

Monday, December 09, 2013 at 1:30 PM
Council Chambers
Agenda compiled on 04/12/2013 at 6:11 PM

Declarations of Interests

Presentation

1. Ms. Suzanne Craig, Integrity Commissioner, to address the Committee regarding report findings. p. 4

Report dated December 3, 2013.

2. The Director of Legislative Services to address the Committee with a PowerPoint presentation regarding the Comprehensive Review of the Sign By-law. p. 11

Corporate Services - Legislative Services Report 2013-47 dated November 12, 2013 regarding "Comprehensive Review of Sign By-law".

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services - Legislative Services Report 2013-47 dated November 12, 2013 regarding "Comprehensive Review of Sign By-law" be received and the following recommendations be adopted:

i) THAT Council adopt the Final Draft Sign By-law attached as Appendix "A";

ii) AND THAT the following fees be included in the Fees and Charges By-law for the 2014 Budget:

Service Provided	Fee (Excludes HST)
Ground Sign	\$400.00
Fascia Sign	\$400.00
Mural Sign	\$400.00
Projecting Sign	\$400.00
Construction Information Sign	\$400.00
Hoarding Sign	\$400.00
New Home Development Sign	\$100.00
Portable / Mobile Sign	\$100.00
Inflatable Sign	\$400.00

Banner	\$100.00
Election Sign Deposit	\$250.00
Billboard Sign	\$1,500.00
Billboard Sign Renewal	\$500.00
Variance Fee – Staff Review	\$250.00
Variance Fee – Committee	\$500.00
Sign Removal	\$150.00
Election Sign Removal (per sign)	\$25.00

iii) AND THAT Council repeal By-law 2009-79.

3. The Director of Legislative Services to address the Committee with a PowerPoint presentation with respect to the 2014 Election. p. 57

Corporate Services - Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding "Voting Method Options, 2014 Municipal Election".

The Commissioner of Corporate Services and the Director of Legislative Services and the Director of Information Technology recommend:

a) THAT Corporate Services – Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding "Voting Method Options, 2014 Municipal Election" be received and the following recommendations be considered at the January 13, 2014 Committee of the Whole meeting:

i) THAT Council endorse Option 2, "Use of Internet Voting" as outlined in this report for use in the 2014 municipal election;

ii) AND THAT a by-law be brought forward for consideration by Council to authorize the use of alternative voting equipment and an alternative voting method in the 2014 municipal election accordance with Section 42 1 (a) and (b) of the Municipal Elections Act, 1996;

iii) AND THAT the public be invited to comment on Joint Legislative Services & Information Technology Services Report 2013-43 in advance of the January 13, 2014 Committee of the Whole meeting and subsequent Council meeting where the report and authorizing by-law is considered.

Items

4. Corporate Services Report - Legislative Services 2013-48 dated December 4, p. 84 2013 regarding the 2013-2017 Multi-Year Accessibility Plan.

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Report - Legislative Services 2013-48 dated December 4, 2013 regarding the Town of Newmarket 2013-2017 Multi-Year Accessibility Plan be received and that Council approve the Town of Newmarket 2013-2017 Multi-Year Accessibility Plan.

Action Items

5. Correspondence dated October 24, 2013 from Mr. Bruce Macgregor, Chief Administrative Officer, Regional Municipality of York regarding Regional Council Representation. p. 133

Memorandum from Director of Legislative Services/Town Clerk regarding current disposition of this matter by York Region municipalities.

Recommendation:

For the consideration of Committee.

Closed Session

6. Joint CAO and Development and Infrastructure Services - Planning and Building Services Report 2013-56 dated November 11, 2013 regarding Strategic Property Acquisition.

(A proposed or pending acquisition or disposition of land by the municipality or local board)

7. Development and Infrastructure Services Report - Commissioner 2013-60 dated November 19, 2013 regarding a proposed acquisition of land.
8. Marianneville Developments Limited (Glenway) (Ward 7) (Litigation Matter before Ontario Municipal Board) (If required)

Adjournment

REPORT OF THE INTEGRITY COMMISSIONER ON A COMPLAINT UNDER THE TOWN OF NEWMARKET COUNCIL CODE OF CONDUCT

Preliminary Issues

[1] On October 21, 2013, the Council of the Town of Newmarket approved a motion brought forward at the October 15, 2013 Committee of the Whole, to request that the Integrity Commissioner for the Town of Newmarket [the "Town"] investigate statements directed at Mayor Van Bynen by Councillor Di Muccio to determine if there was a breach of the council Code of Conduct and/or the Town of Newmarket's Procedural By-law.

[2] The Town of Newmarket Code of Conduct (the "Code") was enacted on April 16, 2007 and amended on May 7, 2012, to rescind Part XI that related to Council Member complaints against one another. The Code contains the provision that lists the rules regarding General Conduct.

A Member shall not use indecent, abusive or insulting words or expressions toward any other Member, any member of staff or any member of the public.

[3] The Council Extract of October 21, 2013, contains the authority under which I have conducted this investigation.

[4] The complaint alleged that the comments made by Councillor Di Muccio (the "Respondent") directed at Mayor Van Bynen (the "Mayor") at the September 23, 2013 Committee of the Whole meeting were a breach of the Code. In particular, the complaint alleges that the Respondent, a Councillor for the Town of Newmarket, stated that 'others would be aware of the Mayor's comments and that he was a misogynist'.

[5] I requested a meeting with the Mayor and upon his agreement, met with him on October 31, 2013 and took his statements in relation to the complaint.

[6] I requested sworn affidavits from Andrew Brouwer, Clerk of the Corporation of the Town of Newmarket and Ian McDougall, Commissioner of Community Services of the Corporation of the Town of Newmarket. I requested the affidavits from these two senior staff of the Town of Newmarket who were in attendance at the September 23, 2013 Committee of the Whole meeting to provide credible accounts and best recollections of the statements uttered subject of this complaint. Both Mr. Brouwer and Mr. McDougall complied with my request for affidavits which contained their best recollection of the statements made by the Respondent.

[7] On November 5, 2013, I forwarded by electronic mail, a request to the Respondent for written response to the complaint on or before November 12, 2013.

[8] On November 8, 2013, I received an electronic mail correspondence from the Respondent in which she stated that:

"... your stipend for this investigation will be paid from the personal funds of council members - and not by taxpayers - which clearly raises ethical questions...

"I therefore do not recognize you as an integrity commissioner working for the town of

Newmarket...”

“I would hope you will cease using the title of "Integrity Commissioner for the town of Newmarket", as you are employed by individual council members”

[9] On November 8, 2013, I sought clarification of my role as Integrity Commissioner for the Town from Mr. Bob Shelton, Chief Administrative Officer for the Town of Newmarket and received confirmation that I was engaged with the Town to provide Integrity Commissioner services and that this appointment was made by the Council of the Town of Newmarket.

[10] On November 15, 2013, I forwarded an electronic communication to the Respondent stating that “ [g]iven that you had taken the position that I was not engaged as the Town's Integrity Commissioner, and that this may have been the reason why you have not submitted a written response, I am providing you until Monday November 18, 2013 to submit any written comments to me in response to the complaint.”

[11] On November 18, 2013, I again forwarded an electronic communication to the Respondent and attached an affidavit from the Town Clerk regarding comments made at the October 15, 2013 Committee of the Whole meeting. I concluded my communication inviting the Respondent to forward me her comments, if any.

[12] To date, I have received no further correspondence or comment from the Respondent.

The Complaint

[13] At issue in this complaint are the comments of Councillor Di Muccio that Town Council alleges constituted a breach of the Code. In particular, the complaint alleges that Councillor Di Muccio had uttered at the September 23, 2013 Committee of the Whole meeting, the word misogynist and directed the term at Mayor Van Bynen.

The Relevant Provisions of the Code of Conduct and Town Procedural By-law

[14] The purpose of the Code, lists that the goal of the existence of the rules in the Code is to ensure that:

...

- The conduct of Members of Council is of the highest standard; and
- There is fairness and respect for differences and a duty to work together for goodwill and common good.

[15] The section of the Code entitled General Conduct, includes, but is not limited to the following and states that:

A Member shall not use indecent, abusive or insulting words or expressions toward any other Member, any member of staff or any member of the public.

- [16] The section of the Code entitled Public Respect for Town By-laws and Policies states that:

Every Member shall observe and comply with every provision of this Code as well as all other policies and procedures adopted or established by Council.

- [17] Section 13 of the Town's Procedural By-law states that Members are responsible for, where applicable:

Refraining from using any offensive, disrespectful or unparliamentary language about any Member, municipal employee, Meeting attendees and Council or a Committee as a Whole.

Integrity Commissioner's Jurisdiction

- [18] Section 223.3 of the *Municipal Act*, 2001 states that:

- (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to,
 - (a) the application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them;
 - (b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them; or
 - (c) both of clauses (a) and (b). 2006, c. 32, Sched. A, ; and
- (2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.

The Council Extract of October 21, 2013, contains the Council authority under which I have been appointed to conduct this investigation.

Background to the Complaint

- [19] At the September 23, 2013 Committee of the Whole meeting, Committee considered item 26 entitled "Motion – Tax Impacts", a proposed detailed motion consisting of 10 potential budget items. The item under discussion at the time of the utterance subject of this complaint was item 9 – "Calculate the savings of removing the ice from one or both Magna ice pads between the periods of June 15 and August 15, 2014.

[20] Clause 9 included a statement which directed staff “to prepare a report on this item as soon as practicable”. Committee debated when the Committee might reasonably expect the staff report to be brought forward. Affidavit statements recollect that Councillor Di Muccio made comments to the effect that because staff were able to prepare a staff report related to the Town’s loan to the Newmarket Soccer Club within a week of Council’s request, preparation of the requested report should be achievable.

[21] Following Councillor Di Muccio’s comments, the Regional Councillor raised a point of order stating that the staff report related to the Town’s loan to the Newmarket Soccer Club took longer to prepare and was more involved than what Councillor Di Muccio had portrayed in her comments.

[22] The Mayor then ruled Councillor Di Muccio’s comments out of order on the grounds that they were an inaccurate account of the proceedings related to the preparation of the Newmarket Soccer Club loan staff report. The Mayor requested that Councillor Di Muccio retract her comments.

[23] Affidavit statements provide the recollection that a short argumentative exchange then ensued between Councillor Di Muccio and the Mayor. The Mayor stated that he was aware of the time and steps taken to prepare the staff report in relation to the Newmarket Soccer Club loan and asked again for Councillor Di Muccio to withdraw her comments unless she had proof to the contrary. The Mayor did not call Councillor Di Muccio to order in the course of this exchange.

[24] Affidavit statements clarify that Councillor Di Muccio stood up, stating that she had had enough. It was at this time that Councillor Di Muccio referred to the Mayor as a misogynist and that stated that she would not retract her comments. Councillor Di Muccio proceeded to leave the Council Chamber and stated that others would be aware of the Mayor’s comments and that he was a misogynist.

[25] At the October 15, 2013 Committee of the Whole meeting, Council adopted the motion to request that the Integrity Commissioner investigate whether the comments made by Councillor Di Muccio were in breach of the Council Code of Conduct and/or the Town’s Procedural By-law and that in the event that Councillor Di Muccio provide a written apology prior to the motion being adopted by Council, the motion would be withdrawn.

[26] At the October 15, 2013 Committee of the Whole meeting, Mayor Van Bynen was in the Chair and called for any disclosures of pecuniary interest as required by the Municipal Conflict of Interest Act.

[27] Councillor Di Muccio indicated a pecuniary interest with respect to Item 13 on the agenda (Item 17 of the Committee of the Whole Minutes of October 15, 2013) with respect to the Notice of Motion to request an investigation by the Integrity Commissioner.

[28] Mayor Van Bynen requested at this point, that the Regional Councillor chair the meeting.

[29] According to a sworn affidavit by the Town Clerk in which he provides his best recollection of the statements made at the Committee of the Whole meeting, Councillor Di Muccio read a prepared statement with words to the effect of:

“if the Mayor had understood her use of the word misogyny at the Committee of the Whole meeting on September 23, 2013 to be the hatred of women, she apologies and that she was referring to a more modern use of the word misogyny being prejudice towards women”

Respondent's Position

[30] The Respondent did not provide this office with a written response to the complaint, except to state that:

“I [...] do not recognize you as an integrity commissioner working for the town of Newmarket...”

“I would hope you will cease using the title of "Integrity Commissioner for the town of Newmarket", as you are employed by individual council members”

Analysis:

[31] The Oxford dictionary defines:

“offensive” as ‘causing to feel upset, annoyed or resentful’.

“insulting” as ‘disrespectful or scornfully abusive’.

The Parliament of Canada defines “Unparliamentary Language” as:

based on a long-standing tradition of respect for the integrity of all Members. Thus, the use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults and obscenities are not in order...In dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the Member speaking; the person to whom the words at issue were directed; the degree of provocation; and, most importantly, whether or not the remarks created disorder in the Chamber.

[32] Unlike the institution of libel which requires an element of intention to harm the reputation of the other, this intent is not a pre-requisite for an utterance to be offensive, disrespectful or insulting.

[33] The role of the Mayor at the September 23, 2013 Committee of the Whole was that of Chair of the Council meeting. In this capacity, the Mayor's duties included but were not limited to:

- Chairing the Meeting in an objective manner in accordance with the Procedure By-law;
- Enforcing order and good behaviour of all Members at all times;
- Ruling on whether a motion is in order;
- Deciding all questions of order at the Meeting, subject to an appeal by any Member;
- Deciding to acknowledge, and ruling on whether a Point of Order or Point of Privilege

is in order;

[34] The Oxford dictionary defines "Misogynist" as:

a person who dislikes, despises, or is strongly prejudiced against women

[35] It is the recollection contained in sworn affidavits that the Respondent has stated in her statement read at the October 15, 2013 Committee of the Whole meeting, that if the Mayor understood her use and directing of the word "misogynist" to him as meaning the hatred of women, she apologies and that she was referring to a more modern use of the word misogyny being prejudice towards women.

[36] The Respondent has not denied that she used the word "misogynist" and directed this word towards the Mayor.

[37] The current dictionary meaning of the term misogynist includes despising, and being strongly prejudiced against women. While one could take the position that the word has been overused in common political discourse, the term still holds the sting of a serious allegation. Further, the Respondent was understood by those in attendance at the meeting to mean that the Mayor was guilty of highly egregious conduct worthy of censure and that others would be aware of his comments.

[38] In the context of the item under debate, the Mayor acted appropriately in maintaining order as Chair of the meeting and there is no evidence of any gender bias in the Mayor's comments to the Respondent. There was no evidence which supported the Respondent's position that the Mayor was preventing her from continuing her line of discussion or cutting her off prematurely, based on any motives other than in the performance of his function as chair and in an effort to maintain order and suggest that topics not germane to the item under discussion or comments without merit, be dealt with according to the rules of the Town's Procedural By-law.

[39] Further, the Town has a Harassment and Discrimination Policy that was updated on June 15, 2010, which applies to all employees and elected officials. The Policy states that the Town "is committed to a harassment and discrimination free workplace by providing the foundation for and maintaining a work environment for employees and elected officials which is free from harassment." The Town's Harassment and Discrimination Free Workplace Program sets out measures and procedures of how an employee and elected official can report an incident of workplace harassment or discrimination and how the Town will address the incident.

[40] The Town's Harassment and Discrimination Policy intersects with the Town's Council Code of Conduct, insofar as the Code prescribes that "[a] Member shall not speak in a manner that is discriminatory to any individual based on a person's race, ancestry, place of origin, citizenship, ethnic origin, creed, gender, sexual orientation, age, colour, marital status, family status or disability."

[41] It therefore follows that should a Member of Council feel that they are the subject of

discriminatory action, the appropriate course of action should be to follow the procedures set out in the Harassment and Discrimination Free Workplace Policy and the Council Code of Conduct, and not to resort to arbitrarily bypassing the rules set for all employees and Members of Council of the Town of Newmarket.

[42] There is a possibility that the Respondent may have felt uncomfortable when asked to provide evidence to substantiate her comments made towards the Mayor. However, based on a review of all the facts brought forward in this investigation, there was no evidence of any gender animus in the Mayor's request to the Respondent.

Findings

[43] I find that the Respondent breached the General Conduct provision of the Council Code of Conduct, by using insulting words or expressions towards another Member of Council.

Recommendation

[44] I recommend the following:

1. That Council suspend the remuneration paid to the Respondent for a period of thirty (30) days;
2. That the above noted penalty be waived should the Respondent provide a written apology to the Mayor on or before December 13, 2013.
3. That I remain seized of this matter and reserve the option to vary my recommendation on or before December 16, 2013.

Respectfully submitted by:

Suzanne Craig

Suzanne Craig

December 3, 2013

Integrity Commissioner



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November 12, 2013

CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT – 2013-47

TO: Committee of the Whole

SUBJECT: Comprehensive Review of Sign By-law

ORIGIN: Andrew Brouwer, Director, Legislative Services/Town Clerk & Lesley Long, Supervisor, By-law Enforcement

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2013 – dated November 12, 2013 regarding “Comprehensive Review of Sign By-law” be received and the following be adopted;

1. THAT Council adopt the Final Draft Sign By-law attached as Appendix A;
2. AND THAT the following fees be included in the Fees and Charges By-law for the 2014 Budget:

Service Provided	Fee (Excludes HST)
Ground Sign	\$400.00
Fascia Sign	\$400.00
Mural Sign	\$400.00
Projecting Sign	\$400.00
Construction Information Sign	\$400.00
Hoarding Sign	\$400.00
New Home Development Sign	\$100.00
Portable / Mobile Sign	\$100.00
Inflatable Sign	\$400.00
Banner	\$100.00
Election Sign Deposit	\$250.00
Billboard Sign	\$1,500.00
Billboard Sign Renewal	\$500.00
Variance Fee – Staff Review	\$250.00
Variance Fee – Committee	\$500.00
Sign Removal	\$150.00
Election Sign Removal (per sign)	\$25.00

3. AND THAT Council repeal By-law 2009-79.

COMMENTS

Purpose

The purpose of this report is to recommend a new sign by-law for the Town of Newmarket, subject to Council's direction on mobile signs used by non-profit organizations and billboard signs. The report also recommends sign related fees, to be included in the fees and charges by-law for the 2014 Budget.

Discussion

In February 2012, Council directed staff to undertake a comprehensive review of the Town's Sign By-law (By-law 2009-79) in place since 2009. The review's key objective was to modernize the by-law's standards relative to community and stakeholder needs, and address a number of issues, including:

- New and evolving sign types, such as digital signs, mural signs and new forms of portable signs;
- Implications of recent case law affecting signs, in particular billboard signs;
- Best practices for election signs and signs required by non-profit and community organizations;
- Specific issues related to signs at 350 Davis Drive and 77 Davis Drive;
- Opportunities to improve the efficiency of the application and sign variance process; and,
- Housekeeping amendments, including fees.

A chart summarizing recommended amendments by sign type/by-law provision is included in Appendix B.

Public and Stakeholder Consultation

Public and stakeholder consultation helped to inform the development of the Final Draft Sign By-law in Appendix A. Key stakeholders in the process included sign companies, local businesses, community organizations and previous municipal election candidates.

On March 29, 2012, a public information session was held to present a Preliminary Draft Sign By-law and provide the opportunity to discuss issues and concerns with key stakeholders. Based on feedback received at the March 29, 2012 public information session, written correspondence and online feedback and further review and research undertaken by staff, another public information session was held on September 25, 2013 to present a Final Draft Sign By-law. Staff also took the opportunity to discuss the Final Draft By-law provisions related to billboard signs at the Farmer's Market on October 5, 2013.

Like other regulatory by-laws, public and stakeholder consultation should be undertaken prior to approval by Council. If there are substantially new regulations proposed in the consideration of this report, it is recommended that further public and stakeholder consultation be undertaken first.

Mobile Sign at 350 Davis Drive

A business located at 161 Davis Drive erected a mobile sign prior to the provisions of the current Sign By-law (By-law 2009-79). The size and use of colour lettering was not compliant with mobile

sign standards set out in By-law 2009-79. The business relocated to 350 Davis Drive and erected the same mobile sign used at 161 Davis Drive. The Town took the position that the owner would be required to bring the sign into compliance with By-law 2009-79 on the basis that the moving the sign was a substantial 'alteration' to the sign. By-law enforcement staff subsequently issued notices of compliance.

At the February 27, 2012 Committee of the Whole meeting, Council requested that staff review whether the sign erected at 350 Davis Drive would be eligible to be grandfathered under Section 99 (1) of the *Municipal Act, 2001*. In the interim, the owner of the mobile sign sought appeal of the Town's notices of compliance from the Court. The Court agreed with staff's interpretation and ruled that because the mobile sign was moved after By-law 2009-79 was passed by Council, the owner of the mobile sign would be required to bring the mobile sign into compliance with By-law 2009-79.

Although the business in question no longer operates at 350 Davis Drive, staff have a solid basis for understanding the grandfathering provision of Section 99 (1) of the *Municipal Act, 2001* moving forward.

Digital Marquee Sign at 77 Davis Drive

An exemption from Sign By-law 2006-92 was granted by Council on August 27, 2007 to allow for the erection of a digital marquee sign on a "pilot" basis, subject to the following conditions:

1. THAT the Persechini Fitness Centre request for Digital Messaging and Advertising Signage to replace the previously established "Country Style Donuts" sign be approved subject to payment of the appropriate application fees and compliance with structural requirements;
2. AND THAT the following conditions shall also apply:
 - The approval be site specific;
 - With the exception of store front signage, no other signage (including A-Frame type signs) be permitted;
 - Third party advertising shall be restricted to Town of Newmarket businesses; and
 - 5% of sign time shall be made available to the Town for public service purposes;
3. AND THAT staff use this sign location and arrangement as the basis for a sign by-law and report back to Committee in February 2008.

In 2011, staff were subsequently directed to report back with respect to the results of the pilot project at 77 Davis Drive and provide options available to ensure reasonable controls moving forward as part of the broader review of the sign by-law.

Research was conducted by staff which examined the practices of various Canadian municipalities in order to establish regulations for digital signage. The regulations developed by staff are intended to regulate digital signage in a manner similar to conventional signage with an emphasis on the differentiating factors such as message transitions, display brightness and animated content as summarized in Appendix B. With regard to the digital marquee sign at 77 Davis Drive, the staff has only received one complaint that the sign advertised a third party company (Interac) which does not operate in the Town of Newmarket. Staff took the position that the company supports a service which forms an integral part of many local businesses.

During the review process, staff took the opportunity to understand the current business view of third party advertising through the Economic Development Office. The consensus was that third party advertising should not be restricted to businesses headquartered or operating in the Town of Newmarket. Although a business may not be physically headquartered or operate in Newmarket, typical retail products or services advertised will more than likely support local business. The Final Draft By-law proposes to restrict third party advertising to billboards, but does not restrict the third party advertising to a business headquartered or operating in the Town of Newmarket. The Town has made passive use of the sign at 77 Davis Drive for its communications, although it is not an active component of most communications programming.

Should Council approve the Final Draft Sign By-law, the terms of the “pilot” project at 77 Davis Drive will expire. It is staff’s understanding that the owner of the sign at 77 Davis Drive plans to retrofit the sign, so the sign would be brought into compliance with the terms of the Final Draft By-law with regard to animation, transition of messaging and the like. The owner has also indicated their interest in continuing to offer the Town the ability to advertise notices on an in-kind basis, although this is not a requirement.

Fees and Charges

Sign fees relate to sign permit applications and sign variance applications. Their fees are developed on cost recovery basis and reflect costs associated with processing and issuing sign permits and appeals and enforcing illegally placed signs. In addition to the cost recovery analysis, a survey of other GTA and York Region municipalities was undertaken to provide benchmarks.

Sign fees have not increased since 2006.

Service Provided	2013 Fee (Excludes HST)	2014 Fee (Excludes HST)
Ground Sign	\$150.00	\$400.00
Fascia Sign	\$150.00	\$400.00
Mural Sign	n/a	\$400.00 (new)
Projecting Sign	\$150.00	\$400.00
Construction Information Sign	\$150.00	\$400.00
Hoarding Sign	n/a	\$400.00 (new)
New Home Development Sign	\$80.00	\$100.00
Portable / Mobile Sign	\$80.00	\$100.00
Inflatable Sign	\$150.00	\$400.00
Banner	n/a	\$100.00 (new)
Election Sign Deposit	n/a	\$250.00 (new)
Billboard Sign	n/a	\$1,500.00 (new)
Billboard Sign Renewal	n/a	\$500.00 (new)
Variance Fee – Staff Review	\$72.55	\$250.00
Variance Fee – Committee	\$428.55	\$500.00
Sign Removal	\$75.00	\$150.00
Election Sign Removal (per sign)	\$75.00	\$25.00 (per sign)

Next Steps

Should Council approve the Final Draft Sign By-law, it will undertake a program of communications and education with key stakeholders, update forms/website content and the like. Timing and details of the communications and education program have not been finalized.

A sign that was lawfully erected prior to the passage of the Final Draft Sign By-law would be "grandfathered". Should there be a substantial change to the sign, it would be required to be brought into compliance. With regard to digital signs, the Town can request a sign owner to meet the terms of the Final Draft By-law with regard to animation, transition of messaging and the like.

Appendices

Appendix A – Final Draft Sign By-law
Appendix B – Summary of Amendments to Sign By-law
Appendix C – Map – Billboard Sign Locations

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

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

CONSULTATION

This report was prepared with input from the Planning and Building Services, and Legal Services departments as well as the Economic Development Office. Input was also provided by the WeirFoulds law firm and other municipalities including Brampton, Hamilton, Markham, Toronto and Richmond Hill.

Public and stakeholder consultation included residents, local businesses, sign companies, community organizations and previous municipal election candidates.

HUMAN RESOURCE CONSIDERATIONS

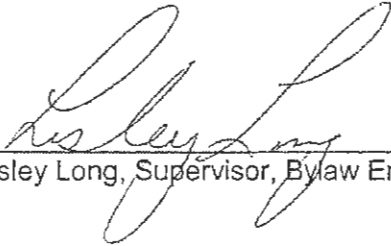
There are no human resources considerations related to this report.

BUDGET IMPACT

It is anticipated that there will be a positive impact on the budget should Council adopt the proposed sign by-law fees; however, it is difficult to estimate the number of sign permits that will be issued in any one calendar year. The 2015 Budget will reflect a more accurate account of sign fee revenue.

CONTACT

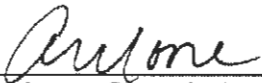
For more information on this report, contact Lesley Long, Supervisor, By-law Enforcement, 905-953-5300, extension 2222 or via email at llong@newmarket.ca.



