

Council Policy No.:	CP2018-001
Council Policy Name:	Dock Encroachments
Date Approved by Council:	February 13, 2018
Date revision approved by Council:	<u>November 16, 2021</u>
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

The Corporation of the City of Kawartha Lakes requires policies and procedures to regulate dock and boathouse encroachments onto City-owned land. This policy statements sets out the philosophy, principles and procedures for the management of privately-owned docks on land owned by the Corporation. This policy is to be used in conjunction with the City Lands Encroachment By-law.

Section 207 of the Municipal Act, 2001 requires municipalities to adopt policies regarding the sale and other disposition of municipally owned land. To promote consistent, transparent and equitable processes in disposal in a manner consistent with the best interest of the City.

Scope:

This policy covers all real property owned or to be acquired by The Corporation of the City of Kawartha Lakes.

Definitions:

Dock: a structure extending along the shore or out from the shore into a body of water, to which boats may be moored or by which people can access the water (where a dock is licensed, associated stairs, marine rail systems, retaining walls and boatlifts without hard tops or sides are included in the license)

Boathouse: a structure at the edge of a body of water used for housing boats or gear for water enjoyment, including a structure that consists of no solid walls (where a boathouse is licensed, associated stairs, marine rail systems, retaining walls and boatlifts without hard tops or sides are included in the license)

All definitions herein are as set out in the City Lands Encroachment By-law and the Land Management Policy.

Background:

~~The City does not currently regulate dock encroachments on municipally-owned shoreline road allowances or municipally-owned waterfront property, with the exception of Thurstonia Park and Kenstone Beach (both of which are shoreline road allowances), which are currently managed by the Community Services Department.~~

~~Accordingly, many dock encroachments currently exist that have never been expressly permitted by the City, nor have been required to relocate.~~

~~The Community Services Department issues a 2-year license for the docks at Thurstonia Park and Kenstone Beach.~~

In 2010, the City passed the following resolution:

Moved by Councillor Luff, seconded by Councillor Strangway,
RESOLVED THAT Report LMC2010-048, “Unauthorized Dock Placement on Municipally Owned Land within the City of Kawartha Lakes”, be received; and
THAT staff be directed to develop an Encroachment Policy for docks on municipal property based upon the following principles:

1. THAT such a policy be structured to deal with matters on the basis only where access to waterfront is being adversely affected;
2. THAT such a policy be structured to protect the general public’s interest in access to the waterfront;
3. THAT such a policy be structured to ensure the municipality’s rights as landowner, along with protecting the municipality from liability;
4. THAT such a policy contemplate a license, permit or encroachment agreement process for those residents wishing to ensure longer term use of municipal property and where previously referenced principles are not impacted; and

THAT staff be directed to bring forward a report to Council in 2011 with a DRAFT policy as outlined above.

CARRIED CR2010-1206

~~That policy was never brought forward in 2011 as required by the resolution, and is now being brought forward otherwise in accordance with the direction.~~

~~The average dock length licensed under the Community Services program is 15 feet. Pursuant to the Consolidated Fees and Charges By-law 2016-206 Schedule D, a dock license costs \$11.25 per foot as of January 1, 2018 and is subject to increase annually (by cost of living index) pursuant to that by-law. The result is \$168.75 for a two year period.~~

In 2018, the City passed the Encroachment By-law 2018-017 and the Docking Policy CP2018-001.

Philosophy:

The City will proactively manage private docking on City owned land at Kenstone Beach, Hazel Street (Thurstonia), Cedar Glen Road and Hickory Beach, in response to concerns of overcrowding in those areas. Private docks and boathouses on City property in the balance of the geographic boundaries of the City is licensed upon request by individual dock owners.

