

**THE CORPORATION OF THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA**

BY-LAW #2009-102

**A BY-LAW TO PROVIDE FOR THE NUMBERING OF BUILDINGS IN THE URBAN
AREA KNOWN AS LION'S HEAD**

WHEREAS Section 9 of the Municipal Act, S.O. 2001, c. 25, 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 Sections 10 and 11 respecting a matter may: (a) regulate or prohibit respecting the matter; (b) require persons to do things respecting the matter; and (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 Municipality of Northern Bruce Peninsula deems it necessary for the safety and welfare of its citizens to have all buildings in the Municipality 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 of 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 Municipality of Northern Bruce Peninsula enacts as follows:

1. Short Title

1.1. This by-law shall be known as the “Municipal Address By-Law” as it relates to the urban area known as Lion’s Head within the Municipality.

2. Definitions

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

2.1. “**Building**” means any structure other than a fence being a permanent edifice fixed to, or supported by the soil, and used or intended to be used for the shelter, accommodation or enclosure of persons, animals or things.

2.2. “**Driveway**” means a vehicular passageway having at least one end thereof connected to a public thoroughfare and providing ingress to and/or egress from a lot.

2.3. “**Front Lot Line**” in the case of an interior lot, means the line dividing the lot from the road. In the case of a corner lot, the shorter lot line abutting a road shall be deemed the front lot line and the longer lot line abutting a road shall be deemed a side lot line. In the case of a through lot two front lot lines shall exist. Where the lot does not abut a road, the front lot line shall be determined to be the boundary of the lot closest to the road from which access to the lot is gained as defined by the Municipality of Northern Bruce Peninsula Comprehensive Zoning By-Law 2002-54, as amended.

2.4. “**Highway**” means a common and public highway, street, avenue, parkway, driveway, road, 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 Municipality pursuant to this by-law for the purpose of identifying all private and municipally owned buildings within the urban area known as Lion’s Head in the Municipality of Northern Bruce Peninsula.

2.6. “**Lion’s Head**” means the urban area known as Lion’s Head within the Municipality of Northern Bruce Peninsula.

2.7. “**Municipality**” means the Corporation of the Municipality of Northern Bruce Peninsula.

2.8. “**Owner**” means the registered owner(s) of specific lands or property or their authorized agent in lawful control of the lands or property;

2.9. “**Structure**” means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground or on water, and without limiting the generality of the foregoing, includes walls, floors, roofs, signs and billboards, private outdoor swimming pools, satellite dishes, and an object designed and intended to float, but does not include free standing walls, hedges and fences, drainage culverts, retaining walls or sewage disposal systems.

3. General Provisions

- 3.1. All buildings fronting on private roads located in private developments shall be numbered as directed by the Municipality.
- 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 be allowed to change any number save and except the Municipality.
- 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 for 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 as established by the Municipality less than 22.86 m (75 feet) from Front Lot Line.

- 4.1. Signs required 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 10.16 cm (4"), 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 by this section shall be installed by the Municipality of Northern Bruce Peninsula.
- 5.2. Where the main building is located greater than 22.86 m (75') 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 10.16 cm. (4")
- 5.2.2. reflective white numbers affixed to both sides of a standard green plate
- 5.2.3. mounted on a galvanized post at a height of not less than 1.4 m (5') and not greater than 1.9 m (6') above the ground, and
- 5.2.4. not less than 1 m (3') and not more than 4 m (13') 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') to any sidewalk.

6. Administration

- 6.1. The Municipality 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 Municipality of Northern Bruce Peninsula.
- 6.2. Upon assigning a new municipal address number, the Municipality shall send a notice to the owner of a 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 Municipality of Northern Bruce Peninsula shall carry out an initial installation of signage required under Section 5.
- 6.5. The Municipality shall send a notice to the owner of a property that does not display the municipal address number in accordance with this by-law advising of the requirement for the posting of the municipal address number, 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, the Municipality, its employees or agents may enter upon the property at any reasonable time and post the municipal address number in accordance with Sections 4 and 5.
- 6.7. The cost of the required sign and installation under Section 5 shall be \$100.00.
- 6.8. The cost relating to the replacement of a required sign that has been damaged or removed shall be borne by the property owner unless there is sufficient evidence provided to indicate that the damage and/or removal has been caused by the Municipality.

6.9. 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.

7. Exemption

7.1 The costs associated with Section 6.7 of this by-law, for those properties governed by Section 5, will not be applicable within the former Township of Eastnor as the 911 numbering costs were collected at the time that this programme was initiated. All other provisions of this by-law will be in force and effect.

8. Obstruct

8.1 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.

8.2 Any person who has been alleged to contravene any section of this by-law and who fails to identify him/herself is deemed to hinder or obstruct a person exercising a power or performing a duty under this by-law.

9. Penalty

9.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, shall be liable to a penalty as provided in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter 33, as amended from time to time.

10. Severability

10.1 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.

11. Effective Date

11.1 This by-law shall come into full force and take effect on January 1, 2010.

READ A FIRST AND SECOND TIME THIS 21st DAY OF DECEMBER, 2009.

READ A THIRD TIME, FINALLY PASSED, SIGNED AND SEALED THIS 21st DAY OF DECEMBER, 2009.



Mayor – Milt McIver



Clerk – Mary Lynn Standen