

9. **BY-LAWS**

- i. By-Law Number 46-08 being a by-law to authorize the execution of a Site Plan Development Agreement between the Township of Scugog and Line 6 Holdings with respect to Part of Lots 149 & 150, PLAN H-50020, Township of Scugog, Regional Municipality of Durham, Municipally known as 240 Mary Street, Port Perry
- ii. By-Law Number 47-08 being a by-law passed pursuant to the provisions of section 34 of the Planning Act, R.S.O. 1990, C.P. 13, to amend Zoning By-Law 75-80 with respect to Part of Lots 149 and 150, PLAN H-50020, Township of Scugog, Municipally known as 240 Mary Street, Port Perry
- iii. By-Law Number 48-08 being a by-law to amend Fees & Charges By-Law Number 124-04, regarding a new fee for the licensing of Billboards and Tourism Signs— Note: copy of By-Law not included in the Agenda – Staff authorized to bring forward By-Law at the June 2, 2008 GP&A meeting – Staff Report PLAN-2008-27-GP&A
- iv. By-Law Number 49-08 being a by-law to regulate and control the use of public highways and lands owned by the Township of Scugog and to permit the seizure and impounding of things encroaching upon these public highways and lands and to recover costs incurred by the Township

RESOLUTION NO: 08-

Moved by: Councillor
Seconded by: Councillor

THAT By-Law Numbers 46-08 to 49-08 collectively be read a First, Second and Third time and each finally passed this 23rd day of June, 2008 and the Mayor and Clerk are hereby directed to sign same and affix the Corporate Seal to each.

Carried

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 46-08

BEING A BY-LAW TO AUTHORIZE THE EXECUTION
OF A SITE PLAN DEVELOPMENT AGREEMENT BETWEEN
THE TOWNSHIP OF SCUGOG AND LINE 6 HOLDINGS
WITH RESPECT TO PART OF LOTS 149 & 150,
PLAN H-50020, TOWNSHIP OF SCUGOG, REGIONAL
MUNICIPALITY OF DURHAM, MUNICIPALLY KNOWN AS
240 MARY STREET, PORT PERRY.

WHEREAS the Council of the Corporation of the Township of Scugog deems it expedient to enter into a Site Plan Development Agreement with Line 6 Holdings Inc. to provide for the orderly development of the site;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG Enacts As Follows:

1. That the Mayor and the Clerk be authorized to sign the Site Plan Development Agreement, in substantially the form attached, with respect to part of Lots 149 & 150, Plan H-50020, in the Township of Scugog, Regional Municipality of Durham, municipally known as 240 Mary Street, Port Perry.
2. This By-Law shall come into full force and effect on the day of passing.

Read a First, Second and Third time and finally passed this 23rd day of June, 2008.

MAYOR, Marilyn Pearce

CLERK, Kim Coates

SCHEDULE "C" TO SITE PLAN DEVELOPMENT AGREEMENT
between
LINE 6 HOLDINGS INC.
- and -
THE CORPORATION OF THE TOWNSHIP OF SCUGOG

SPECIAL CONDITIONS OF DEVELOPMENT

1. The Lands shall be used and comply with the requirements of the Township of Scugog Zoning By-Law Number 75-80, as amended.
2. The Lands shall be developed in accordance with the approved Plans, Drawings and Specifications identified in Schedule "B" attached hereto.
3. The Owner shall install and construct all services in accordance with the Plans, Drawings and Specifications identified in Schedule "B" attached hereto and with the current specifications, design criteria and standards of the Township as well as the requirements of the Ministry of the Environment, the Region of Durham, Kawartha Region Conservation Authority and any other authority where required.
4. The Owner shall satisfy the requirements of the Township's Engineer with respect to stormwater management, drainage, grading and site access.
5. The Owner shall provide landscaping as noted on the approved Site Plan to the satisfaction of the Township. All trees shall be maintained for a period of two years and within that period shall be replaced if they do not survive.
6. The Owner shall construct the parking area in accordance with the Plans, Drawings and Specifications identified in Schedule "B" attached hereto and the most current edition of the Township's Design Criteria and Standard Detail Drawings.
7. The Owner shall construct and install any temporary or permanent erosion and siltation control devices required by the Township and/or Kawartha Region Conservation Authority prior to the commencement of any construction on the lands and shall maintain these facilities in good working order. The Owner shall provide additional erosion and siltation control devices as may be required by the Township and Kawartha Region Conservation Authority during construction of this project, and as may be required from time to time.
8. The Owners shall prepare a lighting plan to the satisfaction of the Township's Engineer that features full cut off fixtures that prohibit light trespass onto adjacent properties.
9. The Owner shall not place any advertising devices or other such signs on the property.
10. The Owner shall provide the Township with a letter from a Professional Engineer certifying that the site has been completed in accordance with the Plans, Drawings and Specifications identified in Schedule "B" attached hereto. This letter shall also certify that all requirements contained within this agreement have been fulfilled prior to the final release of the financial security.
11. The Owner shall ensure all garbage is contained internally within the residential dwelling.
12. The Owner shall provide a contribution of \$6,000.00 to the Township of Scugog for street trees and sidewalk improvements.
13. The Owner agrees to preserve the historically and culturally significant features of the building and property.
14. The Plans, Drawings and Specifications identified in Schedule "B" attached hereto shall be revised prior to any additional buildings or structures being constructed on the land.

SCHEDULE "D" TO SITE PLAN DEVELOPMENT AGREEMENT
between
LINE 6 HOLDINGS INC.
- and -
THE CORPORATION OF THE TOWNSHIP OF SCUGOG

PAYMENTS BY THE OWNER

1. **CASH IN LIEU OF PARKLAND**

N/A

2. **DEVELOPMENT CHARGES**

The Owner agrees to pay all applicable Development Charges of the Township, the Regional Municipality of Durham and the School Boards at the time of application for a building permit at the rate then in force. The Owner is cautioned that Development Charges are subject to periodic review and revision.

3. **SECURITY FOR ON AND OFF SITE WORKS**

The Owner agrees to provide a Letter of Credit or other form of security satisfactory to the Township in the following amount at the time of signing this Agreement to ensure compliance with the following provisions:

ITEM	ESTIMATED COST
Grading	\$2,000.00
Landscaping and Paving	\$5,000.00
Sediment and Erosion Control during and after construction	\$2,000.00
Municipal Costs to Administer the Agreement	\$1,000.00
TOTAL VALUE OF SECURITY	\$10,000.00

Note: The estimates contained in this Schedule are for information purposes only and shall not restrict the rights of the Township, as set out in Article 25 of this Agreement, to draw on the Security up to the full remaining balance thereof to rectify any default, nor to require any increase in the Security as set out therein.

The Security will be released upon the issuance of an unconditional Occupancy Certificate by the Township or in accordance with Article 5 of this Agreement.

**SITE PLAN OF
PART OF LOTS 149 AND 150
REGISTERED PLAN No. H-50020
(FORMER VILLAGE OF PORT PERRY)
NOW IN THE
TOWNSHIP OF SCUGOG
REGIONAL MUNICIPALITY OF DURHAM**

SCALE 5 0 5 10 METRIC

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- WT DENOTES WITNESS
- 260.12 DENOTES EXISTING ELEVATION
- 260.52 DENOTES PROPOSED ELEVATION
- ← DENOTES DIRECTION OF FLOW

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PROPOSED GRADING WILL NOT ADVERSELY AFFECT THE ADJACENT PROPERTIES.