Approval for a license with a 5 year term will issue where the conditions to approval have been met:

- Use does not adversely affect the use by others of the property (shoreline use will not be exclusive; dock use exclusive)
- Use does not adversely affect the ability of the City to use, access and maintain its property
 - Structures should be set back 3 m from the edge of the travelled road. Existing structures within 3 m of the travelled road will be asked to relocate away from the travelled roadway at the time of a major repair, if possible.
- Use does not adversely affect the ability of the general public to use the area adjacent to the dock, and to access the water
- Use does not result in overcrowding of the waterfront
 - A minimum of 6 feet should be maintained between adjacent docks, where possible
 - Dock owners must live in the neighbourhood where the dock is located. The Neighbourhood for Hazel Street and Cedar Glen Road is set out in maps appended to the Policy at Schedules A and B. For the balance of the City, the Neighbourhood will be that area within 400 metres of the dock.

- The City will license existing docks and boathouses only. The City will not approve the construction of new privately-owned docks and boathouses on City property where a historical use did not exist.
 - Eligible dock owners will only be eligible for one dock
 - Waterfront property owners will not be eligible for a dock on City land
- Use does not adversely affect the aesthetics of the area
- Federal and provincial permits are the obligation of the dock owner
- Use does not result in erosion or degradation of fish habitat
- Existing crib docks to be replaced with post/ floating docks upon repair
- Continued obligation to maintain and insure dock
- ~~Payment: \$125.00 application to the Realty Services Division~~
Land Management Committee + \$150.00 per year for a dock or \$400 per year for a boathouse
 - Associated stairways, boat lifts, hydro, water intakes, retaining walls, elevated decks and multi-story decks are to be identified in the license agreement and included in the base payment
- Obligation to post permit number on dock and notice of private property (in areas where ownership is unclear)

Upon default of any condition, can be revoked on 30 days' notice. Structures left following deadline for removal will be abandoned and City may remove and charge the applicant for the costs of demolition and removal (pursuant to the City Lands Encroachment By-law).

Policy Procedure for Individual Application for a License:

Where persons approach the City to ~~locate a dock on City property, or to obtain approval for an existing dock on City property~~, the following procedure is followed:

1. An application is made to the Realty Services Division~~Land Management Committee via the Clerks in the Realty Services Division.~~
2. The Realty Services Clerk may ~~takes~~ the matter to the next regularly scheduled Land Management Team~~Committee~~ – which meets every other ~~monthly~~ – for review, if direction is required.
3. The Realty Services Division/Land Management Team~~Committee~~ analyzes the offer, considering the philosophy set out in this Policy.
4. ~~When an application comes in for a new or existing dock in an area where other encroachments exist, whether pursuant to encroachment license or not, the Municipal Law Enforcement Office will notify all dock owners in the area of the~~

~~requirement to make application for license within 30 days' of the notice, or to remove the dock within that time, or face removal pursuant to the Encroachment By-law. Once every dock in the area has either removed their dock, made application to the Realty Services Division for a license, or has had their dock removed by the Municipal Law Enforcement Office, the Land Management Committee will consider the applications for all docks in the area at the same meeting of the Land Management Committee, in order to provide fair and consistent treatment to all dock owners. Prior to contacting the owners for enforcement, the Ward Councillor will be notified.~~

5.4. If the Land Management ~~Team~~Committee does not agree on treatment of ~~the~~ matter, then the Realty Services Manager shall determine the direction to be taken.

6.5. Where a decision has been rendered not in favour of the applicant, the Ward Councillor will be notified of the decision.

7.6. Where a decision has been rendered in favour of the applicant, the Realty Services Division will notify the applicant of the decision, and the costs of proceeding with the application ~~(\$150.00 per annum for a 5 year term)~~. If a survey is required by the ~~Realty Services Division~~Land Management Committee, then a deposit sufficient from the applicant to cover the costs will be required along with the costs of the license prior to proceeding.

8.7. Once all costs are collected, the Realty Services Division will provide a license for execution to the applicant. Once an executed license and certificate of insurance is received by the Realty Services Division, the City Solicitor will execute the license in accordance with the Signing Authority By-law.

Where a complaint is made about an encroachment on City property, the Municipal Law Enforcement Office will advise the owner that he/she has 30 days to remove the dock or make application to the Land Management Committee for a license, or face removal, in accordance with the Encroachment Policy. If an application is made, the above process is followed.

