

# THE CORPORATION OF THE TOWN OF MILTON

## BY-LAW NO. 026 - 2010

BEING A BY-LAW TO PROVIDE FOR THE NUMBERING OF LOTS AND BUILDINGS WITHIN THE TOWN OF MILTON, AND TO REPEAL BY-LAW NOS. 27-97 AND 138-2003

**WHEREAS** section 8 of the *Municipal Act, 2001*, 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 the Act;

**AND WHEREAS** section 116(1) of the *Municipal Act* 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* provides that a municipality that has passed a by-law under section 116(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 Milton deems it necessary for the safety and welfare of its citizens to have all occupied buildings in the Town display an assigned municipal number for prompt identification by emergency service personnel;

**AND WHEREAS** the Council of the Corporation of the Town of Milton approved By-law No. 27-97 on May 5, 1997, and By-law No. 138-2003 on October 20, 2003, and is now desirous of repealing said By-laws and enacting a new by-law to provide for the numbering of lots and buildings within the Town of Milton;

**NOW THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF MILTON ENACTS AS FOLLOWS:**

### 1. DEFINITIONS

1.1 In this By-law:

- (a) "*Builder*" shall mean the person who applied for and obtained a building permit for construction of a new building;
- (b) "*Building*" shall mean a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto;
- (c) "*Chief Fire Official*" shall mean the Town's Chief Fire Official, or his or her designate;

- (d) “*lot(s)*” shall mean a parcel of land that is capable of being legally conveyed in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
- (e) “*municipal address number*” shall mean the number assigned by the Town to a *building* or *lot* located on a *roadway*, either before or after the coming into effect of this By-law, which is primarily used to designate and locate such a *building* or *lot* along such a *roadway*;
- (f) “*owner*” shall include the registered owner, condominium corporation, assessed owner, occupant, tenant, person for the time being managing or receiving the rent of the property whether on his own account or as an agent or trustee or on account of any other person;
- (g) “*roadway*” shall mean the private or public thoroughfare for the passage of vehicles or pedestrians with reference to which the building is assigned a *municipal address number*;
- (h) “*Town*” shall mean the Corporation of the Town of Milton;
- (i) “*rural area*” shall mean the area of the Town defined as such in the *Town’s Official Plan*;
- (j) “*urban area*” shall mean the area of the Town defined as such in the *Town’s Official Plan*;

## **2. ASSIGNMENT OF MUNICIPAL ADDRESS NUMBERS**

- 2.1 The *Town*, through the Planning and Development Services Department, shall maintain a system for assigning sequential municipal address numbers and shall assign said municipal address numbers to buildings and lots within Milton.

## **3. POSTING OF MUNICIPAL ADDRESS NUMBERS**

- 3.1 Every person, including but not limited to, the *builder* and the *owner*, shall ensure that prior to any person inhabiting, occupying, or using a residential, industrial or commercial *building*, the assigned *municipal address number* is posted on or affixed to the *building*, signpost or fixed object, in accordance with the applicable standards prescribed in this By-law.
- 3.2 Residential *Building* - the owner of a residential *building*, other than an apartment building, having direct municipal frontage on a street shall firmly affix to and maintain on the front of the *building* the *municipal address number*, which shall be clearly visible from the street onto which the *building* has its main access. If the residential *building* is set back to such an extent, or is otherwise located on the site so that the *municipal address number* is not

clearly visible from the street onto which the building has its access, then a permanent *municipal address number* sign shall be placed and maintained within the property limits near the street access so that the *municipal address number* is clearly visible from the street.

3.3 Townhouse Complex – the *owner* of a townhouse complex that has one or more main points of access, and where the units front onto an internal private road(s) shall:

- (i) firmly affix to and maintain on the front of the individual units the allotted unit number and the unit number shall be located so as to be clearly visible from the internal private road on which the unit has its access and;
- (ii) at the point of access where the internal private road(s) intersects the street(s), the *owner* shall place a permanent *municipal address number* sign(s) displaying the *municipal address number* of the complex and the range of unit numbers. Where there are two (2) or more internal private roads within the complex, the sign(s) is to contain a map that depicts the layout of the private internal roads, the layout of the *buildings* and the unit numbers contained in each building.

3.4 Other Buildings – the *owner* of a commercial, industrial, public, institutional or apartment building shall firmly affix to and maintain on the front of the building the *municipal address number* which shall be clearly visible from the street onto which the *building* has its main access. If the *building* is set back to such an extent, or is otherwise located on the site so that the *municipal address number* is not clearly visible from the street onto which the *building* has its main access, then a permanent *municipal address number* sign shall be placed and maintained within the property limits near the street access so that the *municipal address number* is clearly visible from the street.

Where there are two (2) or more commercial, industrial, public, institutional or apartment buildings on a site where one (1) or more of such buildings cannot be seen from the street onto which the *buildings* have their main access, then the *owner* or *owners* therefore shall:

- (i) affix and maintain the *municipal address number* on the front of the building and;
- (ii) place and maintain a permanent sign that displays the *municipal address number* located so as to be clearly visible from the street onto which the building(s) has its main access.

When a commercial or industrial *building* is subdivided into individual units, unit numbers shall be affixed and maintained on the front face of each individual unit. The unit numbers shall be located so as to be clearly visible from the street or private internal road.

- 3.5 When a *building* is under construction and the *owner* is not able to comply with the foregoing provisions of this By-law, then the *municipal address number* shall be displayed on a temporary sign and shall be clearly visible from the street. The sign is to remain erected and shall be maintained in good repair so that the number remains legible until the permanent *municipal address number* can be provided in accordance with other provisions of this By-law.
- 3.6 A *municipal address number*, when posted, shall be made from durable waterproof material, and bear numbers or characters in contrasting colour to the background and be located facing the *roadway* in a manner that the *municipal address number* is clearly visible from the *roadway*, both in daylight and at night.
- 3.7 No *owner* shall affix the *municipal address number* for any property solely onto a landscape feature (naturally or artificially placed), or any other decorative feature on the property that may be covered or obscured by weather, snowfall, or growth of vegetation.

#### **4. STANDARDS FOR MUNICIPAL ADDRESS NUMBERS**

- 4.1 The design, size and location of *municipal address numbers* and/or *lot numbers* in the *urban area* shall be at the *owner's* discretion, provided that the number is clearly visible from a *roadway*.
- 4.2 All *municipal address numbers* for properties in the *rural area* shall be in accordance with the design and location standard shown on Schedule "A" to this By-law.
- 4.3 The *municipal address number* for a new rural property shall be installed by the *owner*, at the *owner's* expense.
- 4.4 *Buildings* fronting on private roads located in private developments shall be numbered as provided by this By-law.
- 4.5 Where a *building* fronts onto two (2) *roadways*, the *municipal address number* shall be affixed such that it is clearly visible from the *roadway* to which the *municipal address number* applies.
- 4.6 Every *owner* shall ensure that the *municipal address number* for any property is displayed in such a manner so as to ensure clear understanding for which building or occupancy said *municipal address number* represents.
- 4.7 Where in the opinion of the *Chief Fire Official*, additional signage is required to identify a *building* or property fronting onto more than one street, the *Chief Fire Official* shall provide thirty (30) days written notice to the *owner* that additional signage is required, and that if the *owner* fails to erect such

signage, the Town may erect the *municipal address number* in accordance with the provisions of section 6 of this By-law.

