



City of Kelowna
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Council Policy

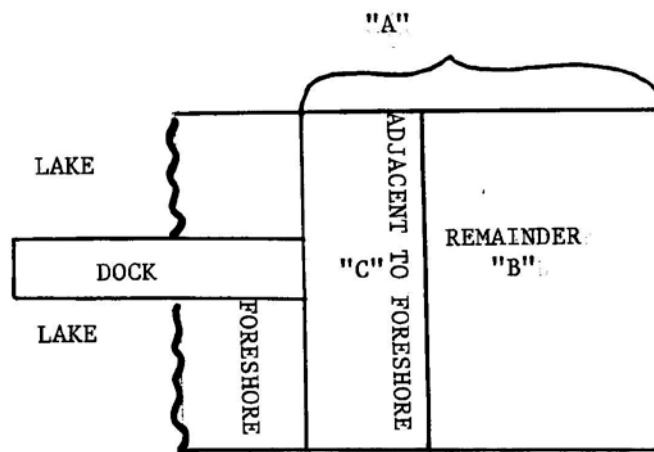
Private Docks Abutting City-Owned Lots Severed From Upland Lakefront Parcels

APPROVED July 30, 2001

RESOLUTION: R375/10/04/26
REPLACING: R599/01/07/30
DATE OF LAST REVIEW: April 2010

1. This policy shall apply where a portion of a lakefront parcel of land (shown as "A" on the diagram below) is, or is intended to be, severed so as to create a separate parcel (shown as "C" on the diagram below) adjacent to the foreshore and a remainder parcel (shown as "B" on the diagram below), and the separate parcel ("C") is to be used for the purpose of creating or increasing the area along the foreshore that is available for public access.
2. Where the City purchases an entire lakefront parcel of land ("A"), severs a portion to create a separate parcel ("C") adjacent to the foreshore, and sells the remainder ("B") of the original parcel, the City will not support an application for a dock license by a subsequent owner of the remainder ("B") and will not consent to the construction of a dock across any portion of the foreshore abutting or adjacent to the City-owned parcel ("C").
3. Where the City purchases a parcel ("C") adjacent to the foreshore, that has already been severed from a larger lakefront parcel ("A"), and, at the time of that purchase by the City, the owner of the remainder ("B") of the original parcel requests that the City support an application for a dock license allowing the construction of a private dock across any portion of the foreshore abutting or adjacent to the City-owned parcel ("C") by that Owner, the City will consider supporting that application provided:
 - (a) That the application for a dock license by the Owner is submitted to the relevant approving authority within five (5) years from the date of the purchase of the parcel ("C") adjacent to the foreshore by the City; and
 - (b) That Section 9.9 of the City of Kelowna Zoning Bylaw No. 8000 (the "Dock and Boatlift Regulations"), as amended or replaced from time to time, and all other applicable City, Provincial or Federal regulations, and all other requirements of the relevant approving authority, are applied; and
 - (c) That in addition to subsections 3(a) and (b) above:
 - (i) The Owner shall be required to ensure that the dock does not become untidy, unsightly, or hazardous, and that unreasonable quantities of waste or refuse do not accumulate on the dock; and
 - (ii) The Owner shall be required to ensure that the area of the foreshore along the entire frontage of the abutting City-owned parcel ("C") is kept clean and free of litter, debris and other rubbish; and
 - (iii) While appropriate signage indicating that the dock is for private moorage may be permitted, no fence, barrier or other obstruction shall be built between the dock and the abutting or adjacent City-owned parcel ("C") and the Owner shall not launch a boat across the City-owned parcel ("C"); and
 - (iv) No utilities for the dock shall be permitted to cross the abutting or adjacent City-owned parcel ("C"); and
 - (v) The dock shall not to be permitted to encroach on the abutting or adjacent City-owned parcel ("C") and must not permanently prevent access along the foreshore within 3 metres of the City-owned parcel ("C"); and

- (vi) The Owner of the remainder ("B") of the original parcel and of the dock agrees in writing to be liable for all costs, damages, and expenses whatsoever incurred or suffered by the City, its elected officials, officers, employees and agents (the "Indemnitees") including but not limited to damage to or loss of property and loss of the use thereof, and injury to or death of a person or persons resulting from or in connection with the dock, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees; and
- (vii) The Owner of the remainder ("B") of the original parcel and of the dock agrees in writing to defend, indemnify and hold harmless the Indemnities from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the use of the dock, exception only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.



REASON FOR POLICY

To provide direction for consideration of support of dock license applications adjacent to City-owned property.

LEGISLATIVE AUTHORITY

Council Resolution.

PROCEDURE FOR IMPLEMENTATION

As outlined in policy.