Taylor  
Jim Gragtmans, Chair  
Rick Henry  
Peter Mertens  
Gary Ryan  
Marek Dabrowski  
Donna Fevreau  
Beric Farmer

Absent: Carin Binder

Staff Present: I. McDougall, Commissioner of Community Services  
S. Chase, Director of IT Innovations  
C. Kallio, Economic Development Officer  
E. Bryan, Business Development Specialist  
H. Leznoff, Council/Committee Coordinator

The meeting was called to order at 5:15 PM.

J. Gragtmans in the Chair.

Introductions were made around the table.

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

### **Declarations of Pecuniary Interest**

None.

### **Presentations & Recognitions**

None.

## Deputations

None.

## Approval of Minutes

1. Newmarket Economic Development Advisory Committee Minutes of June 21, 2017

Moved by: Deputy Mayor & Regional Councillor Taylor  
 Seconded by: Rick Henry

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of June 21, 2017 be approved.

**Carried**

## 1. Economic Update

- a. 2017 York Region Employment Survey: Preliminary Findings

The Economic Development Officer provided a PowerPoint presentation highlighting the preliminary findings of the employment survey. He discussed job growth from 2001 to 2016 and indicated that the primary driving sectors were health services and business services. He further indicated that the final results will be available in December 2017. He also indicated that Newmarket has one of the highest ratios of people living where they work, at 46%.

- b. 2016 Census Data: Results to date

The Business Development Specialist provided an overview of the 2016 census data including some of the following key points:

- Newmarket has a population of 84224
- Age 60-76 years is the fastest growing age group
- 68.7% of residents are of working age
- There has been a 5.3% growth since 2011
- Newmarket is the 7<sup>th</sup> most densely populated community in Canada
- 25.01% of the total population are millennials
- Decrease in proportion of all age groups less than 44 since 2011
- 40.9 is the median age
- There are 64 less kids than in 2011
- Newmarket in 2011 had the shortest commute time in York region

- 8.1 % of dwellings are 5 storey + multi res- up from 5 % from 2011
- 59.75% of homes are single detached
- 1060 multiple census family households

In addition the Business Development Specialist provided statistics relating to diversity in Newmarket including:

- 1 in 4 residents identified mother tongue as something other than an official language
- 12.9 of residents speak a non-official language at home
- Mandarin, Farsi and Cantonese are the top three non- official languages spoken
- 21% visible minority and 79% non-visible minority

## 2. Urbanization

The Business Development Specialist provided an overview of the Yonge Street and Davis Drive corridors marketing and implementation plans. She advised that the implementation will begin in January 2018 internally and February 2018 externally. The marketing plan is comprised of various components including social media, media relations, and content design for paid and organic content. She discussed the contract was GCI in regards to developing content, the number of stories to be placed in different media outlets, keyword research and template delivery for social media marketing. In addition, the development of kits

An update was further provided relating to other corridor projects including the York Region Annex, 212 Davis Drive, the Stratus Centre on Davis Drive, 175 Deerfield Road, the King George Hotel, and the Marriott Town Place hotel.

Key Question: How will changing demographics affect future economic development strategies and realization of our secondary plan?

What other trends do we need to consider in order to future proof Newmarket's growth?

Discussion ensued regarding issues surrounding changing demographics as well as the need to attract millennials in a competitive marketplace. It was noted that the fastest growing household type is single person households and that household makeups are changing as well; Newmarket has 20% rentership which is one of the highest rates in the Region. Discussion ensued regarding rental options for millennials and the aging populations and that both demographic groups may be looking for similar things such as rental properties, restaurants and shopping near-by, greenspace, access to transit etc.

## 3. Innovation

### a. Innovation Projects Update

The Director of IT Innovation provided an update regarding innovation projects including:

- Wifi in public facilities
- Open data program
- Enhancements in process through use of technology
- Mobile device charging stations at the Magna Centre, Youth Centre and Ray Twinney facilities
- Smart Parking Solution for downtown Newmarket
- Electric vehicle charging Stations
- Soofa Benches
- Smart City initiatives

Discussion ensued regarding the Soofa benches and how they can be strategically placed to collect data that can be used to inform parking, vehicular traffic and pedestrian traffic patterns. It was noted that the Soofa benches collect a cell phone signal and assign a unique identifier to that cell phone signal, therefore no personal data about the cell phone user is being collected. However, the technology allows for reporting on the number of times the user visits a certain area, how long they stay and where they go based on the unique identifier assigned to the specific cell phone signal.

#### b. Newmarket as a Smart City

Key Question: How can NEDAC best support a community-led Smart City strategy?

Discussion ensued regarding Smart Cities and it was stated that Smart Cities Council will be moving forward with developing a strategic framework to develop community based projects and determine how to resource these projects. It was suggested that NEDAC, as an advisory Committee to Newmarket Council, could endorse or support recommendations made by Smart Cities Council once reports come forward. It was stated that the Town of Newmarket would be a good location to pilot potential projects or act as a living lab due to its population density and diversity.

It was stated that the framework is estimated to be completed by the end of April 2018 and further information will be available at that time.

### Collaboration

#### 1. ICF Intelligent Community: Next Steps

The Economic Development Officer provided an overview of the ICF Intelligent community submission. He advised ICF will make an announcement in January

regarding the Top 7 Intelligent Communities of the world. He further advised that Newmarket collaborated on the York Region application and that Newmarket initiatives were prominently featured within this. Now that York Region has made the Top 21, it will be submitting a further application to be considered for the Top7 Intelligent Communities of the world with the support of the nine Regional communities.

## 2. Corporate Visits

The Business Development Specialist provided an overview of the corporate visits conducted this year. She advised that the focus of this year's visits were on manufacturers. She outlined some issues that had been addressed as a result of these visits including:

- Parking concerns and parking passes for executives
- Development fees
- Connecting business owners with other business owners in the community

She advised that the two main concerns raised were regarding:

- Barriers for corporate processes such as planning and building processes and municipal requirements. There may be an opportunity to increase communication and access to this information
- Lack of adequate public transportation services for employees

Discussion ensued regarding public transportation. The Business Development specialist advised that many business owners and employers faced challenges relating to public transportation for their employees who don't live in Newmarket. In some instances, employers were having to change shifts for their employees so that they could align with public transit schedules or hire their own transportation for various shifts. There was discussion regarding carpooling opportunities. Further feedback included the request for a consolidated list of jobs in Newmarket or a place for businesses to post job posting to attract skilled labour and other online tools.

## **New Business**

Mayor Van Bynen thanked the Committee Members for their contributions to the community and for the Committee's feedback.

## **Closed Session**

There was no requirement for Closed Session.

## **Adjournment**

Moved by: Donna Fevreau  
Seconded by: Peter Mertens

That the meeting adjourn at 7:14 PM.

**Carried**

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Date

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J. Gragtmans, Chair



Town of Newmarket

**Minutes**

# **Main Street District Business Improvement Area Board of Management**

Tuesday March, 20, 2018 at 7:30 PM  
Community Centre, Hall #2

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, March 20, 2018 in the Community Centre, Hall #2.

Members Present: Glenn Wilson, Chair  
Councillor Kwapis  
Jackie Playter  
Anne Martin  
Carmina Pereira  
Rory Rodrigo  
Peter Mertens  
Sigfried Wall (7:48 PM – 8:44 PM)

Regrets: Elizabeth Buslovich  
Olga Paiva

Staff Present: E. Bryan, Business Development Specialist  
H. Leznoff, Council/Committee Coordinator

Guest: M. Halfin, National Theatre Company

The meeting was called to order at 7:30 PM.

Glenn Wilson in the Chair.

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

There were no additions to the agenda.

## **Declarations of Pecuniary Interest**

None

## **Presentation & Recognitions**

None

## Deputations

### 1. Newmarket National Play Festival

Mike Haflin addressed the Board regarding the Newmarket National Play Festival and requested that the Board be the title sponsor for the event again this year. He advised that the festival attendance last year was estimated to be approximately 1000 people. He further advised that the festival will take place from Wednesday, July 25, 2018 to Sunday July 29, 2018. The 2018 festival will take place exclusively at the Old Town Hall and plans are in place to incorporate Buskerfest with the festival this year to provide on street entertainment. Discussion ensued regarding the success of the festival and the ability to measure if businesses saw increase in traffic and sales. Further discussion ensued regarding encouraging businesses to stay open on the Sunday of the festival weekend and how to improve communications and promotion of the event.

Moved by: Rory Rodrigo  
Seconded by: Anne Martin

1. That the deputation by Mike Halfin regarding Newmarket National Play Festival be received.

**Carried**

## Approval of Minutes

### 2. Main Street District Business Improvement Area Board of Management Minutes of February 20, 2018

Moved by: Jackie Playter  
Seconded by: Sigfried Wall

1. That the Main Street District Business Improvement Area Board of Management Minutes of February 20, 2018 be approved.

**Carried**

### 3. Marketing Sub-committee Report/Minutes

There were no minutes to distribute.

## Items

### 4. Street Events Update

Carmina Pereira provided an update on the Main Street Egg-traveganza event that will take place on March 24, 2018. She advised that there will be various activities taking place at businesses on Main Street including face-painting, egg hunts and a magician. She advised that the event has received positive feedback on social media.

Moved by: Jackie Playter  
Seconded by: Councillor Kwapis

1. That the Street Events update be received.

**Carried**

### 5. Financial Update

The Business Development Specialist provided a financial update outlining approved 2018 budget figures, total revenue, net income, funding commitments and remaining B.I.A funds. She advised that the figures had been updated to include the advertising for the Valentine's Day commitment to the Very Useful Theatre Company.

Moved by: Peter Mertens  
Seconded by: Sigfried Wall

1. That the verbal financial update by the Business Development Specialist regarding the Main Street District Business Improvement Area Board of Management revenue and expenses to date be received.

**Carried**

### 6. NDDC Update

There were no updates at this time. The next meeting is scheduled for Friday, March 23, 2018.

### 7. Staff Update

The Business Development Specialist advised that there is an opening available for the outdoor patio program for Summer 2018, and that if businesses are interested in having an outdoor patio, they should contact the Planning Department.

Moved by: Rory Rodrigo  
Seconded by: Councillor Kwapis

1. That the staff updated be received.

**Carried**

## **New Business**

### **(a) Handrails**

Jackie Playter suggested that handrails be placed on steep laneways such as beside the offices of Stiver Vale Barristers and Solicitors at 195 Main Street South.

### **b) Lighting on Main Street**

Jackie Playter advised that she has received a few comments regarding the lighting on Main Street being dim. It was suggested that twinkle lights could be wrapped around the light posts to provide extra lighting.

### **(c) Soofa Bench Data**

Councillor Kwapis distributed the Town of Newmarket press release regarding the Soofa benches and advised that The Director of Innovation would be in contact with the BIA to discuss the data collected from the Soofa benches.

### **(d) Funding for National Play Festival**

Discussion ensued regarding the BIA Board of Management support of the National Play Festival and the proposed benefits to Main Street.

Moved: Rory Rodrigo  
Seconded: Jackie Playter

1. That \$10,000.00 be allocated to the National Play Festival; and,

2. That following the 2018 festival, the BIA analyzes Soofa bench data and follow up with Main Street businesses to evaluate the impact that the National Play Festival had on the downtown area, specifically related to street traffic and sales.

**Carried**

- (e) Inn from the Cold Donation Receipt

Rory Rodrigo read aloud a letter from Inn from the Cold thanking the BIA for their donation of \$588.80.

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

The Chair advised there was no requirement for a closed session.

### **Adjournment**

Moved by: Anne Martin  
Seconded by: Rory Rodrigo

That the meeting adjourn at 8:44 PM.

**Carried**

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Date

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G. Wilson, Chair

## Heritage Newmarket Advisory Committee

Tuesday, April 3, 2018 at 7:00 PM  
Mulock Room

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, April 3, 2018 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Athol Hart, Chair  
Billie Locke, Vice-Chair  
Councillor Hempen  
Joan Seddon  
Malcolm Watts

Absent: Rohit Singh  
Soni Felix Raj

Staff Present: M. White, Planner  
A. Walkom, Council/Committee Coordinator

The meeting was called to order at 7:01 PM with Athol Hart in the Chair.

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

None.

### **Declarations of Pecuniary Interest**

None.

### **Presentation/Deputations**

None.

## Approval of Minutes

### 1. Heritage Newmarket Advisory Committee Meeting Minutes of March 6, 2018.

Moved by: Billie Locke  
 Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of March 6, 2018 be approved.

**Carried**

## Correspondence

### 2. Correspondence from the Town of Newmarket Planning Department – Notice of the Adoption by the Town of Newmarket of Official Plan Amendment Number 20 (17645 Yonge Street)

Moved by: Billie Locke  
 Seconded by: Joan Seddon

1. That the correspondence from the Town of Newmarket Planning Department – Notice of the Adoption by the Town of Newmarket of Official Plan Amendment Number 20 (17645 Yonge Street) be received.

**Carried**

### 3. Correspondence from the Town of Newmarket Planning Department – Public Meeting Concerning Proposed Zoning By-law Amendment (175 Deerfield Road)

Moved by: Billie Locke  
 Seconded by: Malcolm Watts

1. That the Heritage Newmarket Advisory Committee express concern that the development at 175 Deerfield Road represents an excessive intensification of the area, interferes with the streetscape of the neighbourhood and severely limits the privacy of the owners of the properties abutting the development.

**Carried**

## Items

### 4. Operating Results for the Two Months Ending February 28, 2018

The Committee discussed the budget for the 2018 year to date.

## Reports of Committee Members

### 5. Designated Property Maintenance and Concerns:

#### a. Site Plaques

There was no update on this item.

#### b. Residence Plaques

There was no update on this item.

#### c. Heritage Location Plaques

Athol Hart provided an update on the status of two plaques to be installed in the downtown area related to the Riverwalk Commons trail and the remnants of the old rail by Old Town Hall.

### 6. Sub Committee Reports

#### a. Architecture, Recreation, Culture, Heritage (ARCH) Committee

Athol Hart provided an update on the planning of the Rebel Heartland event.

#### b. Elman W. Campbell Museum Board

Billie Locke provided an update on the item proposed at the March Heritage Newmarket meeting regarding a plaque which would mark the millstone at the Museum. She reported the Museum Board is supportive of the plaque. She also provided an update on the Museum sign which is now going through the procurement process. She expressed concern that the sign replacement has been delayed for a long period of time and that the procurement process may delay the replacement further.

c. Lower Main Street South Heritage Conservation District Advisory Group

Athol Hart provided an update on the King George Hotel building which will be renovated for the creation of a new restaurant. He advised that the Advisory Group is largely supportive of the changes to the building and will ask for two additional changes to be more in keeping with the original Georgian style. The first change is the replacement of the plate glass window with two windows, in the original style of the building. The second change is a replacement of the main door on the hotel building so that the original entrance is prominently featured. Athol Hart advised that as these changes are not required but recommended, it would be appropriate for the Heritage Committee to offer financial assistance from the heritage fund.

Moved by: Billie Locke  
Seconded by: Malcolm Watts

1. That the Heritage Newmarket Advisory Committee authorize up to \$3,000 in financial assistance from the heritage fund to the King George Hotel project.

**Carried**

d. Newmarket Historical Society Board of Directors

Joan Seddon provided an update and advised that the contents of the recent World War I exhibit have been donated to the Georgina Military Museum.

## **New Business**

**7. 172 and 174 Victoria Street**

Councillor Hempen provided copies of Planning and Building Services report 2018-23, which is on the agenda for the April 9, 2018 Committee of the Whole meeting. The Committee discussed the report in relation to their recommendation to designate the house, made at the January 23, 2018 meeting. Discussion ensued on the style and condition of the house and how the house fits into the neighbourhood streetscape.

## **Adjournment**

The meeting adjourned at 8:16 PM.

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Athol Hart, Chair

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Date



Town of Newmarket  
**Minutes**

# **Newmarket Environmental Advisory Committee**

Wednesday, April 4, 2018 at 6:30 PM  
Cane A & B

The meeting of the Newmarket Environmental Advisory Committee was held on Wednesday, April 4, 2018 in the Cane A & B room, 395 Mulock Drive, Newmarket.

Members Present: Dena Farsad, Chair  
Councillor Vegh  
Georgina Anderson Fuentes  
Carin Binder  
John Birchall  
Catherine Ethier  
Ben Longstaff

Absent: Jill King

Staff Present: C. Kalimootoo, Director, Public Works Services  
A. Walkom, Council/Committee Coordinator

The meeting was called to order at 6:41 PM.

Dena Farsad in the Chair.

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

None.

## **Declarations of Pecuniary Interest**

None.

## Presentation

### 1. Update regarding Textile Recycling and Recycling Bins in Parks

C. Kalimootoo provided an update on the textile recycling program including a history of the project, the details of the proposal and the next steps. He advised that the program will be going through the RFP process, with an intended start date of January 1, 2019. Discussion ensued on the details of the textile recycling program including the collection of materials and how or where the materials will be recycled.

C. Kalimootoo provided an update on the issue of collecting garbage and recycling materials in parks. The Committee discussed various options to reduce contamination including other types of waste receptacles, different options for labelling of receptacles and methods of providing public education.

Moved by: Carin Binder  
Seconded by: John Birchall

1. That the Newmarket Environmental Advisory Committee receive the Update regarding Textile Recycling and Recycling Bins in Parks

**Carried**

## Approval of Minutes

### 2. Newmarket Environmental Advisory Committee Meeting Minutes of March 7, 2018

Moved by: Catherine Ethier  
Seconded by: Georgina Anderson Fuentes

1. That the Newmarket Environmental Advisory Committee Meeting Minutes of March 7, 2018 be approved.

**Carried**

## Correspondence

### 3. Correspondence previously distributed by email

Moved by: Carin Binder  
Seconded by: Ben Longstaff

1. That the correspondence previously distributed by email be received.

**Carried**

## Items

### 4. Project Involvement Information Report

Moved by: John Birchall  
Seconded by: Carin Binder

1. That the information report entitled Newmarket Environmental Advisory Committee Project Involvement be received.

**Carried**

### 5. Public Events for 2018

#### a. Garage Sale & E-waste Collection

John Birchall provided an update on the planning of the E-waste event and shared the plans for the location with the Committee. Discussion ensued on the logistics of the event, as well as the feasibility of holding both the Garage Sale and the E-waste collection events at the same time and location.

John Birchall provided the draft version of the newspaper advertisement for the E-waste event and requested that the Committee approve it before publication.

Moved by: Georgina Anderson Fuentes  
Seconded by: Carin Binder

1. That the Newmarket Environmental Advisory Committee approve the E-waste Collection event newspaper advertisement as presented.

**Carried**

#### b. Farmers Market

The Committee discussed the option to combine the NEAC Farmers Market booth with the Region's booth for 2018. The Committee further

discussed which materials could be distributed. Georgina Anderson Fuentes will follow up with the representative from the Farmers Market.

c. Other Events

There was no update on this item.

**6. Appointment of Vice-Chair**

Moved by: Catherine Ethier  
Seconded by: Georgina Anderson Fuentes

1. That Carin Binder be appointed as Vice-Chair

**Carried**

**New Business**

**7. Proposed By-law regarding Salvage of Building Materials from Home Demolitions**

Councillor Vegh provided an update on a proposed by-law which would allow for community organizations such as Habitat Re-store to have the option to salvage building materials and fixtures when homes are being demolished. He advised that this is an issue which NEAC could assist with and a volunteer from the Committee could help draft the by-law.

**8. Regional EAC Meeting**

John Birchall provided an update on the upcoming Regional EAC meeting which NEAC will be hosting. He asked the Committee for ideas on a location which could showcase innovation in Newmarket. NewMakelt was suggested as a location and Carin Binder will follow up to confirm if this is possible.

**Adjournment**

Moved by: Catherine Ethier  
Seconded by: Ben Longstaff

1. That the meeting adjourn at 8:34 PM.

**Carried**

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Dena Farsad, Chair

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Date

## 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><b>Meeting Date:</b> Council – December 5, 2016</p> <p><b>Subject:</b> Item 44 Development &amp; Infrastructure Services – Planning &amp; 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><b>Meeting Date:</b> Committee of the Whole – February 27, 2017</p> <p><b>Subject:</b> Development &amp; Infrastructure Services – Planning &amp; Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy;</li> <li>That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and,</li> <li>That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property.</li> </ol> <p><b>Responsible Department:</b></p> <p>➤ Planning and Building Services</p>	Q3/Q4, 2017/November 27 Committee of the Whole Q4, 2018  Q3, 2018  November 13, 2017 – Council	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
3.	<b>Meeting Date:</b> Council – March 27, 2017  <b>Subject:</b> Zoning By-law Review	<b>Recommendation:</b> 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.  <b>Responsible Department:</b> ➤ Planning & Building Services	Q3/Q4, 2017 Q4, Q2, 2018	Workshop was held on March 26, 2018. Report to be brought back in 60 days.
4.	<b>Meeting Date:</b> Committee of the Whole – May 8, 2017  <b>Subject:</b> Information Document for Residents Related to Construction Sites	<b>Recommendation:</b> 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.  <b>Responsible Department:</b> ➤ Planning & Building Services	Q4, 2017 Q4 Q2, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
5.	<p><b>Meeting Date:</b> Committee of the Whole – May 8, 2017</p> <p><b>Meeting Date:</b> Committee of the Whole – September 25, 2017</p> <p><b>Subject:</b> Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report/ East West Bike Lanes on Park Avenue</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and,</li> <li>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.</li> </ol> <p>1. That staff review proposed modifications to the east-west bike lane and report back in the Spring of 2018.</p> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	<p>Q2, 2018</p> <p>Q2, 2018</p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
6.	<p><b>Meeting Date:</b> Committee of the Whole – May 8, 2017</p> <p><b>Subject:</b> Corporate Services Report – Legislative Services 2017-07 – “Restricted Area for Driving Schools and Instructors”</p> <p><b>Meeting Date:</b> Committee of the Whole February 26, 2018</p> <p><b>Subject:</b> Licensing of Driving Schools and Driving Instructors</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Option 1 of the Report be implemented; and,</li> <li>2. That staff provide a status report on the “Restricted Area” within 12 months of implementing Option 1 of the Report.</li> </ol> <ol style="list-style-type: none"> <li>1. That the report entitled Licensing Driving Schools and Driving Instructors dated February 26, 2018 be received; and,</li> <li>2. That Council direct staff to establish a licensing program to regulate Driving Schools and Driving Instructors; and,</li> <li>3. That Staff be directed to hold a Public Information Centre for the Driving School Industry to provide their comments; and,</li> <li>4. That Staff be directed to bring back a report with information from the Public Information Centre and a proposed Licensing By-law.</li> </ol> <p><b>Responsible Department:</b> ➤ Legislative Services</p>	<p>February 26, 2018 Committee of the Whole meeting</p> <p>Q2, 2018, May 22, 2018 Committee of the Whole June 11, 2018 Committee of the Whole</p>	<p>PIC held on March 27, 2018.</p>

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
7.	<p><b>Meeting Date:</b> Committee of the Whole - June 19, 2017</p> <p>Committee of the Whole – February 5, 2018</p> <p><b>Subject:</b> Textile Diversion Program</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>4- That the PowerPoint presentation entitled “Diabetes Canada – Textile Diversion Program for the Town of Newmarket” by Mr. Ryan Michaelis and Mr. Blaine Hobson be received and referred to staff.</li> <li>1. That staff be directed to prepare an RFP for a textile recycling program.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Public Works Services</li> </ul>	<p>February 5, 2018 Committee of the Whole meeting</p> <p>Q3, 2018</p>	<p>Information Report to be provided.</p>
8.	<p><b>Meeting Date:</b> Committee of the Whole – August 28 – Motion</p> <p><b>Subject:</b> Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area</p>	<p><b>Recommendation:</b> That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report:</p> <ol style="list-style-type: none"> <li>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.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services (lead), Planning and Building Services, Engineering Services &amp; Legal Services</li> </ul>	<p>Q4-Q2, 2018</p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
9.	<p><b>Meeting Date:</b> Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – April 9, 2018</p> <p><b>Subject:</b> Petition regarding Speed and Traffic Mitigation near Queen Street</p>	<p><b>Recommendation:</b> 1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy.</p> <p>Lorne Avenue and Queen Street Traffic Review Report</p> <p>1. That the report entitled Lorne Avenue and Queen Street Traffic Review dated April 9, 2018 be received; and,</p> <p>2. That York Regional Police be sent a copy of this report; and,</p> <p>3. That the Town request that York Regional Police include more Town-Specific enforcement measures and programs in their next Municipal Overview; and,</p> <p>4. That enhanced vulnerable road user safety measures be included in the design for the future reconstruction of Lorne Avenue; and,</p> <p>5. That Staff be directed to review temporary speed mitigation measures for Lorne Ave. and Queen St., leading to and from this intersection and report back with recommendations.</p> <p><b>Responsible Department:</b> ➤ Engineering Services</p>	<p>Q2, 2018 April 9, 2018 Committee of the Whole</p> <p>Q4, 2018</p>	
10.	<p><b>Meeting Date:</b> Committee of the Whole - September, 25, 2017</p> <p><b>Subject:</b> Corporate Services – Legislative Services Report 2017-16 Vacant Building Wrap Program</p>	<p><b>Recommendation:</b> 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> <p><b>Responsible Departments:</b> ➤ Legislative Services/Economic Development</p>	<p>Q4 Q2, Q3 2018</p>	



	<b>Meeting Date and Subject</b>	<b>Recommendation and Responsible Department</b>	<b>Date for reporting back to Committee of the Whole</b>	<b>Staff Comments</b>
12.	<p><b>Meeting date:</b> Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p><b>Subject</b> Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>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"> <li>a. That the final report be brought back to Council by early Quarter 3 2018; and,</li> <li>b. That staff continue to expedite the process to provide the report sooner, if possible; and,</li> <li>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.</li> </ol> </li> </ol> <p><b>Responsible Department</b> ➤ Engineering Services</p>	Q3, 2018	
13.	<p><b>Meeting date:</b> Committee of the Whole – October 16, 2017</p> <p><b>Subject</b> Low Impact Development</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol> <p><b>Responsible Department</b> ➤ Engineering Services</p>	Q3, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
14.	<p><b>Meeting Date:</b> Council – December 4, 2017</p> <p><b>Subject:</b> Property at intersection of Davis Drive and Patterson Street</p>	<p><b>Recommendation:</b></p> <p>1. That staff be directed to work with the property owner at Davis Drive and Patterson Street to maintain the property in accordance with the Town's applicable By-laws.</p> <p><b>Responsible Department:</b></p> <p>➤ Legislative Services</p>	Q4, Q2 2018	Information Report to be provided.
15.	<p><b>Meeting Date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> Vibration Control and construction activity (deputation)</p>	<p><b>Recommendation:</b></p> <p>1. That the deputation by Stuart Hoffman regarding vibration control in regards to construction activity be received and referred to staff for review and report; and,</p> <p>2. That staff be directed to provide recommendations and approaches to address the issues identified to protect neighbouring sites from the effects of vibrations from adjacent construction projects; and,</p> <p>3. That the report should include, but not be limited to, potential by-law changes including the requirement of pre-condition surveys, effective monitoring and data reporting, resident notification and a process for complaint handling in all site plan approvals.</p> <p><b>Responsible Departments:</b></p> <p>➤ Planning and Building Services &amp; Engineering Services</p>	Q3, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
16.	<b>Meeting Date:</b> Council – March 26, 2018  <b>Subject:</b> Bogart House	<b>Recommendation:</b> 1. That Council direct staff to continue to work through the Developer to ensure the rapid restoration of the Bogart House and the permanent preservation of the Bogart House; and, 2. That Council also direct staff to arrange another site visit with the Developers, the Mayor, Deputy Mayor, Councillor Kerwin (as the Ward Councillor) and Councillor Hempen (as the Heritage Committee representative) and staff and the Chair of the Newmarket Heritage Committee to examine avenues for rapid restoration and further protection of the Bogart House; and, 3. That Council reaffirm its position that the Bogart House is a designated heritage house and one of the most important heritage buildings in the community; and, 4. That Council not entertain the demolition or removal of the Bogart House but will seek only full restoration and protection on the current site.  <b>Responsible Department:</b> ➤ Planning and Building Services/Legislative Services	Meeting scheduled May 9, 2018 at site with all partners	TBD pending meetings with land owner
17.	<b>Meeting Date:</b> Council – March 26, 2018  <b>Subject:</b> Aurora Bridge Club (deputation)	<b>Recommendation:</b> 1. That the deputation by Anna Kennedy regarding the Aurora Bridge Club be received and referred to staff.  <b>Responsible Department</b> ➤ Recreation and Culture	Q3, 2018	Memorandum to be circulated.
18.	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Subject:</b> Parking on Lundy's Lane (deputation)	<b>Recommendation:</b> 1. That the deputation by Maria Luczka be received and referred to staff.  <b>Responsible Department:</b> ➤ Legislative Services	Q2, 2018	Letter to be sent to Medical Arts Building regarding signage

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
19.	<p><b>Meeting Date:</b> Special Committee of the Whole – April 16, 2018</p> <p><b>Subject</b> 2018 Servicing Allocation Review</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the report entitled 2018 Servicing Allocation Review dated April 16, 2018 be received;</li> <li>2. That Council direct staff to reinstate allocation for the development 345-351 Davis Drive as is currently proposed and that it is on the condition that a formal response addressing the first submission is received by July 30 and that the allocation and progress of the development be reviewed in a six months timeframe</li> <li>3. That Council reinstate servicing allocation to the following developments that have allocation but that have not yet been registered:               <ol style="list-style-type: none"> <li>a. Landmark Estates Phase 5</li> <li>b. 955/995 Mulock (Lorne Park Gardens)</li> <li>c. 400 Park Ave. (King George School)</li> <li>d. 260 Eagle (Oxford Homes)</li> <li>e. 680 Gorham (Maple Lane Homes); and,</li> </ol> </li> <li>4. That Council grant servicing allocation to the following development:               <ol style="list-style-type: none"> <li>a. 17654 Yonge Street Developments Inc. (Redwood Properties) in the amount of 184 apartment units (359 people), to be taken from the urban centres reserve; and,</li> <li>b. Sundial Homes (Phase 2) in the amount of 18 semi-detached and 156 townhouses (174 units/464 people);</li> </ol> </li> <li>5. That the Town's resulting remaining servicing capacity (682 people, of which a minimum of 202 is to be directed to the urban centres), be maintained in a strategic planning reserve.</li> <li>6. That Council direct staff to further refine our Allocation Policy in light of the unprecedented servicing constraints we will face over the next 5-10 years. That Council recognizes the need to prioritize intensification on the corridors but also the need to provide for a variety of built forms and tenure to reflect the needs of our residents. Therefore Council direct staff to amend our allocation policy to be further reflected in the priority rankings based on the following principles:               <ol style="list-style-type: none"> <li>a. That all developments providing for affordable housing in keeping with our official plan or an alternate to the satisfaction of Council be prioritized and provided a higher ranking than otherwise the case; and,</li> <li>b. That all I &amp; I developments are prioritized above other greenfield developments to ensure that developments which are partnering in the creation of allocation are recognized and thereby providing for ground related products as well as intensified products; and,</li> <li>c. That any developments with incomplete phases are prioritized to minimize the impact on neighbouring residents and to recognize the need to provide for ground related built forms as well as intensified units; and,</li> <li>d. That Council direct staff to create a strategic condominium reserve to be held and/or replaced upon new allocation n being assigned to be offered to the first applicant for a condominium building of 150 units or greater; and,</li> <li>e. That staff bring back a revised policy as soon as possible to reflect the above principles.</li> </ol> </li> </ol> <p><b>Responsible Department:</b> ➤ Planning and Building Services</p>	Q2, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
20.	<b>Meeting Date:</b> <b>April 30, 2018</b> Committee of the Whole  <b>Subject:</b> Property Standards Issues -Premier Place (Deputation)	<b>Recommendation:</b>  1. That the deputation by Urzsula May be received and referred to staff.  <b>Responsible Departments:</b> ➤ <b>Legislative Services/Planning and Building Services</b>	Q2, 2018	Information Report
21.	<b>Meeting Date:</b> April 30, 2018 Committee of the Whole  <b>Subject:</b> Heritage Designations – York Region Administrative Building and Newmarket Canal System	<b>Responsible Department</b> 1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:  a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and,  b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system.  <b>Responsible Department:</b> ➤ Planning and Building Services	Q3, 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><b>1.</b></p> <p><b>Meeting Date:</b> Council – December 14, 2015</p> <p><b>Subject:</b> 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><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That staff provide alternate trail options for this area at a lower cost; and,</li> <li>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,</li> <li>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,</li> <li>4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	<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><b>2.</b></p> <p><b>Meeting Date:</b> Special Committee of the Whole-January 30, 2017</p> <p><b>Subject:</b> Internet Voting and Ranked Ballots</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services</li> </ul>	<p>Q1, 2019</p>	

3.	<p><b>Meeting Date:</b> Council – June 7, 2016 – Item 35</p> <p><b>Subject:</b> Federal Infrastructure Funding (Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08)</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>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'</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Strategic Initiatives</li> </ul>	2018	Awaiting next phase of funding announcements
4.	<p><b>Meeting Date:</b> Council – June 26, 2017- Item 10</p> <p><b>Subject:</b> Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>That traffic impacts be monitored post construction.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	Development is estimated to not be completed before 2020	
5.	<p><b>Meeting Date:</b> Committee of the Whole – November 27</p> <p><b>Subject:</b> Procedure By-law Amendment and Electronic Participation in Meetings Policy</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>That the Corporate Services – Legislative Services Report - 2017-26 entitled "Procedure By-Law Update and Draft Electronic Participation in Meetings Policy" be received; and,</li> <li>That Council adopt the amendments to the Procedure By-law attached as Appendix A with an effective date of January 1, 2018; and,</li> <li>That Council approve the Electronic Participation in Meetings Policy attached as Appendix B, with an effective date of January 1, 2018; and,</li> <li>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,</li> <li>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,</li> <li>That staff be directed to report back in 2019 with a review of the Electronic Participation in Meetings Policy.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services</li> </ul>	2019	

6.	<p><b>Meeting Date:</b> Committee of the Whole – February 27, 2017</p> <p>Committee of the Whole - November 6, 2017</p> <p>Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p><b>Subject:</b> Residential Parking</p>	<p><b>Recommendation:</b></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"> <li>b. 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,</li> <li>c. 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.</li> <li>d. 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.</li> </ul> <p>Recommendation 5: That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Planning and Building Services / Legislative Services</li> </ul>	<p>Q3/Q4, 2017 November 6, 2017 Committee of the Whole</p> <p>Q1/Q2, 2019</p>	
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7.	<p><b>Meeting Date:</b> Committee of the Whole - February 26, 2018</p> <p><b>Subject:</b> Newmarket Public Library Study Implementation</p>	<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and,</li> <li>2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Community Services/Newmarket Public Library</li> </ul>	Q1/Q2, 2019	
8.	<p><b>Meeting date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)</p>	<p>1. That Engineering Services report 2018-11 dated March 8, 2018 entitled “500 Water Street Parking (Cachet Parking Lot Expansion)” be referred to the Community Centre Lands Task Force; and,</p> <p>2. That the Community Centre Lands Task Force be directed to immediately reengage in the exploration of all options, including cost and timelines, for enhanced parking in the downtown area, including but not limited to new spaces and temporary structured parking; and,</p> <p>3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019.</p> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services/ Community Centre Lands Task Force</li> </ul>	Q1/Q2, 2019	
9	<p><b>Meeting Date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> Cats at large (deputation)</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services</li> </ul>	Q1, 2019	Information Report to be provided

10.	<p><b>Meeting Date:</b> Committee of the Whole – April 9, 2018</p> <p><b>Subject:</b> Council Remuneration</p>	<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. That CAO/Human Resources Report 2018-05 be received; and,</li> <li>2. That Council direct staff not to “gross up” or increase Council pay in 2019, at the time of the removal of the 1/3 tax free provision, which will result in a take home pay cut for all Members of Council; and,</li> <li>3. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and,</li> <li>4. That staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Office of the CAO/Human Resources</li> </ul>	2019	
11	<p><b>Meeting Date:</b> Committee of the Whole September 25, 2017</p> <p><b>Subject:</b> Diversity and Inclusivity Strategy</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the report entitled “Diversity and Inclusivity Programs” be deferred to a future Committee of the Whole meeting, as York Region is currently amending its Diversity and Inclusivity Charter.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Human Resources Department</li> </ul>	Q4-2017 Q3, 2018, Q1, 2019	York Region conducting further public consultation
22.	<p><b>Meeting Date:</b> April 30, 2018 Committee of the Whole</p> <p><b>Subject:</b> Asset Replacement Fund Strategy</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Financial Services</li> </ul>	Q3, 2019	