22 MAY 2008

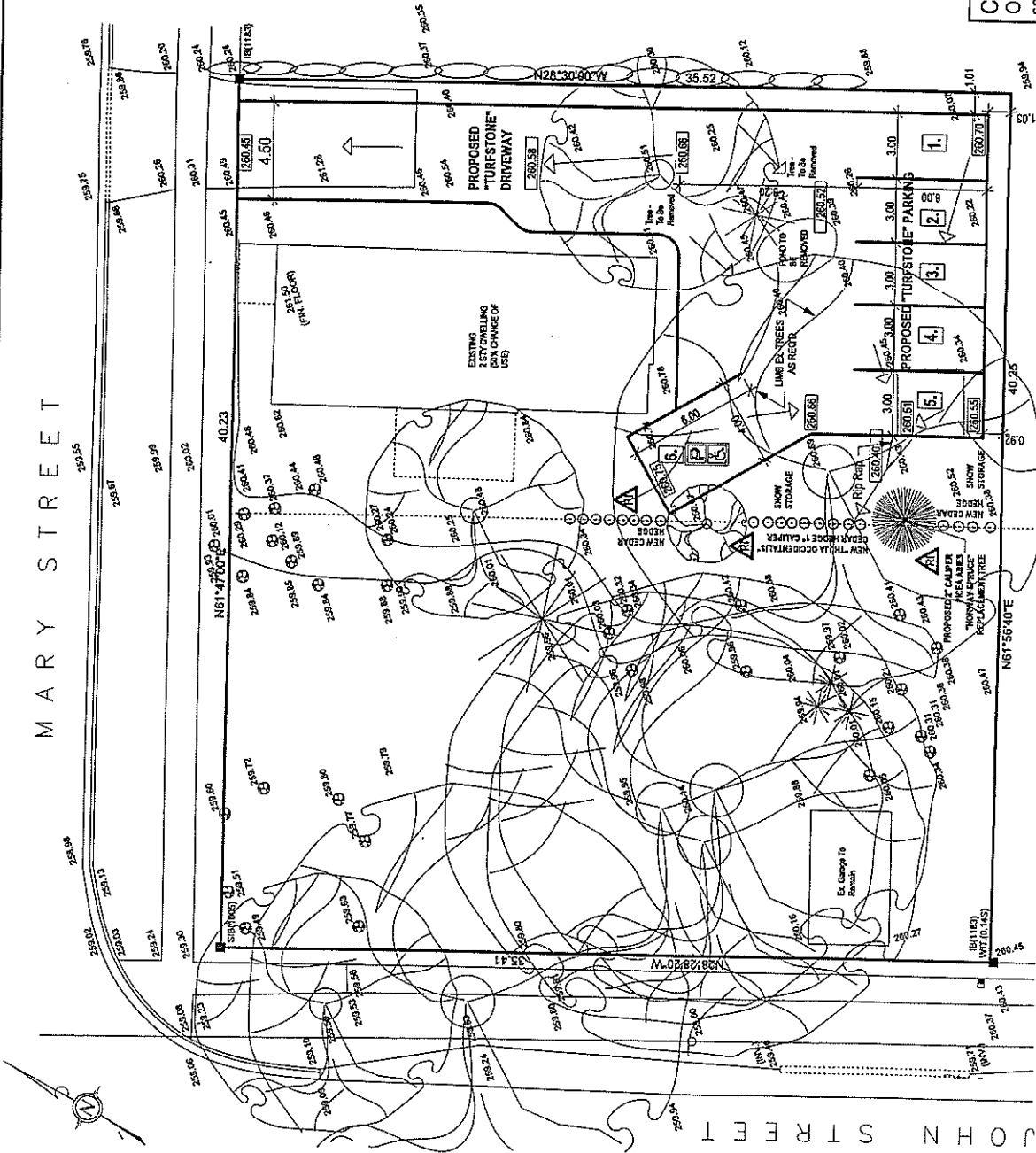
DATE

[Signature]
HUGH S. GOOTHS-DILS
MEMBER

COUTTS AND FLIM SURVEYING INC.
ONTARIO LAND SURVEYORS

68 CENTRE STREET NORTH
OSHAWA, ONTARIO, L1G 4B6
OFFICE PHONE : (905) 725-6881
FAX : (905) 725-1043

DRAWN BY : M.S.J. CHECKED BY : H.S.C. W.O. 07103



Ex. Frame Shed
To Be Removed

CORPORATION OF THE TOWNSHIP OF SCUGOG

ZONING BY-LAW NUMBER 47-08

BEING A BY-LAW PASSED PURSUANT TO THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, R.S.O. 1990, C.P. 13, TO AMEND ZONING BY-LAW 75-80 WITH RESPECT TO PART OF LOTS 149 AND 150, PLAN H-50020, TOWNSHIP OF SCUGOG, MUNICIPALLY KNOWN AS 240 MARY STREET, PORT PERRY

WHEREAS the owners of Part of Lots 149 and 150, Plan H-50020, 240 Mary Street, have made an application to the Township of Scugog (Rezoning Application Z/07/2007) to amend By-law No. 75-80 from the Urban Residential Type Two (R2) Zone to the Urban Residential Type Two Exception Seven (R2-7) Zone to permit 130m² of business, professional or administrative office uses on the second level of the dwelling;

AND WHEREAS the Council of the Corporation of the Township of Scugog held a public meeting (November 12, 2007) under Section 34 of the Planning Act with respect to this matter and has considered the application following that public meeting;

AND WHEREAS Council deems that adequate public notice has been given and no further public meeting is required;

AND WHEREAS the Council of the Corporation of the Township for Scugog has reviewed the request for an amendment to By-Law Number 75-80 insofar as is necessary to revise the existing zoning on the subject property from the Urban Residential Type Two (R2) Zone to the Urban Residential Type Two Exception Seven (R2-7) Zone to permit 130m² of business, professional or administrative office uses on the second level of the dwelling;

AND WHEREAS the matters hereinafter set forth are in conformity with the policies and designations contained in the Official Plans of the Region of Durham and the Township of Scugog as are currently in force and effect;

AND WHEREAS the proposed amendment to the Zoning By-law would comply with the Official Plan as approved by Council;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG HEREBY AMENDS BY-LAW NO. 75-80 AS FOLLOWS:

1. Schedule A-3 to By-law 75-80 is hereby amended by rezoning Part of Lots 149 and 150, Plan H-50020 from the Urban Residential Type Two (R2) Zone to the Urban Residential Type Two Exception Seven (R2-7) Zone as shown on Schedule "A" attached to and forming part of this By-law.
2. Section 4.10 to By-law 75-80 is hereby amended by the addition of the following Section:

4.10.5.7 URBAN RESIDENTIAL TYPE TWO EXCEPTION SEVEN (R2-7) ZONE

Notwithstanding any provisions of this By-Law to the contrary, a business, professional or administrative office, not exceeding 130m² shall be permitted on the second level of the existing residential dwelling and a home occupation is prohibited in conjunction with the existing permitted residential use;

In all other respects, the provisions of the Urban Residential Type Two (R2) Zone shall apply and be complied with..

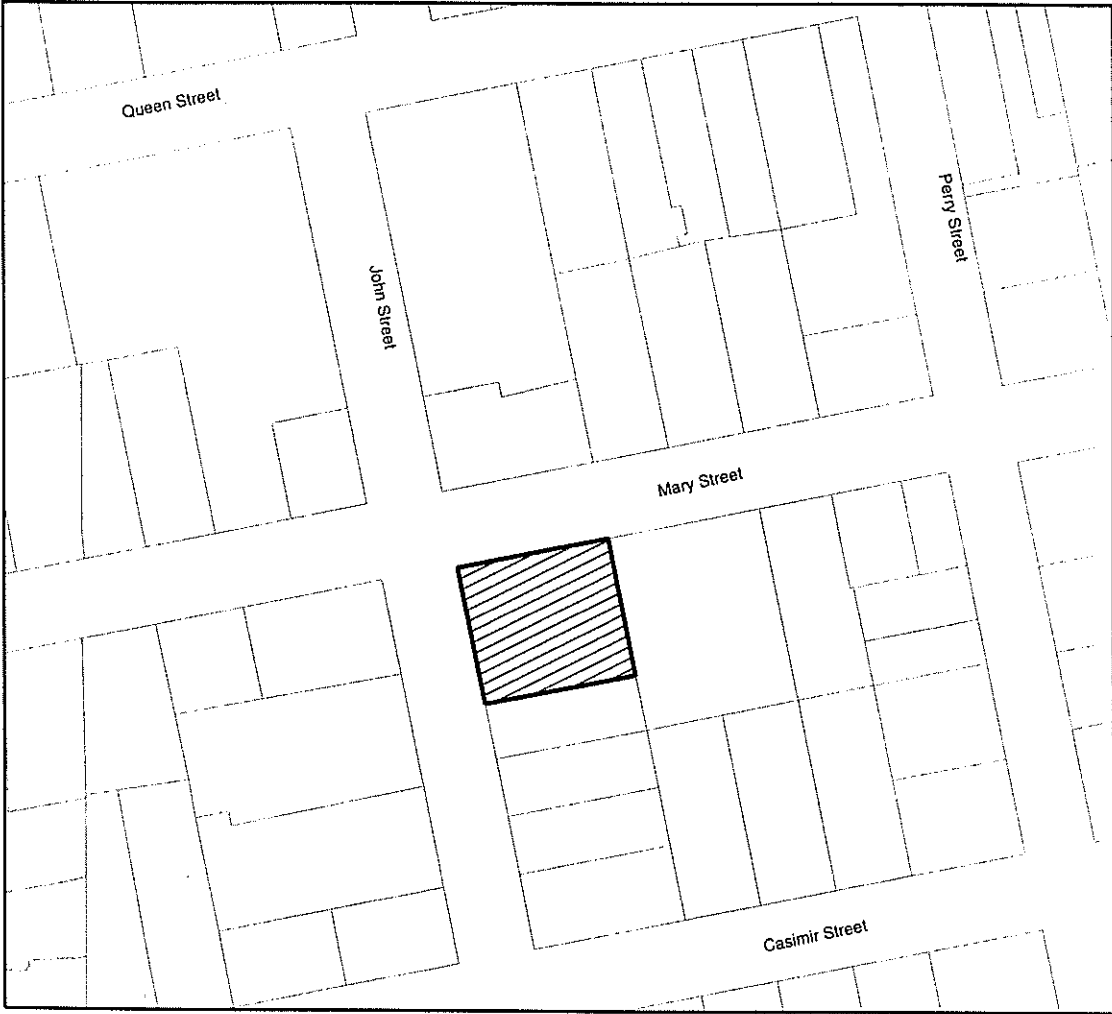
This Bylaw shall come into force in accordance with Section 34 of the Planning Act.

Read a First, Second and Third time and finally passed this 23rd day of June, 2008.

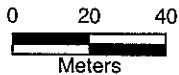
MAYOR, Marilyn Pearce

CLERK, Kim Coates

SCHEDULE "A"
TO BY-LAW NO. _____
TOWNSHIP OF SCUGOG
ZONE MAP



Lands to be rezoned
from R2 to R2-7



This map was produced by the
Township of Scugog, June 2008

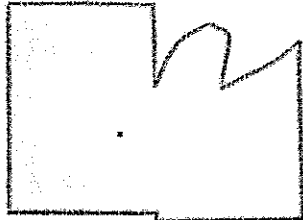
THIS IS SCHEDULE "A"
TO BY-LAW NO.

PASSED THIS ____ DAY
OF _____, 2008

MAYOR: _____

CLERK: _____

Township of Scugog
Key Map



ENCROACHMENT BY-LAW

Section 1	Definitions
Section 2	General Provisions
Section 3	Penalties
Section 4	Administration and Enforcement
Section 5	Short Title
Section 6	Severability
Section 7	Effective Date

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW 49-08

BEING A BY-LAW TO REGULATE AND CONTROL THE USE OF PUBLIC HIGHWAYS AND LANDS OWNED BY THE TOWNSHIP OF SCUGOG AND TO PERMIT THE SEIZURE AND IMPOUNDING OF THINGS ENCROACHING UPON THESE PUBLIC HIGHWAYS AND LANDS AND TO RECOVER COSTS INCURRED BY THE TOWNSHIP.

