

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BY-LAW #2007 – 41

A BY-LAW TO PROVIDE FOR THE NUMBERING OF BUILDINGS

WHEREAS Section 9. of the Municipal Act, S.O. 2001, c. 25 (“the Municipal Act, 2001”), as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 8. (1) of the Municipal Act, 2001, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS Section 8. (3) of the Municipal Act, 2001, as amended, provides that without limiting the generality of subsections (1) and (2), a by-law under Section 11 respecting a matter may: (a) regulate or prohibit respecting the matter; (b) require persons to do things respecting the matter; (c) provide for a system of licences respecting the matter;

AND WHEREAS Section 11. (3) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein including, inter alia, structures, including fences and signs;

AND WHEREAS Section 116. (1) of the Municipal Act, 2001, as amended, provides that a municipality may establish, maintain and operate a centralized communication system for emergency response purposes;

AND WHEREAS Section 116. (2) of the Municipal Act, 2001, as amended, provides that a municipality that has passed a by-law under subsection (1) may at any reasonable time enter upon land to affix numbers to buildings or erect signs setting out numbers on land;

AND WHEREAS the Council of The Corporation of the Town of Wasaga Beach deems it necessary for the safety and welfare of its citizens to have all buildings in the Town display an assigned municipal address for prompt identification by emergency service personnel;

AND WHEREAS Section 446. (1) of the Municipal Act, 2001, as amended, provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS for the purposes of subsection (1), Section 446. (2) of the Municipal Act, 2001, as amended, provides that the municipality may enter upon land at any reasonable time;

AND WHEREAS Section 446. (3) of the Municipal Act, 2001, as amended, provides that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Council of The Corporation of the Town of Wasaga Beach deems it expedient to enact a by-law requiring all property owners to display municipal address numbers on all buildings;

NOW THEREFORE Council of the Corporation of the Town of Wasaga Beach enacts as follows:

1. Short Title

1.1 This by-law shall be known as the "Municipal Address By-Law".

2. Definitions

For the purpose of this by-law, the following definitions shall apply:

2.1 **"Building"** means, without limiting the generality of the following, any structure of a permanent or temporary nature used or built for any person's use, and includes but not limited to a house, office, residential trailer, retail store, factory, storage facility, warehouse, apartment complex, condominium, business, residence, etc. However, buildings shall not include sheds, pool pump houses, cabanas, dog houses or similar structures.

2.2 **"Driveway"** means that portion of the lot designed to provide vehicular access to or from a highway to a lot;

- 2.3 **“Front Lot Line”** means the Front Lot Line as defined in the Town of Wasaga Beach Zoning By-Law #2003-60, as amended from time to time.
- 2.4 **“Highway”** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- 2.5 **“Municipal Address Number”** means a number assigned by the Town pursuant to this by-law for the purpose of identifying all private and municipally owned buildings within the Town of Wasaga Beach.
- 2.6 **“Owner”** means the registered owner(s) of specific lands or property, or their authorized agent in lawful control of the lands or property;
- 2.7 **“Structure”** means anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it erect.
- 2.8 **“Town”** means The Corporation of the Town of Wasaga Beach.

3. General Provisions:

- 3.1 All buildings fronting on private roads located in private developments shall be numbered as directed by the Manager of Planning and Development or his designate.
- 3.2 No owner shall fail to ensure that the municipal address number and the contrasting plate is not obscured by any object or other obstructions.
- 3.3 No owner shall fail to maintain the municipal address number and, where applicable, the contrasting plate, in good condition.
- 3.4 No owner shall fail to install or refuse to post the municipal address number when required to do so by this by-law. No owner shall install, affix, or allow to remain any number save and except the assigned municipal address number.
- 3.5 No person shall remove, deface, obliterate or destroy a municipal address number, or contrasting plate installed in accordance within the provisions of this by-law, except for the purpose of replacing said numbers or plates or correcting errors.

3.6 Notwithstanding the provisions of this by-law, where a development is subject to a Site Plan or Condominium Agreement, the provisions pertaining to the numbering of the units in said agreements shall prevail.

4. Requirements for buildings less than 22.86 m (75 feet) from Front Lot Line.

4.1 Signs required in by this section shall be installed by the owner of the property.

4.2 Where the main building is located less than 22.86 m (75 feet) from the front lot line, no owner shall fail to ensure that the municipal address number is:

4.2.1 displayed on the building in plain legible numbers, on a contrasting background with contrasting numbers, with the numbers having a minimum height of 12.7 cm. (5 inches), and

4.2.2 affixed or inscribed on the front of the building at the main entrance facing the highway to which the number has been assigned, or

4.2.3 displayed over the garage facing the highway to which the number has been assigned, or

4.2.4 in a conspicuous location on the building that is clear and visible from the highway to which the number has been assigned, and

4.2.5 not placed or displayed higher than the first storey of the building or garage.

5. Requirements for buildings greater than 22.86 m (75 feet) from Front Lot Line.

5.1 Signs required in by this section shall be installed by the Town of Wasaga Beach.

5.2 Where the main building is located greater than 22.86 m (75 feet) from the front lot line, or the main building is in any way obscured from the highway, the municipal address number shall be:

5.2.1 displayed in plain legible numbers having a minimum height of 12.7 cm. (5 inches).

- 5.2.2 reflective white numbers affixed to both sides of a reflective blue plate which shall be not less than 15.2 cm (6 inches) X 30 cm (12 inches), and
- 5.2.3 mounted on a galvanized post at a height of not less than 1.4 m (5 feet) and not greater than 1.9 m (6 feet) above the ground, and
- 5.2.4 not less than 1 m (3 feet) and not more than 4 m (13 feet) from the edge of the traveled portion of the highway, where possible, and
- 5.2.5 located adjacent to any driveway on the highway to which it has been assigned, and
- 5.2.6 mounted perpendicular to the highway to face oncoming traffic, and
- 5.2.7 not located closer than 1 m (3 feet) to any sidewalk.

6. **Administration**

- 6.1 The Manager of Planning Development or his designate is hereby authorized to assign municipal address numbers where deemed necessary and to assign municipal address numbers to identify all private and municipally owned buildings, multiple structures or units within the Town of Wasaga Beach.
- 6.2 That upon assigning a new municipal address number the Manager of Planning and Development or his designate shall send a notice to the owner of the property affected advising of the new municipal address number, terms of compliance and the date by which the new number shall be posted.
- 6.3 Where a municipal address number is required by Section 5 as part of the building approval process, the cost shall be in accordance with this by-law and payable at the time a building permit is issued.
- 6.4 The Town of Wasaga Beach shall carry out an initial installation of signage required under Section 5 and under Section 6.3.
- 6.5 That the Manager of Planning and Development or his designate shall send a notice to the owner of a property that does not display the municipal address number in accordance with this by-law, terms of compliance and the date by which the infraction shall be corrected.

- 6.6 In the event that the owner of the property fails to post the municipal address number as assigned by the Manager of Planning and Development or his designate, the Town, its employees or agents may enter upon the property at any reasonable time and post the municipal address number in accordance with Section 5 or as additionally required by the Fire Chief.
- 6.7 The cost of the required sign and installation under Section 5 shall be \$39.02.
- 6.8 All costs related to such posting shall be paid by the owner of the land and shall be added to the tax roll for the property and collected in the same manner as property taxes.
- 6.9 Where, in the opinion of the Fire Chief or his designate, additional signage is required to identify the property or building, the Fire Chief shall send notice to the property owner outlining the additional signage required.

7. **Obstruct**

- 7.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.
- 7.2 Any person who has been alleged to contravene any section of this by-law and who fails to identify themselves is deemed to hinder or obstruct a person exercising a power or performing a duty under this by-law.

8. **Penalty**

- 8.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, shall be liable to a fine that shall not exceed One Hundred Thousand (\$100,000.00) Dollars, as provided for in the Municipal Act, 2001, S.O. 2001, Chapter c.25, as amended.

9. **Severability**

- 9.1 Should any section of this By-Law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

10. **Effective Date**

10.1 This by-law shall come into full force and take effect on June 1, 2007.

Read a first, second and third time and finally passed this 10th day of April 2007.

MAYOR

CLERK