



## **CIVIC ADDRESS NUMBERING REGULATION**

Adopted by the Town Council of the Town of Fogo Island on the 26th day of September 2023 and to come into effect as of the 30th day of June 2024.

2023-184

Roebotham/Crawford

Resolved to adopt the Civic Address Policy as presented by the CAO and the deadline for residents to be in compliance with the policy is June 30, 2024.

Resolution Carried. In favour – 6. Mayor Shea, Deputy Mayor Crawford, Councilor Budden, Councilor Mckenna, Councilor Roebotham and Councilor Young. Against - 0.

### **PUBLISHED BY AUTHORITY**

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Fogo Island hereby adopts the following Civic Address Numbering Regulation.

### **CIVIC ADDRESS NUMBERING REGULATIONS**

#### **1. Title**

These Regulations may be cited as the Town of Fogo Island Civic Address Numbering Regulation.

#### **2. Definitions**

- a) "Act" means the Municipalities Act, 1999 SNL Chapter M-24 as amended;
- b) "Enforcement Officer" means the staff person appointed by the Town of Fogo Island;
- c) "Civic Address" means civic number and street name assigned to a property by Council;
- d) "Corner Lot" means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees;
- e) "Council" means the Council of the Town of Fogo Island;
- f) "Superintendent" means the Superintendent of Public Works or his designate;
- g) "Enforcement Authority" means Council or its authorized administrator.
- h) "Lot" means any plot, tract or parcel of land, which can be considered as a unit of land for a particular use or building;

- i) "Primary Building" means a building in which is conducted the main use of the lot on which it is located;
- j) "Number" means the number assigned to a property by the Town in accordance with these Regulations;
- k) "Town" means the Town of Fogo Island as defined by Order-in-Council dated the 1<sup>st</sup> day of March, 2011 A.D. and continued as a Town under the said Act.
- l) "Owner" means any person, firm or corporation controlling the property under consideration;
- m) "Street" means street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- n) "State of Good Repair" means the civic numbers are complete and visually apparent, and in structurally sound condition, plumb and securely anchored, and all stained or painted elements are maintained and free of peeling;

### **3. Application**

- a) All properties within the Town of Fogo Island's boundaries shall have numbers attached to the main building easily identifying the civic address of that property;
- b) For new construction, the civic number, meeting the requirements of these Regulations, must be attached to the building immediately upon occupancy;
- c) For existing buildings, Enforcement Authority will be responsible to ensure compliance with these Regulations;
- d) The Superintendent of Public Works, or designate, shall assign civic addresses to each building lot as a subdivision is approved. Addresses are assigned starting at number one (1) on the left-hand side and number two (2) on the right-hand side of the street. Numbers shall be skipped for any road reservations and vacant land;
- e) Corner lots will be allotted 2 civic addresses, with one being chosen based on the orientation of the building. Numbers assigned to buildings on corner lots, depend on the main access to the building. If there are two driveways entering from two different streets, the number will be determined according to the location of the front entrance of the building.

### **4. General Information**

- a) The owner shall be responsible for displaying the number of the building in a location which is visible from the sidewalk or roadway;
- b) If suites or apartments are constructed within the dwelling on that lot, the owner will be responsible for assigning "A" and "B" to the appropriate units;
- c) If properties are subdivided, Council will assign civic addresses and may require an "A" or "B" if sequential numbers are not available;
- d) One civic address will be assigned per building lot, with the exception of a corner lot and duplex lots;
- e) Numbers shall be lit by an outside light;

- f) Numbers shall not be obstructed by trees, shrubs or ornaments hanging from the building;
- g) The size of the numbers should be not less than 100 mm in height and located a minimum 1.2 m from the adjacent ground surface. Numbers shall be sufficient in size to be visible and legible from the street and located by or near the front door or main entrance of the building;
- h) The colour of the number shall not blend in with the colour of the building;
- i) Numbers may be made of metal, plastic, or wood;
- j) Numbers shall be displayed on the street side of the building in a horizontal orientation.

## **5. Enforcement**

- a. The Town Council of Fogo Island or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b. Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c. Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations as a civil debt;
- d. The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 5 (c) at the cost of the owner or person served within the time specified;
- e. Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f. Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- g. Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
- h. It shall be the duty of a Police Officer or the Enforcement Authority to:
  - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
  - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
  - iii. Serve upon the person violating and provision of these Regulations a notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;

## **6. Failure to Comply**

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 5 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, or agents from all claims arising out of the actions of Council, its employees, or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

## **7. Offence and Penalties**

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- i. May be liable to penalties as stipulated in accordance with section 420 of the Act;

*420. (1) A person who commits an offence under section 419 or who otherwise contravenes this Act is liable on summary conviction*

*(a) for a first offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not more than one month or to both the fine and imprisonment;*

*(b) for a subsequent offence to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment*

or

- ii. May be subject to an order under section 404 (1) of the Act;

or

- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

## **8. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

## **9. Repeal**

All previous Civic Address Numbering Regulations thereto, are hereby repealed.