Financial Considerations: Accounting for Proceeds from Dock Licenses

In all circumstances, the proceeds from the license of municipal property will be deposited into general revenues to offset the cost associated with licensing and enforcement ~~a corporate account for future land acquisition and capital improvements to existing property (including demolition of structures).~~

Council may direct the net proceeds from the license of any municipal property in a manner not provided for in this Policy.

Revision History:

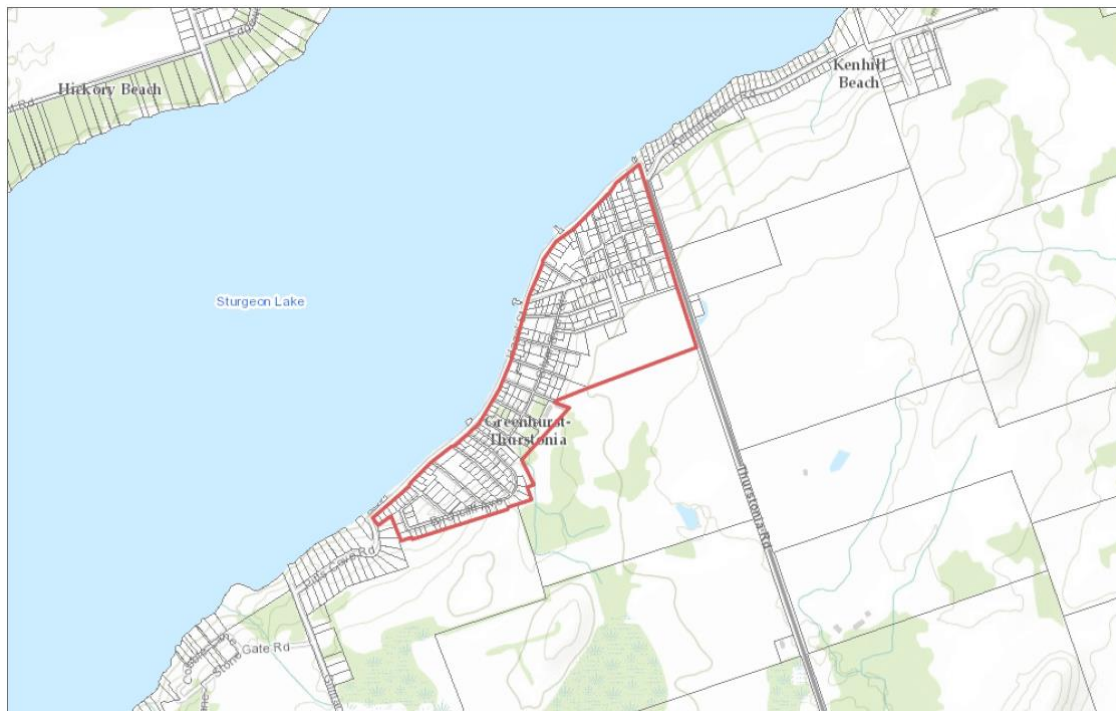
Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	February 13, 2018	Initial Release	
<u>0.1</u>	<u>November 16, 2021</u>	<p><u>Updated background and updated the reference to Land Management Team</u></p> <p><u>Confirm areas within the City where proactive enforcement of the Encroachment By-law 2018-017 is being enforced and where licensing is required for docks and boathouses. Propose to add Cedar Glen to the list of areas being proactively enforced.</u></p> <p><u>Clarification that licenses will issue for existing docks; not new docks</u></p> <p><u>Clarification that associated hydro, water intakes, staircases, retaining walls, decks and multi-storey decks are included in the license fee for a dock or boathouse.</u></p> <p><u>Updated application process so that matters can be decided by the Realty Services Division if guidance by the Land Management Team is not required.</u></p> <p><u>Increased annual license fee for a boathouse from \$150 to \$400</u></p>	

		<u>Added target/ non-mandatory spacing between adjacent docks</u> <u>Added target/ non-mandatory spacing between structures and travelled roadway</u> <u>License revenue to be placed in general revenues; not into a reserve</u>	

SCHEDULE A

Thurstonia Neighbourhood





SCHEDULE B

Cedar Glen Neighbourhood