Lesley Long, Supervisor, Bylaw Enforcement



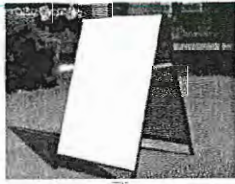
Andrew Brouwer, Director, Legislative Services/ Town Clerk



Anita Moore, Commissioner of Corporate Services

Appendix B “Summary of Amendments to Sign By-law”

Portable Signs



A-Frame / Sandwich board

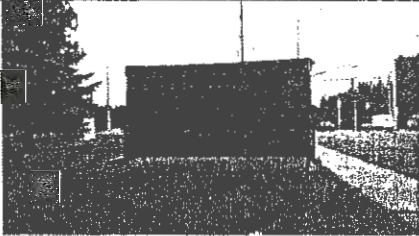


T-Frame



Advertising Flag

	Definition	Regulation	Comments
Current Bylaw	Previous bylaw only included A-frame signs	A-frame <ul style="list-style-type: none"> Requires Permit, \$80 fee Permit expires after 1 year Maximum number combined of A-frame and Mobile signs, per premises, is determined by total frontage Sign must be located on business premises Maximum sign area 1.11m² (12ft²) Maximum sign height 1.22m (4ft) Maximum sign width 0.91m (3ft) 	<ul style="list-style-type: none"> Only defines and regulates A-frame signs Sign size is not to current industry standard
Final Draft Bylaw	Revised definition to include all free standing signs erected but not permanently anchored to the ground and includes, but not limited to: <ul style="list-style-type: none"> A-frames/Sandwich board signs T-Frames Advertising flag signs 	All Portable signs <ul style="list-style-type: none"> Require permits, \$100 fee Permit expires after 1 year Maximum number of combined Portable and Mobile signs, per premises, is determined by total frontage Sign must be located on business premises A-frame and T-frames <ul style="list-style-type: none"> Increased maximum sign area to 1.86m² (20.0 ft²) Increased maximum sign height to 1.52m (5.0 ft) Increased maximum sign width 1.22m (4ft) Advertising flag sign <ul style="list-style-type: none"> Maximum sign area to 1.86m² (20.0 ft²) Maximum sign height 3.35m (11 ft) Increased maximum sign width 1.22m (4ft) 	<ul style="list-style-type: none"> Reflects community trend to include a broader scope of sign types permitted and regulated Sign height and area increased to reflect industry standard

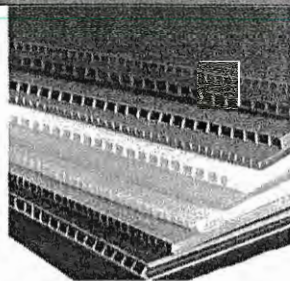
Mobile Signs			
			
	Definition	Regulation	Comments
Current Bylaw	A non-illuminated sign designed to be capable of being readily moved from one location to another, is usually built on a trailer or other solid platform and may include wheels	<ul style="list-style-type: none"> Requires permit, \$80 fee 21 day permit Maximum sign area 2.97m² (32ft²) Maximum height 1.52m (5ft) Maximum number of uses per year, per business, of 3 45 day blackout period Maximum number combined of A-frame and Mobile signs, per premises, is determined by total frontage Sign must be located on business premises Sign must be black background with white letters or markings 	<ul style="list-style-type: none"> Seasonal businesses are restricted by 45 day blackout period Maximum of only 3 uses per year per business Sign size is not to current industry standard
Final Draft Bylaw	No Change	<ul style="list-style-type: none"> Requires permit, \$100 fee 21 day permit Increased maximum sign area to 4.46m² (48 ft²) Increased maximum height 2.44m (8ft) Increased maximum number of uses per year, per business to 4 Name and contact information of sign owner must be displayed on sign Removed 45 day blackout period Maximum number of combined Portable and Mobile signs, per premises, is determined by total frontage Sign must be located on business premises Sign must be black background with white letters or markings 	<ul style="list-style-type: none"> Responding to comments provided through public consultation process Accommodates seasonal businesses by removing blackout period Sign area increased to reflect industry standard

Appendix B “Summary of Amendments to Sign By-law”

Temporary Signs



Coroplast Sign



Plastic (Poly Bag) Sign

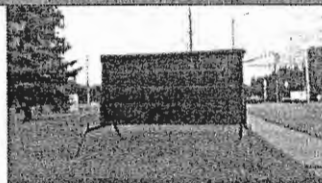


	Definition	Regulation	Comments
Current Bylaw	Not Defined	Not Permitted	<ul style="list-style-type: none"> Does not currently permit Temporary signs Only regulated and permitted by a resolution of Council, exclusively for non-profit use Election sign type not defined in current By-law
Final Draft Bylaw	A sign comprised of a plastic (poly bag) sign sleeve or a coroplast sign face and which is temporarily anchored to the ground	Limited use by non-profit organizations and election sign purposes	<ul style="list-style-type: none"> Reflects community trend to include a broader scope of sign types permitted and regulated Temporary signs identified as a major source of sign proliferation through public consultation process
Other Municipal Standards / Practices			
<ul style="list-style-type: none"> Common practice of municipalities to allow Temporary signs only for non-profit/charitable event promotion 			

Non-Profit Signs



Portable sign



Mobile sign



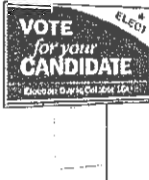
Temporary sign

	Definition	Regulation	Comments
Current Bylaw	Not defined	<p>***Council resolution outlining provisions***</p> <p>And</p> <ul style="list-style-type: none"> • Permit required (fee waived) • Practice to allow up to 50 Temporary signs for charitable or non-profit organizations • Charity or non-profit organizations must provide a map with proposed locations for signs to be approved • Practice of allowing signs to be up for 14 days prior to event • Must be located on private property or approved Town property 	<ul style="list-style-type: none"> • Does not currently sanction non-profit signs • Only regulated and permitted by a resolution of Council and a practice adopted by staff
Final Draft Bylaw	Sign located, erected, or displayed on private property or approved Town property to advertise a non-profit or charitable event by a non-profit organization, charity or place of worship	<ul style="list-style-type: none"> • Permit required (fee waived) • Located on private property, subject to property owners permission • Maximum of 50 Temporary signs or 10 Portable signs or 5 Mobile signs • Permit for 21 days prior to the event and removed within 48 hours after the event • If requested must provide proof of non-profit or charitable status 	<ul style="list-style-type: none"> • Responding to public consultation process • Integrating non-profit signage provisions into bylaw • Provides for regulations preventing profiteering of temporary signage • Regulations ensure enforceability and consistent application

Other Municipal Standards / Practices

- Regulations vary by municipality
- Typical combinations of signage include Temporary signs (for 14-21 days), Portable signs and Mobile signs (14 day display)
- Mobile signs – regulations vary to allow placement on approved public property or private property with property owner's permission

Appendix B “Summary of Amendments to Sign By-law”

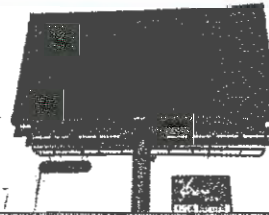
Election Signs			
			
	Definition	Regulation	Comments
Current Bylaw	Sign advertising or promoting the election of a political party or a candidate for public office in a Federal, Provincial or Municipal election	<p>All Election signs:</p> <ul style="list-style-type: none"> • Election related signs, candidates must have filed nomination paper and paid filing fee • Must be removed 48 hours after election day • Removed signs are subject to redemption fee of \$75 per sign <p>Fascia Election signs:</p> <ul style="list-style-type: none"> • Election sign affixed to face of campaign headquarters <p>Election signs:</p> <ul style="list-style-type: none"> • Minimum of 3.0m (10ft) from face of curb or pavement • Minimum of 0.6m (2ft) from sidewalk • Maximum size 2.97m² (32 ft²) • Signs cannot be placed on Town boulevards • Do not display signs more than 30 days prior to municipal election, or before writs for federal or provincial election 	<ul style="list-style-type: none"> • Signs are subject to a redemption fee • Not common among other municipalities • Setbacks on some properties cannot be met in some circumstances

Appendix B “Summary of Amendments to Sign By-law”

Final Draft Bylaw	No change, but an addition of "Election Sign Deposit"	All Election signs: <ul style="list-style-type: none">• Election related signs, candidates must have filed nomination paper and paid filing fee• Increased removal time from 48 hours to 72 hours• Candidate must pay \$250 deposit prior to display of signage• \$25 fee deducted from deposit for each removed sign, excess costs invoiced to candidates or added to tax roll, and will be collected in the same manner as taxes Fascia Election signs: <ul style="list-style-type: none">• Election sign affixed to face of campaign headquarters Election signs: <ul style="list-style-type: none">• Reduced minimum Setback to 1.8m (6ft) from face of curb or pavement• Minimum of 0.6m (2ft) from sidewalk• Reduced maximum area size to 1.48m² (16ft²)• Signs cannot be placed on Town boulevards• If setback cannot be met sign must be placed at the furthest distance possible from the sidewalk• Do not display signs more than 30 days prior to municipal election, or before writs for federal or provincial election	<ul style="list-style-type: none">• Ensures cost recovery• Common enforcement practice in municipalities• Accounted for properties that cannot meet setbacks• Assists in controlling election sign proliferation• Responded to feedback provided from draft bylaw	
	Other Municipal Standards / Practices			
	<ul style="list-style-type: none">• Most York Region municipalities allow Election signs to be placed on private property and approved public road allowances (Markham, King Township, Richmond Hill)• Removal Period 72 hours• Maximum size varies from 16.0 sq. ft. (Markham, Aurora, York Region, Richmond Hill) to 32.0 sq. ft. (King Township)• Common practice to collect Election Sign Deposit, between \$200.00 - \$250.00, removed at \$20 - \$25 per sign (Markham, King Township and Richmond Hill)			

Appendix B “Summary of Amendments to Sign By-law”

Billboard Signs



	Definition	Regulation	Comments
Current Bylaw	Means an outdoor sign that advertises goods, products, or services that are not sold or offered on the property where the sign is located, and is either single sided or double sided and shall allow for one rotating side	**Regulated by site-specific Council approval**	<ul style="list-style-type: none"> Does not currently regulate Billboard signs Billboard signs are regulated by site-specific Council approval
Final Draft Bylaw	Updated terminology from one “rotating sign” to “mechanical copy”	<ul style="list-style-type: none"> Requires Permit, \$1500 fee Permit length of 5 years, \$500 Renewal fee Billboard sign applications may be “Bumped up” by the Director and/or a member of Council similar to site plan approval process Permitted Zones: Urban Centre Zones, Commercial Zones, and Employment Zones Radius of 300.0m (984ft) from any other Billboard Sign and 15.0m (49.2ft) of any Ground Sign Radius of 200.0m (656ft) from Residential Zones, Schools, Parks or properties designated under the <i>Ontario Heritage Act</i> 	<ul style="list-style-type: none"> Reflects community trend to include a broader scope of sign types permitted and regulated Responds to industry feedback Case law provides that a municipality can regulate but not prohibit Billboard signs Supports policy direction of secondary plan

Appendix B “Summary of Amendments to Sign By-law”

Billboard Signs

Other Municipal Standards / Practices

- Maximum area of Billboard signs varies from 7.5m² (80 sq ft) to 37.16 m² (400 sq ft)
- Common practice to limit permit length to 3-5 years
- Common practice to permit Billboard signs in Employment/Industrial Zones, Rail Lines or Hydro Corridors (Kitchener, Oakville) – Municipalities do extend use of Billboard signs to Commercial areas/ Special Sign Districts (Toronto, Markham, Burlington)

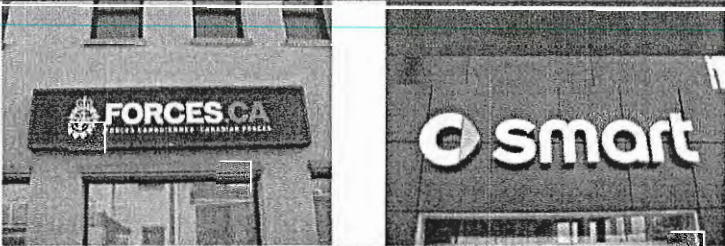
Comments from Sign Companies

- Reduce the separation distance between Billboards from 300m (984ft) to 100m (328ft), and between Billboards and Residential zones, Schools, Parks, or Heritage properties from 200m (656.16ft) to 30m (98ft)
- Incorporation of third-party Billboard signs as a permitted use
- Standard dimensions for Billboard signage 10' x 20'

Response to Comments from Sign Companies

- Researched other municipalities that govern Billboards, the proposed setbacks set out in the final draft sign by-law are in line with the common practice
- Allowing third party advertising only on Billboard signs
- Increased to standard dimensions of 10'x 20'

Appendix B “Summary of Amendments to Sign By-law”

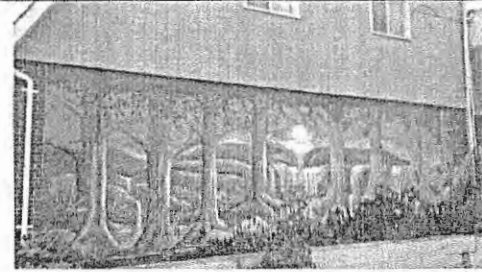
Fascia Signs			
			
	Definition	Regulation	Comments
Current Bylaw	A sign, which projects no more than 20.32cm (8 inches) from the face of the wall forming part of a building or supported by or through a wall of a building having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes a painted wall sign and an awning sign. A Fascia sign shall not include any other sign defined in this By-law unless otherwise stated	<ul style="list-style-type: none"> Requires permit, \$150 fee Shall not be extended past the top of the wall or the ends of the wall Shall not exceed more than 20cm (8 inches) from the face of the wall Minimum clearance of 2.44m (8ft) from grade Permitted in Commercial or industrial zones Maximum area of 23.22m² (250 sq ft), on a corner building an additional fascia sign not exceeding 4.65m² (50 sq ft) area is permitted 	<ul style="list-style-type: none"> Limited to Commercial and industrial zones
Final Draft Bylaw	Simplified to: Means a sign applied to or erected on and entirely supported by the wall of a building or structure	<ul style="list-style-type: none"> Requires permit, \$400 fee Shall not be extended past the top of the wall or the ends of the wall Shall not exceed more than 20cm (8 inches) from the face of the wall Minimum clearance of 2.44m (8ft) from grade Permitted in all zones Maximum area of 23.22m² (250 sq ft), on a corner building an additional fascia sign not exceeding 4.65m² (50 sq ft) area is permitted 	<ul style="list-style-type: none"> Broadened to be permitted in all zones

Appendix B “Summary of Amendments to Sign By-law”

Mural Signs



Mural Sign (Fascia)



Mural

	Definition	Regulation	Comments
Current Bylaw	Mural: Any type of display or artistic endeavour painted on or otherwise affixed to any side(s) of a building or structure	No regulations Subject to Council approval	<ul style="list-style-type: none"> Does not currently regulate Mural signs Murals are subject to Council approval
Final Draft Bylaw	Mural: No Change Mural Sign: means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure that includes text or a logo that is intended for advertising purposes	Mural: <ul style="list-style-type: none"> No permit Subject to Council approval or future Corporate Policy Mural Sign (Fascia): <ul style="list-style-type: none"> Permit required, \$400 fee Treated as Fascia signs Mural signs must form part of the overall area of the Mural 	<ul style="list-style-type: none"> Provides for an alternative type of signage within Fascia sign restrictions Artistic murals to remain subject to Council approval or future Corporate Policy
Other Municipal Standards / Practices			
<ul style="list-style-type: none"> Regulating murals as fascia signs Prohibiting all murals from displaying commercial advertising content Regulating endorsement displayed on mural – restricted to 10% of total area (Ottawa) 			

Appendix B “Summary of Amendments to Sign By-law”

Hoarding Signs



	Definition	Regulation	Comments
Current Bylaw	Not defined	Not regulated	<ul style="list-style-type: none"> Not regulated under current By-law, only regulated under site plan agreements (ie. Renessa retirement living sign is 71% of total hoarding)
Final Draft Bylaw	Signage erected on construction hoarding identifying and promoting the developer	<ul style="list-style-type: none"> Permit required, \$400 fee Maximum combined height of signage and hoarding is 3.05m (10ft) Maximum area of signage is 60% of hoarding area 	<ul style="list-style-type: none"> Previous requests for the display of Hoarding Signage have been addressed as part of the site plan approval process Regulations for hoarding signage ensure enforceability and consistent application
Other Municipal Standards / Practices			
<ul style="list-style-type: none"> Percentage of hoarding area permitted to display signage varies from 40% – 100% (Toronto, Orillia, Windsor) Exempt from permit requirements –sign placement restricted to height of hoarding (Brampton) 			

Banner Signs



Grand Opening



Promotional Event

	Definition	Regulation	Comments
Current Bylaw	A sign made from cloth, plastic or a similar lightweight non-rigid material	<ul style="list-style-type: none"> No Permit required 1 Banner permitted for a period of 1 month to advertise grand opening 	<ul style="list-style-type: none"> Only permits Banners for New business “Now Open” or “Grand Opening”
Final Draft Bylaw	No change	<ul style="list-style-type: none"> Permit Required, \$100 fee 1 Banner permitted for a period of 1 month to advertise grand opening or promotional event 1 permit per year, per business Must be located on first story of building Maximum area of 6.0m² (64.58sq ft) Maximum height of 1.0m (3.28ft) 	<ul style="list-style-type: none"> Broadened Scope of use from grand-opening events to permit for promotional use once per year

Other Municipal Standards / Practices

- Vaughan – prohibits the use of Banner signs
- Markham – 2 permits per year for 21 days or 3 permits per year for 14 days. Maximum area 6m² (64.58sq ft)
- Brampton – 5 permits per year for 30 days, Maximum area 1.5m² (16sq ft)
- Pickering – 1 permit for 14 days. Maximum area of 10m² (32sq ft)

Appendix B "Summary of Amendments to Sign By-law"

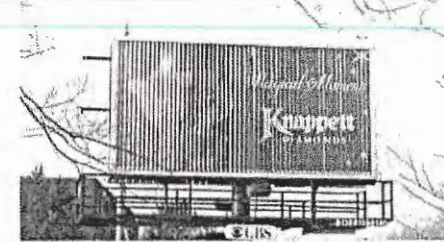
Sign Copy Types



Electronic Changeable Copy (ECC)



Continuous Scrolling Copy (CSC)



Mechanical Copy (MC)

	Definition	Regulation	Comments
Current Bylaw	Only Mechanical copy was previously defined as rotating side of a billboard	Not Regulated	<ul style="list-style-type: none"> Not Properly regulated, in an emerging sign trend with both industry and community
Final Draft Bylaw	<p>Electronic Changeable Copy: Means electronic and/or computer controlled sign copy where static images or static information are displayed in a pre-arranged sequence and the intensity of illumination is maintained at a constant level, and includes continuous scrolling copy.</p> <p>Continuous Scrolling Copy: Means electronic or computer controlled sign copy where text continuously scrolls across the sign face in a pre-arranged sequence to display a temporary message</p> <p>Mechanical Copy: Means a sign copy where the display surface physically changes to reveal alternate messages, including but not limited to Tri-vision or Flip Disc signs</p>	<p>Electronic Changeable, Continuous Scrolling, and Mechanical Copy</p> <ul style="list-style-type: none"> Maximum of 60% of ground sign area Maximum of 100% of fascia, projecting, and billboard sign area Separation distance between Residential Zones and Electronic Changeable, Continuous Scrolling, and Mechanical Copy and of 30.48m (100ft) Maximum of 8 revolutions per minute Sign cannot be visible from contiguous residential zone Minimum of 22.86m (75ft) from street intersection or traffic light Minimum of 15.24m (50ft) between another sign displaying Electronic changeable copy or Mechanical copy No effects shall be used between messages <p>Electronic Changeable Copy & Continuous Scrolling Copy:</p> <ul style="list-style-type: none"> Automatic dimming technology in direct correlation with ambient light conditions Maximum of 1 second between static images Image must be on for a minimum of 6 seconds Allow static image to be displayed, however prohibit the use of electrically animated, have moving parts or animated message changes 	<ul style="list-style-type: none"> Responding to stakeholder comments during public consultation process Reviewed to create a standard in an emerging area Brightness controlled by ambient light meter

Variance Process

	Process Steps	Framework for Variance	Comments
Current Bylaw	<ol style="list-style-type: none"> 1. If less than 25% increase to area or less than 2.13m (7ft) in height subject to Chief Building Official approval. Fee \$72.55 2. Any request beyond this must go to "Sign and Fence Variance Committee" Fee \$428.55 	<ul style="list-style-type: none"> • General intent and purpose of the by-law are maintained • May permit a sign that is not permitted by the By-law • May authorize provisions as seems fit 	<ul style="list-style-type: none"> • Sign and Variance Committees' decision only has to meet the general intent and purpose of the bylaw • Director is limited as to what variances must go to Committee • Committee decision can be appealed to Council within 20 days
Final Draft Bylaw	<ol style="list-style-type: none"> 1. Director delegated authority for variance approvals and conditions for all signs except Billboard signs Fee \$250 2. Review of Directors decision must be made within 30 days to be considered by "Variance Review Committee" Fee \$500 3. Variance Review Committees' decision is final and binding 4. Billboard sign variances will be referred to the Committee of the Whole 5. Fee \$500 6. The Committee of the Whole may require a Public Information Centre before making its recommendation to Council 7. Councils' decision is final and binding 	<ul style="list-style-type: none"> • Is warranted based on physical circumstances applicable to the property or premises; • Is consistent with the architecture of the building or development of the property; • Is consistent with buildings and other features of properties or premises within 120.0 metres (393ft) of the proposed sign; • Will not alter the essential character of the area; • Will not adversely affect adjacent properties; • Will not adversely affect public safety; • Is in the opinion of the decision maker, not contrary to the public interest; • Is not expressly prohibited by this by-law 	<ul style="list-style-type: none"> • Standard variance process • Added criteria to provide framework for variance approvals

Appendix B “Summary of Amendments to Sign By-law”

Permit Revocation Process

	Process	Comments
Current Bylaw	<p>May revoke without a notification process if:</p> <ul style="list-style-type: none"> • Does not comply to bylaw; • Does not comply with regulations from any other government authority with jurisdiction; • Permit issued result of false, mistaken, incorrect, or misleading statements; OR • Permit issued in error of the Town 	
Final Draft Bylaw	<p>May revoke without a notification process if:</p> <ul style="list-style-type: none"> • Does not comply to bylaw; • Does not comply with regulations from any other government authority with jurisdiction; • Permit issued result of false, mistaken, incorrect, or misleading statements; • In the opinion of the Director, if the work has not commenced within six months of the date of issuance of the sign permit; • An order has been issued but the order has not been complied with; • Fees under the fees and charges bylaw have not been paid; • Permit was issued with conditions from a variance, but those conditions have not been met ; OR • Permit issued in error of the Town 	

Enforcement Process

	Process	Order Framework	Comments
Current Bylaw	<ul style="list-style-type: none"> Town MUST remove sign if in contravention to bylaw At owners expense Costs can be recovered through taxes No Notice required for any sign 	No framework	<ul style="list-style-type: none"> No formal Notice or Order process
Final Draft Bylaw	<ul style="list-style-type: none"> Town MAY remove sign if in contravention to bylaw Director MAY issue an “Order” Private property subject to an “Order” Public property can be removed without “Order” Mobile, Portable, Temporary, and Election signs are not subject to an “Order”, therefore can be removed without “Order” Where an “Order” has been issued and the sign has not been brought into compliance within 14 days; Where applicable fees have not been paid; OR Where conditions of variance have not been met Sign removal fee of \$150, or if additional costs are incurred, the total cost of the sign removal, whichever is greater, will be put on property as Taxes 	<p>Order shall include reasonable particulars:</p> <ol style="list-style-type: none"> to identify the contravention location of the contravention the date of when the sign must be brought into compliance, 14 days <ul style="list-style-type: none"> Order shall be served personally or posted at the address of the business to which the sign relates and/or the address supplied on the sign permit application Signs on Town property are not subject to an Order Temporary, Portable, and Mobile signs are not subject to and Order 	<ul style="list-style-type: none"> Formalizes and streamlines enforcement provisions for signs both requiring and not requiring permits Sets out framework for order Election sign removal process and deduction from deposit fee

Appendix B “Summary of Amendments to Sign By-law”

Housekeeping - Administrative Changes

Areas Addressed	Current Bylaw	Final Draft Bylaw
Advertising Devices	<ul style="list-style-type: none"> Does not regulate signs or advertising devices under .37m² (4ft²) 	<ul style="list-style-type: none"> Allows for enforcement of Bill, poster, and temporary signs
Projecting Signs	<ul style="list-style-type: none"> Does not have weight restriction Does not allow Electronic changeable copy 	<ul style="list-style-type: none"> Any projecting signs over 115kg are regulated by building department, consistent with the Ontario Building Code Reflects community trend to include a broader scope of sign types permitted and regulated
Awning Signs	<ul style="list-style-type: none"> Does not currently define or regulate Awning signs 	<ul style="list-style-type: none"> Defines and Regulates Awning signs as a projecting sign Reflects community trend to include a broader scope of sign types permitted and regulated
Ground Signs	<ul style="list-style-type: none"> Does not address Electronic changeable copy on the sign 	<ul style="list-style-type: none"> Defines and Regulates Awning signs as a projecting sign Reflects community trend to include a broader scope of sign types permitted and regulated
Home Occupation Signs	<ul style="list-style-type: none"> Not up to date with current classifications of home occupations within the Zoning bylaw 	<ul style="list-style-type: none"> Broadened the scope of definition to include other professions as defined by the zoning bylaw and included regulations for types of signs
Construction Information Signs	<ul style="list-style-type: none"> Does not currently align with industry standard 	<ul style="list-style-type: none"> Increased maximum area to align with industry standard, and controlled for size in downtown area
New Home Development Signs	<ul style="list-style-type: none"> Does not currently align with Region’s bylaw in relation to timing of display 	<ul style="list-style-type: none"> Consistent with Region’s bylaw with display times
Waste receptacles and bench advertising Signs	<ul style="list-style-type: none"> Defined and Regulated through Town By-law Enforcement done through York Region By-law 	<ul style="list-style-type: none"> Regulated by York Region Removed regulations from Town By-law Sign type does not require a sign permit



CORPORATION OF THE TOWN OF NEWMARKET

DRAFT BY-LAW NUMBER 2013-XX

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

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

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

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

AND WHEREAS the Municipal Council of the *Town* enacted By-law 2009-79 on September 21, 2009;

AND WHEREAS it is deemed necessary to repeal by-law 2009-79.

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

1.0 DEFINITIONS:

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

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

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

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

"APPLICANT" means the person who applies for a sign permit or a variance from the provisions of this by-law.

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

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

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

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

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

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

"CANDIDATE" means an *individual* who is seeking election to a public office, whether for a federal, provincial or municipal election;

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

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

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

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

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

"DEVELOPMENT SIGN" means a *sign* that advertises only the development in which the sign is located and not the sale of lots elsewhere or the realtor's, developer's or *Owner's* business in general.

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

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

"ELECTION SIGN DEPOSIT" means a fee as set out in the *Fees and Charges By-law* that must be paid by a *candidate* prior to the display of election signage pursuant to the provisions of this By-law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"SIGHT TRIANGLE" means in the case of a corner lot, the triangular space formed by the *street lines* and a line drawn from a point in one *street line* to a point in the other *street line*, measured along the *street* from the point of intersection of the *street lines*;

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

"SIGN AREA" means the entire area of all *sign faces* on one *sign structure*.

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

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

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

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

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

"STREET" means any highway;

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

"TEMPORARY SIGN" means a *sign* comprised of a plastic (poly bag) *sign* sleeve or a coroplast *sign* face and which is temporarily anchored into the ground;

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

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

"VARIANCE REVIEW COMMITTEE" means the Sign and Variance By-law Committee;

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

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

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

2.0 ADMINISTRATION:

2.1 Interpretation:

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

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

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

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

2.5 This By-law does not apply to a *sign* that was lawfully erected and displayed on the day this By-law comes into force if the *sign* is not substantially altered and the maintenance and repair of the advertising device or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.

2.6 The maximum height of a *sign* shall be ascertained by measuring the distance from the level of the ground immediately below such *sign* to the highest point thereof, provided that in the event the level of the *street* or sidewalk adjacent to such *sign* as erected is higher than the level of the ground upon which the *sign* is erected, the height shall be measured from the level of such *street* or sidewalk.

