



UCS2020-0228

Proposed Encroachment Bylaw to Replace Encroachment Policy CS008





Encroachment Policy CS008 Review

- Administration's review of the Encroachment Policy commenced in 2019 and included:
 - Opportunities to improve the policy;
 - Align the policy with current business practices and standards; and
 - Review the encroachment practices of similar cities in Canada.





Encroachment Policy CS008 Review

- Policy review findings presented to Council in July 2019 through update report UCS2019-0914:
 - A Bylaw would enable Administration to authorize more minor encroachments on certain City-owned land, streets and easements; and
 - A Bylaw would better position The City to enforce its encroachment rules and regulations.
- Administration obtained Council direction to commence the work required to replace the Encroachment Policy with a proposed Encroachment Bylaw.

Proposed Encroachment Bylaw

- Municipal best practice review findings:
 - All major cities reviewed had their encroachment rules contained within a City bylaw, not within a policy. Cities such as, Edmonton, Ottawa, Toronto and Vancouver.
- Opportunity to allow more minor encroachments on certain City-owned land, streets and easements;
 - A Bylaw would offset some of the risk associated with allowing more encroachments on City properties and interests through an increase to the City's authority to enforce encroachment rules.



Proposed Encroachment Bylaw

- Bylaw enforcement measures used in situations where private encroachments are:
 - Impacting public safety;
 - Impacting The City's or a utility provider's ability to provide safe and effective service delivery;
 - Restricting public access to lands intended for public use and enjoyment, such as City parks; or
 - Otherwise determined not to be in the best interests of The City or the citizens of Calgary.



Proposed Encroachment Bylaw

- Additional key features of the proposed Encroachment Bylaw:
 - Consolidates all the City's encroachment rules and regulations into one City Bylaw;
 - Aligns with the current delegation authorities with respect to encroachments granted to the Manager, Land & Asset Management in Real Property Bylaw 52M2009; and
 - Grants authorities to the Director, Calgary Parks with respect to the management of encroachments into City parks that are currently contained with the Parks and Pathways Bylaw 11M2019.



Proposed Encroachment Guidelines

- The Proposed Encroachment Guidelines:
 - Ensure safe and effective service delivery;
 - Ensure public access to lands intended for public use, such as City parks;
 - Identify how various encroachments will be handled by The City and which situations require consultation with other City business units or utility providers;
 - Identify Administration's Application and Encroachment Fees; and
 - Contain procedures for enforcement of encroachment rules and handling complaints.



Proposed Application and Encroachment Fee Schedule

- The Proposed Fee Schedule:
 - Divides fees into Administration Fees and Encroachment Fees;
 - New fee for minor Schedule A Encroachments;
 - New fee structure for Schedule C Encroachments;
 - Eliminates encroachment fee for encroachments built before July 1, 1996;
 - Increases fees for multi-family, commercial, industrial and retail property encroachments; and
 - Establishes a fee for requests to withdrawal and discharge a City utility right of way agreement.

That the SPC on Utilities and Corporate Services recommend that Council:

1. Give three readings to the proposed Encroachment Bylaw (Attachment 1); and
2. Rescind Encroachment Policy CS008 (Attachment 2).