

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1918

Being a by-law to provide for and regulate the municipal numbering of buildings within the Town of Marathon.

WHEREAS Section 10 subsection (2) of the Municipal Act, 2001, c.25 as amended, provides that a single tier municipality may pass by-laws respecting matters pertaining to the health, safety and well-being of persons and for the protection of persons and property;

AND WHEREAS Section 116 subsection (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish, maintain and operate a centralized communication system for emergency response purposes;

AND WHEREAS Section 116 subsection (2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality which has passed a by-law under Section 116 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 Section 436 subsection (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with the by-law;

AND WHEREAS Section 446 (1) subsection of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality has the authority under a by-law to direct or require a person to do a matter or thing and 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 Section 446 subsection (3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may recover the cost of doing a thing or matter required under Section 446 subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting then in the same manner as property taxes;

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

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

1.0 Short Title

1.1 This by-law may be cited as the "Numbering" By-Law.

2.0 Interpretation

2.1 In this by-law:

- (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse; and
- (b) a word interpreted in the singular number has a corresponding meaning when used in the plural;

- (c) "may" shall be construed as permissive;
- (d) "shall" shall be construed as imperative;
- (e) "includes": the words – "include – includes – including and included" are not to be interpreted as restricting or modifying the words or phrases which precede them.

2.2 It is declared, if any section, subsection, part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

2.3 All words and personal pronouns relating to words contained in this by-law include the male and female gender.

2.4 Article, section and paragraph headings are inserted solely for ease of reference.

2.5 References within this by-law to the titles of the Corporation's employees are references to the positions that held those titles at the time this by-law was enacted. Where a corporate restructuring has occurred such that there is no longer a person within the organization who holds a referenced title, the reference is to the person who undertakes the duties of the title holder at the time this by-law was enacted. In any case of doubt, the Chief Administrative Officer for the Corporation shall delegate the authority to the appropriate person and direct this by-law be amended to reflect the new title.

2.6 In the event of any conflict between this by-law and any other by-law of the Corporation of the Town of Marathon, the more restrictive provision shall prevail unless the context requires otherwise.

3.0 Definitions

For the purposes of this by-law:

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, business, residence etc. However, does not include sheds, pump houses, dog houses or similar structures.

Complex – a group of buildings, on a property, having the same municipal address number.

Corporation – means the Corporation of the Town of Marathon.

Driveway – means that portion of a lot designed to provide vehicular access to or from a highway.

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.

Lot – means a parcel or tract of land which is capable of being legally conveyed in accordance with the Planning Act, as amended or revised from time to time.

Municipal Address Number – means a number assigned by the administration of the Town of Marathon, pursuant to this by-law, to a building or lot located on a highway, 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 said highway.

Municipal Planner – means the Chief Building Official/Municipal Planner for the Corporation of the Town of Marathon.

Municipality – means the Corporation of the Town of Marathon.

Officer – means an employee of the Municipality of Marathon who has been appointed and assigned the responsibility of administering and enforcing this by-law.

Owner – means the registered owner of specific lands or property, corporation, assessed owner, occupant, tenant, person managing or receiving rent whether as owner or as an authorized agent or trustee in lawful control of the lands or property.

Structure - means anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil but not a terrace, patio, sign, boundary wall, fence, bridge or culvert.

Town – means the Corporation of the Town of Marathon.

Unit – means one building of a group of buildings located within the same complex.

4.0 Assignment of Municipal Address Numbers

4.1 The Town of Marathon shall maintain a system for assigning sequential municipal address numbers and shall assign said municipal address numbers to buildings within the Municipality of Marathon.

4.2 The Municipal Planner or his/her designate is hereby authorized to assign municipal address numbers within the Town of Marathon to identify all private and municipality owned buildings.

4.3 No owner shall refuse to post the municipal address number assigned by the Municipal Planner when required to do so by this by-law.

5.0 Prohibitions

5.1 No person shall:

- a) Fail to post or erect a municipal address number;
- b) Post a municipal address number other than the municipal address number assigned by the Municipality to a building or property;
- c) Post, install, maintain or permit to be maintained, a municipal address number other than in accordance with the provisions of this by-law;

- d) Conceal, destroy or deface a municipal address number;
- e) Remove, deface, obliterate or destroy a municipal address number installed in accordance with the provisions of this by-law except for the purpose of necessary repair or replacement of said number;
- f) Cause or permit the construction of a building prior to a municipal address number being assigned by the Municipal Planner to the building and the assigned number has been posted on the lot.

6.0 Posting Municipal Address Numbers

- 6.1 Every owner shall ensure that prior to any person inhabiting, occupying, or using a residential, industrial, institutional 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.
- 6.2 Every owner of a residential building having direct municipal frontage on a highway shall firmly affix to the front of the building the municipal address number, which shall be clearly visible from the highway onto which the building has its main access.
- 6.3 Every owner of a housing complex having one or more main points of access, and where the units front onto an internal private road(s) shall:
 - a) 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
 - b) at the point of access where the internal private road(s) intersects the highway, the owner shall place a permanent municipal address number sign displaying the municipal address number of the complex and the range of unit numbers.
- 6.4 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 highway onto which the building has its main access.
 - a) If the commercial, industrial, public, institutional or apartment building is set back to such an extent, or otherwise located on the property so the municipal address number is not clearly visible from the highway onto which the building has its main access, a permanent municipal address number sign shall be placed within the property limits near the highway access so the municipal address number is clearly visible from the highway.
- 6.5 Where there are two or more commercial, industrial, public, institutional or apartment buildings on a property where one or more of such buildings cannot be seen from the highway from which the buildings have their main access, the owner shall:
 - a) affix the municipal address number on the front of the buildings; and

- b) place a permanent sign displaying the municipal address number, located so as to be clearly visible from the highway onto which the buildings have their main access.
- 6.6 Every owner shall ensure the municipal address number is displayed in plain legible numbers having a minimum height of ten (10) centimetres or four (4) inches.
- 6.7 Where the main building is located beyond thirty (30) metres (100 feet) from the highway allowance, or the main building is in any way obscured from the highway, every owner shall ensure:
 - a) the municipal address number is placed on a contrasting plate attached to a post at a height of no less than 1.5 metres (5 feet) above the ground.
 - b) that such post 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;
 - c) that the municipal address number and the contrasting plate is not obscured by any natural or manmade obstruction; and
 - d) where street lights are not present reflective numbers are 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.
- 6.8 When a commercial, industrial, public or institutional building is subdivided into individual units, the owner(s) shall:
 - a) affix unit numbers on the front of each individual unit; and
 - b) locate the unit numbers so as to be clearly visible from the street or private internal road.
- 6.9 The owner of a building under construction shall display the assigned municipal address number on a temporary sign which shall be clearly visible from the highway; and
 - a) the sign shall remain erected and maintained in good repair so the municipal address number remains legible until a permanent municipal address number can be installed (on the building or property pursuant to the provisions of this by-law.
- 7.0 Municipal Address Number on Signs along Highway 17 (King's Highway)
- 7.1 Properties located on Highway 17 within the Town of Marathon whose municipal address number has been placed on a contrasting plate attached to a post must adhere to the standards set by the Ministry of Transportation; to wit
 - a) signs must be posted on the owner's property at the fence line and/or the bush line parallel to the highway;
 - b) signs are not permitted closer than the back slope of the ditch;

- c) signs must be erected on their own support and are not permitted on official signs, guide posts or utility poles or any such structures not belonging to the owner.

8.0 Standards for Municipal Address Numbers

- 8.1 A municipal address number, when posted, shall:
 - a) be made from durable waterproof material;
 - b) bear numbers and/or characters in contrasting colour to the background; and
 - c) be located facing the highway in a manner that the municipal address number is clearly visible from the highway, both in daylight and at night.
- 8.2 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.
- 8.3 Buildings fronting on private roads located in private developments shall be numbered as provided by this by-law.
- 8.4 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.
- 8.5 Every owner shall keep and maintain the municipal address number and, where applicable, the contrasting plate and support repaired and in good condition.

9.0 Administration and Enforcement

- 9.1 Pursuant to Sections 435 and 436 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, an officer may enter upon any land or property, at any reasonable time, for the purpose of carrying out inspections of or on such land or property to determine whether or not the provisions of this by-law are being complied with.
- 9.2 An officer shall not enter an occupied dwelling unit without first obtaining the informed consent of the occupant(s) who must be of legal age to provide said consent.
- 9.3 Where the owner of a property fails to post the municipal address number assigned by the Municipal Planner or his/her designate, the Town through its employees or agents may 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; or
 - b) the post shall be located adjacent to any driveway on the highway to which the municipal address number has been assigned; or

c) where subsections (a) or (b) are not applicable, in a conspicuous and unobstructed location at the front property line adjacent to the highway.

9.4 Pursuant to Section 426 subsection (1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, no person shall hinder, interfere with, or otherwise obstruct, directly or indirectly, an officer in the lawful exercise of a power or performing a duty under this by-law.

9.5 Section 9 subsection 4 includes any employee or agent authorized by the Corporation of the Town of Marathon to carry out any work under the authority of this by-law.

9.6 Where the Municipality, its employees or authorized agents have performed the work required to bring the land or property into compliance with this by-law, all expenses incurred by the Municipality in doing the work, as well as, any related fees, shall be deemed to be taxes and may be collected by action or costs may be added to the tax roll for the property and collected in the same manner as taxes.

9.7 The municipal service fees for the administration and enforcement of this by-law shall be in accordance with the Town of Marathon 'Fees and Charges By-Law' and any revisions thereto.

10.0 Enforcement

10.1 The provisions of this by-law shall be enforced by a Municipal Law Enforcement Officer, the Municipal Planner or other such person appointed by Council for the purpose of enforcing this by-law.

11.0 Penalties

11.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine and any other penalties as provided for in the Provincial Offences Act, R.S.O. 1990, c/P.33 and the Municipal Act 2001, S.O. 2001, c.25, as amended, as applicable and any such successor to each of these statutes.

This by-law shall come into force on the date of its final passing.

READ A FIRST AND SECOND TIME THIS 12TH DAY OF MARCH, A.D., 2018.

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Mayor

(SEAL)

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Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 12TH DAY OF MARCH,
2018, A.D.

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Mayor

(SEAL)

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Clerk