

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-**

### **A By-law to Amend By-law 2018-017, Being the City Lands Encroachment By-law for the City of Kawartha Lakes**

#### **Recitals**

1. Whereas the City of Kawartha Lakes passed By-law 2018-017 on February 13, 2018, providing that persons that encroach on City property without City permission have committed an offence;
2. Whereas a series of set fines have been approved by Order of the Regional Senior Justice for prosecution of that By-law pursuant to Part 1 of the Provincial Offences Act;
3. Whereas the City may choose to prosecute pursuant to Part 3 of the Provincial Offences Act to impose higher fines; and
4. Whereas that By-law provides that, should a person fail to come into compliance with that By-law after being provided notice and an opportunity to come into compliance, the City may remove the encroachment and charge the costs on the tax roll of the encroaching property owner.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-  .**

#### **Section 1.00: Interpretation**

##### **1.01 Interpretation Rules:**

- (a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.02 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.03 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Amendment to Section 10.00 of By-law 2018-017**

2.01 By-law 2018-017 is amended by adding the following provision:

**Section 10.02:** Every person who is in contravention of Section 10.01 is guilty of a separate and continuing offence for each day that they contravene Section 10.01. Furthermore, every person who contravenes Section 10.01 is also liable to the maximum penalty set out in section 61 of the Provincial Offences Act for each day that the offence is committed and/or not rectified.

## **Section 3.00: Effective Date**

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 10 day of December, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk