

# THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

## BY-LAW NUMBER 2022-140

A by-law to provide for the Municipal 911 Civic Addressing System in the Township of Muskoka Lakes

**WHEREAS** Section 9 of the **Municipal Act, 2001**, as amended, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purposes of exercising its authority under the Act;

**AND WHEREAS** Section 11 (2) of the **Municipal Act, 2001**, as amended, permits councils of lower- tier municipalities to pass by-laws and make regulations for the health, safety and well-being of persons within the municipality;

**AND WHEREAS** Section 48 of the **Municipal Act, 2001**, as amended, permits local municipalities to name and change the name of a private road after giving public notice of its intention to pass the by-law;

**AND WHEREAS** Section 61 (1) of the **Municipal Act, 2001**, as amended, permits municipalities to enter upon lands lying along a highway to install and maintain a sign setting out the name of a highway;

**AND WHEREAS** Section 61 (2) of the **Municipal Act, 2001**, as amended, provides that where a municipality has passed a by-law under Section 48 of the Act a municipality may enter upon land laying along a private road to install and maintain a sign setting out the name of the road;

**AND WHEREAS** Section 116 (2) of the **Municipal Act, 2001**, as amended, authorizes a municipality to enter upon land to affix numbers to **buildings** or signs setting out numbers on land;

**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** 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 **property** taxes;

**AND WHEREAS** the orderly assignment and posting of municipal numbers is deemed expedient for the effective and efficient delivery of municipal services including but not limited to emergency services;

**NOW THEREFORE** the Council of the Corporation of the **Township** of Muskoka Lakes enacts as follows:

1. **SHORT TITLE**

This by-law may be cited as the "**Municipal 911 Civic Addressing By-law**".

2. **DEFINITIONS**

For the purposes of this by-law:

- 1) "**building**" means a principal structure on a **property** that is greater than ten square meters and includes but not limited to a dwelling or business premises.
- 2) "**Public Works Department**" means the **Township** of Muskoka Lakes department and its delegate, responsible for the assignment and management of **municipal civic addresses**.

- 3) "entrance" means the primary access way into a **property** or **building**; one **property** may have multiple **entrances**.
- 4) "**municipal civic address**" means the municipal civic number, **unit** number (if required) and road name combined to make the **municipal civic address** assigned by the **Public Works Department** pursuant to this by-law.
- 5) "**municipal civic number sign**" means a sign bearing the municipal civic number; includes the blue reflective sign plate posted at the intersection of the driveway and abutting **street** and/or a decorative number sign posted on the **building** itself.
- 6) "**owner**" means the registered **owner** of the land.
- 7) "**property**" means a lot or an area of land described as an individual parcel of land in a registered plan of subdivision or described by other means in a registered deed; also includes water access lots.
- 8) "**record**" means the official assigned **municipal civic address record** for the **Township** of Muskoka Lakes pursuant to By Law 2016-005, **Records Retention By-law**.
- 9) "**street**" includes all or part of any highway, road bridge, lane, right-of-way, private roads and/or shared driveways accessing 2 or more properties.
- 10) "**Township**" means The Corporation of the **Township** of Muskoka Lakes.
- 11) "**unit**" means a dwelling condo **unit** or legal secondary apartment, basement apartment, duplex, townhouse dwelling **units** as well retail or commercial **units**, etc

### 3. ASSIGNMENT OF MUNICIPAL CIVIC ADDRESSES

- 1) The **Public Works Department** designate shall assign the **municipal civic addresses** for every **unit**, **building** and/or **property** within the municipality as deemed appropriate with the overall intent to facilitate emergency services.
- 2) The **Public Works Department** shall make and keep an official **record** of the **municipal civic addresses** for which a **municipal civic address** has been assigned.
- 3) **Municipal civic addresses** shall be assigned in accordance with the Civic Addressing Procedures in addition to this by-law. This includes but not limited to; odd and even sides of the **street** and 10 meter intervals.
- 4) The **Public Works Department** has the authority to address and/or readdress any new or existing **units**, **buildings** and/or properties at any time and give written notice by mail of the change to the **owner** of the **property** as identified in the latest **property** assessment roll. Registered mail shall be utilized to give written notice for existing **buildings** that may require address changes and/or any time sensitive information. Compensation shall be provided as per Schedule A attached.
- 5) The **Public Works Department** has the authority to correct and/or re-assign any **municipal civic address** as deemed necessary for the intent of this by-law; including but not limited to historical errors, unique areas and special circumstances. Compensation shall be provided as per Schedule A attached.
- 6) The **Township** of Muskoka Lakes has authority to name private roads through the development approval process via consent, granting of a right-of-way, rezoning or other land development processes that requires the **Township** of Muskoka Lakes approval. If the private road name is approved through the development process, the naming by-law required under Section 48 of the Municipal Act, 2001, as amended, would be presented and approved by the Town during that process. If the private road name is not approved during the development process, additional fees may apply pursuant to the Fees & Charges

By-law. Naming private road ways, in particular to road ways that provide access to more than two properties and or **buildings**, facilitates emergency service response.

- 7) Private road name signs off existing private roads shall be the responsibility of the developer of the original **property** and/or the private road association to install and maintain a proper green reflective road name sign. This also facilitates emergency service response.

#### 4. POSTING OF MUNICIPAL CIVIC NUMBERS

- 1) It is the **property owner's** responsibility to ensure that a **municipal civic number sign** is posted on a building, signpost or fixed object in accordance with the applicable standards prescribed in this by-law.
- 2) The municipal civic number shall be in a prominent location so as to be clearly visible during daylight and nighttime hours from the abutting **street** to which the number has been assigned to.
- 3) If the **unit** or **building** is within a defined urban area and within 20 meters of the road centerline, a **municipal civic number sign** may be affixed to the building, as long as it is clearly visible at all times, uses high contrast colors against its background and the numbers have a minimum height of 10 centimeters.
- 4) If the **unit** or **building** is more than 20 meters from the road centerline or outside a defined urban area, a **municipal civic number sign** shall include the blue reflective sign plate. The blue reflective sign plate shall be installed as per Section 5b of this by-law.
- 5) For water access only properties, a blue reflective sign plate shall be posted at the end of a dock or landing area and shall be clearly visible from the water.

#### 5. STANDARDS FOR MUNICIPAL CIVIC NUMBER SIGNS

- 1) This section of the by-law refers to the blue reflective sign plates.
- 2) It is the **property owner's** responsibility to install and maintain a blue reflective sign plate in accordance with the following:
  - a) The plate shall be obtained from the **Township of Muskoka Lakes**
  - b) The blue plate shall be supported by a post
  - c) The blue plate shall be at a right angle alignment to the abutting **street** to which the number has been assigned
  - d) The blue plate shall be posted on the same side of the **street** as the **unit**, building and/or **property** to which it pertains
  - e) The distance between the post and the centerline of the driveway entrance shall not exceed 6.0 meters
  - f) The distance between the post and the edge of the right-of-way for the abutting **street** shall not exceed 6.0 meters
  - g) The top of the blue plate shall be at least 1.4 meters and no more than 1.6 meters above the average grade of the **property** directly in front of the plate

#### 6. PROHIBITIONS

- 1) No municipal civic number shall be posted on or for a **unit**, **building** and/or **property**, other than the number appearing in the official record. If a **municipal civic number sign** is posted that is a number not in the official record, the

**Township of Muskoka Lakes** has authority to remove this sign.

- 2) No **municipal civic number** shall be affixed to a telephone pole, hydro pole or building lighting pole owned by the **Township** or by a public utility.
- 3) No person shall cause or permit a **municipal number sign** to be obstructed, defaced or fail to maintain the sign in a legible condition. This includes but is not limited to; snow banks and tree branches.
- 4) No person shall alter or remove or in any other manner interfere with any **municipal civic number sign** or blue plate erected in accordance with the provisions of this by-law except with the purpose of immediate repair or replacement of the sign.

**7. OFFENSES AND PENALTIES**

Every person who contravenes the provisions of this By-law established and passed by Council, 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.

**8. FEES**

- 1) The **Public Works Department** shall determine any required fees related to 911 civic addressing calculated in accordance with the Fees & Charges By-law.
- 2) The **Township** may recover the remedial action cost incurred to correct any non-compliance issues by adding them to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act.

**9. SEVERABILITY**

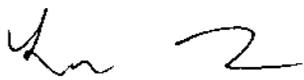
Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

**10. EFFECTIVE DATE**

This by law shall come in force and effect upon passage.

Read a first, second and third time and finally passed this 12th day of October, 2022.

  
Phil Harding, Mayor

  
Lauren Tarasuk, Clerk

## SCHEDULE A

### Compensation for Affected Property Owners

#### Definitions

**"business"** means an existing, active business with a current business number (BN or Master Business License) on the date of the initial 911 civic address change notice.

**"affected property"** means that if a change to an existing 911 civic address is required and where this change also requires a mailing address change. This would not include **property owners** where their mailing address is a PO Box number or at another main residence mailing address.

#### Addressing Changes Initiated by the Township of Muskoka Lakes

1. Where a change affects the mailing address of the **property**, the **Township of Muskoka Lakes** shall compensate affected properties when the Town is required to change an existing 911 civic address for emergency service response purposes according to the following criteria:
  - 1) Affected **property** with existing Single Family Dwelling - \$100.00
  - 2) Affected **property** with existing business or multi-unit tenants - \$250.00 (This is not \$250.00 per tenant rather \$250.00 per affected **property**)
  - 3) If an affected **property** has both an existing Single Family Dwelling and existing Business, the **property owner** would only be compensated at the higher rate but not both.
2. Where the change does not necessitate a change to the mailing address, compensation will be in the form of a replacement of the **municipal civic number sign**, at no cost to the **property owner**. No compensation will be provided for any other associated costs.

#### Addressing Changes Initiated by Development

If a **property owner** subdivides their original **property** into 1 or more lots and where the 911 civic addressing numbering may need to be revised within this original **property**, the **property owner** will not be entitled to compensation as they have initiated this lot creation. If this lot creation happens to affect the 911 civic address numbering and/or road name of any nearby or adjacent properties, then the **owner** responsible for the lot creation will be responsible for paying any affected **property owners** the corresponding compensation. This will be included in the Conditions of Consent.

#### Addressing Changes Initiated by a Property Owner or Group of Property Owners

If a **property owner** or group of **property owners** wish to change their existing 911 civic address number and/or their existing road name, applicable fees will be applied as per the current Fees & Charges Bylaw. The **property owner** or group of **property owners** would also be responsible for paying any other affected **property owners** the corresponding compensation.

#### Timeframe for Compensation

It is the responsibility of the affected **property owner** to contact the **Township** for compensation before payment may be made. Compensation to affected **property owners** would only be available for 6 months after the date of the initial 911 civic address change notice.

Any approved compensation will be paid within 30 days of the approval date