

**THE CORPORATION OF THE
TOWNSHIP OF MCGARRY**

BY-LAW NO. 2005 - 43

**BEING A BY-LAW TO SET AND LEVY A CAPITAL SEWAGE RATE UPON
OWNERS OF LAND IN THE TOWNSHIP OF MCGARRY**

WHEREAS a Municipality may under Section 401 of the Municipal Act 2001 chapter 25, incur a debt for Municipal purposes and;

AND WHEREAS Council has entered into an agreement to do major capital works to upgrade the Municipalities share of the capital cost of the sewage system upgrade;

AND WHEREAS Council has entered into an agreement to borrow the Municipalities share of the capital cost of the sewage system upgrade;

AND WHEREAS Section 391 of the Municipal Act 2001 C 25 allows Council to impose fees and charges on property owners which benefit from and use the sewage system;

AND WHEREAS the Municipalities only financial means to repay the capital funds borrowed is by levy on user and property owners in The Municipality over a period of years.

NOW THEREFORE The Council of the Corporation of the Township of McGarry enacts as follows:

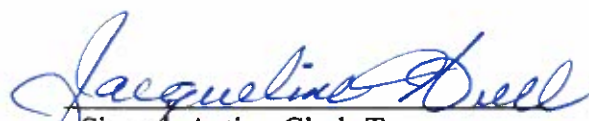
1. That for the purpose of this by-law
 - a) "Benefit" means an immediate benefit or deferred benefit accruing to owners of land and derived or derivable from the construction of the sewage system upgrade.
 - b) "Immediate Benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the project upgrade.
 - c) "Deferred Benefit" means the benefit that accrues upon completion of the project but which is not derived or derivable therefrom until a sewer line upon which the land will abut is connected to the sewage system.
 - d) "Capital Cost" means the cost of constructing the sewage system upgrade inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amount payable on the borrowed funds for the project.
 - e) "Sewage Rate" means a charge to recover the capital cost of the sewage project update.
 - f) "Local Improvements" means the work done to upgrade sewage system.
 - g) "Township" means The Corporation of the Township of McGarry
2. That there shall be imposed upon owners of land who derive an immediate benefit from the sewage system service a local improvement / sewage rate charge over a period of time to repay the funds borrowed plus interest.

3. That the rate to be charged to owners of the land who derive an immediate or deferred benefit from the sewage system will be set out on a Schedule and attached to this by-law and marked Schedule "A" and shall form part of this By-law.
4. That the rate established and set out on Schedule "A" attached shall be billed (monthly on the water bill and shown as miscellaneous charge)
5. That these rates charges shall come into effect on January 1st, 2006.

READ a first and second time this 28th day of December, 2005

READ a third time and finally passed this 28th day of December , 2005


Signed: Reeve Clermont Lapointe


Signed: Acting Clerk-Treasurer
Jacqueline Hull