The Corporation of The City of Kawartha Lakes

By-Law 2017 -

A By-Law to Amend Bylaw 2016-072 and to Provide for the Levying of Costs Resulting from the Construction of the Gingrich Petition Municipal Drain

Recitals

1. The Gingrich Petition Municipal Drain has been constructed under the authority of by-law 2016-072;
2. The actual cost of the Gingrich Petition Municipal Drain is $26,579;
3. The grant received from the Ontario Ministry of Agriculture & Food is $8,860.;
4. The sum necessary to be raised by assessment is $14,630.;
5. The Council of the City of Kawartha Lakes deems it expedient to amend by-law 2016-072 which provided for an amount less than the final cost of the Gingrich Petition Municipal Drain.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-_____

Section 1.00:   Definitions and Interpretation

1.01   **Definitions**: In this by-law:

(a)   **"By-law"** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.

(b)   **"City", "City of Kawartha Lakes", "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

(c)   **"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*;

(d)   **"Council" or "City Council"** means the municipal council for the City.

1.02   **Interpretation Rules**:

(a)   Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(b)   References to items in the plural include the singular, as applicable.

(c)   The word "include" is not to be read as limiting the phrases or descriptions that precede it.

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:   Authorization of Final Cost Levy on Gingrich Petition Municipal Drain

2.01   Bylaw No. 2016-072 is hereby amended to conform to the attached Schedule "A" which forms part of this By-law.

2.02   The amount of $25,579. necessary to be raised for the Gingrich Petition Municipal Drain be made a cash assessment upon lands and roads affected by the Gingrich Petition Municipal Drain as set forth in Schedule "A" to this By-law with interest at the rate of 1¼% per month added after the date payment is due.

If property owners request and meet the criteria for debenture as outlined in Municipal Debenture to Property Owners in regard to the Credit Granting Policy Number CP2017-004 the amount owing will be debentured as per the Policy.

2.03   By-law No. 2016-072 be amended to provide that all assessments shall be due on October 31st , 2017 and that any assessments not paid in full on or before the due date shall be collected in the same manner as taxes.

2.04   Where an allowance or compensation has been determined for an owner pursuant to the provisions of the Drainage Act, and where the amount so determined is less than the total amount owing from the owner, the City shall deduct from the total amount so determined, and the owner shall be responsible for paying the balance in the manner prescribed in this by-law.

Section 3.00:   Effective Date

3.01   This By-law shall come into force on the date it is finally passed and may be cited as the "Gingrich Petition Municipal Drain Levying By-law".

By-law read a first, second and third time, and finally passed, this _____ day of September, 2017.

_____   _____
Andy Letham, Mayor   Ron Taylor, Acting City Clerk

Schedule 'A' – Bylaw 2017 - _____

Schedule A - Gingrich Drain.pdf