

Adopted by Resolution No.91-09-38 dated Sept. 23, 1991 & 92- 12-03 dated Dec. 7, 1992 & 00-09-21 dated Sept. 25, 2000	Policy Statement No.: EDS-61-110.2
	Subject: Policy on Encroachment Agreements



PURPOSE: The purpose of setting a fee for encroachment agreements would be to encourage development within the owner's property lines and secondly to insure that the current and all subsequent landowners are aware of the encroachment. The fee should reflect the administrative costs as well as create incentive to the landowner to correct the encroachment or, if possible, request re-subdivision and purchase the encroached upon land.

POLICY STATEMENT:

1. That should Council deem it desirable to grant an encroachment on Town Property, that an annual fee be paid for the encroachment by the property owner benefiting from the encroachment for the life of the encroachment.
2. That the property owner entering into the Encroachment Agreement agree to have this fee attached as an annual charge on the tax account for the property benefiting and that the same be payable and due as are the municipal taxes. This fee is established in order to facilitate maintaining an accurate record of properties being charged, current property owners and subsequent discharge of encroachment when the encroachment is corrected.
3. That the fee schedule be based on the following rates (determined as 10% return on the market value per square foot of area encroached and the age of the structures encroaching):

<u>Residential Flat Rate for:</u>	<u>up to 500 sq. ft.</u>	<u>500 – 1000 sq. ft.</u>
Under ¼ of Assessed Age Life	\$125.00/year	\$250.00/year
Between ¼ & ½ of Age Life	\$ 60.00/year	\$125.00/year
Between ½ & ¾ of Age Life	\$ 40.00/year	\$ 50.00/year
Over ¾ of Age Life	\$ 20.00/year	\$ 25.00/year
 <u>Commercial Flat Rate for:</u>	 <u>up to 500 sq. ft.</u>	 <u>500 – 1000 sq. ft.</u>
Under ¼ of Assessed Age Life	\$400.00/year	\$800.00/year
Between ¼ & ½ of Age Life	\$200.00/year	\$400.00/year
Between ½ & ¾ of Age Life	\$100.00/year	\$200.00/year
Over ¾ of Age Life	\$ 50.00/year	\$100.00/year

4. That, as per motion 00-09-21 dated September 25, 2000, the Chief Administrative Officer be authorized to approve encroachments of a privately owned structure on to Town property at his sole discretion, providing that the Development does not materially affect the use and enjoyment of the neighboring property and;

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Dated: 91-09-23, 92-12-7, 00-09-25

Policy Number: **P-61-2000-01**
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5. That a property owner or an adjacent property owner may appeal the decision of the Chief Administrative Officer to Town Council after making application to Town council through the chief Administrative Officer.