Responsibility for compliance with this By-law:

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

- 2.8 The *Sign Owner* is solely responsible for and pays for any damage to persons or property, caused by a *sign*.

3.0 GENERAL PROVISIONS:

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

4.0 REQUIREMENT FOR SIGN PERMIT:

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

5.0 SIGNS NOT REQUIRING A SIGN PERMIT:

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

Sign type / Description	Applicable Zones	Provisions
Official <i>Signs</i> / Public Safety <i>Signs</i>	All Zones	Pursuant to Section 28.0
Incidental <i>Sign</i>	All Zones except <i>Residential</i>	Maximum height of 0.9 metres (2.95 ft) and shall be permitted to display the name or logo of a use on the lot. Shall be located on Private Property
Trespassing, safety or other warning <i>sign</i>	All Zones except <i>Residential</i>	Not exceeding 0.5m ² (5.38 sq. ft.) in <i>sign</i> area.

		Illumination not permitted
	<i>Residential Zone</i>	Not exceeding 0.2m ² (2.15 sq. ft.) Illumination not permitted
Address Sign	All Zones	Not exceeding 0.2 m ² (2.15 sq. ft.) in sign area Shall be located on private property
Flag of corporations, educational, religious, or charitable organizations	All Zones	Not more than three (3) flags per premises. Each flag shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 sq. ft.)
Emblems or insignia of patriotic, civic, educational, religious or charitable organizations.		Emblems or insignia shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 ft ²)
Home Occupation Sign	<i>Residential Zone</i>	Maximum sign area of 0.2 m ² (2.15 sq. ft.) One sign may be erected where the use of the property for any Home based business complies with the <i>Zoning By-law</i> . Such sign shall be erected or displayed in the form of a <i>Fascia Sign, Projecting Sign, Window Sign or Ground Sign</i> . Illumination not permitted.
Real Estate Sign located, erected or displayed for the notification that a premises or part thereof is available for or offered for sale, rent or lease.	All Zones	Maximum sign area of 1.0m ² (10.7 sq. ft.) in a <i>Residential zone</i> . For all other zones a maximum area of 4.0m ² (43 sq. ft.) One (1) sign per street line of the property on which the sign is erected.
Garage Sale Sign	All Zones	Must be removed 72 hours after posting Shall not be located on the center median of a roadway.
Open House Sign	All Zones	Must be removed 72 hours after posting Shall not be located on the center median of a roadway.
Residential Contractor Advertising Sign	All Zones	Must be erected no more than seven (7) days prior to the commencement of the project and removed from the property immediately after the project is completed. Shall be located on private property.
Entrance Gate Sign- located at the entrance to a subdivision/apartment or condominium complex	<i>Residential Zone and Urban Centre Zone</i>	One (1) sign per frontage Maximum sign area 2.32m ² (25.0 sq. ft.) Minimum ground clearance 0.91m (3.0 ft.) Maximum height 7.5m (24.6 ft.)

<i>Menu Board Sign</i>	<i>Urban Centre Zone and Commercial Zone</i>	Maximum Sign Area 4m ² (43.06 sq. ft.)
Public transit or any street furniture/fixture advertising	All Zones	As approved by the Town or Region
<i>Window Sign</i>	All Zones	Shall be non-flashing

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

6.0 SIGN PERMIT APPLICATIONS:

- 6.1 No *person* shall erect, display or *alter*, or cause or permit to be erected, displayed or altered, a *sign* within the *Town*, unless otherwise exempted, without first obtaining a *sign permit* from the *Director* pursuant to this By-law. All *signs* shall comply with all other applicable *Town* by-laws and all other applicable law.
- 6.2 Every *applicant* for a *sign permit* shall complete a *sign permit* application form as prescribed by the *Town*, submit all necessary plans, drawings, and specifications and pay all applicable fees as set out in the *Fees and Charges By-law*.
- 6.3 *Sign Permit Information*
- All plans, drawings, and specifications accompanying a *sign permit* application form shall be provided in duplicate and shall meet the requirements as set out in the prescribed form.
- 6.4 No *sign permit* shall be issued until approvals have been obtained, where applicable, from the following:
- a) The Lake Simcoe Region Conservation Authority, pursuant to the Conservation Authorities Act, R.S.O. 1990, c. C.27;
 - b) The Chief Building Official pursuant to the *Building Code Act, 1992*;
 - c) The Regional Municipality of York, pursuant to any other applicable regional by-laws;
 - d) Newmarket Hydro; and
 - e) Any other applicable governmental authority.
- 6.5 No *sign permit* shall be issued by the *Director* unless the application meets all the requirements of this By-law and any other applicable laws or unless a variance has been granted pursuant to **Section 33.0**.
- 6.6 No more than four (4) *sign permits* per *sign* type shall be issued to a single *business* on the *premises* on which the *sign* is to be displayed, in a calendar year.
- 6.7 No *applicant* shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a *sign permit*, detail of construction or revision thereto.
- 6.8 The *applicant* shall be responsible to comply with this By-law and the approved plans, drawings and specifications and to ensure that each set of plans, drawings, and specifications approved by the *Town* is identical in every respect. Failure to do so shall not relieve the *applicant* of the responsibility for complying with every requirement of the By-law, should any discrepancies between the plans, drawings, or specifications and the erected *sign* become apparent to the *Town*.
- 6.9 Revisions may be made to the application or approved documents provided they do not require significant additional work by the *Town*. An administration fee as set out in the *Fees and Charges By-law* will be charged for all revisions.

- 6.10 An application for a *sign permit* shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a *sign permit* has been issued.

7.0 EXPIRATION OF PERMIT:

- 7.1 Every *sign permit* issued by the *Town* for the erection, display or alteration of a *sign* expires and is null and void where the *business*, product, activity or service to which the *sign* relates ceases to operate or is no longer available at the *premises* where the *sign* is located.

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

- a) *Sign permits* for *Inflatable Signs*, and *Mobile Signs* shall expire twenty-one (21) days from the date of issuance;
- b) *Sign permits* for *Portable Signs* shall expire one (1) calendar year from the date of issuance;
- c) *Sign permits* for *Billboard Signs* shall expire five (5) years from the date of issuance.

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

8.0 TRANSFER OF PERMIT:

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

9.0 REVOCATION OF PERMIT:

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

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

10.0 MAINTENANCE:

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

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

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

11.0 LOCATION:

- 11.1 No *sign* shall be erected, placed, or permitted to stand on or overhang public property, including sidewalks or boulevards, except as hereinafter expressly provided for *Hoarding Signs, Projecting Signs and Real Estate Signs*.
- 11.2 Notwithstanding any of the provisions of this By-law, no *person* shall post any *sign* on any tree, post, pole or fence, or erect any *sign* on any property owned by or under the jurisdiction of the *Town*, without the prior written consent of the *Town*.
- 11.3 No *sign* other than a *Fascia Sign* shall:
- a) be permitted within 10.67 metres (35.0 feet) of a traffic light;
 - b) be erected upon or supported by a parapet; or,
 - c) be erected upon or supported by a firewall or its parapet.
- 11.4 No *sign* shall be located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of firefighters to any part of the building at any time.

12.0 STRENGTH OF BUILDINGS:

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

13.0 SIGN MATERIALS:

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

- b) If plastics are employed in any part of a sign the finished plastic unit shall be identified either with the material manufacturer's trade name, or with the common name of the plastic material.

14.0 ILLUMINATION:

- 14.1 *Illuminated Signs* shall be designed, erected and operated so that the light from such signs does not project onto any adjacent premises.
- 14.2 Electric illumination shall be installed in accordance with the requirements of Newmarket Hydro.
- 14.3 External lighting shall be limited to the following:
- open hooded spotlights, which are a traditional form of lighting;
 - lighting recessed in an architectural feature adjacent to the sign;
 - lights concealed behind relief lettering that illuminates individual letters in silhouettes against the background panel; or
 - spot lighting positioned below the sign and shining upward.

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

15.0 SIGN AND ZONE SPECIFIC REGULATIONS:

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

16.0 GROUND SIGNS:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ^{1,2}	Commercial	1	Less than 243.84m (800 ft.)	27.87m ² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with <i>Subsections 14.1 and 14.2</i>
	Employment Urban Centre ⁴	2	243.84m (800 ft.) or more	46.45m ² (500 sq. ft.)	10.67m (35.0 ft.)		
Class B ^{1,2,3}	Downtown Urban Centre	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Electronic Changeable Copy permitted in accordance with <i>Section 25.1</i>
	Historic Downtown Urban Centre						
Class C ^{1,2}	Institutional	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class D ^{1,2}	Open Space	1		13.94m ² (150 sq. ft.)			Not Permitted
	Golf Course						
Menu Board Sign	Commercial	1 Menu Board		4.0m ² (43 sq. ft.)	2.5 m (6.5 ft.)		Permitted in accordance with <i>Subsections 14.1 and 14.2</i>
	Urban Centre	1 Pre-Menu Board		2.0m ² (21.5 sq. ft.)	2.5 m (6.5 ft.)		
Billboard Sign ^{1,4}	Commercial	1	Less than 300.0m (984.0ft)	18.58m ² (200 sq. ft.)	7.5m (24.6 ft.)	3.05m (10.0 ft.)	Electronic Changeable Copy permitted in
	Employment						

	Urban Centre*	2	300.0m (984.0ft) or more	Per Sign Face			accordance with Section 25.0
¹ Ground Signs, Billboard Signs and their structural members shall be constructed entirely of metal or other non-combustible materials.							
² Ground Signs shall not be located within 0.6m (2.0ft) of a property line.							
³ Ground Signs which are located in the Downtown Urban Centre and Historic Downtown Urban Centre Zones may be constructed in whole or in part of combustible materials, provided that such signs do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such sign, to the highest point thereof.							
⁴ Subject to separation distances set out in Subsections 16.1 and 16.2							
*Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone							

Billboard Signs

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

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

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

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

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

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

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

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

17.0 FASCIA SIGNS:

	Required Zoning		Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1.2 ***	Commercial	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.)	Permitted in accordance with Subsections 14.1 and 14.2
	Employment				above adjoining grade	
	Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			Electronic Changeable Copy permitted in accordance with Section 25.0

Class B 1,3 ***	Downtown Urban Centre*	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
	Historic Downtown Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class C 1,2 ***	Institutional and all other zones **		2.32 m ² (25.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2

¹ Fascia Signs shall not be erected to extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.

² No portion of a Fascia sign shall project more than 20.32 cm (8.0 inches) from the face of the wall for signs located over private property.

³ Fascia signs placed on the wall of a building within the Historic Downtown Urban Centre Zone shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building.

* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

** excluding residential zones

*** Mural signs must form part of the overall area of the Mural

18.0 PROJECTING SIGNS:

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

Awning Signs shall be deemed to be Projecting Signs and shall be subject to the above provisions.

¹ Projecting Signs shall not project above the roof level in Shopping Centres

² Projecting signs placed on the wall of a building within the Historic Downtown Urban Centre Zone shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building

* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

19.0 MOBILE SIGNS AND PORTABLE SIGNS

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

- not be located closer than 4.57 metres (15.0 feet) from the intersection of a driveway with a street line or the intersection of two street lines or 0.91 metres (3.0 feet) from any municipal sidewalk, provided that where the lot abuts a regional road or provincial highway, the sign shall be set back such distance from such road or highway as determined by the appropriate road authority provided such distance is not less than 4.57 metres (15.0 feet);
- not be located closer than 4.57 metres (15.0 feet) from the limits of a driveway entrance as delineated by pavement markings, driveway islands or driveway curbs or any combination thereof;

- c) not occupy a parking space within a parking lot or parking area; and,
d) only advertise the business to which the *sign permit* was issued.

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	<i>Commercial</i>	Total <i>Portable Sign</i> , and <i>Mobile Sign</i> combined restriction by <i>frontage</i> (Per <i>premises</i>): Frontage #	4.46 m ² (48.0 sq. ft.)	Including supporting structure 2.44m (8.0 ft.)	Not permitted	21 days
	<i>Employment</i> <i>Urban Centre*</i>					
Portable Signs ^{5,6,7,8,9,10}	<i>Commercial</i>	0.3-60.96m (1.0- 200.0 ft.)	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height (4.0ft.) in width	Not permitted	One (1) Calendar Year
	Class A <i>Urban Centre*</i>	.6126-152.4 m (201.0 - 500.0 ft.)				
		152.7-304.8 m (501.0 - 1000.0 ft.)				
		304.8 m + (1001.0 ft. +)				
Class B	<i>Downtown Urban Centre</i>	One (1) per business	0.56 m ² (6 sq. ft.)	0.91 m (3 ft.)	Not permitted	One (1) Calendar Year
	<i>Historic Downtown Urban Centre</i>					

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

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

³ *Mobile Signs* shall be comprised of a black background, within a black frame and all letters or other writings or markings shall be white.

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

⁵ *Sign permits* for *Mobile Signs* and *Portable Signs* shall be subject to the conditions under **Subsection 7.2**

⁶ Within the *frontage* limits provided above, each *business* shall be restricted to the use of one (1) *Portable Sign* or one (1) *Mobile Sign* per *business premises* on which the *business* is located at any one time.

⁷ *A-Frame Signs* shall not be placed earlier than one (1) hour before the posted hour for the opening of the *business* to which it is related and shall be removed within one (1) hour after the posted hour of the closing of the *business* to which it is related each day.

⁸ A *Portable Sign* located in the *Historic Downtown Urban Centre Zone* or *Downtown Urban Centre Zone* may be placed on the municipal sidewalk in front of the *business* and can be permitted to encroach a maximum of 0.61 meters (2.0 feet) from the main wall of the building facing the street.

⁹ Advertising *Flag Signs* shall not be used in the *Historic Downtown Urban Centre Zone* or *Downtown Urban Centre Zone*

¹⁰ Advertising *Flag Signs* shall not exceed 3.36 meters (11.0 feet) in height

* Excluding *Downtown Urban Centre Zone* or *Historic Downtown Urban Centre Zone*

20.0 BANNERS:

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Location	Illumination
Banners	<i>Commercial</i>	1 per <i>business</i>	6.0 m ² (64.58 sq. ft.)	1.0m (3.28ft)	<i>Banners</i> shall only be displayed on the first storey of a building.	Not permitted
	<i>Employment</i>					
	<i>Urban Centre*</i>					

The *banner* shall only refer to the *business* to which the *sign permit* was issued.

Banners shall be permitted for display once a year per *business* to advertise a grand opening or promotional event, for a period of thirty (30) days.

Banners shall not be erected or displayed to obstruct or interfere with the free use of any fire escape, exit or standpipe.

* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

21.0 SIGNS INCIDENTAL TO CONSTRUCTION:

Construction Information Signs

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

Hoarding Signs

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

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
Construction Information Signs ^{1,2,3} Class A	Commercial		27.87m ² (300 sq. ft.)		Minimum separation distance between Construction Information Signs 100.0m (328.08ft)
	Employment				
	Institutional				
	Urban Centre*				
Class B ^{1,2,3}	Downtown Urban Centre		10.0m ² (107.64 sq. ft.)		
	Historic Downtown Urban Centre				
Hoarding Signs ^{4,5,6,7}	All zones			Combined height of hoarding and signage 3.08m (10.0ft)	

¹A Construction Information Sign shall not be erected until the development being advertised has been draft approved by Town planning staff.

²A Construction Information Sign shall be located within the development that it advertises.

³Any person may erect one non-illuminated Construction Information Sign, for a period not exceeding three (3) months or until the permanent Ground Sign is erected, whichever shall first occur.

⁴Hoarding Signs shall only be permitted where the Owner has entered into an agreement with the Town which authorizes the hoarding and where the Owner has obtained a sign permit

⁵A maximum of sixty percent (60%) of the hoarding area shall be permitted to display signage and advertising materials.

⁶Hoarding Signs shall only be composed of signage and advertising material specific to the development of the site and not the Owner's or Developer's business in general

⁷Hoarding Signs shall not incorporate any Electronic Changeable Copy or Mechanical Copy.

* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone

22.0 NEW HOME DEVELOPMENT SIGNS:

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

- a) within a sight triangle, on a median or any other location on a street that obstructs a sight line or otherwise interferes with street maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
 - b) closer than 10.0 metres (32.8 feet) to a transit stop;
 - c) closer than 5.0 metres (16.4 feet) to a driveway intersection with a street line; or
 - d) within 1.0 metre (3.2 feet) of any municipal sidewalk.
- 22.2 No person shall place or locate a *New Home Development Sign* on a street before 7:00 p.m. on a Friday and all such signs shall be removed no later than 6:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.
- 22.3 Prior to a sign permit being issued for a *New Home Development Sign*, the applicant shall provide a certificate confirming to the Town that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the Town is named as an additional insured.
- 22.4 Where a *Builder* has erected a sales office or a model home(s) within a new home development, such builder may place one *New Home Development Sign* or one (1) *Ground Sign*, not exceeding 1.12 m² (12.0 sq. ft.), on each residential lot or proposed residential lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such *New Home Development Sign* or *Ground Sign* may be located on any lands which are to be conveyed to the Town or which may form part of a municipal road allowance.

		Maximum Number	Maximum Sign Area	Maximum Height	Location
New Home Development Sign		Each builder limited to ten (10) New Home Development Signs per project	No more than two (2) sign faces each sign face with a maximum area of 1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.)	May be placed on a street subject to the requirements of Section 22.0
Development Sign ¹		One (1)	10.0m ² (107.64 sq. ft.)	7.62m (25.0 ft.)	Shall be located within the development that the sign advertises
Ground Sign or New Home Development Sign	Model Home/Sales Centre	One (1) per residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located.	1.12m ² (12 sq. ft.)		
New Home Development Signs shall be limited to two (2) corners of a street intersection and a maximum of five (5) in total for each corner of the two (2) corners of the street intersection.					
Each builder shall be limited to two (2) signs in total for each street intersection					
¹ Development Signs shall be removed when one hundred percent (100%) of the units being advertised have been sold					
² No such New Home Development Sign or Ground Sign may be located on any lands which are to be conveyed to the Town or which may form part of a municipal road allowance.					

23.0 INFLATABLE SIGNS:

- 23.1 No person shall place or locate an *Inflatable Sign*:

- a) within 3.0 m (9.8 ft.) of any property line;
- b) within 3.0 m (9.8 ft.) of any driveway entrance and exit;
- c) within 10.0 m (32.8 ft.) of any *Ground Sign* or *Mobile Sign* on the same property or abutting property;
- d) within 92.0 m (301.0 ft.) of a residential property, measured in a straight line; or
- e) within 50.0 m (164.0 ft.) of a traffic light standard.

23.2 *Inflatable Signs* shall not be erected or displayed on a roof.

23.3 One *Inflatable Sign* shall be permitted for each property at any one time.

23.4 Before being issued a *sign permit* for an *Inflatable Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured.

23.5 All *Inflatable Signs* shall be properly secured to the satisfaction of the *Town*.

23.6 Power cords and/or supporting devices for *Inflatable Signs* shall not be placed on or over *parking areas*, *parking lots* or *pedestrian areas*.

	Required Zoning	Maximum Number	Maximum Sign Area	Dimensions	Minimum Frontage	Permit Length
Inflatable Signs	Commercial	One (1) sign per premises	42.0 m ² (451.85 sq. ft.)	Maximum Height: 7.0 m (22.96 ft.)	15.0m (49.0 ft.)	21 days
	Employment					
	Institutional			Maximum Width: 6.0m (19.68 ft.)		
	Urban Centre					
Inflatable Signs shall only advertise the business to which the Sign Permit was issued.						

24.0 TEMPORARY SIGNS:

24.1 *Temporary Signs* erected or displayed pursuant to this By-law shall:

- a) have a maximum sign face area of 0.37 square meters (4 sq. ft.) per sign face, if used as a *Non-profit sign*; and,
- b) only be permitted for use as a *Non-Profit Signs* and *Election Signs* as set out in **Section 26.0** and **Section 27.0** respectively.

25.0 ELECTRONIC CHANGEABLE COPY AND MECHANICAL COPY:

25.1 *Electronic Changeable Copy* and *Mechanical Copy* may be incorporated as a component into any *Ground Sign* up to a maximum of 60% of the *sign area*, 100% of the *sign area* of a *Billboard Sign* and 100% of the *sign area* of a *Fascia Sign* or *Projecting Sign* in a *Commercial*, *Employment* or *Urban Centre Zone* provided a *sign permit* is received from the *Director* and the *sign* meets the *sign* specific requirements under this By-law.

25.2 For the purposes of this section, *Urban Centre Zone* shall not include the *Historic Downtown Urban Centre Zone* or the *Downtown Urban Centre Zone*.

25.3 Where a *sign* is permitted to display *Electronic Changeable Copy* or *Mechanical Copy*:

- a) the sign must comply with **Section 25.0** of this By-law;
- b) the sign must be located a minimum of 30.48 metres (100.0 feet) away from a residential zone;
- c) the transition effects shall ensure a near instantaneous change between messages and shall not include effects that have the appearance of moving text or images;
- d) the sign must not be within 15.24 metres (50.0 feet) of another sign displaying *Electronic Changeable Copy* or *Mechanical Copy*;

- e) the sign shall not be located within 22.86 metres (75.0 feet) of a street intersection or traffic light;
 - f) the sign shall be erected in a manner so as not to be visible from a contiguous residential zone; and
 - g) the brightness level must be lowered in accordance with ambient light conditions between the hours of 12:00 a.m. and 5:00 a.m.
- 25.4 Signs displaying *Electronic Changeable Copy* shall have a maximum transition time of one (1) second between static image displays and the changing of the sign copy shall not occur at intervals of less than six (6) seconds.
- 25.5 Where signs display scrolling *Electronic Changeable Copy* or *Mechanical Copy*, the sign copy shall not revolve at a rate faster than eight (8) revolutions per minute.
- 25.6 All signs displaying *Electronic Changeable Copy* shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
- 25.7 Electric illumination only is permitted in accordance with **Subsection 14.1** and **14.2** and shall be installed in accordance with the requirements of Newmarket Hydro.
- 26.0 NON-PROFIT SIGNS:**
- 26.1 A *Non-Profit Sign* shall only be located, erected or displayed on private property save and except for the public property as set out in **Subsection 26.2**
- 26.2 Subject to approval of the *Director*, a *Non-Profit Sign* may be located, erected, or displayed on the property of *Town* facilities or property owned and controlled by the *Town* provided that the *Non-Profit Sign* does not in any way interfere with any signs or other notices posted by the Corporation.
- 26.3 A sign permit for a *Non-Profit Sign* shall be issued and valid for a maximum of twenty-one (21) days prior to the fundraising event or charitable activity.
- 26.4 A *Non-Profit Sign* shall:
- a) be in the form of a *Temporary Sign* or *Portable Sign* or Mobile Signs according to the provisions contained in this By-law;
 - b) have a maximum of two (2) faces; and
 - c) be erected no sooner than twenty-one (21) days prior to, and removed no later than forty-eight (48) hours after, the fundraising event or charitable activity.
- 26.5 Before being issued a sign permit for a *Non-Profit Sign*, the applicant shall provide confirmation to the *Town* that a minimum of \$3,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the *Town* has been named as an additional insured.
- 26.6 A non-profit organization shall be permitted to erect or display up to fifty (50) *Temporary Signs* or ten (10) *Portable* or 5 Mobile Signs on private property within the *Town*. Such *Temporary Signs* or *Portable signs* or Mobile Signs shall be displayed in a manner that is consistent with the provisions of this by-law.
- 26.7 Prior to issuing a sign permit the *Director* may request appropriate documentation confirming the status of a non-profit organization or charitable organization.
- 26.8 The sign permit fee as set out in the *Fees and Charges By-law* shall be waived for *Non-Profit Signs*.
- 27.0 ELECTION SIGNS:**
- 27.1 No candidate shall erect, display, or permit to be erected or displayed, an *Election Sign* in the *Town* unless the *Election Sign Deposit* specified in the *Fees and Charges By-law* has been deposited with the *Director* by the *Candidate* or the *Candidate's* authorized agent.

- 27.2 An *Election Sign* erected or displayed shall be located a minimum of 1.83 metres (6.0 feet) away from the face of the curb or edge of pavement and where there is a sidewalk, not within 0.6 metres (1.97 feet) of such sidewalk.
- 27.3 **Subsection 27.2** does not apply when the sidewalk is less than 0.6m (1.97 feet) from the main wall of the building, in which case the *sign* shall be placed at the furthest distance possible from the sidewalk or from the face of the curb or edge of pavement.
- 27.4 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be affixed, erected or otherwise displayed:
- a) within a sight triangle;
 - b) in a location where such *sign* creates an *unsafe* obstruction or visual impairment for pedestrian or vehicle traffic;
 - c) in a location where such *sign* obstructs the visibility of any traffic sign or device;
 - d) on a municipal boulevard.
 - e) on a tree, utility pole or light standard;
 - f) on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held;
 - g) in or on a vehicle that is parked on the property of any premise used as a polling place or voting location on any election voting day, including those days when advance election voting is held, if the sign is visible or
 - h) in any public park or on any road allowance abutting *Town* owned land or facility or any local board.
- 27.5 No *candidate* shall affix, erect or otherwise display an *Election Sign* or permit an *Election Sign* to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or thirty (30) days immediately preceding the day of a municipal election.
- 27.6 Notwithstanding **Subsection 27.5**, an *Election Sign* which is a *Fascia Sign* may be affixed to the face of the building or building unit which is used as a *candidate's* campaign headquarters provided:
- a) such sign complies with the provisions of this *By-law* applicable to *Fascia Signs*;
 - b) the *candidate* has filed his or her party nomination paper;
 - c) notwithstanding **Subsection 27.6 b)** a municipal *candidate* must have filed his or her nomination paper and paid the required nomination filing fee; and
 - d) the *candidate* has paid the *Election Sign Deposit* fee as set out in the *Fees and Charges By-law*.
- 27.7 An *Election Sign* shall not exceed a maximum *sign* area of 1.49 m² (16.0 sq. ft.) with the exception of those placed on *Billboard Signs*.
- 27.8 An *Election Sign* shall be removed within seventy-two (72) hours immediately following 11:59 p.m. of the day of the election.
- 27.9 Where an *Election Sign* has been affixed, erected or otherwise displayed in contravention of any provision of this *By-law*, the *Town* may remove the sign immediately without notice and **Subsection 31.12** shall apply.
- 27.10 The Director shall return the balance of the *Election Sign Deposit*, following the election, after deducting the costs incurred by the *Town* in the removal of *Election Signs* pursuant to Subsection 27.9, including the cost of any damage within the road allowance caused by or incidental to the erection or removal of *Election Signs*.
- 28.0 **EXEMPTIONS:**

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

29.0 **FEES:**

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

30.0 **POWER OF ENTRY:**

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

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

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

- (a) require the production of documents or relevant items for inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

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

30.4 The *Town's* power of entry may be exercised by an employee, *inspector* or agent of the *Town* or by a member of a police force with jurisdiction, as well by any *person* under his or her direction.

31.0 **REMOVAL OF SIGNS AND ENFORCEMENT:**

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

31.2 Where a *sign* not requiring a *sign permit* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, the *Director* may notify or order the owner to repair, remove or to bring the sign into compliance with the provisions of this By-law. Where such *sign owner* fails to bring the *sign* into compliance, the *Director* may remove the *sign* and charge the *sign owner* a fee as set out in the *Fees and Charges By-law*.

