

The Corporation of the City of Kawartha Lakes

By-Law 2019-XXX

A By-law to Levy the Cost of Maintenance Works Undertaken on the Ferguson Municipal Drain in the City of Kawartha Lakes

Recitals

1. Section 74 of the Drainage Act, R.S.O. 1990, c.D.17, as amended and under By-law 2019-XXX, the City of Kawartha Lakes is responsible for maintenance of the Ferguson Drainage Works at the expense of all assessed upstream lands and roads.
2. The maintenance work undertaken was to clean out the municipal drain.
3. The total cost shall be assessed against the lands and roads in the watershed to the Ferguson Drainage Works prorated with the last revised schedule of assessment for maintenance for said Municipal Drain.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-XXX.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“City Treasurer” means the office and function of the Treasurer as set out in the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City.

1.02 Interpretation Rules:

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

(b) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Maintenance Billing Details

- 2.01 **Total Levy:** The total amount to be levied is \$25,848.69 and it shall be prorated and invoiced as outlined in Schedule "A".
- 2.02 **Grant:** The amount assessed to lands used for agriculture shall be reduced by the one third grant available in accordance with Section 85(a)(ii) and 87(i)(a) of the Drainage Act, R.S.O.1990, c.D.17.
- 2.03 **Due Date and Minimum Billing:** Assessments to lands as outlined in Schedule "A" are due on January 31st, 2019 except for any net assessments that are \$50.00 or less.
- 2.04 **Addition to Tax Roll:** Any amount of assessments as noted in Section 2.03 that are outstanding as of February 1st, 2019 will be added to the tax roll together with interest at 1.25% per month.
- 2.05 **Assessments Less than \$50.00:** Net assessments \$50.00 or less shall be paid from general funds of the City of Kawartha Lakes.
- 2.06 **Assessment on Roads:** Net assessments against roads shall be due when billed.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The City Treasurer is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed and may be cited as the Ferguson Drainage Works Maintenance By-law 2019-XXX.

By-law read a first, second and third time, and finally passed, this 19 day of November, 2019.

Andy Letham, Mayor

Cathie Ritchie, City Clerk



Ferguson Drain
Assessment.pdf