

The Corporation of the City of Kawartha Lakes

By-Law 2021-____

A By-Law to Authorize the Execution of a Telecommunications License Agreement between the Corporation of the City of Kawartha Lakes and Xplornet Communications Inc.

For the purpose of replacing an existing telecommunications tower with a taller telecommunications tower at the location municipally described as 50 Tower Rd., Kirkfield

Recitals

1. The City of Kawartha Lakes and Xplornet Communications Inc. enter into a License Agreement to allow Xplornet Communications Inc. to rebuild a telecommunications tower located at the location municipally described as 50 Tower Rd., Kirkfield.
2. Section 5.05 (2) of By-Law 2016-009, being a by-law to Provide Authority for Execution of Certain Documents and Affix the Corporate Seal on Behalf of the City of Kawartha Lakes, requires that License Agreements with a revenue over \$10,000 per year and a term of five years or under must be approved by Council.
3. Section 3.01 (b), (v) of By-Law 2018-017, being a by-law to provide direction for annual fees for encroachments describes the amount for a tower as \$13,000.
4. A License Agreement for a five (5) year term, which will expire on October 31, 2025 has been approved by the City Solicitor.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-__.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) 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.

- 1.03 **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.
- 1.04 **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: Authorization

- 2.01 **Authorization:** The Mayor and Clerk are hereby authorized and directed to sign the License Agreement referenced in Council on February 23, 2021 through the consideration of Report RS2021-013, and affix the City’s corporate seal to it.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.
- 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 ____ day of _____, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk