



Corporation of the Municipality of Temagami

Memorandum to Council

Memo No.
MEMO-M-179

☒ **Staff
Committee**

Subject:	Encroachment By-law
Agenda Date:	November 7 th , 2019
Attachments:	Encroachment By-law 19-1485

RECOMMENDATION

BE IT RESOLVED THAT Council receive Memo 2019-M-179;

AND FURTHER THAT By-law 19-1485, being a by-law to establish the Encroachment By-Law, be taken as read a first, second and third time and finally passed this 7th day of November, 2019;

AND FURTHER THAT the said by-law be signed by the Mayor and Clerk and recorded in the by-law book.

INFORMATION

Staff have amended the draft by-law to include a schedule for fees and the Encroachment Permit Application. The fees range from \$50.00 to \$250 and include encroachments for advertising signs, ice huts, trailers and various other request.

Staff recommend implementing an Encroachment Bylaw, as a tool to bring organization to the various municipal properties and address the problems of abandoned personal property. The by-law has two parts, first the ability to set standards and have everything that will be stored on the municipal property registered with complete details of the personal property to be stored on the municipal land including the person's home address and contact information. By going in this direction we take the financial burden from the tax payer and place it on the individuals using the land.

The Municipal Act provides the municipality the ability to maintain lands which they own and /or occupy including charging fees to offset the cost of maintenance of the said lands. When placing signs along highways and road allowances, consideration must be given to protect against sight line issues and safety concerns. Advertising signs along municipal roads is an encroachment on the untraveled portion of the highways and as such requires the same attention and consideration as all other municipal properties.

Furthermore staff have amended the fees schedule to reflect the direction from Council to consider including fees ranging from \$50.00 to \$200.00. In reviewing Schedule 1, staff determined that some fees should be as high as \$250.00 a year due to the size and type of encroachment. Staff have determined that an annual Encroachment Permit fees ranging from \$50.00 to \$250.00 be implemented to cover the cost of staffing for registering of the permits, maintaining the records, monitoring of the encroachments for compliance and enforcement in the event of non-compliance. This will be an annual fee, renewable 1 year from the date of approval of the permit.

Respectfully Submitted:
Daryl Bell,
Municipal Law Enforcement Officer