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.M.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 8 of the Municipal Act, 2001, provides that the powers of a municipality under that Act shall be interpreted broadly so as to confer broad authority on municipalities to a) enable municipalities to govern their own affairs as they consider appropriate and, b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 11 of the Municipal Act, 2001, provides that a lower tier municipality may pass By-Laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS the Corporation of the Township of Scugog is the registered owner of certain municipal road allowances and municipally owned tracts of lands, within the Township of Scugog;

AND WHEREAS the Council of the Corporation of the Township of Scugog deems it advisable to enact a By-Law with regard to how Encroachments onto such municipally owned land shall be handled in order to deal consistently with such issues;

NOW THEREFORE the Council of the Corporation of Scugog hereby enacts as follows:

Section 1 DEFINITIONS

"Commissioner", means the Commissioner of Planning and Public Works appointed by Council or that person's designate;

"Council", means the Council for the Corporation of the Township of Scugog;

"Director", means the Director of Parks, Recreation and Culture appointed by Council or that person's designate;

“Encroachment”, means any aerial, surface, or subsurface structure or other obstruction, existing on any Township Lands. These structures and obstructions shall include but not be limited to the following: buildings, fences, shelters, patios, concrete pillars, posts, poles, newspaper boxes, vending machines, curbs, tree plantings, gardens, landscaping, retaining works, drainage works, satellite dishes, supporting structures, signs, towers, antennae, guy wires, cables, pipes, docks, benches, tables and chairs. Furthermore an Encroachment shall also include but not be limited to the unauthorized removal or destruction of any tree, rock or other thing whether occurring naturally or not;

“Expenses”, means all expenses incurred by the Township with regard to removing or otherwise rectifying an Encroachment, storing any seized thing and shall include, without limitation, all charges, costs, administrative fees, taxes, legal fees, Goods and Services Tax, and any incurred interest on such outstanding expenses;

“Officer”, means a Municipal Law Enforcement Officer appointed by Council;

“Notice”, means a Notice delivered to any person by prepaid registered mail, regular postal delivery, personal service upon the person named, service at the person’s last known address by leaving it with another person who is apparently the age of at least sixteen years or by posting the person’s property with a Notice in a conspicuous location;

“Person”, means an individual, partnership, corporation, association, club, business entity, incorporated group or organization, federal or provincial government, crown agent, school board or regional or local municipality;

“Township”, means the Corporation of the Township of Scugog;

“Township Lands”, means lands owned by or leased or licensed to or under the management of the Township, Township easements, and shall include but not be limited to any road, lane, public highway, right of way, park, woodland, greenbelt, storm water management facility, wharf, dock, open space, municipal cemetery and lands in which the Township holds any real property interest, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter, and sidewalk.

Section 2 GENERAL PROVISIONS

2.1 No person shall place any Encroachment or in any way obstruct or convert to their own use any Township Lands without the written authorization and consent of the Commissioner or Director, where applicable. Such authorization and consent may include any condition deemed suitable to that Encroachment and may include but not be limited to a cash surety to be applied where the Encroachment’s authorization is revoked and the Encroachment is not forthwith removed upon receipt of notice. Such consent may also include and not be limited to a requirement for a suitable liability insurance policy to be in effect naming the Township as an insured party.

- 2.2 No person shall place, store or locate any Encroachment on any Township Lands save and except where authorized by;
- (a) the provisions of any legislation in force within the Township;
 - (b) the written consent of the Commissioner or the Director, where applicable; or,
 - (c) the written consent of Council.
- 2.3 Where Notice is given by the Township to remove an Encroachment, every person who receives such Notice shall take all steps necessary to:
- (a) forthwith remove said Encroachment or replace anything removed from any Township Lands at their own expense; and,
 - (b) return the Township Lands to its original state or condition, which shall be at a standard acceptable to the Township.
- 2.4 (a) Where Notice is given by the Township to a person to remove an Encroachment from any Township Lands, between December 1st and April 1st of the following year said person may request an extension of the time for removal provided he or she provides sufficient information to satisfy the Commissioner or Director, where appropriate, that the Encroachment's removal during that period would cause undue hardship.
- (b) Upon receipt of a request for an extension of time to remove an Encroachment as set out in Section 2.4 (a), the Commissioner or Director, where appropriate, may determine to extend the period of time given for the removal to another date.
- 2.5 Where any Encroachment stored or located on any Township Lands is found and where such Encroachment's ownership, or the person responsible for the Encroachment is not readily identifiable, such Encroachment may be removed and disposed of by the Township in any way it shall deem fit. All expenses incurred by the Township, including costs to restore the Township Lands to their previous condition, shall be the responsibility of the owner or person identified as being responsible for the Encroachment.
- 2.6 The Township shall not be responsible for any damage to the Encroachment or any costs or damages directly or indirectly incurred by any person, arising from the requirement to remove, or the removal of, any Encroachment at the direction of, or by, the Township. The owner shall not be entitled to any compensation for lost revenue or profit arising from the requirement to remove an Encroachment.

- 2.7 In addition to the provisions of Section 2.5, the Township may seize and impound anything found encroaching or being stored on any Township Lands and all expenses incurred by the Township, including the cost of removal, impoundment and storage of anything seized shall be the responsibility of the owner or person responsible for the Encroachment.
- 2.8 Anything impounded under the provisions of Section 2.7 and not claimed by its owner within thirty (30) days, may be disposed of by the Township in any manner which, in its sole and absolute discretion, it sees fit.
- 2.9 Notwithstanding the provisions of Sections 2.3 and 2.4, the Township is not obliged to send Notice to any person prior to removing or impounding any Encroachment on Township Lands.
- 2.10 Where any Encroachment is removed or impounded by the Township, the Township shall make a reasonable effort to locate and notify the owner or person responsible for the Encroachment. Where no owner or responsible person can be located within 60 days, then the Encroachment shall become the property of the Township and may be used or disposed of in any manner that the Township sees fit. The Township shall have no liability to the owner or person responsible for the Encroachment for any such removal or disposal.
- 2.11 Where any Encroachment has been authorized under Section 2.3 and where any damage occurs to that Encroachment by any means, the Township shall not be held responsible for such damage and shall not be obligated in any way to make any repair or restoration to that Encroachment.

Section 3 PENALTIES

- 3.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty exclusive of costs, for each offence, as prescribed by the Provincial Offences Act, R.S.O.1990, C.p.33, as amended.
- 3.2 Any expenses incurred by the Township under the provisions of this By-Law may:
- (a) in the sole discretion of the Township, be added to the tax roll for the property from which the Encroachment emanates for the year in which the expenses were incurred and collected in the same manner as taxes; or,
 - (b) be recovered by court action as a liquidated debt due and owing to the Township.
- 3.3 Expenses incurred by the Township shall include the actual cost of labour, equipment and an administrative fee of twenty five percent (25%) plus an additional one and one half Percent (1.5 %) interest rate per month for any amounts outstanding.

Section 4 ADMINISTRATION AND ENFORCEMENT

- 4.1 This By-law shall be administered by the Commissioner.
- 4.2 This By-law shall be enforced by the Commissioner, the Director and an Officer.

Section 5 SHORT TITLE

- 5.1 This By-Law shall be called the Encroachment By-Law.

Section 6 SEVERABILITY

- 6.1 If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-Law and it is hereby declared that the remainder of this By-Law shall be valid and shall remain in force.

Section 7 EFFECTIVE DATE

- 7.1 This By-Law will come in to force on the day of its passing, and where required proper notice has been given.

Read a First, Second and Third Time and finally passed this 23rd day of June, 2008

MAYOR, Marilyn Pearce

CLERK, Kim Coates