

# THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

## BY-LAW NO. 37-2024

Being a By-law to provide for the collection of costs of repairs and maintenance of municipal drainage works in the Municipality of Thames Centre.

**WHEREAS** pursuant to Section 74 of the *Drainage Act, R.S.O. 1990, D.17*, the local municipality shall maintain and repair any drainage works constructed under the provisions of the said Act at the expense of all of the upstream lands and roads in the proportion determined by the then current by-law;

**AND WHEREAS** pursuant to Section 75(3) of the *Drainage Act, R.S.O. 1990, D.17*, the Council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years, if the total incurred does not exceed the sum of \$5,000.00;

**AND WHEREAS** such maintenance and repair work has been carried out on certain drainage works within the Municipality;

**AND WHEREAS** the Council of The Corporation of the Municipality of Thames Centre deems it expedient to assess and levy the costs of such maintenance and repair on the upstream lands;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the costs and charges for the maintenance and repair of municipal drainage works within the Municipality of Thames Centre shall be assessed and levied against the lands and roads, in accordance with Schedules "A" to "Z" inclusive, attached hereto and forming a part of this By-law, being:

	<b>Drain Name</b>	<b>By-Law No.</b>	<b>Total Maintenance</b>	<b>OMAFRA Grant</b>
A	Leslie Drain Open	29-69	\$5,201.87	\$1,317.81
B	Hunt Drain 1967	21-67	\$4,020.79	\$1,081.15
C	Wood Drain	0-52	\$1,461.88	\$435.83
D	Parsons Drain	6-79	\$1,898.31	\$555.32
E	Wisknoski Drain "A"	134-58	\$6,756.64	\$1,637.97
F	Dingman Centre Br "T"	38-69	\$1,986.55	\$177.10
G	Dingman South	33-83	\$1,679.04	\$0.00
H	Hunter Drain Open	142-58	\$22,807.47	\$6,195.12
I	Harrietsville Drain 1976	37-76	\$10,684.80	\$1,785.80
J	Finch Drain "A"	70-26	\$10,385.68	\$0.00
K	Fekete Drain No. 3	13-99	\$1,776.40	\$0.00
L	McNiven Drain	38-2000	\$721.48	\$148.41
M	Annett Drain Br "1"	72-84	\$2,067.12	\$689.04
N	Lee Drain "B"	26-78	\$1,824.97	\$489.17
O	Taylor Drain "A" Open	2-99	\$3,133.70	\$921.27
P	Van Geel Drain	12-68	\$1,520.29	\$460.12
Q	Goarley Drain "A" Open	81-93	\$3,732.03	\$1,162.52
R	Goarley Drain "A" Closed	81-93	\$1,866.28	\$589.74
S	Abbott Branch	80-2002	\$16,085.41	\$0.00
T	Boughner Drain	28-98	\$1,623.68	\$335.02
U	Reynolds Creek	64-2006	\$85,739.43	\$22,344.56
V	Mills Guest Drain	17-07	\$47.02	\$0.00
W	Rath Harris Drain Branch "C" Ext	44-2008	\$5,411.60	\$156.19
X	Finch Drain "A" Closed	2000-97	\$2,842.36	\$843.16
Y	Sherman Metcalfe Drain	27-2013	\$1,051.18	\$334.28
Z	Switzer Drain	17-2020	\$2,520.31	\$0.00
		<b>Total</b>	<b>\$198,846.29</b>	<b>\$41,659.58</b>

2. **THAT** grant funding provided by The Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) deemed to be ineligible, will become the responsibility of the effected landowner.
3. **THAT** for the purpose of paying the said repairs and expenses, assessments under \$5.00 shall be financed from general municipal funds
4. **THAT** for the purpose of paying the said repairs and expenses, assessments \$5.01 to \$500.00, will be charged against the lands assessed in the same manner and at the same time as other taxes are levied and collected.
5. **THAT** whereas payment of the assessment levied under paragraph 4 is not received by the due date, the amount unpaid shall be considered to be in arrears and shall be subject to interest charges of 1.25% per month.
6. **THAT** for the purpose of paying the said repairs and expenses, assessments over \$500.00 will be invoiced directly to the landowner for payment. If payment or notification, in writing, of intent to debenture, has not been received by due date indicated, the outstanding balance shall be transferred to the assessed landowners' property tax roll.
7. **THAT** assessed owners will have the following payment options:
  - a) Payment in full to the Municipality of Thames Centre by invoiced due date.
  - b) Assessment of \$500.01 - \$5,000.00, the option to debenture over a period of five (5) years; provided that the assessed owners has notified the municipality of their intent, in writing, by the invoiced due date.
  - c) Assessment over \$5,000.00, the option to debenture over a period of five (5), ten (10), fifteen (15) or twenty (20) years; provided that the assessed owner has notified the municipality of their intent, in writing, by the invoiced due date.
8. **THAT** debentures shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s)
9. **THAT** an equal amount local improvement sufficient to redeem the principal and interest on the debentures, be levied upon the lands as set forth in the Schedule to be collected in the same manner and at the same time as other taxes are collected in each year for five (5), ten (10), fifteen (15) or twenty (20) years after the passing of this by-law.
10. **THAT** once the debenture has been arranged for the property, it cannot be paid off prior to maturity. In the event the property is sold, the debenture will remain in effect and will transfer with the sale to the new owners(s) until maturity.
11. **THAT** the provisions of this By-law shall take effect on the date of the final passing thereof.
12. **THAT** this By-law may be cited as the "Drain Repair Costs Collection By-law".

**READ** a **FIRST** and **SECOND** time this 27<sup>th</sup> day of May, 2024.

**READ** a **THIRD** time and **FINALLY PASSED** this 27<sup>th</sup> day of May, 2024.

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Mayor, S. McMillan

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Clerk, J. Nethercott