

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

## **By-Law 2020-**

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

#### **Recitals:**

**Whereas** the City of Kawartha Lakes passed By-law 2018-017 on February 13, 2018, providing that persons who wish to encroach upon City property with permission are required to pay a fee.

**Whereas** a series of fees have been approved as per By-law 2010-118, and as amended upwards for future periods by the City per updates to the Consolidated Fees and Charges By-law 2016-206, at Schedule A-4.

**Whereas** the annual fee for encroachment agreements set out in section 3.01 b) in By-law 2010-118 are as follows:

- i) \$125.00, for minor encroachments (stairs, small portion of a building, sign, etc.);
- ii) \$150.00 for a dock or boathouse;
- iii) \$200.00 for major encroachments (shed, garage, etc.)
- iv) \$6,000.00 for co-location of equipment on City-owned tower / building; and
- v) \$13,000.00 for tower.

**Whereas** it is the intent of Council that these be minimum annual fees.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020- .**

#### **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.

This by-law shall not exempt any person from the requirement to comply with any other City by-law. In the event of conflict between the provisions of this by-law, of any encroachment agreement approved after the passing of this by-law, and of any other City by-law, the more restrictive provisions shall apply.

**Section 2.00: Amendment to Section 3.1 b) of By-law 2018-017**

2.01 section 3.01 b) in By-law 2010-017 is amended by adding “, at a minimum” after the words “shall be”, so the section as amended reads:

**Section 3:01 b):** The annual fee for encroachment agreements granted per the Land Management Committee shall be, at a minimum:

- i) \$125.00, for minor encroachments (stairs, small portion of a building, sign, etc.);
- ii) \$150.00 for a dock or boathouse;
- iii) \$200.00 for major encroachments (shed, garage, etc.)
- iv) \$6,000.00 for co-location of equipment on City-owned tower / building; and
- v) \$13,000.00 for tower.

**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 at first, second and third time, and finally passed, this \_\_\_ day of January, 2020.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk