



BY-LAW NUMBER 2004-147

A by-law of The Corporation of the City of Barrie to provide for the Numbering of Buildings.

WHEREAS Section 8 of the *Municipal Act*, S.O. 2001, c. 25 (“the *Municipal Act*, 2001”), provides that 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 9 of the *Municipal Act*, 2001, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 9(3) provides that without limiting the generality of subsections (1) and (2), a by-law passed under section 11 respecting a matter may:

(b) as part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration.

AND WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, provides that a single-tier 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) provides that a municipality may establish, maintain and operate a centralized communication system for emergency response purposes;

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

AND WHEREAS Section 427(1) provides that if a municipality has authority by by-law otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or require to do it, such matter or thing shall be done at the persons expense.

AND WHEREAS for the purposes of subsection (1), Section 427(2) provides that the municipality may enter upon land and into structures at any reasonable time.

AND WHEREAS Section 427(3) provides that the municipality may recover the costs of doing a thing or matter under subsection (1) from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

AND WHEREAS by Resolution 02-G-504 the Council of The Corporation of the City of Barrie deems it expedient to enact a by-law requiring all property owners to display municipal address numbers on all buildings.

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts as follows:

1. For the purpose of this by-law, the following definitions shall apply:
 - a) “Municipal address number” means a number assigned by the City pursuant to this law for the purpose of identifying all private and municipally owned buildings within the City of Barrie
 - b) “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. Does not include sheds, pool pump houses, cabanas, dog houses or similar structures.
 - c) “City” means The Corporation of the City of Barrie;
 - d) “Driveway” means that portion of the lot designed to provide vehicular or from a highway to a lot;
 - e) “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;
 - g) “Owner” means the registered owner(s) of specific lands or property, or their authorized agent in lawful control of the lands or property;
 - h) “Structure” means anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it erect.
2. The Commissioner of Development Services or his designate is hereby authorized to assign municipal address numbers within the City of Barrie lands to identify all private and municipally owned buildings within the City of Barrie by assigning municipal address numbers to all buildings.
3. Buildings fronting on private roads located in private developments shall be numbered as directed by the Commissioner of Development Services or his designate.
4. Every owner shall ensure that the municipal address number is affixed or inscribed on the front of the building at the main entrance facing the highway to which the number has been assigned or displayed over the garage facing the highway to which the number has been assigned or other conspicuous location on the building that is clear and visible from the highway to which the number has been assigned. Further, the number shall not be placed or displayed higher than the first storey of the building or garage.

5. Every owner shall ensure that the municipal address number is displayed on the building in plain legible numbers, on a contrasting background with contrasting numbers, with the numbers having a minimum height of 10 cm. or 4 inches.
6. Where the main building is located beyond 30 metres (100 feet) from the highway allowance, or the main building is in any way obscured from the highway, every owner shall ensure that the municipal address number is placed on a contrasting plate attached to a post at a height of at least 1.5 metres (5 feet) above the ground at the front property line adjacent to the highway to which it has been assigned. Further, such post shall be located adjacent to any driveway on the highway to which the municipal address number has been assigned or where not applicable in a conspicuous and unobstructed location at the front property line adjacent to the said highway. Every owner shall ensure that the municipal address number and the contrasting plate is not obscured by mailboxes or other obstructions. Where street lights are not present, every owner shall ensure that reflective white numbers are be posted on a contrasting plate and such numbers and plate posted in accordance with the specified height and location as set out in this section.
7. Every owner shall keep and maintain the municipal address number and, where applicable, the contrasting plate, in good condition.
8. No owner shall refuse to post the municipal address number when required to do so by this by-law.
9. 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.
10. In the event that the owner of the property fails to post the municipal address number as assigned by the Commissioner of Development Services or his designate, the City, its employees or agents may enter upon the property at any reasonable time and post the municipal address number in accordance with the following provisions;
 - a. the municipal address number will be placed on a contrasting plate attached to a post at a height of at least 1.5 metres (5 feet) above the ground at the front property line adjacent to the highway to which it has been assigned.
 - b. The post shall be located adjacent to any driveway on the highway to which the municipal address number has been assigned or where not applicable in a conspicuous and unobstructed location at the front property line adjacent to the said highway.

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 a like manner as taxes.

ENFORCEMENT:

11. The provisions of this by-law shall be enforced by a Municipal Law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.

PENALTY:

12. Every person who contravenes the provisions of this By-law established and passed by the City, pursuant to the authority contained in the Municipal Act or any other General or specific Act, is guilty of an offence and liable upon conviction to a penalty not exceeding \$5,000.00 exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, shall apply to the said fine.

SEVERABILITY:

13. 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.

14. **THAT** this By-law shall come into force and effect on January 1, 2005.

READ a first and second time this 17th day of May, 2004.

READ a third time and finally passed this 17th day of May, 2004.

THE CORPORATION OF THE CITY OF BARRIE

“ORIGINAL SIGNED”

MAYOR - R. J. HAMILTON

“ORIGINAL SIGNED”

CLERK – J. R. SISSON