

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

## **By-Law 2021-**

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

#### **Recitals**

1. The Corporation of the City of Kawartha Lakes passed By-Law 2018-017 on February 13, 2018, setting out the procedure to be followed by City Staff when dealing with encroachments on City-owned lands.
2. Section 3.01(b) of By-Law 2018-017 will require an amendment to reflect that, on November 16, 2021, Council approved increasing the annual fee for boathouse encroachments from \$150.00 to \$400.00 by CR2021-557.
3. Several sections of the By-Law require amendments in order to clarify that the application fee relates to applications submitted to the Realty Services division for the purpose of being reviewed by either the Land Management Team or Realty Services staff (as in the case of requests for Dock License Agreements).
4. Section 8.00 of By-Law 2018-017 currently specifies that a "Realty Services Division Clerk" must notify property owners of the requirement to remove an encroachment following a site visit by a Municipal Law Enforcement Officer. The requirement for Realty Services to send correspondence often creates delays in the removal process. Accordingly, a change to Section 8.00 is required in order to clarify that the notification can be sent by City Staff. The will allow appropriate staff from Municipal Law Enforcement, Realty Services, Public Works, or any other applicable department to send the notification.
5. These changes require amendments to the original By-Law.

**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;

**“Manager of Realty Services”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- 1.02 **Interpretation Rules:** The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- 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: Amendments to By-Law 2018-017**

- 2.01 **Amendment to Section 3.01(b):** Section 3.01(b) is amended to remove “or boathouse” from Section 3.01(b)(ii).

Section 3.01(b) is further amended to read as follows:

- i) \$125.00, for minor encroachments (stairs, small portion of a building, sign, etc.);
  - ii) \$150.00 for a dock;
  - iii) \$200.00 for major encroachments (shed, garage, etc.);
  - iv) \$400.00 for a boathouse;
  - v) \$6,000.00 for co-location of equipment on City-owned tower / building; and
  - vi) \$13,000.00 for tower.
- 2.02 **Amendment to Section 4.01:** Section 4.01 is amended to add “or Realty Services Staff (in the case of requests pertaining to dock and/or boathouse encroachments)” after “Land Management Team” in the first sentence of the section.
- 2.03 **Amendments to Section 8.00:** Section 8.01(a) is amended to replace “a Realty Services Division Clerk” with “City Staff”.

Section 8.01(b) is amended to replace “a Realty Services Division Clerk” with “City Staff”.

Section 8.02 is amended to replace “the Realty Services Division” with “City Staff”.

### **Section 3.00: Administration and Effective Date**

- 3.01 **Administration of the By-law:** The Manager of Realty Services 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 14<sup>th</sup> day of December, 2021.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk