

CORPORATION OF THE TOWN OF PARRY SOUND

PASSING OF BY-LAW NO: 99-4169

DATE: 23<sup>rd</sup> Day of November 1999

MOVED BY COUNCILLOR *P. McWhiter*

SECONDED BY COUNCILLOR *R. Leves*

THAT BY-LAW NO: 99-4169

BEING A BY-LAW TO authorize the placing and use of awnings over sidewalks and highways and to establish a process for the issue of permits.

be considered as read a first time.

- CARRIED *Will Schuman*

Are all members in favour of having the second and third readings?

MOVED BY COUNCILLOR *R. Leves*

SECONDED BY COUNCILLOR *P. McWhiter*

THAT THE BY-LAW ABOVE MENTIONED BE CONSIDERED AS READ A SECOND, AND THIRD TIME, PASSED, SIGNED AND SEALED.

- CARRIED *Will Schuman*

ENTERED AS PART OF THE MINUTES OF MEETING HELD THIS :

23<sup>rd</sup> Day of November 1999

*Will Schuman*  
MAYOR

*[Signature]*  
CLERK

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 99-4169**

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**Being a By-Law to authorize the Placing and Use  
of Awnings Over Sidewalks and Highways  
and to Establish a Process for the Issue of Permits for them.**

**WHEREAS** Section 308.3 of the Municipal Act, c.M.45, R.S.O. 1990 authorizes the Council of a municipality to pass a by-law to permit any person under such conditions as may be agreed upon to place and use objects over sidewalks and highways under its jurisdiction, and for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable,

**AND WHEREAS** Section 308.3(c) prescribes that subject to section 289, the municipal corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance or use of any such area or opening, or such other object,

**AND WHEREAS** Section 314.(1).3 prescribes that councils of all municipalities may pass by-laws for requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist,

**AND WHEREAS** Council of the Corporation of the Town of Parry Sound deems it advisable to do so,

**NOW THEREFORE THE COUNCIL OF THE  
CORPORATION OF THE TOWN OF PARRY SOUND ENACTS AS  
FOLLOWS:**

1. The following terms are **defined** for the purposes of this by-law
  - (a) Administrator - the person identified herein who is responsible for the administration of this by-law.
  - (b) Awning - a system with a retractable support structure covered in a flexible material such as canvas or plastic which shields a window, wall or horizontal surface from sun or weather, but which is not a roof or tent
  - (c) Permit - a permit issued under this by-law to authorize the placing and use of an awning over a sidewalk or highway.
2. That the person identified in the policy attached as Schedule A, is responsible for the administration of this by-law.
3. That any person who wishes to install an awning over a sidewalk or untraveled portion of a Town highway, may apply for a permit to do so by submitting a completed copy of the form attached as Schedule B, along with the application fee prescribed on the form. A copy of the structural and construction plans for the awning and a description of the structure on which it will be supported shall also be submitted with the application.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

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4. That if in the opinion of the administrator the application complies with the Policy attached as Schedule A, and upon payment of the permit fee identified in Schedule A, and upon signature of the applicant agreeing to any conditions which may be applied, the administrator shall issue a permit in the form attached as Schedule C.
5. That the owner or tenant of a property connected with an awning which overhangs a sidewalk or highway for which a permit has not been issued or for which a written agreement does not exist, shall remove the awning forthwith upon direction by the administrator.
6. That the administrator may give any written direction to the owner or tenant of a property connected with an awning which overhangs a sidewalk or highway which he deems necessary to ensure compliance with the policy in Schedule A, or conditions attached to a permit.
7. That any person who erects or installs an awning without a permit, or who fails to comply with a direction given by the administrator is guilty of an offence pursuant to section 320 of the Municipal Act, and is subject to the penalties prescribed in the Provincial Offences Act.
8. This By-Law shall come into force and take effect on the final day of passing thereof.
9. That this By-law may be referred to as "The Awning By-law".

READ a FIRST time this 23<sup>rd</sup> day of November, 1999

Will Schuman  
MAYOR

[Signature]  
CLERK

READ a SECOND and THIRD time, **PASSED, SIGNED and SEALED**

this 23<sup>rd</sup> day of November, 1999.

Will Schuman  
MAYOR

[Signature]  
CLERK

**Schedule "A" to By-law 99-4169**  
**The Awning By-law**

This Policy governs the installation of all awnings regulated by the Awning By-law.

1. The Chief By-law Enforcement Officer is responsible for the administration of this policy, and is referred to as the administrator.
2. Any awning and its supports shall have sufficient strength to carry the wind, rain and any other loads to which it would reasonably be expected to be exposed.
3. Any awning and/or its supports which is damaged or unsightly shall be repaired to the satisfaction of the administrator, or be removed.
4. A new permit is required if an awning is removed and replaced.
5. An awning shall not be deployed during winter, and snow or ice accumulated on a retracted awning shall be removed at frequent intervals in order to prevent any of the accumulation falling onto a sidewalk or highway.
6. An awning and its supports shall be constructed in a fashion which minimizes inconvenience to passers-by caused by the shedding of rainwater or debris, and when deployed an awning shall provide not less than 2.5m vertical clearance at all points over any sidewalk or walkway, and, shall not interfere with the normal use of any portion of a highway.
7. The colour scheme and design of an awning shall be in keeping with:
  - a) the building or structure which it serves,
  - b) adjacent buildings and structures, and
  - c) Town policies, by-laws, or other directions regarding building facades which may be established subsequent to this policy, and if it contains only lettering identifying the business it serves, need not be considered a sign..
8. The application fee for an awning permit is \$25.00 and is not refundable if an application is denied.
9. The fee for an awning permit is \$125.00.
10. An awning permit remains valid unless canceled by the administrator due to the awning being in a state of disrepair, or due to the land it overhangs being necessary for another Municipal use, or due to the owner failing to comply with the requirements of this policy.

**Schedule "B" to By-law 99-4169  
The Awning By-law**

Application Form

Applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Location: \_\_\_\_\_

Building Property Owner (if different from applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Address to include postal code and phone number)

Enclosures: Structural Drawing showing connection to supports \_\_\_\_\_

Colour Scheme / Design \_\_\_\_\_

Building Location Survey indicating extent of Awning \_\_\_\_\_

By my signature above, I (we) the applicant(s) hereby request a permit to install an awning, and certify that I (we) have read, understand and intend to comply with the Town's by-law and policy regarding awnings, and the owner consents to the awning being attached to the building or structure at the location identified above.

**Schedule "C" to By-law 99-4169  
The Awning By-law**

Form of Permit - a permit issued under this by-law shall contain the following information, and be laid out in a fashion similar to the following:

PERMIT No. \_\_\_\_\_

TO INSTALL AND USE AN AWNING OVER A SIDEWALK OR HIGHWAY (owned by the Town of Parry Sound)

At: \_\_\_\_\_

facing: \_\_\_\_\_

in the Town of Parry Sound,

Issued to: \_\_\_\_\_, and to the benefit of their heirs, successors and assigns,

By \_\_\_\_\_, pursuant to

By-law 99-4169 "the Awning By-law",

this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Roll #: \_\_\_\_\_

In consideration of the Corporation of the Town of Parry Sound permitting the use of its property, the holder of this permit agrees to indemnify and save harmless the Corporation of the Town of Parry Sound, its agents, servants and employees from and against all actions, suits, claims and demands which may be brought against the Corporation, arising from the anticipated use of the said property.