



Policy Title	Date	Resolution No.
Encroachment Policy	June 4, 2024	JB-024-079

Purpose:

The Summer Village of Jarvis Bay has the responsibility to manage encroachments on municipal land within the boundaries of the municipality. The Summer Village of Jarvis Bay asserts its right of ownership to all lands owned, leased and managed by the municipality.

Statement:

It is the policy of the Summer Village to work proactively with property owners to remove and manage encroachments on all lands managed by the municipality. New encroachments on municipal land are discouraged.

DEFINITIONS:

“building(s)” includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge forming part of a highway or road.

“development” means:

- (a) An excavation or stockpile and the creation of either of them; or
- (b) A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over and under land of any of them; or
- (c) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- (d) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building

“encroachment(s)” means a building or development that illegally extends onto municipal land.

“Major encroachment(s)” an encroachment that is large in scale, difficult to move, such as but not limited to retaining walls over 1m in height, buildings, staircases, decks, and other similar structures that illegally extends onto municipal land.

“Minor encroachment(s)” Encroachments such as but not limited to retaining walls under 1m in height, fences, gates, ground level steps, and other similar minor nature, posing little long-term physical impact on public space and which can be removed with relative ease if required.

General:

1. The Summer Village requires the removal of all **encroachments** from lands owners, leased or managed by the municipality. The owners of the **encroachment** shall be required to remove the **encroachment** and restore the site to its original / natural state to the satisfaction of the municipality, and or
2. The Summer Village may permit **encroachments** onto property owned, leased or managed by the municipality if the **encroachment** is established and recognized in accordance with the provisions of this policy as of the date of the approval of the Policy.
3. Permitted encroachments identified by a letter of consent or a license agreement from the Summer Village of Jarvis Bay shall have a fee review every 5th year.
4. Stairs, retaining walls, fire pits and other types of **development** encroaching onto Municipal property, excepting environmental reserves, may be permitted by the Council provided the owner of the **encroachment**:
 - a. Enters into an Agreement with the municipality outlining the terms by which both parties shall manage the **encroachment**.
 - b. Agrees that the existence of the **encroachment** in no way affect the Municipality’s ownership of or authority over the lands.
 - c. Agrees to remove the **encroachment** at the encroaching party’s expense at any time such removal is required by the municipality.
 - d. Agrees that upon the removal of the **encroachment**, the site will be restored to a condition acceptable to the municipality.
 - e. Provides, at the request of the municipality, a survey plan illustrating the extent of the **encroachment** prepared by a land surveyor registered to practice in the province of Alberta to the satisfaction of the municipality prior to the execution of the agreement.
 - f. Pays all costs incurred by the municipality to facilitate the execution of the agreement.
 - g. For stairs, provide an inspection report from Superior Safety Codes to ensure stairs are safe and up to code, every five years.
 - h. Pays the annual **encroachment** fee as indicated below:

Minor	\$250.00 yearly
Major	\$1,000.00 yearly

Rescinds Encroachment Policy Passed on March 3, 2020 by Resolution JBC-20-046.