

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NO. 95-17

being a by-law for fixing a capital water works rate upon owners or occupants of land in the Township of McGarry and to rescind By-Law No. 95-13.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45, Section 221 (2) authorizes the council of a local municipality, in authorizing the construction of water works, may impose a water works rate upon owners or occupants of land who derive or will or may derive a benefit therefrom sufficient to pay all or such portion of the capital costs of the works as the by-law may specify (By-law 95-16);

AND WHEREAS the Corporation of the Township of McGarry had money in the reserves to pay for their share of the costs of the water project;

AND WHEREAS the Township of McGarry to date has been unable to collect tax arrears owing in excess of one million seven hundred thousand dollars (\$1,700,000.00);

AND WHEREAS this shortfall in revenue has depleted the reserves set aside for the municipal share of the cost of the water project in order to pay current operating and capital costs;

AND WHEREAS the Corporation of the Township of McGarry has entered into an agreement with the Minister of Municipal Affairs for a special assistance loan in the amount of Three Hundred and Fifty Thousand Dollars (\$350,000.00.);

AND WHEREAS the Township has agreed to repay the Minister for the loan in ten equal instalments of principal and interest at ten and three-quarters percent (10.75%) as at March 31, 1995, the first payment being due June 30, 1996 and each of the remaining nine (9) payments on June 30th of each succeeding year (10 years);

AND WHEREAS a schedule must be set forth on the method of repayment over the next 10 years;

THEREFORE BE IT RESOLVED that the Council of the Corporation of the Township of McGarry **HEREBY ENACTS AS FOLLOWS:**

1. That for the purpose of this by-law:
 - a) "Benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of water works.
 - b) "Immediate Benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the works.
 - c) "Deferred Benefit" means the benefit that accrues upon completion of the works but which is not derived or derivable therefrom until a water main upon which the land will abut is constructed as part of the works.
 - d) "Capital Cost" means the cost of constructing water works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the works and the imputed interest costs determined under subsection (3)
 - e) "Water Works Rate" means a charge for the capital cost of water works.
 - f) "Township" means the Corporation of the Township of McGarry.

2. That there shall be imposed upon the owners or occupants of land who derive an immediate benefit from the waterworks, a waterworks rate sufficient to pay for the cost of the debenture of \$350,000.00 plus interest, repayable over 10 years.
3. That the owners or occupants of land who derive an immediate benefit from the waterworks be set out in Schedule "A" annexed hereto which said schedule shall form part of this by-law.
4. That for the repayment of the Debenture, the Township shall charge at the rates or charges as set out in Schedule "B" annexed hereto which said schedule shall form part of this by-law.
5. That the flat rate designated in Schedule "B" shall be billed on a quarterly basis and collected as part of the charge for water service to each user.
7. That discounts of 10% apply to all charges paid on or before the due date.
8. That these rates shall go into effect on January 1st, 1996.

READ a first and second time in Open Council this 22nd day of December, 1995.


Reeve


Clerk-Treasurer

READ a third and final time in Open Council this 22nd day of December, 1995.


Reeve


Clerk-Treasurer

THE CORPORATION OF THE TOWNSHIP OF MCGARRY**SCHEDULE "B" TO BY-LAW NO. 95-17**

1. The user will be charged the flat rate referred to in paragraphs two (2) and three (3) of By-law No. 95-16.
2. A dwelling connected to the water system as designated in Schedule "A" will be charged the flat rate of \$152.80 Gross - \$137.52 Net per annum.
3. A dwelling which chooses to commute the charge will be charged a flat rate of \$905.67 which will be payable on or before February 29th, 1996.