THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11-144

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND THE TOWNSHIP OF CAVAN MONAGHAN WITH RESPECT TO BUILDING INSPECTION, PLANNING AND FIRE PROTECTION AT THE PETERBOROUGH MUNICIPAL AIRPORT

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

That the Mayor and Clerk be hereby authorized to execute an agreement between the Corporation of the City of Peterborough and the Township of Cavan Monaghan with respect to building inspection, planning and fire protection at the Peterborough Municipal Airport in the form attached hereby as Schedule “A”, and to affix the Seal of the Corporation thereto.

By-law read a first, second and third time this 12th day of December, 2011.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Natalie Garnett, Deputy Clerk
THIS AGREEMENT made this 1st day of December, 2011.

B E T W E E N:

THE TOWNSHIP OF CAVAN MONAGHAN
hereinafter called the “Township”

-and-

THE CORPORATION OF THE CITY OF PETERBOROUGH
hereinafter called the “City”

WHEREAS the City is the owner of the Peterborough Airport (the “Airport”), which is located within the geographic limits of the Township;

AND WHEREAS the Township and the City entered into an agreement dated March 17, 2008 (the “Agreement”) whereby the City would administer the planning and building permit requirements for aeronautically-related development at the Airport, as well as ensuring that adequate fire protection was provided;

AND WHEREAS the City has recently completed an airport expansion project and therefore the parties wish to enter into a new agreement to define the relationship between the parties for all Development Activities at the Airport;

NOW THEREFORE THE PARTIES HERETO COVENANT AND AGREE AS FOLLOWS:

1.0 Definitions

1.01 “Airport” means the airport lands, as set out in Schedule “A”, attached hereto and shall include future land acquisitions acquired by the City for the Airport.

1.02 “Development Activities” means the development or use of land, including site alteration and/or the construction of buildings and structures, principally for purposes which are related to aeronautics in a manner which is subject to regulation by the Government of Canada pursuant to the Constitution Act, 1982 and such purposes cover both airside and ground-side facilities at the Airport.

2.0 Term of Agreement

2.01 This agreement shall be in full force and effect from the date of execution, until it is terminated by either party, pursuant to the provisions of this agreement.

3.0 Parties’ Obligations

3.01 The parties agree that the City undertakes to have due consideration for building and site development standards and will conduct a plans review process, with applicable planning functions, for example site plan review, for any Development Activities.

3.02 The City shall provide notice to the Township Clerk, by facsimile or email transmission, prior to the commencement of construction any such Development Activities.

3.03 The parties agree that the City shall be responsible for providing the fire protection services contemplated in subsection 2(1)(b) of the Fire Protection and Prevention Act, 1997, as amended, for the Airport.
3.04. The City acknowledges and agrees that it is responsible for administration and enforcement of the Fire Protection and Prevention Act, 1997, as amended for the Airport in the same manner as it does for lands within its municipal boundaries and assumes all liability arising from its administration and enforcement. The City covenants and agrees with the Township, to indemnify and save harmless the Township, its servants and agents from and against any and all actions, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of the City’s assumption of the administration and enforcement responsibility as set out in this Agreement.

4.0 Applicability of Agreement

4.01 This agreement shall apply to all Airport and shall include any future land acquisitions that maybe made by the City for the Airport.

5.0 Amendment or Termination of Agreement

5.01 Either party may amend or terminate this agreement upon ninety (90) days written notice.

IN WITNESS WHEREOF the parties hereto have hereunto set their respective hands and seals.

SIGNED, SEALED AND DELIVERED )

In the presence of :

) ) )
 ) John Fallis, Mayor
 )
 ) Gail Empey, Clerk

TOWNSHIP OF CAVAN MONAGHAN

) ) )

THE CORPORATION OF THE CITY OF PETERBOROUGH

) ) )
 ) Daryl Bennett, Mayor
 )
 ) Nancy Wright-Laking, City Clerk