**TOWN OF REDCLIFF**
**BYLAW NO. 1751/2013**

**A BYLAW OF THE TOWN OF REDCLIFF** for the purposes of authorizing the issuance of Encroachment Permits.

**WHEREAS**, it is deemed expedient and proper for a Council to authorize the issuance of an Encroachment Permit.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF REDCLIFF, IN THE PROVINCE OF ALBERTA DULY ASSEMBLED ENACTS AS FOLLOWS:**

## TITLE

1. This Bylaw shall be known as the **Encroachment Permit Bylaw**.

## ENCROACHMENT PERMITS

2. Encroachment permits:

   a) where the encroaching structure does not encroach more than .31 metres onto Town of Redcliff Property the request for an encroachment permit may be approved by the Municipal Manager and such approval shall be copied to Council for information only;

   b) where the encroaching structure does encroach more than .31 metres onto Town of Redcliff Property the request for an encroachment permit shall be forwarded to Council for consideration.

3. The fee for an encroachment permit shall be in the amount of $100.00 plus GST for each encroachment permit issued.

4. Prior to the issuance of an encroachment permit the Town of Redcliff will require the owner of an encroaching structure to make application for an encroachment permit on the standard form as shown on Schedule "A" attached to this Bylaw and provide a copy of a Real Property Report (RPR) prepared by an Alberta Land Surveyor, or other acceptable survey identifying the encroachment.

5. The information that will be required prior to processing an encroaching permit shall include:

   a) indemnification of Town of Redcliff from any damage or liability associated with the encroaching structure;

   b) indemnification of Town of Redcliff for any damages that may occur to the encroaching structure resulting from the need to maintain or construct in the area of the encroachment;

   c) removal of the encroaching structure, at no cost to the Town of Redcliff, should in the opinion of the Town of Redcliff such structure has become dilapidated;

   d) removal of the encroaching structure, at no cost to the Town of Redcliff, should the Town of Redcliff need access to the encroached upon area in the event of utility maintenance, new utility construction or road development.

e) acknowledgement that the encroachment permit is terminable by Town of Redcliff upon issuance of 30 days notice in writing to the property owner at the last address as shown on the taxation records of the Town of Redcliff.

6. Encroachment permits may only be issued to the present owner of said encroaching structure;

7. Upon sale of the land the encroachment permit issued by the Town of Redcliff is terminated unless:

a) If the encroaching structure is sold to a different party the acquiring owner may apply for an encroachment permit to be issued providing the following conditions are met:

i) the terms and conditions on the encroachment permit to be issued are identical to the encroachment permit issued to the vendor;

ii) the request is made in writing and received by the Town of Redcliff within 60 days of the date of the original encroachment permit;

iii) the written request, includes a declaration confirming there have been no adjustments to any building on the site since the date of the issuance of the original encroachment permit.

iv) there will be no additional fee charged for issuance of this encroachment permit.

8. That effective upon passage of this Bylaw, The Council of the Town of Redcliff hereby authorizes the Municipal Manager, or his designate, to sign, on behalf of the Town of Redcliff, encroachment permits as shown on Appendix "A" attached.

9. Bylaw 1177/98 is hereby repealed

Read a first time this 27th day of May, 2013.

Read a second time this 10th day of June, 2013.

Read a third time this 10th day of June, 2013.

Signed and Passed the this 17 day of June, 2013.

Mayor

Manager of Legislative and Land Services

SCHEDULE "A"

TOWN OF REDCLIFF
ENCROACHMENT PERMIT

I _____ owner of the property legally described as Lot(s)_____, Block _____, Plan _____, hereby make application for an Encroachment Permit in accordance with the right of the Town of Redcliff to issue such a permit.

I submit the information as part of this permit that the existing building(s) or structure(s) intended to be wholly situated upon the lands located at _____ legally described as: Lot(s)_____, Block _____, Plan _____, do, in fact, encroach upon a portion of:_____
as shown on the Survey Certificate attached hereto and forming part of the Permit.

The Town of Redcliff is empowered under the Land Titles Act to grant a permit with any conditions and terms that the Town may specify, to the owner of a building or structure that encroaches on a road, street, lane or other public place permitting the building or structure to remain thereon.

The Town of Redcliff grants this Encroachment Permit under the terms and conditions as follows:

i) I will provide a Real Property Report (copy to be attached to this document) at no cost to Town of Redcliff, and prepared by a Registered Alberta Land Surveyor;
ii) I will indemnify the Town of Redcliff from any damage or liability associated with the encroaching structure;
iii) I will indemnify the Town of Redcliff for any damages that may occur to the encroaching structure resulting from the need to maintain or construct in the area of the encroachment;
iv) I will agree to removal of the encroaching structure, at no cost to the Town of Redcliff, should in the opinion of the Town of Redcliff such structure has become dilapidated or damaged;
v) I will agree to removal of the encroaching structure, at no cost to the Town of Redcliff, should the Town of Redcliff need access to the encroached upon area in the event of utility maintenance, new utility construction, roadway maintenance or new roadway construction.
vi) I am aware no application for development permits on this property can, by legislation,

be approved by a development authority as long as any development on this property does not conform to the current Land Use Bylaw of the Town of Redcliff.

vii) I agree that the encroaching structure shall not be added to, rebuilt or structurally altered except:

a. as may be necessary to remove the encroachment; or

b. as may be necessary for the routine maintenance of the encroachment.

viii) I acknowledge this permit may be terminated by Town of Redcliff upon 30 days notice issued to me at the address indicated on the taxation records of the Town of Redcliff.

_____

APPLICANT

Approved on behalf of Town of Redcliff this the _____ day of _____, _____.

_____

MUNICIPAL MANAGER