## **5. MUNICIPAL ADDRESS NUMBER CHANGE REQUEST**

- 5.1 A property's registered owner may petition the *Chief Fire Official* for a change to his or her *municipal address number*.
- 5.2 A registered owner requesting a change as described in section 5.1 shall provide a written request to the *Chief Fire Official*.
- 5.3 Approval for a change to a *municipal address number* may be given if the following criteria are satisfied:
- (a) the change is feasible and does not conflict with house numbering criteria;
  - (b) abutting registered property owners are not affected by the *municipal address number* change;
  - (c) properties that increase by two (2) will not be allowed a new *municipal address number*;
  - (d) the appropriate fee, as set out in the *Town's User Fee By-law*, as amended from time to time, has been paid to the *Chief Fire Official* by the registered owner.
- 5.4 Only the last numeral in a *municipal address number* may be changed. The entire sequence of numbers will not be changed.
- 5.5 No letters or half numbers will be permitted.
- 5.6 The *Town* may waive the fee to change a *municipal address number* where:
- (a) an error or omission has been made by the *Town* when assigning numbering to a street;
  - (b) the *Chief Fire Official* recommends a change where he or she believes the level of emergency service response would be improved.

## **6. WORK PERFORMED BY THE TOWN**

- 6.1 Where an *owner and/or builder* has failed to install a *municipal address number* in compliance with the standards set out in this By-law, or to repair or replace a *municipal address number* that has been damaged, removed, stolen, missing or incorrectly placed, the *Town*, its employees or agents may enter upon the property at any reasonable time to erect, repair or replace the *municipal address number* and the associated expense shall be recovered

from the *owner* or person responsible for the cause of the damage, obstruction of visibility or loss of legibility, and said expense may be collected by the *Town* in the same manner as taxes.

## **7. PROHIBITIONS**

### **7.1 No person shall:**

- (i) fail to post or erect a *municipal address number*;
- (ii) post a *municipal address number* other than that assigned to a *building* or the related property;
- (iii) post, install, maintain or permit to be maintained, a *municipal address number* other than in accordance with the provisions of this By-law;
- (iv) conceal, destroy or deface a *municipal address number*;
- (v) fail to maintain a *municipal address number*;
- (vi) remove a *municipal address number*, other than as may be strictly necessary for the immediate repair or replacement of the *number*;
- (vii) cause or permit the construction of a *building* until a *municipal address number* has been assigned to the building, and the assigned number has been posted on the *lot*.

## **8. ENFORCEMENT**

- 8.1 This By-law shall be enforced by the *Chief Fire Official*, Municipal Law Enforcement Officers or such other persons as *Council* may designate.

## **9. SEVERABILITY**

- 9.1 If a court or any tribunal of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court or tribunal makes an order to the contrary.

## **10. SHORT TITLE**

- 10.1 This By-law shall be known as the House Numbering By-law.

## **11. PENALTY**

- 11.1 Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

**12. REPEAL OF BY-LAWS**

12.1 By-law No. 27-97 and By-law No. 138-2003 are hereby repealed.

**13. EFFECT**

13.1 This By-law shall come into force and effect on the day it is passed.

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED** this 29<sup>th</sup> day of March, 2010.

  
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Gordon A. Krantz Mayor

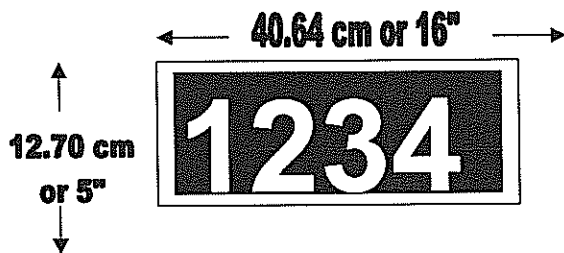
  
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Troy McHarg Town Clerk

## SCHEDULE A TO BY-LAW NO. 026 - 2010

Municipal address number signs in the rural area shall meet the following requirements:

### Specifications

1. Flat aluminum or metal sign blank of 40.64 cm x 12.70 cm {5" x 16"}.
2. White numbers 10.16 cm {4"} high on a green background
3. Numbers and background to be made of engineering grade retro-reflective traffic sign sheeting.



Municipal address number signs in the rural area shall be attached to a post which is clearly visible from both sides of the roadway. The sign should be adjacent to the property line at the driveway.

