

LAC LA BICHE COUNTY POLICY

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| TITLE: ENVIRONMENTAL RESERVE ENCROACHMENT | POLICY NO: PI-63-004 |
| RESOLUTION: 10.007 | EFFECTIVE DATE: JANUARY 12, 2010 |
| LEAD ROLE: MANAGER, ENVIRONMENTAL PLANNING NEXT REVIEW DATE: APRIL 8, 2011 | |
| SPECIAL NOTES/CROSS REFERENCE: CM-64-002 | AMENDMENT DATE: |

POLICY STATEMENT:

Lac La Biche County Council deems it appropriate to deal with encroachments on environmental reserve in a consistent manner that protects the integrity of the natural environment and the specific intent of the environmental reserve designation.

PROCEDURE:

1. For the purposes of this policy, an encroachment is any structure, obstruction, or alteration of the landscape existing on land designated as environmental reserve. These encroachments include, but are not limited to: buildings, fences, concrete pillars, posts, poles, tree plantings, tree removals, gardens, retaining walls, drainage works, satellite dishes, supporting structures, towers, and antennas.
2. Lac La Biche County will identify such encroachments through observations by staff in the performance of their duties or through complaints, this Policy shall apply to such encroachment and the property owner(s) encroaching shall be notified and shall be required to comply with this policy.
3. In the instance of seasonal encroachments such as piers, boat lifts and the like, adjacent landowners will be permitted to cross the Environmental Reserve twice per year. All structures must be removed from the Environmental Reserve and returned to private property by November 1st of each year for the duration of the winter months.
4. All other illegal encroachments on environmental reserve land shall be removed or remediated.
5. Following the identification of an encroachment, a Development Officer or designate shall provide written notice to the owner of the abutting property deemed to be encroaching on ER lands. This notice shall be by registered mail and shall include a copy of this policy.
6. Such abutting property owner, who is using or has used, has constructed or is constructing, who is altering or has altered, or in any other way appears to be the reasonable “owner” of such encroachment, for the purposes of this policy shall be deemed the owner.

7. The owner will have thirty (30) days from the date of mailing or personal delivery of the notice to remove or remediate the encroachment. If the remediation includes replacement/planting of vegetation, this limit may be extended in order to allow for an appropriate planting schedule, as agreed to by the Director of Planning and Infrastructure Services.
8. If the owner has not rectified the encroachment and restored the property to the satisfaction of the County within the allotted time, the County will retain the services of a qualified landscape company or other applicable services it deems necessary to remove the encroachment, restore the property and take any other remedial action, as may be required, all at the expense of the owner.
9. When the County employs the services of such companies or other professional services as it deems appropriate to remove and restore the property, the County shall invoice the owner the cost of the work as invoiced by those services, plus a 20% cost overhead in order for the County to recover costs relating to the administration of this policy. In addition, all legal costs shall be covered by the owner of the encroachments.
10. The County will employ the services of reputable firms with which it has an ongoing relationship through the guidance of the procurement policy as amended from time to time, all at the County's discretion.
11. In the event that the owner refuses to pay the County for the County's removal and/or remediation of an illegal encroachment, the cost of the work shall be due and payable as taxes on the property, as per Section 553 (1) (h.1) of the Municipal Government Act.

"Original Signed"
Chief Administrative Officer

January 22, 2010
Date

"Original Signed"
Mayor

January 22, 2010
Date