31.3 When a *sign* is erected, displayed, *altered*, repaired, or maintained in contravention of the provisions of this By-law, The *Director* may issue an order to any *person* who:

- a) has erected, displayed, *altered* or caused or permitted to be erected, displayed or altered, a *sign* on private property for which a *sign permit*

has not been obtained where such *sign permit* is required under the provisions of this By-law; or

- b) having obtained a *sign permit*, has erected or *altered*, or caused or permitted to be erected or altered, a sign on private property contrary to the *sign permit* issued.

- 31.4 The order shall require the *sign* to be brought into compliance with this By-law within fourteen (14) days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the sign must be brought into compliance with the By-law.
- 31.5 The order shall be served personally or posted at the address of the *business* to which the *sign* relates and/or the address supplied on the *sign permit* application.
- 31.6 Where an order has been issued and the *sign* has not been brought into compliance with this By-law within fourteen (14) days of the issuance of the order, the *Director* or *Inspector* may remove or cause to be removed, the *sign* or any part thereof and/or may take any action necessary to prevent the *sign* from being displayed in a manner that is contrary to this By-law. The *Town* may recover the cost of the removal or necessary action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.7 Where a *sign* has been removed by the *Town* such *sign* shall be stored for a period of thirty (30) days and the *Sign Owner* may redeem the *sign* upon payment of the storage and removal fees prescribed in the *Fees and Charges By-law*. Where a *sign* has not been redeemed within the thirty (30) day period, such *sign* may be forthwith destroyed or otherwise disposed of by the *Town* without notice or compensation and the *Sign Owner* shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.8 Notwithstanding **Section 31.7**, upon removal, signs under 1.0m² (10 sq ft.) will be destroyed or otherwise disposed of by the *Town* without notice as the *Director* deems fit.
- 31.9 **Subsections 31.2, 31.3, 31.4, 31.5 and 31.6** do not apply to *Temporary Signs, Portable Signs or Mobile Signs*.
- 31.10 Where a *Temporary Signs, Portable Sign or Mobile Sign* is erected, displayed, *altered*, repaired, or is not maintained, in contravention of the provisions of this By-law, such *sign* shall be removed at the direction of the *Town* without notice, at the expense of the *Sign Owner*.
- 31.11 Where the number of *Portable Signs or Mobile Signs* erected or displayed on any premises exceeds the restrictions for those premises, the excess signs will be removed at the expense of the *Sign Owner*.
- 31.12 Where an *Election Sign* is removed pursuant to this By-law, any costs associated with its removal shall be deducted from the *Election Sign Deposit* in accordance with the sign removal fee prescribed in the *Fees and Charges By-law*. Any costs incurred in excess of the *Election Sign Deposit* shall be invoiced to the registered candidate. Unpaid invoices may be collected by action or the amount may be added to the tax roll and collected in the same manner as taxes.
- 32.0 PENALTY PROVISION:**
- 32.1 Any *person* who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
- 32.2 If a *sign* has been constructed, erected, installed, *altered*, posted, displayed or maintained in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 32.3 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing

offence for each day or part of a day that the Order is not complied with.

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

- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
- b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
- c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

32.5 For the purposes of this By-law, "multiple offences" means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.

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

33.0 VARIANCES:

33.1 Any person may apply for a variance from the provisions of this by-law

33.2 An application for a variance shall be made on the form prescribed by the Town and shall be accompanied by the non-refundable variance application fee in the *Fees and Charges By-law*.

33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed sign:

- a) is warranted based on physical circumstances applicable to the property or premises;
- b) is consistent with the architecture of the building or development of the property;
- c) is consistent with buildings and other features of properties or premises within 120.0 metres (393ft) of the proposed sign;
- d) will not alter the essential character of the area;
- e) will not adversely affect adjacent properties;
- f) will not adversely affect public safety;
- g) is in the opinion of the decision maker, not contrary to the public interest; and
- h) is not expressly prohibited by this by-law

33.4 Upon receiving an application for a variance from this By-law to permit the erection and display of a sign other than a *Billboard Sign*, the *Director* may:

- a) grant a Variance;
- b) grant a Variance with Conditions; or
- c) refuse to Grant a Variance

33.5 An applicant may request a review of the variance application decision of the *Director* within thirty (30) days of the decision.

33.6 The request for review is made by filing a written request for review, on a form approved by the *Director*, to the *Variance Review Committee* of the Town. The *Variance Review Committee* may authorize sign variances from the provisions of this By-law, provided that in the opinion of the *Variance Review Committee* it is established that the requirements in *Subsection 33.3* are met.

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

34.0 **LIABILITY:**

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

35.0 **SEVERABILITY:**

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

36.0 **SHORT TITLE:**

This By-law shall be referred to as the "Sign By-law".

AND THAT By-law 2009-79 of the *Town* is hereby repealed.

ENACTED THIS DAY OF ,2013

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk



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November 29, 2013

**CORPORATE SERVICES – JOINT LEGISLATIVE SERVICES & INFORMATION TECHNOLOGY
SERVICES – 2013-43**

TO: Committee of the Whole
SUBJECT: Voting Method Options, 2014 Municipal Election
ORIGIN: Director, Legislative Services/Town Clerk & Director, Information Technology

RECOMMENDATIONS

THAT Corporate Services – Joint Legislative Services & Information Technology Services Report 2013-43 dated November 29, 2013 regarding “Voting Method Options, 2014 Municipal Election” be received and the following recommendations be considered at the January 13, 2014 Committee of the Whole meeting:

1. THAT Council endorse Option 2, “Use of Internet Voting” as outlined in this report for use in the 2014 municipal election;
2. AND THAT a by-law be brought forward for consideration by Council to authorize the use of alternative voting equipment and an alternative voting method in the 2014 municipal election accordance with Section 42 1 (a) and (b) of the *Municipal Elections Act, 1996*;
3. AND THAT the public be invited to comment on Joint Legislative Services & Information Technology Services Report 2013-43 in advance of the January 13, 2014 Committee of the Whole meeting and subsequent Council meeting where the report and authorizing by-law is considered.

COMMENTS

Purpose

The report recommends a voting method to be used in the October 27, 2014 municipal election to be considered at the January 13, 2014 Committee of the Whole meeting to allow Members of Council and the public the opportunity to consider the recommendations in the report, and forward any questions or concerns to staff in advance of discussion by Council.

Background

The *Municipal Elections Act, 2006* (the Act) requires Council to authorize the use of any alternative voting equipment (such as optical scan vote tabulators, touch screen tabulators) and alternative voting methods (such as vote by mail, telephone voting or internet voting).

The Act specifically requires Council approval of any alternative voting equipment, alternative voting method, special and advance voting opportunities. Council must pass a by-law authorizing any alternative voting equipment and/or alternative voting method by June 1, 2014.

The Clerk is charged with administering the election process and for providing for any procedure which in his or her opinion is necessary or desirable for conducting the election and where the Act does not already provide for a procedure. These procedures include any requirements related to identification, authentication, security, integrity and validation of results. June 1, 2014 is also the date by which the Clerk is required to establish written procedures regarding any alternative voting equipment or method.

Voting Method Options

It is recommended that Council make a determination as soon as possible to ensure adequate time for staff to prepare procedures and process requirements and to educate voters and candidates about the voting process.

The report outlines two voting method options, either of which may be implemented in the October 27, 2014 municipal election within the current election budget of \$300,000 and other applicable budgets. The following criteria were established in determining the selection of voting method options.

- Voting method complies with the requirements of the Act, related legislation such as the *Accessibility for Ontarians with Disabilities Act* and case law;
- Voting method demonstrates the court's principles often referred to when evaluating matters relative to the Act:
 - o Secrecy/confidentiality of votes cast;
 - o Fairness, non-bias;
 - o Accessibility;
 - o Integrity;
 - o Certainty of the vote result;
 - o Voters and candidates treated fairly and consistently; and,
 - o Majority vote governs, valid votes counted and invalid votes rejected where reasonably possible;
- Voting method can be implemented within available budget, staff and other resources;
- Voting method has been successfully deployed in binding Ontario municipal elections;
- Voting method can be readily understood and adopted by voters following a period of public education; and,
- Voting method continues to rely on the Act's principles of voter and candidate trust, responsibilities of voters and candidates and corresponding penalties and enforcement tools for offences.

Independent of staff's review and recommendations, at their September 30, 2013 meeting, Council specifically requested that internet voting be assessed for implementation in the 2014 municipal election and that the Accessibility Advisory Committee be consulted with respect to internet voting. At their October 15, 2013 meeting, the Accessibility Advisory Committee passed a motion with regard to internet voting (attached as Appendix C).

To assist Council with its decision, Appendix A outlines considerations for each voting option.

Other voting method options (e.g., vote by telephone, vote by mail, combination of voting methods such as internet and optical scan vote tabulators or internet and telephone voting) were not the focus of this report nor recommended at this time as an option for consideration. A subsequent report will be brought forward to Council regarding advanced and special voting (i.e., reduced hour voting for senior's residences, long term care facilities and voters in hospitals) based on Council's voting method direction. The report will also

request Council's authorization of a by-law to provide election information in languages other than English and French if required, as passed in previous elections.

Option 1 – Use of Optical Scan Vote Tabulators

Where tested and programmed correctly, optical scan vote tabulators are able to accurately and efficiently read, interpret and count properly marked paper ballots. Optical scan vote tabulators are typically programmed to accept, read and tabulate marked ballots according to the procedures established by the Clerk.

Vote tabulators are often used in voting places or at a central location where marked ballots are transported to for tabulation. Tabulators have been used by many jurisdictions for a number of years, including Newmarket.

A survey of 415 of 444 municipalities in Ontario was conducted by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) following the 2010 municipal election. Of the 180 municipalities that responded, 46 deploy an optical scan vote tabulator in voting places and 9 in a central location where all marked ballots are tabulated.

Should Council select Option 1, a similar arrangement of voting places be established on voting day in line with what was arranged for in the 2010 municipal election (with the potential requirement for 2-3 additional voting places to account for growth, subject to the availability of accessible voting places). Each voting place will use at least one optical scan vote tabulator and be staffed with up to approximately 15 temporary election officials with various responsibilities. Advanced and special voting opportunities will be identified and recommended in a separate report to Council.

Leading up to the election, a program of public education will be implemented to advise voters and candidates about key dates, voter qualifications and identification requirements, where and how to vote, opportunities for advance, proxy and special voting, where accessible voting options are located and the like. The program will take advantage of existing and new media and find creative opportunities to inform and engage voters and candidates.

Opportunities for process improvements and service enhancements will be explored, including an easy to navigate voter information application for smart phones, use of an electronic voters list to allow for more efficient voter processing and improvements to accessibility in consultation with the Accessibility Advisory Committee.

After the close of voting on voting day, unofficial voting results will be telephoned or otherwise transmitted to the municipal office (and confirmed later through the upload of data from the optical scan vote tabulators). Unofficial election results will be streamed live through the Town's website as results are made available from each voting place and from advance and special voting. Once the Clerk has reviewed results relative to the requirements of the Act, official election results will be announced and the necessary steps will be taken to transition to the new Council.

Section 610 of the Act requires that a re-count be conducted in the same manner in which the election was held, and recent case law has upheld this provision. In the event of a recount in Option 1, the Clerk would provide for a procedure to re-tabulate marked ballots.

Option 2 – Use of Internet Voting

According to research undertaken as part of the Shared Digital Infrastructure initiative, 100% of households in the Town of Newmarket have access to the internet and in a 2011 survey undertaken by the Town, 89%

of respondents indicated that they have access to the internet. Background information on internet voting is attached as Appendix B.

In staff's view, internet voting proposed in Option 2 (set out below) supports the following:

- The principles and requirements of the *Municipal Elections Act, 1996*;
- Enhanced convenience to voters by providing another voting method option;
- Changing demographics and lifestyles;
- Accessibility and independence for persons with disabilities;
- A new, virtually-engaged electorate; and,
- The Town's leadership in electronic service delivery.

Option 2 proposes that internet voting be made available as soon as possible after the Clerk's certification of nomination (e.g., Wednesday, September 17) through to voting day, October 27, 2014. This allows for 41 days of continuous voting.

Option 2 also proposes that a number of in-person voting opportunities be established during the advance voting period, for special voting purposes (such as seniors residences, long term care facilities and the hospital) and on voting day in each Ward (at least one in each Ward). The in-person voting option would involve the use of the same internet voting platform and voting choices would be made on a touch screen tablet or laptop. Establishing in-person voting provides choice and in-person assistance, and supports voters who do not have regular access to or comfort with using the internet at home or work.

Persons in special voting places will also use touch screen tablet devices to indicate their choices. Research has shown that touch choice devices are a more accessible tool than using a pen or pencil, particularly for persons who experience difficulty with motor skill and arm/hand coordination.

While possible to offer another voting method for in-person (such as the use of paper ballots and vote tabulators), managing parallel voting methods is not the preference of staff, from both a coordination and budget perspective.

To allow for concurrent remote and in-person voting, a web-based electronic voters list allowing for live strike-off would be required in voting places to ensure that the voter's list is automatically updated. The application supporting a web-based electronic voters list is already in use by the Town and accommodated within the election budget. Laptop and/or tablet devices required form a part of the Town's existing asset replacement strategy and present no additional costs to election budget. A preliminary technical assessment of voting places used in the 2010 municipal election demonstrates dependable internet service. In addition to assessing technical capacity in each voting place, accessibility, parking, room layout and convenience will also be assessed.

There will be an estimated 60,000 eligible voters in the 2014 municipal election. Using an estimated turnout of 40% (or 24,000 voters) for planning purposes, staff have made a conservative assumption of 30% remote voters (or 7,200) and 70% (or 16,800) in-person voters. Staff anticipate that following a period of public education, more than 30% of participating voters will vote remotely. To ensure the voting process is smooth and voters can be efficiently processed, staff feel that a conservative assumption of participation by remote voters for planning purposes is preferred.

Like Option 1, leading up to the election, a program of public education will be implemented to advise voters and candidates about key dates, voter qualifications and identification requirements, where and how to vote, opportunities for advance and special voting, accessible voting options and the like. The program will take advantage of existing and new media and find creative opportunities to inform and engage voters and candidates.

Like the provisions outlined in Option 1, opportunities for process improvements and service enhancements will be explored, including an easy to navigate voter information application for smart phones, use of an electronic voters list to allow for more efficient voter processing and improvements to accessibility in consultation with the Accessibility Advisory Committee.

After the close of voting on voting day, unofficial results will be downloaded from the secure results server through an established authorization protocol, including results from advance and special voting opportunities. The unofficial election results will be made available live through the Town's website. Once the Clerk has reviewed results relative to the requirements of the Act, official election results will be announced.

Section 60 of the Act requires that a re-count be conducted in the same manner in which the election was held, and recent case law has upheld this provision. In the event of a recount in Option 2, the Clerk would provide for a procedure to re-generate internet votes. A government election recount of ballots cast by internet voting has not occurred in Canada to staff's knowledge. Staff are aware of a recount of 127,000 of the 240,000 ballots cast by internet voting in the election of the Assembly of French Citizens Abroad (Assemblée des Français de l'Étranger), a French government institution representing French citizens abroad on the French Senate. The recount procedure resulted in identical results without mismatches.

Next Steps

The recommendations in this report will be formally considered at the January 13, 2014 Committee of the Whole meeting. The public will be invited to provide their comments on the recommendations in advance of the January 13, 2014 Committee of the Whole meeting where the recommendations and authorizing by-law are considered.

Following direction from Council on the preferred Option in the form of an authorizing by-law, staff will review and determine purchasing options. The City of Markham has released a Request for Proposals (RFP) for internet, telephone and optical scan vote tabulator solutions for the 2014 municipal election. The RFP includes a "piggy back" clause whereby the Town can consider and (if deemed appropriate) award a contract to same firm(s) awarded by the City of Markham. Town staff have reviewed and agree to the RFP's general, functional, security, auditing, privacy, client support and other requirements with regard to internet voting. Alternatively, staff could issue its own RFP for an internet voting solution or vote tabulators. Staff will also consider any other arrangement provided for in the Town's purchasing protocols, including sole source award to a previously contracted service provider. In 2010, the Town awarded a contract for tabulator equipment to Dominion Voting. Dominion Voting has agreed to honour its 2010 pricing in 2014.

Staff would then initiate the necessary steps to develop and deliver a program of public education and engagement.

As noted, the Clerk would then develop election method procedures by June 1, 2014.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

A review of vote method options supports the Town's strategic directions of a well-equipped, managed and respected municipality by ensuring service excellence and promoting engagement in civic affairs.

CONSULTATION

Municipal clerks in the GTA and Dr. Nicole Goodman, Assistant Professor McMaster University were consulted in the preparation of this report. The Accessibility Advisory Committee was consulted with

respect to their input on internet voting. Internally, the Communications and Purchasing departments were consulted.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations associated with this report.

BUDGET IMPACT

The total election budget for 2014 is \$300,000; the same amount approved for the 2010 election. In the 2010 election, approximately \$278,000 was spent. A draft budget for 2014 for Option 1 and 2 is outlined as follows:

Option 1		Comments	Option 2		Comments
Tabulator equipment	\$64,000	Based on 2010 arrangements & market survey, subject to confirmation	Internet voting platform	\$150,000	(~\$2.50/elector), based on market survey, subject to confirmation
Ballots	\$32,000	Opportunity for cooperative purchasing allowing for cost savings	Security audit	\$12,000	Opportunity for cooperative purchasing allowing for cost savings
Communications	\$15,000		Communications	\$20,000	Accounts for additional communications required in transitioning to internet voting
Voter notification & postage	\$40,000	Opportunity for cooperative purchasing for the voter notification allowing for costs savings	Voter notification & postage	\$40,000	Opportunity for cooperative purchasing for voter notification allowing for cost savings
Staff support	\$85,000	Assumes: - 7 days of advance voting - 17 voting places on voting day: - 2 voting places in Wards 2, 3, 4 & 5, 3 voting places in Wards 1, 6 & 7 - Location of voting places TBC	Staff support	\$55,000	Assumes: - 41 days continuous remote internet voting - Number of advance voting day: TBC - Number of voting places on voting day TBC - Location of voting places TBC - Possible to reduce staff costs given staff will be assigned to support voting places
Stationery, supplies & miscellaneous	\$50,000		Stationery, supplies & miscellaneous	\$10,000	Includes stationery, supplies & miscellaneous
Approximate Total	\$290,000		Approximate Total	\$290,000	

Computer hardware (laptops, tablets and related equipment) will be required to facilitate an electronic voter's list (Option 1 advance voting and Option 2 advance voting and voting day) and in-person online voting (Option 2 voting day). Any new computer hardware purchased for the election will be funded from

the 2014 IT Capital Budget and is part of the Town's annual equipment replacement program. Following the election, computer hardware will be redeployed elsewhere in the Town. Therefore, any new computer hardware purchases will not have an impact on the election budget.


Should the RFP for the internet voting platform result in costs which cannot be accommodated within the draft budget, staff will report back.

CONTACT

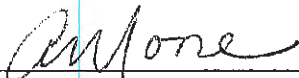
For more information on this report, contact Andrew Brouwer, Director of Legislative Services/Town Clerk at abrouwer@newmarket.ca or 905-477-7000, ext. 2211.



Andrew Brouwer, Director of Legislative Services/Town Clerk



Susan Chase, Director, Information Technology



Anita Moore, Commissioner of Corporate Services

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
Security of voting method	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Established model - Perception among some that a “supervised” voting environment offers fewer risks than internet voting - Relatively few occurrences of issues or concerns with process in Newmarket <p><u>Cons</u></p> <ul style="list-style-type: none"> - Although infrequent, unintended human errors can occur resulting in errors (e.g., incorrectly programmed tabulators, incorrectly processed electors, unreported errors, etc.) - Procedures must be put in place to ensure the proper management and secure transfer of ballots, voters’ lists, forms and tabulators from the voting place to the municipal office to ensure there is not tampering, theft or loss - Despite testing, technical or other performance issues with tabulation equipment can occur. Newmarket has had good experiences with mitigating technical issues associated with tabulation equipment 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Security of system (hosted environment, web application, voting process and device) carefully planned and risks/threats identified and mitigated to the greatest extent possible (see Appendix B) - Voter must register to vote online first, prior to voting which provides for security and integrity of the vote - Two-factor (minimum), two step process reduces opportunity for impersonation of remote internet voter - Third party firm hired to review security and integrity of internet voting platform - Reduces human error issues, potential for tampering, loss or stealing secure information - Option for in-person voting in a “supervised” environment <p><u>Cons</u></p> <ul style="list-style-type: none"> - “Unsupervised” voting has been perceived by some as being more risky than a “supervised” voting environment - Refer to Appendix B for detailed account of typical additional security and integrity considerations - Process to vote remotely may be perceived as cumbersome, given that

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
		<p>the voter must register to vote online first, prior to voting</p> <ul style="list-style-type: none"> - Additional efforts in communicating will be required to ensure voters understand security of internet voting process and to ensure their voting device is protected - Unplanned online threats are a reality with any website - Requires new procedures to be developed
Authentication of voter	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Established model, voters generally accustomed to presenting acceptable identification to election officials to receive a ballot <p><u>Cons</u></p> <ul style="list-style-type: none"> - Authentication of voter occurs in a public setting between a voter and an election official who has been hired on a temporary basis with basic training. Despite training and oversight, errors in understanding and communicating authentication requirements do occur 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Authentication process convenient for voter (i.e., may be done remotely) - Voters have control over their own credentials - Town staff involved in authenticating voters are more responsible and experienced than election officials hired on a temporary basis with basic training - Voters who feel more comfortable exchanging credentials and authenticating themselves in person have that option <p><u>Cons</u></p> <ul style="list-style-type: none"> - Process to vote remotely may be perceived as cumbersome, given that the voter must register to vote online first, prior to voting - Additional efforts in communicating will be required to ensure voters

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
		<p>understand authentication process</p> <ul style="list-style-type: none"> - Requires new procedures addressing protocols for issuance of misplaced PINs, forgotten passwords and responses to unique questions; deceased or persons who have moved; and management of undeliverable mail and email
Voters' list management	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Established model, voters, election officials and candidates generally familiar with list management procedure <p><u>Cons</u></p> <ul style="list-style-type: none"> - Reduced span of control of voters' lists by Clerk on voting day - Election officials use paper voters' lists on voting day which may be more easily misplaced, stolen or copied. Election official training emphasizes importance of voters' list management - Candidates and scrutineers can occasionally view the voters' lists to determine who has voted, but this cannot interrupt the voting process. Despite communication on this rule, interruptions continue to occur - Human errors in managing the voters' lists can occur despite training, resulting in inaccurate voting records 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Option 2 uses a secure, web-based electronic voters' list which provides live updates as each voter votes, whether remotely or in person, enhancing the span of control and security of the voters' lists by the Clerk - Bar code scanners can be used in combination with electronic voters' list to quickly locate and process voters - An electronic voters' list is able to quickly generate a report of persons (by Ward, poll, etc.) having voted for candidates and their scrutineers in Excel format (as often as Clerk determines; on voting day, this is typically every 3 hours). This generally reduces requirement for candidates to appoint scrutineers, provides a more practical tool for candidates and reduces interruption of voting process by candidates or their scrutineers - Although human error still possible,

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
		<p>use of electronic voters' lists supports more accurate and complete voting records</p> <p><u>Cons</u></p> <ul style="list-style-type: none"> - Requires additional planning and testing to ensure internet and power connections can support use of electronic voters' list - Requires installation of various hardware and cabling, including laptops and tablets - Requires new training and procedures for election officials and candidates
<p>Tabulation & reporting of results</p>	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Established model, procedures and process understood by staff, candidates and public - Relatively few occurrences of issues or concerns with tabulator equipment have occurred in Newmarket - Given relatively few voting places and tabulators, unofficial results have been available by 8:45-9 p.m. - Effective system to stream unofficial results Town's website and at the municipal office <p><u>Cons</u></p> <ul style="list-style-type: none"> - Although not the experience in Newmarket, discrepancies can occur in the unofficial transmission of results, particularly if telephoned from voting place 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Total results should be available shortly after 8 p.m. - Closed nature of system, minimal human involvement greatly reduces opportunity for errors in tabulation and reporting - Not dependent on return of memory drives from voting places to verify unofficial results, allows for more efficient unofficial results reporting - Similar unofficial results streaming system available - Coordination of equipment, forms and supplies reduced with fewer voting places

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
	<ul style="list-style-type: none"> - Human errors may occur in the completion of ballot account and results forms - Errors may also occur as a result of a tabulator programming error. Careful attention to testing and verifying tabulators is required in advance of use - Coordination of tabulators/tabulator memory drives, sealed ballots, forms and supplies are delivered to the election office which can be time consuming. A procedure must be put in place for the secure transfer of materials. To date, Newmarket has effectively managed such coordination - Power failures may occur (in the tabulator or in the voting place itself), intermittently or over a longer period of time (during advance voting period and/or on voting day). If widespread, alternative voting arrangements may need to be established (for example, re-directing voters to another voting place on voting day or extending the opportunity to vote beyond voting day). Arrangements would be made to advise voters of alternative voting opportunities 	<p><u>Cons</u></p> <ul style="list-style-type: none"> - New process for staff, voters, candidates - New procedures for tabulation and reporting will need to be developed - Any error in tabulating or reporting results would likely be a result of the voting platform performance itself. Careful attention to testing and verifying system performance is required in advance of use. Third party internet security firm will assist to ensure that the system's source code and infrastructure are robust and perform according to design - Power and internet connection failures may occur (during the advance voting period and/or on voting day). If widespread, alternative voting arrangements may need to be established (for example, extending the opportunity to vote beyond voting day). Arrangements would be made to advise voters of alternative voting opportunities - Redundancies for loss of internet connection planned for in in-person voting places

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
Accessibility for persons with disabilities	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Established model, voters familiar with process - In-person support available from election officials who have been provided basic training in customer service support for persons with disabilities - Supportive voting equipment available in limited number of voting places, typically only during advance voting period - Special voting options available for seniors, long term care residents, hospital patients <p><u>Cons</u></p> <ul style="list-style-type: none"> - Process does not provide for a completely private, independent means of voting, particularly on voting day - Supportive voting equipment may be helpful, but may not accommodate unique needs of individual voter's disability - Tools to cast ballot (paper, pen) can be challenging for persons with a motor skill coordination disability 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Web sites built on WC3 Standard and Web 2.0 as required by the <i>Accessibility for Ontarians with Disabilities Act</i> making the voting experience more accessible, especially for persons with disabilities - Web sites may be read using an individual's preferred software at their work or home environment, enhancing potential for privacy and independence - Remote internet voting does not rely on coordinating transportation - Option for support at voting places available from election officials who have been provided basic training in customer service support for persons with disabilities - Tablets used to cast ballot improve voting experience for persons with a motor skills coordination disability - Special voting options available for seniors, long term care residents, hospital patients <p><u>Cons</u></p> <ul style="list-style-type: none"> - No system can completely address the unique needs of individual voter's disability

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
Candidate considerations	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Established model, familiar to candidates and their scrutineers - Candidates invited to attend testing of tabulators and procedures are shared with candidates to understand process <p><u>Cons</u></p> <ul style="list-style-type: none"> - Candidates may find it challenging to coordinate appointment of scrutineers in voting places (particularly Mayoral or Regional Councillor candidates) 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Candidates invited to attend testing of internet voting platform and procedures are shared with candidates to understand process - Third party review of security of voting platform shared with candidates and public for transparency - A convenient option may be well received by voters as candidates campaign - Effectively eliminates need to coordinate proxy votes - Fewer scrutineers required by candidate, particularly Mayoral or Regional Councillor candidates - Candidates will receive list of persons having voted in a regular and convenient format, assisting with campaign coordination <p><u>Cons</u></p> <ul style="list-style-type: none"> - Change in nature of candidate and scrutineer involvement may be perceived negatively - Communication and education of candidates required to understand how system performs
Communication & public education	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Established model, ease/familiarity with communications deliverables - Can repurpose some existing communications depending on 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - New mode of voting generates public interest - Will generate more public interest/awareness because it is an

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
	<p>content (banners, graphics, templates, Town Page ads) which will keep costs down/require fewer resources</p> <ul style="list-style-type: none"> - Less information overall to communicate to public – more straightforward messaging - Direct and easy to understand key messages – less confusion among residents - Opportunity to explore new communications and public education tactics, including mobile application to guide voters when, where and how to vote <p><u>Cons</u></p> <ul style="list-style-type: none"> - Established process does not necessarily generate renewed interest or attention to key dates and activities - Won't generate as much media interest or buzz or interest from a variety of different demographics/residents - More difficult to reach those who don't work traditional 9 to 5 jobs – restricted options = limited messaging - Existing materials could be dated or irrelevant – would need to revise regardless 	<p>interesting and new model for voting – could get more “pick-up” from regional media before, during and after the election</p> <ul style="list-style-type: none"> - Good messaging around promoting Newmarket as a digital leader in innovation; good messaging around it being a “greener” alternative - Convenience option appealing to people who don't typically have the time or resources to physically go somewhere and vote (including those with longer commute times, parents requiring child care, elderly, persons working or living abroad temporarily, persons with disabilities) - Potential to generate more interest in municipal elections - Opportunity to create fresh communications materials and messaging, generating interest - Opportunity to explore new communications and public education tactics, including mobile application to guide voters when, where and how to vote <p><u>Cons</u></p> <ul style="list-style-type: none"> - Perception about risks must be managed through a robust communications and public education plan. Need to address real and unfounded issues in an open manner

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
		<ul style="list-style-type: none"> - Additional communication and public education efforts required to ensure voters and candidates understand when, where are how to vote online, frequently asked questions, demographic-based tactics - There will be the need to produce new communications materials - More technical training needed for election staff and volunteers – public education needed for them as well - Public education component will be more detailed and complex to roll out - Potential for negative feedback as a result of a change in process in the media and on social media before, during and after the election
Corrupt practices (e.g., coercion, impersonation, stealing or tampering with voter information letters, ballots, voters' lists and voting equipment, vote buying)	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Communications and public education efforts will include information about corrupt practices - Some perceive that a supervised voting environment reduces coercion <p><u>Cons</u></p> <ul style="list-style-type: none"> - Despite training and oversight, ballots, voters' lists and voting equipment may be tampered with, stolen or misplaced. To staff's knowledge, there have been no occurrences of such corrupt practices - Coercion may still be present in a "supervised" voting environment 	<p><u>Pros</u></p> <ul style="list-style-type: none"> - Communications and public education efforts will include information about corrupt practices - Centrally controlled, secure-access based system involves fewer human errors and opportunities to compromise the security of election records (e.g., voters' list, vote records) - Voting website can include a requirement to acknowledge a declaration of acknowledgement of corrupt practices - No evidence of voter information letters having been stolen in other municipalities having offered internet

Appendix A – Considerations – Option 1 & 2

Consideration	Option 1	Option 2
	<ul style="list-style-type: none"> - Corrupt practices possible with any voting method. Any claims will be reported to the Police for an investigation 	<p>voting. However, envelope can include a statement advising of criminal offence associated with stealing or tampering with mail</p> <ul style="list-style-type: none"> - In-person voting option available for persons who feel more comfortable doing so in a supervised environment <p><u>Cons</u></p> <ul style="list-style-type: none"> - Perception that “unsupervised” (remote internet) voting may facilitate coercion - Corrupt practices possible with any voting method. Any claims will be reported to the Police for an investigation

Appendix B – Background on Internet Voting

Purpose

Appendix B is intended to summarize available background research and the experience of municipalities having successfully deployed internet voting, in particular with regard to commonly identified themes. Reports and studies referenced in Appendix B are available through the Clerk.

Introduction

Internet voting is gaining popularity for use by many electoral jurisdictions in Canada and around the world. Internet voting may be used as the sole means to vote throughout an election, or together with other methods of voting, such as in-person voting at a voting place using the internet voting platform on a laptop, desktop or touch screen computer or paper ballots using an optical scan vote tabulator. Some municipalities use internet voting during the advance voting period only, and deploy another voting method on voting day. Others deploy internet voting and telephone voting, which are typically based on the same back end tabulation platform.

A number of private information technology firms offer an internet voting platform solution to various government jurisdictions, member and shareholder based organizations such as political parties, unions, non-profit organizations and publicly traded firms. Given the infrequent nature of elections, very few government jurisdictions have invested in resources to develop their own internet voting platform, although both Elections Ontario and Elections Canada have taken an interest in identifying firms for this purpose. The government of Estonia is one exception, which has created and deployed an integrated platform for the secure online transaction of a variety of government services, including voting.

According to research prepared by McMaster University Assistant Professor Nicole Goodman, internationally, jurisdictions have chosen to deploy internet voting to support the objectives of: increasing voter turnout; creating or expanding upon a leadership role in e-government; and enhancing accessibility and convenience. To a lesser extent, the same research shows internet voting has been deployed to support the objectives of enhancing citizen-centred service, increasing youth voter turnout and providing for an accurate and efficient vote counting system.

In Ontario, statistics indicate that the use of internet voting by municipalities has grown from 12 in 2003 (representing 255,837 eligible voters), to 20 municipalities in 2006 (representing 397,537 eligible voters) and 44 in 2010 (representing 783,887 eligible voters). Larger Canadian municipalities having used internet voting include the cities of Burlington (2010), Halifax (2008, 2012), and Markham (2003, 2006, 2010). Municipalities of a similar or larger size to the Town of Newmarket having approved internet voting for use in the 2014 municipal election include the Town of Ajax and the cities of Cambridge, Guelph, and Sudbury.

Appendix B – Background on Internet Voting

Commonly identified advantages

- Provides a convenient channel to vote remotely from home, work or elsewhere;
- Provides voting options for persons who may find it difficult to attend a voting place, including students, vacationers and business travellers;
- Supports an independent and private option to vote by persons with disabilities;
- Supports a “green” option where less paper and fuel emissions are generated;
- Advances goals related to e-government leadership and community technology advancement;
- Supports the potential for increased voter turnout or voter engagement among a broader spectrum of voters; and,
- Provides for an accurate and fast system of vote tabulation.

Commonly identified disadvantages

- Perception of security and process concerns;
- Change in traditional nature of electoral participation by voter and candidate;
- Accommodation for persons with limited or no internet access or who have challenges using technology;
- Additional efforts required to inform and educate public about transition to internet voting; and,
- Costs, particularly when internet voting is offered with another election method.

Participation

Canadian research on the demographics of those participating in internet voting for municipal elections is limited, but available research demonstrates internet voting users to be of the same or similar age demographic as previous elections using other voting methods (generally, persons in their 40s, 50s and 60s). To some extent, the research appears to mitigate concerns that middle age or older persons are less tech savvy and more likely to experience difficulty using internet voting.

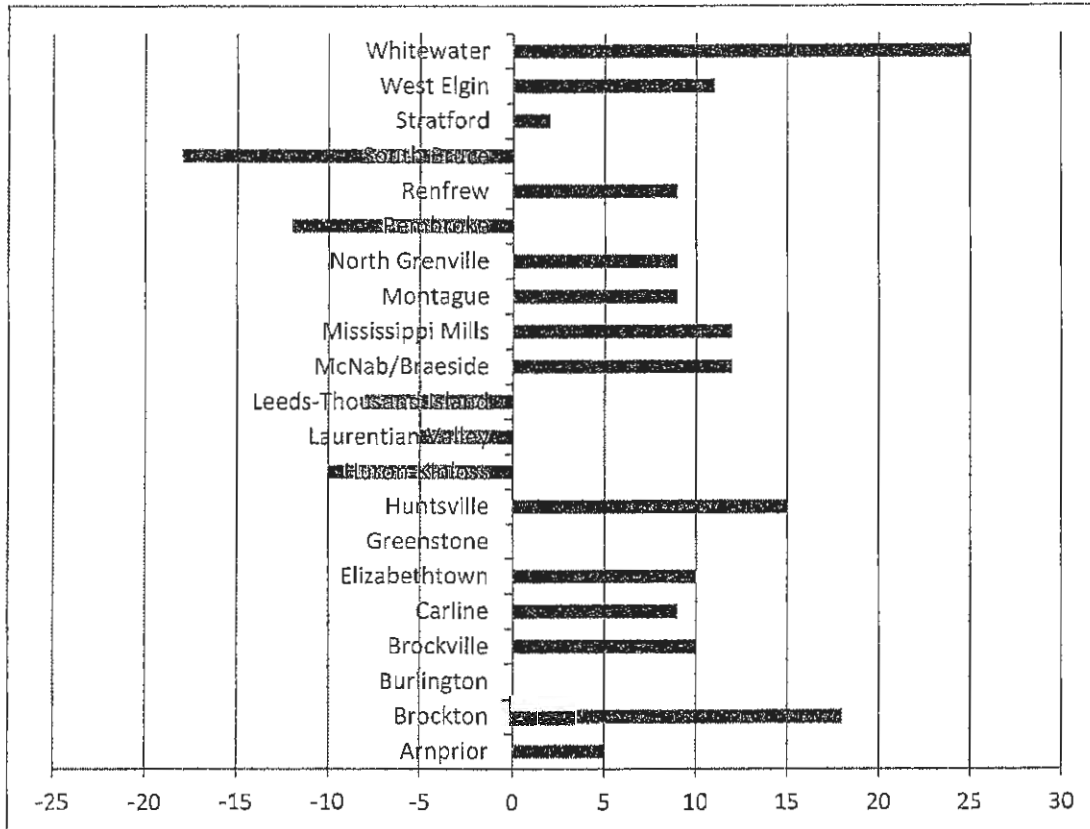
Staff understand that historically, participation among youth in municipal elections is low, often attributed to the perception by youth that municipal government is less relevant or impactful to their life than other orders of government accountable for social welfare, education and human rights. At the same time, a 2011 survey by Elections Canada demonstrated that 57% of non-voters would have voted had it been possible to do so over the internet, a statistic that increased to 67% for non-voters between the ages of 18 to 24. More jurisdictions would be required to offer internet voting in order to validate actual voter behavior.

Professor Goodman is leading an internet voting research initiative involving 14 Ontario municipalities (at the time of publishing this report) which includes an optional survey to be completed by internet voting participants. This research will assist in better understanding participation in internet voting among Ontario municipalities.

Appendix B – Background on Internet Voting

Voter turnout

Professor Goodman's research includes the following % change in voter turnout between 2006 and 2010 among Ontario municipalities having deployed internet voting for the first time in 2010:



The City of Markham has a longer history with regard to the deployment of internet voting in Canada. When the City first introduced internet voting in 2003, there was a 300% increase in voter turnout; a 43% increase in 2006 and no change in turnout in 2010 (noting that internet voting in the City of Markham has been made available during advance voting only). Although there appears to be positive voter turnout trend among municipalities having deployed internet voting for the first time, staff understand that voter turnout is difficult to predict and may be more likely to be linked to factors such as current issues and the nature of the races than a particular voting method.

Security & integrity

Concerns have been expressed about various fraudulent activities that may attempt to compromise the security or integrity of internet voting platform such as Distributed Denial of Service attacks (DDoS), Trojan horses, viruses and website spoofing. While legitimate to raise such concerns, best practices have emerged among municipalities

Appendix B – Background on Internet Voting

and other jurisdictions to protect the internet voting platform from attempts to compromise its security and integrity.

A plan to address or mitigate concerns on a technical or process level should be established from multiple security perspectives, including (in summary):

- Security of the hosting environment:
 - o Standards of security are established to ensure controlled access to the hosting environment, including security personnel, controlled and role-based access and criminal background checks.
 - o Network infrastructure is protected through managed and monitored firewalls.
 - o Environmental hazards are addressed, including redundant power and cooling; smoke/fire detection and suppression as well as special building construction features.
 - o A “Tier III” or “Tier IV” data facility has been identified as a best practice among municipalities.
- Security of the web application:
 - o An arms-length web application security consultant is engaged to:
 - Perform a vulnerability assessment on the external IP address of the web server hosting the internet voting application;
 - Perform a web application security audit of the online voting application; and,
 - Perform penetration testing to exploit select vulnerabilities discovered.
- Voting process security:
 - o Establish an acceptable means of identifying and authenticating voters in an “unsupervised” remote internet based election. In Canada, a “two-step” and at least two-factor authentication process is common, particularly among larger municipalities. Variations on the process and credentials required can vary, depending on the nature of a particular vendor’s system and the requirements of the municipality.
 - o In a one-step process, typically, a secure voting URL is shared with the voter through the voter notification letter and after providing the required credentials (including a unique PIN provided to the voter and personal identifier credential such as a birthdate) the voter accesses their internet ballot.

- In a two-step process, typically, the voter registers their intent to vote online before being provided with a secure voting URL. Through the voter notification letter, the voter is provided with a unique PIN which is used together with a person identifier credential (such as a birthdate) and/or an uploaded piece of acceptable identification to register. The voter may also be required to create their own password or response to a unique question when registering. If registration is successful, the voter is mailed or sent an encrypted email with a second PIN which is used together with the password or response to a unique question created in the registration step to access their internet ballot through a secure voting URL.
- Where the online voting platform is used in a “supervised” context such as at a voting place, generally fewer credentials are required to verify and provide access to the voter.
- Procedures are established by the Clerk with regard to the issuance of misplaced PINs, forgotten passwords and responses to unique questions; deceased or persons who have moved; and management of undeliverable mail and email. Municipalities having undertaken internet voting have developed best practice procedures which support the principles of the *Municipal Elections Act, 1996*.
- It is the responsibility of the Clerk to assess and establish voting process security procedures, including identifying and authenticating voters.
- An internet voting platform is required to accommodate the ability to perform and verify the following:
 - Attest the correct assignment of the vote to the proper candidate;
 - Attest the fact that the vote was counted;
 - Attest the fact that the voter can only vote once;
 - Ensure the vote cannot be tracked to the voter;
 - Ensure the secure transfer of data;
 - Ensure data is not stored on a client computer; and
 - Provide a process based audit trail.
- Voting device security:
 - Any device accessing the internet may be susceptible to online threats (e.g., viruses, Trojan horses, spyware, phishing attempts and other attacks) where steps are not taken to protect the device through anti-virus software.
 - Like other secure online transactions, an internet voting platform must be able to demonstrate cryptography and identify verification.

Appendix B – Background on Internet Voting

- It is recognized that there is greater control of online threats with devices deployed by the municipality (i.e., online voting using municipal tablets or laptops in a supervised environment).
- In an internet election, the voter is accountable for ensuring the device they use to cast their ballot has incorporated current anti-virus software. Through a program of public education prior to registration, the public is informed about how to access such software and take reasonable steps to mitigate online threats.

The Request for Proposals (RFP) document should identify a detailed set of general, functional, security, auditing, privacy, client support and other standards and requirements. An inter-disciplinary/inter-departmental team is typically assigned to evaluate and select an appropriate vendor. Proper testing and auditing throughout the various implementation phases also serves to protect the internet voting platform from external threats.

Although there have been documented cases of malicious attempts designed to compromise an internet voting platform, there have been no incidents of a controverted election. Internet voting results from all Canadian electoral jurisdictions have been final and binding. There are three commonly referred to incidents where the robustness of internet voting has been called into question:

- *2010 Washington, DC Election.* Prior to the 2010 Washington, DC elections the public was invited to test the rigor of the internet voting platform. Through weaknesses in the internet voting platform's source code, a professor and graduate students from the University of Michigan were successful in penetrating and compromising the election servers, resulting in cancellation of the internet voting option for the 2010 Washington, D.C. Election. Since this occurrence, private firms have created more robust source code and platform security frameworks and jurisdictions have also adopted a best practice of employing third party security audit firms to provide an independent analysis of the internet voting platform including its source code to ensure current threats are protected.
- *2010 Township of Arnprior, ON Municipal Election.* Here, the internet voting platform froze for 57 minutes near the end of voting day. The glitch was attributed to a system add-on that allowed candidates to monitor their progress in real time, creating a system capacity issue. The occurrence was not a breach of security and voting was extended for another hour the following day to compensate for the lost time (similar response to a power failure or emergency in a voting place). System capacity should have been identified earlier in the planning process for the election, which could have avoided the circumstance.
- *2012 NDP Leadership Election.* A distributed denial of service attack occurred on the voting website for the 2012 NDP Leadership Election, slowing down the ability to cast a ballot online, but not compromising the security of the internet

voting platform itself. An audit performed by Price Waterhouse Cooper indicated that no ballots had been altered, subtracted or added. Such a malicious attack has been attributed to the attention garnered to this particular election. A November, 2012 internet voting issues guide commissioned by the City of Edmonton, Centre for Public Involvement and University of Alberta indicated that *“every jurisdiction is unique and must individually assess its own contextual factors and whether the necessary conditions are present to ensure the successful deployment of an internet voting system”*.

Dr. Henry Kim, Associate Professor of Information Systems and Management Science at York University prepared a comprehensive risk assessment of various voting methods for the City of Markham prior to the 2006 municipal election and literature review on evolving security threats to internet voting prior to the 2010 election. The risk assessment identified that a traditional “supervised” voting method in a voting place presented fewer risks than remote internet voting; however, not considerably higher and considerably less risky than vote by mail. The literature review revealed that there were no unaccounted security threats to internet voting prior to the 2010 municipal election.

Concerns have been raised that internet voting presents the potential for impersonation, coercion, vote buying and other corrupt practices associated with an “unsupervised” voting. Some have also suggested that internet voting does not fully support the principles of the *Municipal Elections Act, 1996* (the Act) in a circumstance where voters are not fully supervised.

Section 89 of the *Municipal Elections Act, 1996* clearly identifies the responsibilities of the individual voter, such as ensuring that one is entitled to vote prior to doing so, as well as ensuring that one does not vote more times than allowable. Some have expressed concern that an unsupervised form of voting like internet voting facilitates the potentiality of those offences, but others have stated that unsupervised voting emphasizes the accountability of individual voters inherent in the Act. Moreover, the Act is based on the democratic principles of voter and candidate trust. Trust in voters is evident in the very few instances of voter impersonation, coercion, vote buying and other corrupt practices in Canadian elections. The majority of municipal election law offences have involved municipal election candidates.

Where there is evidence of impersonation, coercion, vote buying or other corrupt practices, as in any other method of voting, the Clerk will contact the Police and take other such actions necessary in accordance with the law.

Municipalities having implemented internet voting adopt a community education plan where voters become aware of their duties, options to participate and channels to identify questions and concerns including those related to impersonation, coercion, vote buying or other corrupt practices, as well as steps required to protect their own devices from online threats.

Appendix B – Background on Internet Voting

The balance of risk and access/convenience afforded by internet voting is evident in a quote in a report entitled “Comparative Assessment of Electronic Voting” written for Elections Canada by the Strategic Knowledge Cluster Canada-Europe Transatlantic Dialogue:

“Careful examination of the literature on internet voting as well as the pilot experiences of many jurisdictions suggests that both the extremely optimistic and pessimistic position about the effect of internet voting are overstated. Internet voting will not act as a panacea for the social causes responsible for electoral disengagement, nor will it remedy negative attitudes toward political entities. It will, however, increase voting opportunities for electors and make casting a vote more accessible. On the other side internet voting will not erode democracy or result in vote buying and election fraud any more than does the existing system”.

The November, 2012 internet voting issues guide commissioned by the City of Edmonton, Centre for Public Involvement and University of Alberta reflected on risks related to internet voting:

“Of all the types of internet voting, remote internet voting offers the least amount of control for election officials. Generally less control implies greater security risks, but it does not have to denote an unacceptable increase in these risks. The testing of electronic voting worldwide and its use in binding elections has shown that the greatest technical difficulties have been with voting machines in voting stations or kiosks, and not all of these used the internet”. The voting machines referred to in this quote speak to issues related to vote tabulators.

Satisfaction with internet voting

The Association of Municipal Managers, Clerks and Treasurers of Ontario undertook a comprehensive survey on municipal election practices and experiences following the 2010 municipal election. Of the 30 municipalities having used internet voting, 70% noted they were extremely satisfied; 26% noted they were very satisfied; and 4% noted they were satisfied. No municipalities responded with negative experiences.

Community adaptation

Like any service with wide impact on the public, it is important for a municipality to develop a community adaptation plan, which includes communication tactics, procedures and support to transition the community to internet voting.

Municipalities having implemented internet voting have included such measures as:

- Communications tactics including web and mobile web content; ongoing notices in local newspapers and publications; an instructional video; public service announcements around key dates, requirements and activities; and theme based collateral such as pens and magnets.

Appendix B – Background on Internet Voting

- Outreach and education for key stakeholders, including candidates and their scrutineers, seniors, Accessibility Advisory Committee and support organizations for persons with disabilities.
- Online, telephone and in-person voter support, provided through the Customer Service Centre, including weekend and evening hours leading up to and including election period.

Appendix C**ACCESSIBILITY ADVISORY COMMITTEE MINUTES – OCTOBER 15, 2013 – ITEM 5
INTERNET VOTING**

The Deputy Clerk provided a verbal update regarding the planning for the 2014 Municipal Election and the option of using Internet voting. The Committee indicated that while this would increase accessibility to those who aren't able to attend voting locations it should not preclude offering paper ballots at voting locations. There was discussion around the accessibility of the voting locations and large print ballots during the last election.

**Moved by Councillor Twinney
Seconded by Diane Bladek-Willet**

The Newmarket Accessibility Advisory Committee recommends to Council:

THAT the Newmarket Accessibility Advisory Committee supports the addition of internet voting to the current model.

CARRIED



CORPORATE SERVICES – LEGISLATIVE SERVICES
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905.895.5193

December 4, 2013

CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-48

TO: Committee of the Whole
SUBJECT: Town of Newmarket 2013-2017 Multi-year Accessibility Plan
ORIGIN: Lisa Lyons, Deputy Town Clerk

RECOMMENDATION

THAT Corporate Services Report – Legislative Services 2013–48 dated December 4, 2013 regarding the Town of Newmarket 2013-2017 Multi-year Accessibility Plan be received and that Council approve the Town of Newmarket 2013-2017 Multi-year Accessibility Plan.

PURPOSE

The purpose of this report is to present the Town of Newmarket 2013-2017 Multi-year Accessibility Plan (attached as Appendix A) for Council's approval, and to provide an update regarding the development of the 2013-2017 Multi-Year Accessibility Plan.

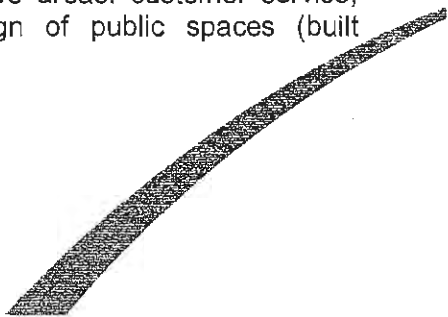
BACKGROUND

Ontario Legislation Requires Accessibility Planning

There are currently two accessibility laws in place in Ontario – the Ontarians with Disabilities Act, 2001 (ODA) and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

The ODA was enacted to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers. It also requires all municipalities to prepare an annual accessibility plan which outline actions the municipality will take to prevent and remove barriers to its services, programs and facilities. The ODA also requires that the accessibility plan be developed in consultation with an accessibility advisory committee and be made available to the public. This legislation applies to the Ontario Public Service and the broader public sector. The legal obligations under the ODA remain in force until such time as the Act is repealed.

In 2005, the AODA came into force and effect. The purpose of the AODA is to benefit all Ontarians by developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities by 2025. Standards have been developed in five areas: customer service, information and communications, employment, transportation and design of public spaces (built environment). These standards apply to both public and private sectors.



The Town of Newmarket has been complying with the Customer Service Standard since January 1, 2010. The Integrated Accessibility Standards Regulation (IASR) combines the standards of information and communications, employment, transportation and design of public spaces. The IASR requires the municipality to establish, maintain and document a Multi-year Accessibility Plan. The Multi-Year Accessibility Plan must:

- Outline the organization's strategy to prevent and remove barriers and meet its requirements under the IASR;
- Include consultation with an accessibility advisory committee and people with disabilities;
- Be posted on the website and provide the plan in an accessible format upon request;
- Be reported on annually by an organization, including the plan's progress; and
- Be reviewed and updated at least every five years.

COMMENTS

Since 2003, the Town of Newmarket has identified barriers resulting in the implementation of over 100 actions related to the removal of barriers. The Multi-year Accessibility Plan highlights those actions implemented in 2013 and identifies the actions to be implemented in 2014. The new plan is designed to meet the requirements of both the ODA and the AODA.

The 2013-2017 Multi-year Accessibility Plan describes the actions the Town will take to prevent and remove barriers, to meet the requirements of the IASR, and when it will do so. This plan creates a road map for the Town, and supports the Town's commitment to accessibility. The Plan is a living document and the progress will be reviewed and reported on annually, together with any other initiatives that have been identified.

Accountability for the various actions contained in the plan is a shared responsibility across the organization. Those responsibilities have been clearly outlined in the Town of Newmarket IASR Policy that was recently approved by Council, and includes the responsibilities of the Newmarket Public Library.

The development of the plan included input from many staff from across the organization. 'Accessibility Champions' were appointed from each department to ensure staff have access to accessibility related information/tools and that achievements and barriers are captured in the plan. An open house was held on November 2, 2013, and the public was invited to review the draft plan and provide feedback.

The Town of Newmarket Accessibility Advisory Committee will meet on December 5, 2013 to review and provide feedback on the draft 2013-2017 Multi-year Accessibility Plan. An extract from that meeting will be provided as an addendum to this report.

Next Steps:

- Post the Council approved Town of Newmarket 2013-2017 Multi-year Accessibility Plan on website;
- Submit Compliance Report to Accessibility Directorate of Ontario before December 31, 2013;
- Implement requirements of multi-year accessibility plan identified for 2014; and
- Continue to review plan and provide annual progress report in 2014.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report aligns with the Town's Strategic Plan directions through the enrichment of lives, increased accessibility, service excellence, improved inter-connectivity, and well respected in achieving balanced living.

CONSULTATION

Consultation has taken place with staff, the Newmarket Accessibility Advisory Committee and the public in the development of the 2013-2017 Multi-year Accessibility Plan. Additionally, staff participates in accessibility planning with municipal accessibility staff in York Region to share best practices and information, and staff also maintain membership in the Ontario Network of Accessibility Professionals (ONAP), which provides the opportunity to share accessibility planning resources and initiatives across the province.

HUMAN RESOURCE CONSIDERATIONS

There are no Human Resources considerations related to this report.

BUDGET IMPACT

Costs to implement requirements of the AODA will be addressed by the various departments through the development of the multi-year accessibility plan.

CONTACT

For more information on this report, contact Lisa Lyons, Deputy Town Clerk at 905 953-5300 extension 2203 or via email at llyons@newmarket.ca



Lisa Lyons
Deputy Town Clerk



Andrew Brouwer
Director of Legislative Services/Town Clerk



Anita Moore
Commissioner of Corporate Services

2013 to 2017 Town of Newmarket Multi-year Accessibility Plan



Equal Opportunity | Integration | Independence | Dignity

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Contact Information

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This document is available in an accessible alternate format by request.

Message from Town of Newmarket Council

The Town of Newmarket is dedicated to continuous improvement regarding accessibility and meeting the needs of our community. The Town of Newmarket's 2013-2017 Multi-year Accessibility Plan continues efforts to improve our services, facilities and programs so they may be more accessible for everyone in Newmarket.

In 2013, we approved a new corporate policy. The Integrated Accessibility Standards Regulation (IASR) Policy, supports the Town's commitment to meeting the requirements of accessibility standards developed under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). This policy endorses the importance of ensuring equitable access to all Town goods services and facilities.

We will continue to work with Newmarket's Accessibility Advisory, staff, and other community partners to enhance and foster an inclusive community that meets the needs of people with disabilities in the Town of Newmarket and supports the vision of the Town of being a community 'Well Beyond the Ordinary'. Shaping our future and realizing our vision of a Town that is 'Well Beyond the Ordinary' means pursuing five key strategic directions to ensure that Newmarket is:

- Living **Well**
- **Well** Balanced
- **Well** Equipped and Managed
- **Well** Planned and Connected
- **Well** Respected

Council would like to extend thanks to the Accessibility Advisory Committee for their valuable input and assistance in the development of this Plan.



Newmarket Town Council, 2010-2014

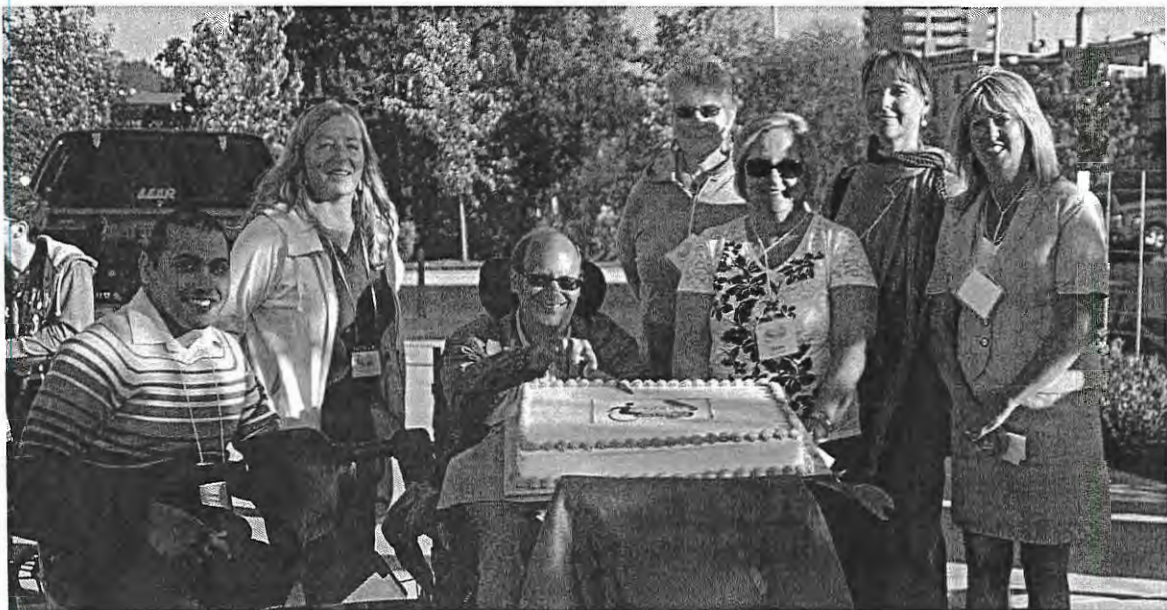
Message from the Town of Newmarket Accessibility Advisory Committee

The Town of Newmarket's Accessibility Advisory Committee's goal is to encourage and facilitate accessibility for all persons with disabilities in the Town of Newmarket. The goal of providing a fully accessible community for all is a worthy goal and an important undertaking.

We are pleased to be provided an opportunity to act on the community's behalf and have a role in advising Newmarket Council on various initiatives that support achieving an accessible community. This 2013-2017 Multi-year Accessibility Plan is essentially a road map to how and when the municipality will meet Ontario's accessibility requirements, and our committee has worked with staff and Council to review and provide feedback on how this work will occur in the years ahead.

The Newmarket Accessibility Advisory Committee is honoured to continue to support the Town of Newmarket in implementing and achieving the goals of this plan and the vision of a community that we all can be proud of, and that is 'Well Beyond the Ordinary.'

We invite your comments, participation and commitment to assist the Town of Newmarket in achieving a fully accessible community.



Members of the Newmarket Accessibility Advisory Committee and staff at Newmarket's National Access Awareness Week event

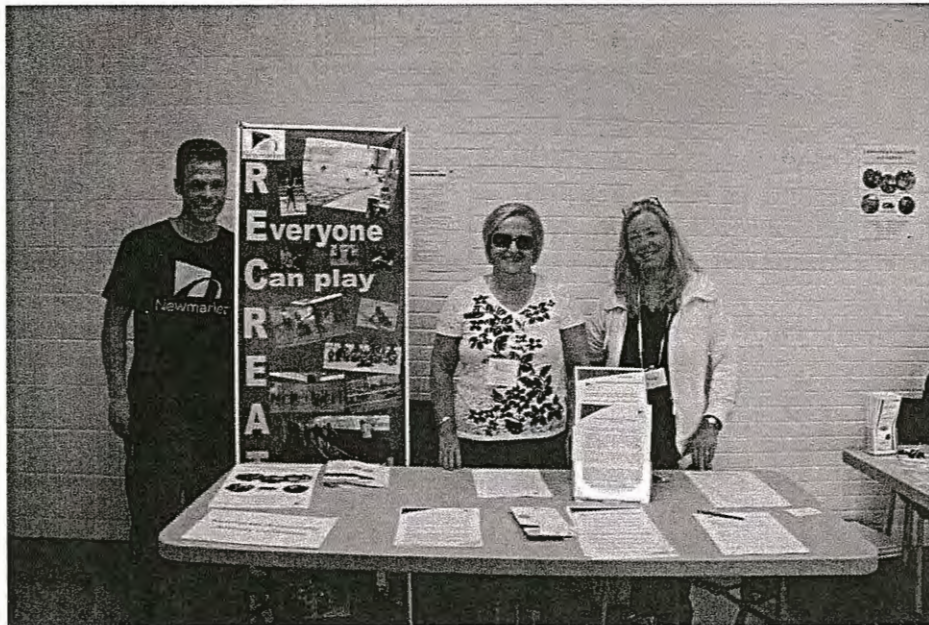
Statement of Commitment

The Town of Newmarket is committed to meeting the needs of persons with disabilities in a timely manner through the implementation of policies and to ensure that persons with disabilities shall have equitable access to all Town programs, goods, services and facilities allowing them to benefit from the same services, in the same place and in a similar way as other customers, respecting the four core principles of:

- Independence
- Dignity
- Integration
- Equal Opportunity

The Town of Newmarket's policies related to Accessibility align with the Town's Strategic Plan directions through:

- the enrichment of lives
- increased accessibility
- service excellence
- improved inter-connectivity
- being well respected in achieving balanced living



Members of the Newmarket Accessibility Advisory Committee and staff at Newmarket's National Access Awareness Week event

Multi-year Accessibility Plan Overview

The Integrated Accessibility Standards Regulation (IASR) requires the Town prepare a Multi-year Accessibility Plan. Previously, the Town was required to adopt and report on an annual accessibility plan. An organizational strategy to prevent and remove barriers and enact the requirements in the standards must be included in the Multi-year Accessibility Plan. This document is the Multi-year Accessibility Plan for the Town of Newmarket and is designed to meet the requirements for both past and present accessibility planning laws.

The accessibility planning process is one that is ongoing. Discussions regarding accessibility planning take place between Council, Staff and the Accessibility Advisory Committee throughout the year. The Multi-year Accessibility Plan provides an opportunity to establish an implementation strategy, demonstrate current achievements and identify barriers and future priorities. Routine monitoring is required to ensure that applicable initiatives are incorporated in the Plan and that progress is identified. The Multi-year Accessibility Plan's current focus is the implementation requirements of the IASR.

The implementation strategy outlined in this plan identifies both short and long-term accessibility initiatives that are related to the five core standards of: customer service, information and communication, transportation, employment and design of public spaces. The Plan outlines the objectives and strategy/action plan to achieve each objective and a timeframe to achieve compliance. The progress of the Plan will be reviewed and reported on annually, together with any additional initiatives that have been identified.

The Town of Newmarket has established a strong foundation for accessibility planning that ensures actions are responsive to community needs and ensures real and effective change for people with disabilities.

Guiding Legislation

There are currently two accessibility laws in place in Ontario – the Ontarians with Disabilities Act, 2001 (ODA) and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

The ODA was enacted to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the province. The ODA requires that municipalities prepare an annual accessibility plan which includes action to identify, prevent and address barriers related to its programs, services and facilities. The legal obligations under the ODA remain in force until such times as the Act is repealed.

The purpose of the AODA is to benefit all Ontarians by developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities by 2025. Standards have been developed in five areas: customer service, information and communications, employment, transportation and design of public space (built environment).

Customer Service – Ontario Regulation 429/07: The first standards under the AODA to become law, this regulation establishes accessibility standards for customer service and ensures people with disabilities receive goods and services in a manner that takes into account a person's disability.

Integrated Accessibility Standards – Ontario Regulation 191/1: This standard relates to the removal of barriers in three areas including; information and communications, employment and transportation. This standard requires the development of implementation strategies to meet compliance within the required timeframes.

Design of Public Space (Built Environment) – Ontario Regulation 413/12: This standard was enacted as an amendment for O.Reg.191/1. It outlines technical requirements related to proposed recreational trails/beach access routes, outdoor public-use eating areas like rest stops or picnic areas, outdoor play spaces like playgrounds in municipal parks, exterior paths of travel such as sidewalks, ramps, stairs, curb ramps, rest areas and accessible pedestrian signals, accessible parking on and off street, service related elements such as service counters, fixed queuing lines and waiting areas and scheduled preventative maintenance.

Foundation and Principals

Increased accessibility for people with disabilities is part of the Town of Newmarket corporate vision and is integrated into the Town's first Accessibility Plan which was developed in 2003. Since that time a strong foundation has been established through yearly accessibility plans which will continue to strengthen with the Multi-year Accessibility Plan and the following principals:

Informed and Committed Leadership

- Town of Newmarket Council is committed to meeting the needs of persons with disabilities through the implementation of the Customer Service and IARs policies and Accessibility Plans and Multi-year Accessibility Plan
- All Town of Newmarket departments have provided input to the Plans
- Accountability is demonstrated by making all Plans and related accessibility documentation made available to the public (in alternate formats upon request)
- Mandatory accessibility training is provided to all employees including regular full-time, regular part-time, casual, sessional, seasonal and contract staff, volunteers and all persons who participate in developing Newmarket's policies.

Training is also designed and adapted to apply to the type of work, location and staff involvement with the public

- Staff are engaged and encouraged to incorporate accessibility practices into daily work across the organization by using an 'accessibility lens' when preparing procedural documents, procuring goods or services, or developing programs and services
- To ensure all staff have access to accessibility related information and tools, an internal team of 'Accessibility Champions' has been established. The 'Champions' are led by the Accessibility Coordinator and assist in delivering accessibility related communications throughout the departments across the corporation
- By meeting or exceeding the timelines and legislation implementation, the Town led development of policy/procedures and training of the Customer Service Standard with its Northern Six (N6) partner municipalities of York Region and can be looked at as a leader in accessibility

Alignment

For the Multi-year Accessibility Plan to be successful with its implementation strategy there is a need for the plan to be aligned with other Town of Newmarket guiding documents:

- Vision – 'Well Balanced' branch: means encouraging a sense of community through an appropriate mix of land uses and amenities. This branch focuses on:
 - Meeting the needs of all life-cycle stages
 - Striving for cultural harmony and ethnic diversity
 - Arts, culture, entertainment and heritage preservation
 - Recreational services and facilities
 - Green and open spaces, parks and playing fields
 - Events that help shape identity and contribute to community spirit
 - Educational, hotel and meeting/conference facilities
 - Youth and seniors' facilities and programs
 - Increased accessibility for persons with disabilities
- Strategic Priorities adopted by Council for 2012-2014 identify strategic priorities including:
 - Strategic Objective – Community Engagement and Transparency: means hearing the voice of resident's community projects; partnerships; positive approach; and showing leadership as a community and an organization. This focus area will ensure a high level of citizen participation and engagement, improved service efficiency, alignment and focus and increased cultural and economic development opportunities through the continued implementation of the Cultural Master Plan.
- Accessibility Policies: Establishes the Town of Newmarket's Accessibility Commitment

- Accessible Customer Service Policy and procedures
- Integrated Accessibility Standards Regulation (IASR) Policy
- Statement of Commitment: Affirms the Town of Newmarket's commitment to accessibility
 - The Town of Newmarket's 'Statement of Commitment' to accessibility is included as part of the IASR Policy. The statement affirms the commitment to meet the needs of persons with disabilities in a timely manner through the implementation of policies that ensure that persons with disabilities shall have equitable access to all Town programs, goods, services and facilities allowing them to benefit from the same services, in the same place and in a similar way as other customers, respecting the four core principles of independence, dignity, integration and equal opportunity.

Coordination

The accountability for the various objectives within the Multi-year Accessibility Plan is a shared responsibility with the various departments and responsibilities related to employees, members of the Newmarket Accessibility Advisory Committee, Accessibility Coordinator, Human Resources Department, Directors/Managers/Supervisors and the Chief Administrative Officer/Commissioners are clearly outlined in the Town of Newmarket IASR Policy.

In the past, the Newmarket Public Library has participated in the Town of Newmarket Accessibility Plans. The Newmarket Public Library will continue this practice and is included in this Multi-year Accessibility Plan.

Evaluation and Reporting

The Town of Newmarket will continue to review and consult with staff, the Newmarket Accessibility Advisory Committee, people with disabilities and any other individuals or groups who provide accessibility related feedback.

Additional evaluation and reporting include:

- Annual review of the Multi-year Accessibility Plan and preparation of a progress report
- Annual progress report prepared for Council to identify progress of the Plan's implementation, accomplishments and achievements, to be posted online and available in alternative formats.
- Compliance reports submitted to the Accessibility Directorate of Ontario, who regulates compliance for all Ontario Organizations.

- Within three months of an election, a report on the provision of accessible election and voting measures is completed and endorsed by Council (as required by the Election Act, 1990)

Town of Newmarket Accessibility Advisory Committee

The Town of Newmarket Accessibility Advisory Committee (NAAC) was established in 2003 and is responsible for encouraging and facilitating accessibility for all persons with disabilities in the Town of Newmarket by assisting with the prevention, identification and removal of barriers that restrict people with disabilities from participating in Town programs or accessing services and facilities.

The Committee is made up of dedicated volunteers (who come from different backgrounds and types of disabilities), staff, and a Council representative who all are committed to working towards a barrier-free Newmarket. The Committee's term is the same as the term of Council and at a new term, a new Committee is formed from the community through an application process.

The Newmarket Accessibility Advisory Committee continues to provide valuable advice and feedback to Council and staff, in addition to participating in various accessibility-related activities. Since the last plan the Newmarket Accessibility Advisory Committee has:

- Worked with staff to develop a new standard for construction of sidewalks adopted by the Town of Newmarket making traveling smoother and safer (removing troweling around expansion joints)
- Worked with staff to provide improved accessibility at Southlake Village from parking area by additional installation of sidewalks and curb cuts on the north wall
- Developed signage to remind people to leave accessible washrooms and stalls available for persons who require the space
- Provided advice to make safer pedestrian crossing at certain traffic intersections in Newmarket by making traffic signal times longer
- Provided advice for additional accessible parking spaces to be incorporated in downtown Newmarket
- Provided advice regarding an accessible compute work station installed at Newmarket Public Library
- Reviewed and provided advice on site plans for various construction projects (e.g. Old Town Hall redevelopment project) to ensure accessibility features and standards are met
- Provided advice on the Town of Newmarket's Accessibility Plan
- Provided advice and reviewed results concerning an Accessible Taxi Service Survey to determine the use of on-demand accessible taxis by persons with disabilities

- Organized and participated in community celebration events held annually during National Access Awareness Week
- Consulted with staff on development of Town of Newmarket website development
- Reviewed and provided advice on the Town of Newmarket Integrated Accessibility Standards Regulation (IARS) Policy
- Provided ongoing public awareness of accessibility
- Made a commitment to inspect Town of Newmarket facilities for accessibility in 2014

Accessibility Partnerships in York Region and Beyond

Accessibility planning involves many stakeholders, and the Town of Newmarket encourages involvement from a variety of people and groups. The development of this plan required input from many staff including the 'Accessibility Champions' from across the organization, the Newmarket Accessibility Advisory Committee and members of the public.

The Town of Newmarket also participates in accessibility planning with the Region of York. The Region of York coordinates regular meetings with the local AAC Chairs, and municipal accessibility staff which provide opportunities for sharing best practices and information. The Accessibility Coordinator is also a member of the Ontario Network of Accessibility Professionals (ONAP), this a group comprised primarily of staff responsible for accessibility planning in the municipal sector. This network provides further opportunity to share accessibility planning resources and initiatives across the Province.

Barrier Identification – Appendix A

Initiatives have taken place in the Town of Newmarket to identify, remove and prevent barriers to persons with disabilities. Since 2003, there have been over 100 actions completed through the accessibility planning process. These actions are identified in past Accessibility Plans which are available on the Town of Newmarket website, www.newmarket.ca.

Table Identifying actions completed in 2013

Item	Action
Recreation and Culture	
Newmarket Recreation Youth Centre	<p>Renovated to provide additional accessibility following a flood at the Youth</p> <p>Lowered front kiosk desk height</p> <p>Installed additional working tables in lobby</p> <p>Renovated staff area behind Kiosk with wider hallways</p>
Ray Twinney Recreation Complex kiosk area and lobby	<p>Lowered front kiosk desk height</p> <p>Installed additional working tables in lobby</p> <p>Renovated staff area behind Kiosk with wider hallways</p>
Various customer service initiatives at the Recreation Kiosks – Ray Twinney Complex and Magna Centre	<p>Placed magnifying card tools at the desk to assist visually impaired patrons</p> <p>Placed sign language cards to assist staff in communication with the hearing impaired</p>
Recreation Guide pages	Enhanced colour of paper to provide a more legible, easier to read guide
Arts and Culture programs	<p>Assigned “inclusion staff” to assist with the inclusion of children with various disabilities into previously inaccessible programs.</p> <p>e.g. Adaptation of dance programs/movements</p>

Item	Action
Creation of basic inclusion training for Arts and Culture	Created training document for part-time Arts and Culture staff to assist with adaptation of programs for those with disabilities
Accessibility Fee – 25 per cent discount for disabled patrons	Implemented a program for those with a disability to receive 25 per cent off recreation fees
Riverwalk Commons stage access	Installed stairs and a portable ramp to the raised stage area of Riverwalk Commons to enable easier access
Summer Camps Accessibility	Installed portable ramps to ensure campers with walkers and wheelchairs could enter and exit the ice pad floor easily and safely
Summer Camps Accessibility	Extra support staff made available to campers with seizure disorders at no additional cost to ensure (especially during the swim time)
Summer Camps Accessibility	Implemented the TRACKS program which was successful in helping include children with exceptionalities by encouraging more peer interaction, support and friendship
Facilities	
Youth Centre	Lowered kiosk counter areas to meet accessibility standards
Magna Centre	<p>Lowered kiosk counter areas to meet accessibility standards</p> <p>Purchased a second wheelchair for the pool areas to accommodate increased user needs</p> <p>Installed push button door openers on the second floor leading into the Forhan Rink and the gym</p>
Operations	
Llyod Avenue Robinson Drive Currey Crescent	Installed accessible sidewalks
Parks	
Fairy Lake Marilyn Powell Park	Installed expanded concrete pads to accommodate wheelchairs adjacent to

Item	Action
	bench
Dr. Margaret Arkinstall Newmarket Community Heights Parkette Dennis Park Marily Powell Park Cardinal Park Arnhem Park	A standard in our playground updates, the following is completed each year on replacement playgrounds: All accessible access via ramp depressions in the curbs and wood fiber accessible mulch; all playgrounds now meet the requirements under CSA; paved walkways installed in some locations to provide increased accessibility
All Our Kids Playground Park	Installed new rubber surfacing, accessible swing and other features installed to increase accessibility use
Engineering	
William Street Andrew Street Ellen Street Robinson Drive Currey Crescent Lloyd Avenue Victoria Street	<p>Installed curb cuts at intersections to accommodate wheelchairs</p> <p>Created directional lines embedded in the ramped portion of sidewalks at intersections to facilitate pedestrians with a visual disabilities</p> <p>Eliminated trowel marks at joints between concrete sidewalk slabs to ensure a smoother ride for persons in wheelchairs by eliminating bumps and joints</p>
Gorham Street Harry Walker Parkway	<p>Installed pedestrian countdowns at signalized intersection to assist persons whose mobility may be limited</p> <p>Included chirping audio traffic signals to assist persons with visual disabilities</p>
North West Quadrant Phase 4 Tapestry Lane Trail Extension Frank Stronach Park	<p>In park walkways, the ramp surface slope is a maximum of 8% with an aim to reduce it to 5% where feasible; in park walkways for every 9 metres of sloped walkways there is a 3 metre landing at a maximum slope of 2%; in park walkways, benches are placed at appropriate locations for resting stations where feasible; ramps in parks with ramps exceeding 6% slope to have handrails for assistance; walkway widths in parks are to be 1.8 metres to</p>

Item	Action
	accommodate two wheelchairs simultaneously.
Information Technology	
Magnifying sheet	Provided in department to assist those with visual disability
Colour and resolution	Changed employee screens to assist with visual disability
GIS	Ensured colour choices on documents were kept in mind to aid visual colour difficultness
Magna Centre Ray Twinney Centre	Replaced Bell payphones with keypad accessible phones
Senior's Centre	Introduced a Plantronics Clarity In-Line Amp providing more clear hone audio for those with a hearing disability
Town Website	Installed additional BrowseAloud software
Legislative Services	
Portable Accessible Table	A portable accessible table has been purchased for meeting rooms at the Town office. Table height adjusts to accommodate wheelchairs
Meeting Management Suite	Meeting Management Suite that includes live streaming of meetings and agendas and minutes that meet AODA standards and are displayed on a webpage that it designed to meet that WCAG3 standards for accessible web design. This project is ongoing

Table Identifying actions identified for completion in 2014

Item	Action
Recreation and Culture	
Accessible programming	Allocation of additional staff dedicated to offering programs to accept those with accessibility needs and also to provide additional programs specifically for those with special needs/disabilities
Creation of basic inclusion training for all	Creating a training document for all part-

Item	Action
Part-time staff	time Recreation and Culture staff to assist with adaptation of programs for those with disabilities
Reduced Drop-in fee's for daily recreation programs	Reducing drop-in fees to encourage all patrons to pursue an active lifestyle
Facilities	
Seniors' Meeting Place	Upgrading kiosk to meet accessibility standards
All facilities	Continuation of upgrading push button door openers throughout facilities
Parks	
Riverwalk Commons	Installing a new gathering space on the stage at Riverwalk Commons during the winter months. This 'lounge' like set up will have a wheel chair accessible ramp onto the stage and incorporate locations for a wheel chair
Ray Twinney Complex Armstrong Park College Manor Foxtail Ridge Haskett Park Kirby Park Proctor Park Drew Doak	A standard in our playground updates, the following is completed each year on replacement playgrounds: All accessible access via ramp depressions in the curbs and wood fiber accessible mulch; all playgrounds now meet the requirements under CSA; paved walkways installed in some locations to provide increased accessibility
Engineering	
Gorham Street Carlson Drive	Pedestrian countdowns at signalized intersection to assist persons whose mobility may be limited; Chirping audio traffic signals to assist persons with visual disabilities
Sidewalks (where feasible)	Consideration for 1.8 m. wide sidewalks where feasible to allow the safe passage of two wheelchairs (one in each direction simultaneously)
Yonge Street Sidewalk – between Tom Taylor Trail and South leg of Savage Road Tom Taylor Trail – Davis Drive underpass Tom Taylor Trail – West side of Fairy	In park walkways, the ramp surface slope is a maximum of 8% with an aim to reduce it to 5% where feasible; in park walkways for every 9 metres of sloped walkways there is a 3 metre landing at a maximum slope of 2%; in park walkways benches are placed at appropriate locations for

Item	Action
Lake	resting stations where feasible; ramps in parks with ramps exceeding 6% slope to have handrails for assistance; Walkway widths in parks are to be 1.8 metres to accommodate two wheelchairs simultaneously
Information Technology	
Town website	New website to be developed in 2014, the design and content will be overhauled to meet WCAG 2.0 "AA" level requirements
Communications	
National Access Awareness Week	<p>Worked with the Accessibility Advisory Committee on promoting National Access Awareness Week in June 2013 by issuing a media advisory for events including the Newmarket vs. Aurora sledge hockey game and the Evening dedicated to Accessibility and Ability Awareness</p> <p>The events were covered by Roger's Television, SNAP Newmarket and a Newmarket Era article in which chair of the Newmarket Accessibility Advisory Committee was interviewed</p>
Print materials	Incorporated the notice to provide documents in alternate formats upon request on printed documents including the Community Report
Legislative Services	
2014 Election	Will continue to review and incorporate accessibility accommodations in election process. Consideration being given to internet voting which allows for a voter to cast their ballot remotely and independently using a WCAG 2.0 supported website. NAAC motion supports this method of voting
Corporate Services	
Council Chamber Renovation	The public presentation desk will be replaced with an accessible table that will adjust heights as required

Report on Recent Achievements (2013) – Appendix B

The following items represent recent achievements and initiatives which have improved accessibility or removed barriers related to the core standards of the AODA.

Customer Service

In accordance with the Accessibility Standards for Customer Service, the Town has continued to ensure compliance in the following areas:

- Policies and procedures on providing goods or services to persons with disabilities
- Communication with persons with disabilities in a manner that takes into account their disability
- Policies relating to persons with disabilities using assistive devices, service animals and support persons to access services
- Training for staff and every person who deals with members of the public or other third parties on behalf of the Town
- Customer feedback regarding the provision of customer service to persons with disabilities
- Notice of service disruptions when facilities or services that persons with disabilities rely on are temporarily disrupted
- Documents required by the Customer Service Standard are available upon request and provided in a format that takes a person's disability into account

General Requirements

- Established a corporate Accessibility Policy to guide the work we do to meeting the requirements of the IARS
- Created a Multi-year Accessibility Plan that outlines long-term strategies to achieve AODA requirements and improve accessibility with in programs, services and facilities
- Ensured accessibility criteria in the procurement of Town goods, services, facilities and kiosks including self-serve kiosks
- Provided training on the AODA Integrated Accessibility Regulation and the Human Rights Code to all employees and volunteers

Transportation

- Conducted an Accessible Taxi Service Survey to determine the use of on-demand accessible taxis by persons with disabilities

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>provide the plan in an accessible format upon request</p> <p>c) Establish, review and update plans in consultation with persons with disabilities and if have established an Accessibility Advisory Committee, must consult with the committee</p> <p>d) Review and update the accessibility plan at least once every five years</p>	<p>available in an accessible format upon request</p> <p>Plan will be reviewed and updated yearly in preparation for the progress report. Annual progress report prepared for Council to identify progress of the Plan's implementation, accomplishments and achievements, to be posted online and available in alternative formats. Yearly review of Plan will be in consultation with NAAC</p> <p>Compliance reports will be submitted to the Accessibility Directorate of Ontario, as required</p>	Ongoing	
<p>Procuring or Acquiring Goods, Services or Facilities (s.5)</p> <p>a) Incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable</p>	<p>A pre-bid form must be completed before any bid document is issued. The pre-bid form includes three questions about accessibility and the good/services that are being procured. If accessible criteria/features cannot be incorporated an explanation must be provided. Staff that regularly use the bid</p>	Complete	January 1, 2013

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
	process all received training on how to use the new form and how to procure accessible goods/services		
Self-Service Kiosks (s.6) a) Incorporate accessibility features when designing, procuring or acquiring self-service kiosks	Incorporated as part of the procurement process	Complete	January 1, 2013
Training (s.7) a) Provide training on the requirements of the IASR accessibility standards and on the Human Rights Code b) Training provided to all employees, volunteers, all persons who participate in developing the organization's policies and all other persons who provide goods, services or facilities on behalf of the organization	<p>Phase 1 of Training includes a 40 minute online training module which has been developed by staff and speaks to the IASR standards, Town of Newmarket IASR policy and the Human Rights Code. It includes a quiz in order to sign off completion of the training module</p> <p>The video module training is being provided on the Town of Newmarket intranet (TONI) and on the website to provide access to volunteers and vendors. It is mandatory training to be included in Town orientation</p> <p>Phase 2 of Training includes establishing an accessibility porthole on</p>	Ongoing (To be completed by current employees/volunteers by Dec.31/2013)	January 1, 2014

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
	<p>the Town intranet (TONI) to provide job specific training for employees who require additional training under appropriate sections of the IASR</p> <p>The Human Resources department will manage all training records</p>		
Part II – Information and Communications Standards			
<p>Feedback (s.11)</p> <p>a) Responsible for providing accessible formats and communication supports, upon request, to those with disabilities</p> <p>b) Shall notify the public about the availability of accessible formats and communication support</p>	<p>Communications has been placing the statement: "If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193" on major print publications such as our Community Reports since 2010</p> <p>Communications will ensure that our statement "If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193" is included on all communications moving forward to comply with the January 2014 timeline</p>	Ongoing	January 1, 2014
Accessible formats and communication supports	Communications has been placing the		

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>(s.12)</p> <p>a) Upon request, provide or arrange for accessible formats and communication supports for persons with disabilities in a timely manner and at no extra cost compared to other persons</p> <p>b) Responsible for consulting the person making the request to determine the suitable accessible format or communication support</p>	<p>statement: "If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193" on major print publications such as our community reports since 2010</p> <p>Communications will ensure that our statement "If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193" is included on all communications moving forward to comply with the January 2015 timeline and consult with the person making the request to ensure needs are met</p> <p>Communications will continue to produce materials in a variety of formats (print, online, electronic, audio, video) to comply with the January 2015 timeline</p> <p>Communications will continue to provide all materials using accessible fonts, headings and graphics to comply with the January 2015 timeline</p>	Ongoing	January 1, 2015

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
Emergency Procedure, Plans or Public Safety Information (s.13) a) Any emergency procedures, plans or public safety information that is made available to the public must also be provided in an accessible format or with appropriate communication supports, as soon as practicable upon request	The Town of Newmarket has an Emergency Response Plan with community partners who are able to assist in the event of an emergency. Information is provided to the public on the Town website and by publication. The plan is available in an accessible format and/or with appropriate communications supports	Complete	January 1, 2012
Accessible websites and web content (s.14) a) Websites need to be created and conform to the World Wide Web Consortium Web Content Accessibility guidelines (WCAG) 2.0, at Level AA	New Town of Newmarket website platform for launch in 2014 will be WCAG Level AA Guidelines for creating appropriate content for documents and websites meeting accessibility needs will be developed	Ongoing (to be completed in 2014)	January 1, 2016
Public Libraries (s.19) a) Library board is responsible for providing access to or arrange for accessible materials where they exist b) Library board is obligated to make information about available accessible materials public and	Library currently provides large print material, commercial talking books, as well as adult literacy/ESL material that can be used for individuals with learning disabilities Library has an arrangement with the CNIB to provide DAISY	Complete	January 1, 2013

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>responsible for providing accessible formatted information or communication, upon request</p> <p>c) May provide accessible formats for archival materials, special collections, rarebooks and donation</p>	<p>format discs or downloads to qualified CNIB clients and has one DAISY reader available for use in the Library</p> <p>In the near future, the Library is looking at the potential to subscribe to the Centre for Equitable Library Access (CELA) who will be providing material for any individual with a print disability</p> <p>The Library has an accessible public computer station. This computer workstation has several unique components:</p> <ul style="list-style-type: none"> • Height adjustable desk • Touch screen monitor • Large print keyboard • Oversized mouse • ZoomText 9.1, a customizable screen magnifier and screen reader for those visually impaired • System Access, a mouse free, keystroke command screen reader for those with low or complete vision loss • Kurzweil 3000, educational support in reading, writing and studying for those who have learning difficulties due to a disability, 		

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
	learning or otherwise		
Part III – Employment Standards			
Recruitment, general (s.22) a) Every employer must notify all employees and the public about available accommodation for applicants with disabilities during recruitment processes	An accessibility tagline has been added to all job advertisements stating that: "The Town of Newmarket is committed to accommodate all applicants in accordance with the Ontario Human Rights Code for all employment activities including the recruitment process"	Complete	January 1, 2014
Recruitment, assessment or selection process (s.23) a) Accommodations to be made available, upon request, during recruitment process b) If applicant requests accommodation when invited to participate, suitable accommodation in an appropriate matter is required.	Town of Newmarket recruitment policies and processes are compliant with all legislation. Applicants who are selected to proceed to the interview stage will be advised of the availability of accommodations during the recruitment process. Applicants must meet the occupational requirements of the position available to proceed to the interview stage.	Complete	January 1, 2014
Notice to successful applicants (s.24) a) Every employer shall, when making offers of employment, notify successful applicant of policies for accommodating those with disabilities	The standard offer letter templates are being amended to notify the successful applicant of Town of Newmarket policies for accommodating employees with disabilities	Ongoing	January 1, 2014

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
Informing employees of supports (s.25) a) Employer shall inform employees of policies used to support those with disabilities, including but not limited to, policies on provision of job accommodations that take account of employee's accessibility needs due to disability	Orientation checklist now includes "Accessibility" (inform new employees of Town's policies and procedures - such as the Workplace Emergency Response Plan, Accessibility Policy, Individual Accommodation Plans, RTW Policy - available to all employee's)	Complete	January 1, 2014
Accessible formats and communication supports for employees (s.26) a) Employer shall consult with employee to provide or arrange accessible formats and communication supports for: information to perform the employees job; and information generally available to employees in the workplace b) Employer shall consult with employee making request to determine suitable accessible format or communication support	Current practice is to respond to the unique requests for information from individual employees in a way that meets all of their needs, including those for accessible formats. The current process is under review	Ongoing	January 1, 2014
Workplace emergency response information (s.27) a) Every employer shall provide individualized		Ongoing	January 1, 2014 (items a-c) January 1,

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>workplace emergency response information to employees that have a disability, if the employer is aware of the disability and the individualized information is necessary</p> <p>b) The employer may provide a designated person with the appropriate workplace response information for accommodating another employees with a disability</p> <p>c) The employer shall provide information required as soon as they become aware of the need for accommodation</p> <p>d) The employer shall review individualized workplace emergency response information when the employee moves to a different location in the organization, overall accommodation of employee is reviewed, when employer reviews general emergency response policies</p>			2012 (item d)
<p>Documented individual accommodation plans (s.28)</p> <p>a) Employers shall develop</p>	<p>Establish a written process for how a documented individual accommodation plan can</p>	Ongoing	January 1, 2014

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>and have written process for the development of documented individual accommodation plans for those employees with disabilities</p> <p>b) The process for developing individual documented accommodation plans shall include seven features that help persons with a disability participate in the development of the plan in its entirety</p>	be developed		
<p>Return to work process (s.29)</p> <p>a) Return to work process shall be developed or in place for employees that have been absent due to disability and require disability-related accommodation in order to return to work</p> <p>b) The return to work process should outline the steps an employer will take to facilitate the process and will incorporate the use of documented individual accommodation plans</p>	Return to Work Policy HR.8-03	Complete	January 1, 2014
<p>Performance Management (s.30)</p>	Outstanding pending review of the PDP process before the end of	Ongoing	January 1, 2014

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>Career development and advancement (s.31)</p> <p>Redeployment (s.32)</p> <p>Employers that use the above tools must take into account accessibility needs of employees with disabilities, and individual accommodation plans</p>	<p>the year.</p> <p>Investigate revising Recruitment Guidelines for managers and/ or developing a new Managers guideline to address performance management, career development, and redeployment</p> <p>The Promotions, Transfers, Secondments and Acting Assignments Policy, Job Evaluation, Recruitment Policies (and any other policies as appropriate) to be reviewed before the end of 2013</p>	<p>Ongoing</p> <p>Ongoing</p>	
Part IV – Transportation Standards			
Sections 33-78 are not applicable to Newmarket			
<p>Duties of municipalities, accessible taxicabs (s.79)</p> <p>a) Every municipality shall consult with their municipal accessibility advisory committee to determine the proportion of on-demand accessible taxicabs required in the community, and identify progress made meeting on-demand accessible taxicabs</p>	<p>An Accessible Taxi Service Survey was conducted to determine the use of on-demand accessible taxis by persons with disabilities. NAAC reviewed the results and is satisfied that the need is currently being met with accessible taxis serving the community. Will be reviewed on a yearly basis</p>	<p>Complete</p>	<p>January 1, 2013</p>

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
Duties of municipalities, taxicabs (s.80) a) Taxicab owners and operators need to ensure that they are not charging higher fares for persons with disabilities, from charging a fee for storing mobility aids or assistive devices b) Taxicabs owners and operators vehicle registration and identification information must be put on the rear bumper of the taxicab and must be in an accessible format for persons with disabilities	A by-law was passed to prevent taxi companies from charging higher rates for persons with disabilities and charging a rate for storage of mobility devices. This information is displayed in all taxis on tariff cards Identification information is located on both sides of taxi	Complete	January 1, 2012
Part IV.1 – Design of Public Spaces Standards (Accessibility Standards for the Built Environment)			
Application (s.80.2) a) Applies to newly constructed or redeveloped public spaces on or after the dates set out	The Design of Public Spaces Standards will be under review and a strategy developed for each requirement during 2014	Ongoing	January 1, 2017
Transition (s.80.3) a) When entered into a contract on or before December 31, 2012 to construct or redevelop any public space if the contract meets the requirements of this part			January 1, 2017
Slope ratios (s.80.4)			January 1,

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
a) The ratio with respect to the slope of a surface mean for everyone one unit of elevation, the first number in the ration, the user has a second number in ratio in length with which to negotiate the one unit of elevation			2017
Trails (s.80.6) a) Applies to newly constructed and redeveloped recreational trails that is intended to be maintained, but not: cross-country skiing, mountain biking or the use of motorized snow vehicles or off-road vehicles, wilderness trails, backcountry trailer and portage routes			January 1, 2017
Beach access routes (s.80.7) a) Applies to newly constructed and redeveloped beach access routes that an obligated organization intends to maintain, including permanent and temporary routes, and those removed for the winter months			
Consultation, recreational trail (s.80.8) a) Obligated organizations			

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>shall consult on the following before they construct new or redevelop existing recreational trails: the slope of a trail; the need for, location of, ramps on the trail; the need for, location and design of, i) rest areas, iii) passing areas, iii) viewing areas, iv) amenities on the trail, and, any other pertinent feature</p> <p>b) Shall consult with the public and persons with disabilities and their accessibility advisory committees</p>			
<p>Technical requirements for trails, general (s.80.9)</p> <p>a) Shall ensure that any recreational trails that is constructed or redeveloped, and intended to be maintained, meet the eight technical requires presented in this policy.</p> <p>b) Signage for recreational trail must have text that conforms to accessibility standards</p> <p>c) Other media, such as park websites or brochures, are used by</p>			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
the obligated organization to provide information about the recreation trail, beyond advertising notice or promotion, the media must provide the same information as the municipality.			
Common technical requirements, general (s.80.11) a) Shall ensure that where construction			January 1, 2017
Exception, limitations (s.80.14) a) Where an exception is permitted to a requirement that applies to a recreational trail, the exception applies solely, to the particular requirement for which the exception is allowed and not to any other requirement that applies to the recreational trail or portion of the route in its entirety			January 1, 2017
Exception, general (s.80.15) a) Exceptions to the requirements that apply to recreational trails and beach access routes are permitted when cultural heritage value, interest of property identified, or			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
preservation historic sites are identified			
Outdoor public use eating areas, application (s.80.16) a) Applies to newly constructed and redeveloped outdoor public use eating areas and is intended to be maintained			January 1, 2017
Outdoor public use eating areas, general requirements (s.80.17) a) Shall ensure where construction or redevelopment of outdoor public use eating areas that are intended to be maintained, the outdoor public use eating areas must meet designate 20 percent of table for accessible persons, ground surface leading to and under table is accessible to persons with mobility aids and tables have clear ground space around for mobility aids to approach tables			January 1, 2017
Outdoor play spaces, application (s.80.18) a) Applies to newly constructed and redeveloped outdoor			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>play spaces that is intended to be maintained</p> <p>b) Outdoor play spaces include play equipment, such as swings, or features such as logs, rocks, sand or water, where the equipment features are designed to provide play opportunities and experiences for children and caregivers</p>			
<p>Outdoor play spaces, consultation requirements (s.80.19)</p> <p>a) Shall consult on the needs of children and caregivers with various disabilities and shall do so through their accessibility advisory committees</p>			January 1, 2017
<p>Outdoor play spaces, accessibility in design (s.80.20)</p> <p>a) Incorporate accessibility features, such as sensory and active play components, for children and caregivers with various disabilities</p> <p>b) Ensure outdoor play spaces have ground surface that is firm, stable and impact attenuating properties to</p>			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
prevent injury with sufficient clearance for caregivers and children with various disabilities			
Exterior paths of travel, application (s.80.21) a) Applies to sidewalks or walkways designed and constructed for pedestrian travel and are intended to function for non-recreational experiences			January 1, 2017
Exterior paths of travel, general obligation (s.80.22) a) Ensure exterior paths of travel that are constructed or redeveloped and that are intended to be maintained meet requirements above			January 1, 2017
Exterior paths of travel, technical requirements (s.80.23) a) When constructing new or redeveloping existing exterior paths of travel, must meet nine technical requirements for specific width and length range, slip resistance, and particular slope elevations			January 1, 2017
Exterior paths of travel,			January 1,

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
ramps (s.80.24) a) The exterior ramp must have a minimum width of 900mm, firm and stable ramp that is slip resistant with no more than a 1L15 slope, and needs to have landings that meet the specific requirements set out in this policy			2017
Exterior paths of travel, stairs (s.80.25) a) Stairs connected to exterior paths of travel, must meet eleven specific requirements for slip resistance, tread, steps, riser specifications, contrast markings, handrails, and width			January 1, 2017
Exterior paths of travel, curb ramps (s.80.26) a) Where the curb ramp is provided on an exterior path of travel, five specific requirements are required, regarding width, slope ratio, need for pedestrian crossing, tactile walking surface with its own requirements			January 1, 2017
Exterior paths of travel, depressed curbs a) Where a depressed curb is provided on an			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>exterior path of travel, three specific requirements are required, regarding maximum running slope, alignment with direction of travel, placement with pedestrian crossing, and tactile walking surface indicators</p>			
<p>Exterior paths of travel, accessible pedestrian signals (s.80.28)</p> <p>a) Where new pedestrian signals are being installed or existing ones are being replaced at a pedestrian crossover, six requirements need to be met, regarding location tone, installation parameters, height of mount, tactile arrows, manual and automatic activation features, audible and vibro-taudiable walk indicators</p> <p>b) Where the above cannot be met because of site constraints or existing infrastructure, two accessible pedestrian signal assemblies can be installed on a single post</p>			<p>January 1, 2017</p>
<p>Exterior paths of travel, rest areas (s.80.29)</p> <p>a) Must also consult with</p>			

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
accessibility advisory committees			
Exception, limitations (s.80.30) a) To the particular requirements for which the exception is allowed and not to any other requirement that applies to the exterior path b) To the portion of the exterior path for which it is claimed and not to the exterior path in its entirety			
Application, off-street parking (s.80.32) a) Shall ensure that when constructing new or redeveloping off-street parking facilities intended to be maintained, the off-street parking facilities meet the requirements set out in this part			January 1, 2017
Exception (s.80.33) a) The requirements for off-street parking facilities do not apply to off-street parking facilities used exclusive by one of the following: buses; deliver vehicles; law enforcement vehicles; medical transportation vehicles; parking lot for			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
impounded vehicles			
Types of accessible parking spaces (s.80.34) a) Must provide two types of parking spaces to persons with disabilities, with specific minimum width and signage that demonstrates van accessible parking			January 1, 2017
Access aisles (s.80.35) a) Must be provided for all parking spaces for the use of persons with disabilities in off-street parking facilities b) Access aisles may be shared by two parking spaces for the use of persons with disabilities in an off-street parking facilities and meet three requirements			January 1, 2017
Minimum number and type of accessible parking spaces (s.80.36) a) Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance where there are 12 parking spaces or fewer, or four percent of total number parking spaces for use of			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>persons with disabilities where there are between 13 and 100 parking spaces; 7 percent for parking lots with 101 and 200 spaces; 9 percent for parking spaces 201 and 1000 in size and 1 percent for parking space that total more than 1000 parking spaces</p>			
<p>Signage (s.80.37) a) Shall ensure that parking spaces for the use of persons with disabilities are indicated by erecting accessible permit parking signs</p>			January 1, 2017
<p>Exception (s.80.38) a) an exception is permitted where it can be demonstrated that it is not practicable to comply with requirement because of physical or site constraints for required ratios b) Where minimum number of parking spaces for disabled persons cannot be met, the closest amount must be achieved</p>			January 1, 2017
<p>On-street parking spaces (s.80.39)</p>			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
a) When constructing or redeveloping existing on-street parking spaces, the public and person with disabilities need to be consulted on the need, location and design of accessible on-street parking spaces			
Application (s.80.40) a) Requirement to meet the specific set out below, for all new constructed service counters or newly constructed/redeveloped waiting areas			January 1, 2017
Service counters (s.80.41) a) When replacing existing service counters, a mobility aid for each type of service provided and accessible service counter must be identified with appropriate signage where there are multiple queuing areas b) Service counters must accommodate mobility aids to three specific details outline in this policy, regarding countertop height, sufficient knee clearance and floor space in front of counter for mobility aid			January 1, 2017

IASR Requirement	Strategy/Action Plan	Status	Legislated Compliance Date
<p>Fixed queuing guides (s.80.42)</p> <p>When constructing new fixed queuing guides, sufficient width, clear floor area and fixed queuing guides must be provided for different type of disabilities as outlined in this policy section</p>			January 1, 2017
<p>Waiting Areas (s.80.43)</p> <p>a) When constructing new waiting area or redeveloping an existing area, technical requirements regarding accessible seating availability and space for mobility aid units must be made</p>			January 1, 2017
<p>Maintenance of accessible elements (s.80.44)</p> <p>a) Shall ensure that Multi-year Accessibility Plans include procedures for preventative and emergency maintenance with accessible elements in public spaces, and for dealing with temporary disruption when accessible requirements need to be fulfilled</p>			January 1, 2017

Multi-year Accessibility Plan Feedback Form

The Town of Newmarket welcomes your comments and feedback regarding the Multi-year Accessibility Plan. Documentation assistance may be provided in an alternate format or necessary communication support.

Please detach this form and submit to any of the following:

Mail or Deliver to: Town of Newmarket
 Accessibility Coordinator
 395 Mulock Drive
 PO Box 328, STN Main
 Newmarket, ON L4Y 4X7

Email to: info@newmarket.ca

Fax to: 905-953-5100

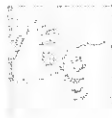
(Please write or type your comments in the space provided below).

Was the Multi-year Accessibility Plan helpful in understanding the commitment of the Town of Newmarket?

What further information/suggestions would you like to see included in the Multi-year Accessibility Plan?

Any other comments or suggestions:

Thank you for your feedback.



Equal Opportunity | Integration | Independence | Dignity



Regional Clerk's Office
Corporate Services Department

October 24, 2013

Mr. Andrew Brouwer
Director of Legislative Services and Town Clerk
Town of Newmarket
395 Mulock Drive, P.O. Box 328
Newmarket, ON L3Y 4X7

CONFIDENTIAL	
COMING MAIL	
NOV 01 2013	
M/MC/CAO	
Andrew	✓

Dear Mr. Brouwer:

Re: Regional Council Representation – Ontario Regulation 279/13 - City of Vaughan

Regional Council, at its special meeting held on October 24, 2013, adopted the following recommendations regarding 'Regional Council Representation – Ontario Regulation 279/13 - City of Vaughan'.

1. Council receive the email from Jennifer Franks, Senior Policy Advisor, Province of Ontario containing Ontario Regulation 279/13 which permits York Region to exercise its powers under section 218 of the *Municipal Act* to change the size of its council by increasing the number of members from The Corporation of the City of Vaughan from four to five.
2. The Regional Clerk forward a copy of this email and Regulation and the previous report to Council from the Chief Administrative Officer, dated September 10, 2012, to the local municipalities with a request that they provide their consent, by December 18, 2013, to a bylaw changing the composition and size of Regional Council by increasing the number of members from The Corporation of the City of Vaughan from four to five.
3. Regional Council schedule a public meeting at 9:30 a.m. on December 19, 2013 for the purpose of considering this bylaw.
4. Staff publish notice of Council's intention to pass the bylaw.

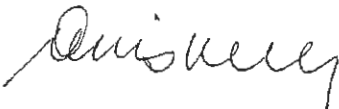
Please note the request that your Council provide its consent by December 18, 2013 to a bylaw to change the composition and size of Regional Council by increasing the number of members from The Corporation of the City of Vaughan from four to five.

.../2

- 2 -

We have enclosed copies of Council Minute No. 145, the email from the Province and the report dated September 20, 2012 from the Chief Administrative Officer which provides background information relating to this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denis Kelly".

Denis Kelly
Regional Clerk

/C. Clark

Attachments - 3



Minute No. 145 as recorded in the Minutes of the special meeting of the Council of The Regional Municipality of York held on October 24, 2013.

145 Regional Council Representation – Ontario Regulation 279/13 – City of Vaughan

It was moved by Mayor Bevilacqua, seconded by Mayor Scarpitti that:

1. Council receive the email from Jennifer Franks, Senior Policy Advisor, Province of Ontario containing Ontario Regulation 279/13 which permits York Region to exercise its powers under section 218 of the *Municipal Act* to change the size of its council by increasing the number of members from The Corporation of the City of Vaughan from four to five.
2. The Regional Clerk forward a copy of this email and Regulation and the previous report to Council from the Chief Administrative Officer, dated September 10, 2012, to the local municipalities with a request that they provide their consent, by December 18, 2013, to a bylaw changing the composition and size of Regional Council by increasing the number of members from The Corporation of the City of Vaughan from four to five.
3. Regional Council schedule a public meeting at 9:30 a.m. on December 19, 2013 for the purpose of considering this bylaw.
4. Staff publish notice of Council's intention to pass the bylaw.

Carried Unanimously

From: Franks, Jennifer (MAH) <Jennifer.Franks@ontario.ca>
Sent: Monday, October 21, 2013 2:35 PM
To: Kelly, Denis
Cc: Walton, Ralph (MAH); Bellchamber-Glazier, Jillene (MAH)
Subject: Regulation for York Region

Hello Denis,

Below is the text from Ontario Regulation 279/13, the regulation for York Region. It was filed on Friday afternoon.

We understand that it will be posted on the Ontario Gazette either later today or tomorrow.

If you have any questions, please don't hesitate to contact me or Ralph.

Thanks very much,
Jennifer

ONTARIO REGULATION

made under the

MUNICIPAL ACT, 2001

COUNCIL COMPOSITION — REGIONAL MUNICIPALITY OF YORK

Municipality may exercise power

1. The Regional Municipality of York may exercise its power under section 218 of the Act to change the size of its council by increasing the number of members from The Corporation of the City of Vaughan from four to five.

Commencement

2. This Regulation comes into force on the day it is filed.

1
Report No. 2 of the Chief Administrative Officer
Regional Council Meeting of October 18, 2012

THE REGIONAL MUNICIPALITY OF YORK

REPORT NO. 2 OF THE CHIEF ADMINISTRATIVE OFFICER

For Consideration by
The Council of The Regional Municipality of York
on October 18, 2012

1
REGIONAL COUNCIL REPRESENTATION

(Regional Council at its meeting on October 18, 2012 considered this Report in conjunction with a motion to add five additional members to Regional Council from Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Vaughan, which motion lost. It also considered this Report in conjunction with a motion to defer consideration of a motion to add an additional member from Vaughan until after a Council Education Session to be held on April 25, 2013 to educate Members of Council on options for the governance of York Region, including the introduction of a Committee of the Whole system, which motion carried.)

(Regional Council at its meeting on September 20, 2012, received and referred this Report to the Council meeting of October 18, 2012.)

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

This report responds to Council's request made on June 28, 2012 for a staff report on the process for changing the composition of Regional Council. This report also provides statistical and comparative information on council representation in Ontario and Canada.

3. BACKGROUND

At its meeting of October 20, 2011, Regional Council adopted Clause 9 of Finance and Administration Committee Report No. 8. In that clause the Committee recommended that staff prepare a report on options for representation on Regional Council and forward it to a Council Workshop to be held early in 2012.

On May 24, 2012 Regional Council held an education session that included information on the legislative framework for making changes to the composition of Regional Council, the history of changes to the composition of Regional Council and statistical comparators with other municipalities in Ontario and Canada.

On June 28, 2012 Regional Council received a Notice of Motion proposing a change in the composition of Regional Council to add five members — one from each of the Town of Aurora, Town of East Gwillimbury, Township of King, City of Vaughan and Town of Whitchurch-Stouffville. Council deferred consideration of this item until its September 20, 2012 meeting and requested that staff provide a report. This report responds to that request.

4. ANALYSIS AND OPTIONS

The Municipal Act, 2001 sets out basic rules for the composition of Regional Council

Regional Council is considered an upper-tier council for the purposes of *The Municipal Act, 2001* ("the Act"). The Act contains legislative provisions related to changing the composition of Regional Council. Under section 218(1), any change to the composition of an upper-tier council is subject to the following rules:

- The upper-tier council must have a minimum of five members including the head of council
- Each lower-tier municipality must be represented on the upper-tier council
- Council members are elected to the upper-tier or lower-tier council in accordance with the *Municipal Elections Act*
- Council members elected to the upper-tier or lower-tier council may be elected by general vote, wards or combination of both

The Act gives Regional Council the authority to change its composition subject to certain rules

Under section 218(2) of the Act, Regional Council's power to change its composition includes:

- Changing the size of council
- Changing the methods by which members are selected

- Allowing a council member to represent more than one lower-tier municipality

Section 218(3) of the Act authorizes Regional Council to change the number of votes given to any member, provided that each member has at least one vote. Changes are, however, subject to Regional Council achieving the "triple majority" set out in section 219(2) of the Act as described below.

Regional Council must pass a resolution requesting the Minister of Municipal Affairs and Housing to make a regulation authorizing Regional Council to change its composition

Section 218(5) of the Act provides that a regional municipality must not pass a bylaw authorizing a change in the composition of Regional Council until the Minister of Municipal Affairs and Housing has made a regulation authorizing the regional council to do so. Section 218(7) of the Act provides that the Minister shall not make a regulation until the Minister has received a resolution from the regional municipality requesting the regulation.

Thus Regional Council must pass a resolution requesting the Minister to make a regulation authorizing Regional Council to change its composition, submit the resolution to the Minister and await the Minister's response.

Regional Council must also achieve a "triple majority" before it can change its composition

After receiving the Minister's regulation, Regional Council must give public notice of its intention to pass a bylaw changing the composition of Council. Then it must hold at least one public meeting to consider the matter.

Section 219(2) of the Act provides that before a bylaw changing the composition of Regional Council comes into force:

- There must be a majority of all votes on Regional Council cast in its favour
- A majority of the nine local municipalities' Councils must pass resolutions consenting to the bylaw
- The total number of electors in the local municipalities that have passed resolutions consenting to the bylaw must form a majority of all electors in the Regional Municipality of York

A change in Regional Council's composition can be in place for the 2014 municipal election only if changes are implemented before December 31, 2013

Any bylaw changing the composition of Regional Council would come in effect on the day a new council is organized. To be in effect for the next newly elected council of

December 1, 2014 the *Municipal Act, 2001* requires the requisite steps to be completed by December 31, 2013.

REGIONAL COUNCIL'S COMPOSITION

Regional Council now has 21 members

Regional Council is comprised of the Regional Chair and 20 members elected from the local municipalities. Nine of these members are the mayors from the local municipalities. There are four additional members from Markham, three from Vaughan, two from Richmond Hill and one from each of Georgina and Newmarket. This leaves four municipalities — Aurora, East Gwillimbury, King and Whitchurch-Stouffville, with only one member being the mayor of each municipality. For more information on the history of York Region Council, please see *Attachment #1*.

At the end of 2011 the Region's population was 1,073,158. This means that each member represented, on average, a population of 53,658. The population represented by each member ranges from a low of 21,439 in King to a high of 75,139 in Vaughan as set out in Table 1.

Table 1 shows the current Regional Council structure with the population of each local municipality at the end of 2011, the population per elected member, the percentage of the Region's population and the percentage of representation on Regional Council.

Table 1
Current Regional Council Structure
York Region Council (2011)

Municipality	# of Elected Members	Population	Population Per Elected Member	Percentage Population	Percentage Representation
Aurora	1	55,626	55,626	5	5
East Gwillimbury	1	23,727	23,727	2	5
Georgina	2	46,505	23,253	4	10
King	1	21,439	21,439	2	5
Markham	5	312,135	62,427	29	25
Newmarket	2	84,639	42,320	8	10
Richmond Hill	3	189,551	63,184	18	15
Vaughan	4	300,557	75,139	28	20
Whitchurch-Stouffville	1	38,979	38,979	4	5
Totals	20	1,073,158	53,658	100	100

Source: York Region Office of the CAO, Long Range Planning Branch based on Statistics Canada

York Region has fewer Members of Council and a higher population per elected representative than most similar municipalities

York Region's Council has 20 elected members. This is less than three other Regions — Peel (24), Durham (28) and Niagara (30) and tied with Halton. It is also far less than abutting Simcoe County (32) and Toronto (45).

The Region's population per elected member, at 53,658, ranks as the second highest of the regional municipalities. Niagara's population per elected member is significantly less at 14,378, Durham's is 21,719, Halton's is 25,083 and Waterloo's is 33,806.

The Region's population per elected member is also significantly higher than one abutting municipality, Simcoe, whose population per elected member is 13,939, but slightly lower than Toronto's which is 60,900.

Table 2 shows a comparison of the number of elected members, population and population per elected member for the six Regions, Simcoe County and the City of Toronto. For more comparisons to smaller municipalities, please see *Attachment #1*.

Table 2
Population and Representation for Regional Municipalities,
Simcoe and Toronto 2011

Region	# of Elected Local Members	Population 2011	Population Per Elected Member
Simcoe	32	446,063	13,939
Niagara	30	431,346	14,378
Durham	28	608,124	21,719
Halton	20	501,669	25,083
Waterloo	15	507,096	33,806
York	20	1,073,158	53,658
Peel	24	1,327,000	55,292
Toronto	45	2,740,500	60,900

Four local municipalities only have one representative on Regional Council

Four of York Region's municipalities — Aurora, East Gwillimbury, King and Whitchurch-Stouffville — only have one representative on Regional Council. The representative is the Mayor in each case. It has been submitted that this places an undue burden on each of these Mayors to attend to the heavy workload at Regional Council and

Committees as well as the formal and ceremonial duties of being the Mayor and Chief Executive Officer of a local municipality. Likewise, it has been submitted that local municipalities with only one representative are largely unrepresented at some Regional Committees and that they are entirely unrepresented in case of a Mayor's absence from Council.

Local councils may appoint one member as an alternate to an upper-tier council when a member is unable to act for an extended period

Section 267(1) of the *Municipal Act* provides that if a person who is a member of the councils of a local municipality and its upper-tier municipality is unable to act as a member of those councils for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council to act in place of the member until the member is able to resume acting as a member of those councils. This section provides some relief to local municipalities with one member but can only be invoked if the absence is for more than a month. It doesn't allow for representation when a member is unable, particularly on short notice, to attend an individual meeting.

Representation by population varies significantly in the other five regional municipalities

Equal representation by population is very difficult to achieve statistically. The population per elected representative in the other five regional municipalities varies significantly. In Durham Region, it ranges from just over 6,000 population per elected representative to over 37,000 per elected representative. In Halton Region the range is from about 19,000 to about 30,000. In Niagara Region it is from about 7,000 to over 25,000. In Peel the range is from just over 12,000 (Caledon) to over 72,000 (Brampton). Similarly Waterloo has a range of about 10,000 population per elected representative in North Dumfries to over 45,000 in Kitchener. The discrepancies generally exist between rural municipalities that have a much lower population per elected representative ratio and urban municipalities that tend to have a much higher ratio.

The Notice of Motion before Council contemplates an additional member from each of Aurora, East Gwillimbury, King, Vaughan and Whitchurch-Stouffville

The Notice of Motion on Council's Agenda contemplates that Aurora, East Gwillimbury, King and Whitchurch-Stouffville would each have two elected members. Vaughan would have five elected members.

Table 3 shows what the population per elected member, percentage of population and percentage of representation would be for each of the Region's local municipalities if the proposed motion carries, based on projected populations in each of the Region's local municipalities at the end of 2014.

Table 3
Regional Council Structure under Proposed Notice of Motion (2014)

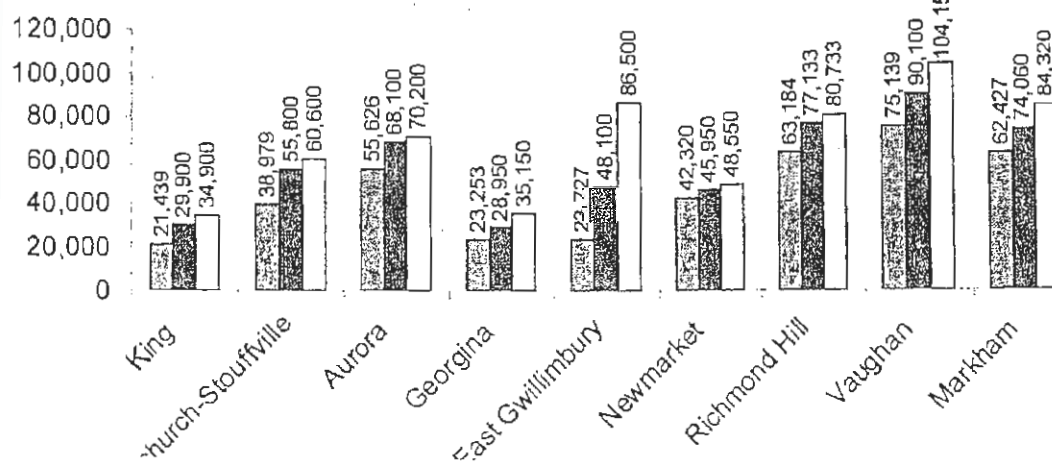
York Region Council (2014)					
Municipality	# of Elected Members	Projected Population	Population Per Elected Member	Percentage Population	Percentage Representation
Aurora	2	60,470	30,235	5	8
East Gwillimbury	2	30,311	15,155	3	8
Georgina	2	50,282	25,141	4	8
King	2	24,776	12,388	2	8
Markham	5	327,534	65,507	28	20
Newmarket	2	87,076	43,538	8	8
Richmond Hill	3	205,960	68,653	18	12
Vaughan	5	317,683	63,537	28	20
Whitchurch-Stouffville	2	45,232	22,616	4	8
Totals	25	1,149,323	45,973	100	100

Source: York Region Office of the CAO, Long Range Planning Branch based on Statistics Canada

York Region's population is expected to grow significantly

York Region is one of Canada's fastest growing municipalities. Its population is expected to grow to 1.5 million by 2031 in accordance with the Province's *Places to Grow Act* and the *Regional Official Plan*. If current population projections are realized, then York Regional Council members will be representing, on average, much more population than now if there are no adjustments to the composition of Regional Council. For instance, each Vaughan representative on Regional Council will represent an average population of 90,100 by 2021 and 104,150 by 2031. Chart 1 sets out the current and projected population-per local representative in 2021 and 2031 if the composition of Regional Council remains the same.

Chart 1
2011 Actual and Projected Population Per Local Member
(assuming no change to current composition of 21 members)



**Weighted Voting may offer some opportunity to offset discrepancies in
"representation by population"**

Simcoe County has two elected representatives for each of its 16 local municipalities. Populations in these local municipalities range from about 10,000 to 45,000. This means that an adjustment must be made to achieve "representation by population".

Weighted voting is used by Simcoe County for recorded votes at its Council. The weight of each vote is determined at the beginning of each term by the number of municipal electors. Each Mayor's weighted vote has the same weight or one more than the Deputy Mayor.

There is a minimum of four votes per municipality on each recorded vote on the basis that each small municipality's member's vote has a minimum weight of two. The highest weighted vote on Simcoe County Council is seven for the Mayor of the largest municipality (Innisfil).

Link to Key Council-approved Plans

Appropriate Council representation links most directly to the Fundamental Principle of 'Good Government' on which the 2011-2015 Strategic Plan is founded.

5. FINANCIAL IMPLICATIONS

Five additional Council Members would cost approximately \$305,000

Effective October 1, 2012 the salary for each elected representative on Regional Council will be \$51,254. The salary cost for five additional Members of Council, based on 2012 rates, would be \$256,270.

Benefits are paid at the local level and reimbursed by the Region. The benefits costs for five additional members from Aurora, East Gwillimbury, King, Vaughan and Whitchurch-Stouffville are approximately \$30,000.

Eligible expenses are also paid to Members of Council. The prime expense is mileage relating to attendance at Regional Council and Committee meetings. These expenses amount to about \$12,600 for members from the pertinent five municipalities in 2011.

Each Member of Council is also still supplied with hard copies of Council and Committee Agendas. The cost for hard copies of Agendas would total about \$5,000 (\$1,000 each) for the five additional members.

The estimated additional annual cost for five additional members of council would therefore be in the order of \$305,000.

There would be a one-time cost for alterations to the Council Chambers of approximately \$55,000

The Regional Council chambers would need to be modified to accommodate additional members. The existing counter and seating platform would need to be extended and raised. This would require approximately \$35,000 of millwork, \$5,000 to raise the seating area and an additional \$15,000 for electrical and data improvements.

6. LOCAL MUNICIPAL IMPACT.

Additional representatives would increase the proportional representation of the municipalities they represent and decrease the proportional representation of all other local municipalities. Additional representation would mean that there would be more members of the affected municipalities who could supply a "Regional voice" in local Councils.

7. CONCLUSION

On June 28, 2012 Regional Council received a Notice of Motion proposing a change in the composition of Regional Council. This report responds to Council's request for a staff report on the process for changing the composition of Regional Council.

For more information on this report, please contact Bruce Macgregor, Chief Administrative Officer at Ext. 1200.

Respectfully submitted,

September 10, 2012
Newmarket, Ontario

Bruce Macgregor
Chief Administrative Officer

**Andrew Brouwer**

Director, Legislative Services and Town Clerk

Town of Newmarket

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

abrouwer@newmarket.ca

tel.: 905-953-5300, Ext. 2211

fax: 905-953-5100

To: Members of Council

From: Andrew Brouwer, Director, Legislative Services/Town Clerk

Re: **Current Disposition by York Region Municipalities, Region Council Composition**

Date: December 4, 2013

As of December 4, 2013, I am aware of the following disposition by York Region municipalities regarding the request by York Region to consent to the passage of a York Region by-law authorizing one (1) Regional Councillor representing the Council of the City of Vaughan as provided for in Ontario Regulation 279/13.

Correspondence to this effect is attached.

Town of Aurora: No consent to Region by-law (to be confirmed at their December 10, 2013 Council meeting)

Town of East Gwillimbury: No consent to Region by-law (November 18, 2013)

Town of Georgina: No consent to Region by-law (November 13, 2013)

Township of King: No consent to Region by-law (November 18, 2013)

City of Markham: No confirmation on when matter will be dealt with as of December 4, 2013

Town of Richmond Hill: No consent to Region by-law (to be confirmed at their December 9, 2013 Council meeting)

City of Vaughan: Matter to be dealt with December 10, 2013

Town of Whitchurch-Stouffville: No consent to Region by-law (December 3, 2013)

From: Brouwer, Andrew
Sent: December-04-13 2:26 PM
To: Moor, Linda
Subject: Fw: Regional Council composition - urgent

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: JLeach@aurora.ca
Sent: Wednesday, December 4, 2013 2:16 PM
To: Brouwer, Andrew
Subject: RE: Regional Council composition - urgent

Hello Andrew. It was at Committee last night, recommended no but must go to Council December 10th

John D Leach



Town of
East Gwillimbury

Fernando Lamanna, BA

Municipal Clerk
Corporate Services
Tel: 905-478-3821 Fax: 905-478-2808

November 26, 2013

Regional Municipality of York
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

Attn: Denis Kelly, Regional Clerk

Dear Mr. Kelly:

For your information and records, at its regular meeting held on Monday, November 18, 2013, the Council of the Town of East Gwillimbury enacted as follows:

BE IT RESOLVED THAT the Correspondence from D. Kelly, Regional Clerk, Municipality of York Region, dated October 24, 2013, regarding the change in size of council by increasing the number of members from The Corporation of the City of Vaughan from four to five, be received; and

THAT the Municipal Council of the Town of East Gwillimbury does not wish to provide their consent to changing the composition and size of the Regional Council by increasing their Council Members of Vaughan from four to five.

If you have, any further questions feel free to contact the undersigned.

Yours truly,

Fernando Lamanna, BA
Municipal Clerk
Corporate Services

Subject: Regional Council Representation - Ontario Regulation 279/13 - City of Vaughan

Good morning,

Please be advised that Town of Georgina Council, at its meeting of November 13, 2013, adopted the following resolution:

That Council not provide consent to the Region of York to a by-law changing the composition and size of Regional Council by increasing the number of members from the City of Vaughan from four to five and that this position be forwarded by e-mail to the Mayors, Council Members, and Chief Administrative Officers of the other eight municipalities within the Region of York.

A recorded vote was requested and the resolution was carried unanimously.

Rebecca Mathewson, CGA
Director of Administrative Services and Treasurer
Administrative Services | Town of Georgina
T: 905-476-4301 ext. 2201
905-722-6510
705-437-2210
E: rmathewson@georgina.ca
www.georgina.ca



TOWNSHIP OF KING

Municipal Offices
2075 King Road
King City, Ontario
L7B 1A1

Telephone: (905) 833-5321
Toll Free: 1-800-688-5013
Fax: (905) 833-2300
E-mail: online@king.ca
Website: www.king.ca

November 20, 2013

Denis Kelly, Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly,

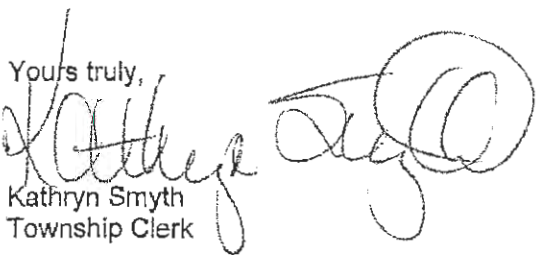
Re: Clerks Department Report Number CL-2013-16
Re: Regional Council Representation – Ontario Regulation 279/13
– City of Vaughan

At its Meeting of November 18th, 2013, Council received Clerks Department Report No.: CL-2013-16 regarding the correspondence received from the Regional Municipality of York requesting the Township of King provide consent to a by-law changing the composition and size of Regional Council by increasing the number of members from the Corporation of the City of Vaughan from four to five and passed the following Resolution:

1. **"That** Council of the Township of King does not consent to a by-law changing the composition and size of Regional Council by increasing the number of members from the Corporation of the City of Vaughan from four to five; and
2. **That** a copy of this Resolution be sent to the Regional Clerk."

Motion Carried Unanimously.

Yours truly,


Kathryn Smyth
Township Clerk

c.c. Mayor Steve Pellegrini, Township of King
Donna McLarty, Clerk, Town of Richmond Hill
John Leach, Clerk, Town of Aurora
Jeffrey Abrams, Clerk, City of Vaughan
Michele Kennedy, Clerk, Town of Whitchurch-Stouffville
Fernando Lamanna, Clerk, Town of East Gwillimbury
Andrew Brouwer, Clerk, Town of Newmarket
Yvonne Aubichon, Clerk, Town of Georgina
Kim Kitteringham, Clerk, City of Markham

From: Abrams, Jeffrey <Jeffrey.Abrams@vaughan.ca>
Sent: December-03-13 11:43 AM
To: Moor, Linda
Subject: RE: Regional Council Representation

The matter will be before City Council on December 10, 2013.

Jeffrey A. Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1
Tel: (905) 832-8585 Ext. 8281
Fax: (905) 832-8535
jeffrey.abrams@vaughan.ca





TOWN OF
WHITCHURCH-STOUFFVILLE

111 Sandiford Drive, Stouffville, ON L4A 0Z8

Customer Service Centre: 905-640-1900
Toll Free: 1-855-642-TOWN (8696)
Automated: 905-640-1910
Toll Free: 1-855-642-TOWS (8697)
Fax: 905-640-7957
www.townofws.ca

4 December 2013

Denis Kelly, Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly,

RE: Regional Council Representation Ontario Regulation 279/13- City of Vaughan

The Town of Whitchurch-Stouffville received a correspondence from The Regional Municipality of York, dated October 24, 2013, requesting Council to provide consent by December 18, 2013 to a by-law to change the composition and size of Regional Council by increasing the number of members from The Corporation of the City of Vaughan from four to five.

Please be advised that Council discussed the matter at its meeting held on December 3, 2013 and adopted the following resolution:

MOVED by Councillor Smith
SECONDED by Councillor Bannon

- 1) THAT Council of the Town of Whitchurch-Stouffville is opposed to a by-law changing the composition and size of Regional Council by increasing the number of members from The Corporation of the City of Vaughan from four to five;
- 2) AND THAT a copy of this resolution be sent to the Regional Clerk.

CARRIED

Yours truly,

Michele Kennedy
Town Clerk

c.c. Mayor Emmerson, Town of Whitchurch-Stouffville
Donna McLarty, Clerk, Town of Richmond Hill
John Leach, Clerk, Town of Aurora
Jeffrey Abrams, Clerk, City of Vaughan
Kathryn Smyth, Clerk, Township of King
Fernando Lamanna, Clerk, Town of East Gwillimbury
Andrew Brouwer, Clerk, Town of Newmarket
Yvonne Aubichon, Clerk, Town of Georgina
Kim Kitteringham, Clerk, City of Markham

Present: Diane Bladec-Willett
Steve Foglia (Chair)
Councillor Twinney
Wendi Williams-Gordon

Regrets: Ursula Rehdner
Naeem Bacchus
Laura Charpentier

Staff: Lisa Lyons, Deputy Clerk
Sarah Niezen, Records and Projects Coordinator

The Deputy Clerk presented the 2013 to 2017 Town of Newmarket Multi-Year Accessibility Plan. Discussion ensued regarding various aspects of the plan.

The meeting was called to order at 12:10 p.m.

Steve Foglia in the Chair.

DECLARATIONS OF INTEREST

None.

**1. ACCESSIBILITY ADVISORY COMMITTEE MINUTES – DECEMBER 5, 2013
ITEM 1
TOWN OF NEWMARKET 2013- 2017 MULTI-YEAR ACCESSIBILITY PLAN**

Town of Newmarket 2013-2017 Multi-Year Accessibility Plan.

Moved by Wendi Williams-Gordon
Seconded by Diane Bladec-Willett

The Accessibility Advisory Committee recommends to Council:

THAT the Accessibility Advisory Committee endorses the draft 2013-2017 Multi-Year Accessibility Plan as presented, with the minor terminology modifications suggested and request that it be forwarded to Council for approval.

CARRIED

2. **ACCESSIBILITY ADVISORY COMMITTEE MINUTES – DECEMBER 5, 2013**
ITEM 2
APPROVAL OF MINUTES

Accessibility Advisory Committee Minutes of October 15, 2013.

Moved by Wendi Williams-Gordon
Seconded by Diane Bladdek-Willett

THAT the Minutes of October 15, 2013, as amended be approved.

CARRIED

3. **ACCESSIBILITY ADVISORY COMMITTEE MINUTES – DECEMBER 5, 2013**
ITEM 3
2014 MEETING SCHEDULE

2014 Accessibility Advisory Committee Meeting Schedule.

Moved by Diane Bladdek-Willett
Seconded by Councillor Twinney

THAT the 2014 Accessibility Advisory Committee meeting schedule be approved.

CARRIED

Quorum was lost at 12:12 p.m.

Dated _____

Steve Foglia, Chair



TOWN OF NEWMARKET
Legislative Services Department
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
clerk's@newmarket.ca
905.895.5193

Newmarket

Accessibility Advisory Committee

Excerpt of Minutes

Item 1. of the Accessibility Advisory Committee Minutes of December 5, 2013 - Town of Newmarket 2013-2017 Multi-Year Accessibility Plan.

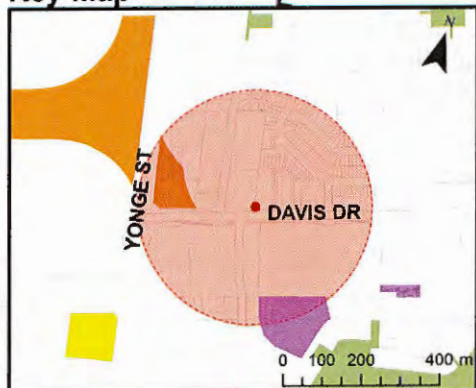
The Accessibility Advisory Committee recommends to Council:

THAT the Accessibility Advisory Committee endorses the draft 2013-2017 Multi-Year Accessibility Plan as presented, with the minor terminology modifications suggested and request that it be forwarded to Council for approval.

Billboard Sign Regulations Model

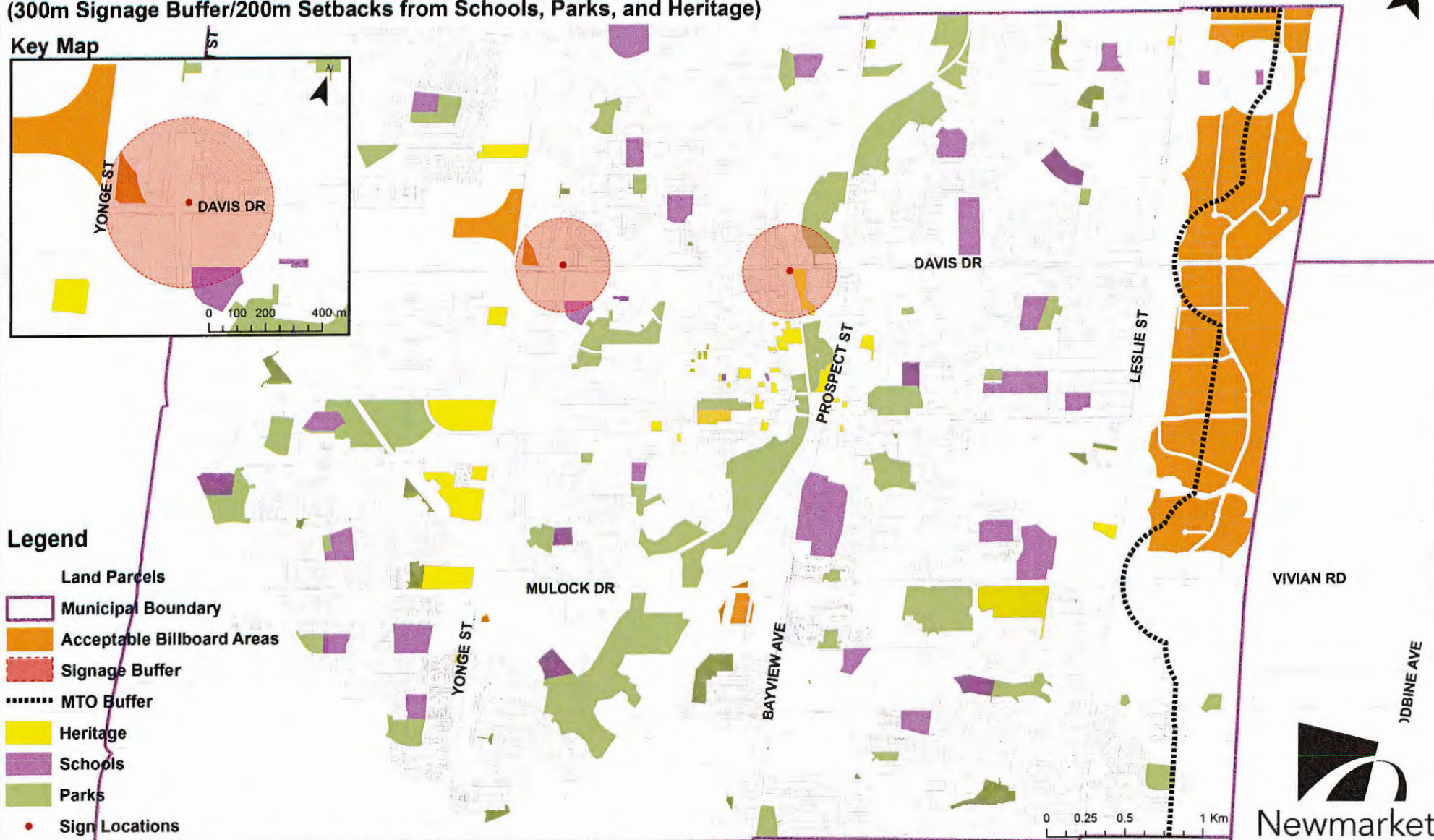
Urban Centre Zones, Commercial Zones, and Employment Zones
(300m Signage Buffer/200m Setbacks from Schools, Parks, and Heritage)

Key Map



Legend

- Land Parcels
- Municipal Boundary
- Acceptable Billboard Areas
- Signage Buffer
- MTO Buffer
- Heritage
- Schools
- Parks
- Sign Locations



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DAVIS DR

PROSPECT ST

LESLIE ST

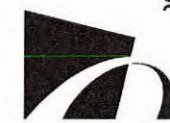
MULOCK DR

YONGE ST

BAYVIEW AVE

VIVIAN RD

DOBINE AVE



Newmarket

