

Municipality of Lakeshore

By-law 4-2023

Being a By-law to Raise \$2,000,000 to Aid in the Construction of Drainage Works under the *Tile Drainage Act*

Whereas section 2(1) of the *Tile Drainage Act*, R.S.O. 1990, c.T.8, provides that the council of a local municipality may pass by-laws in the prescribed form authorizing the borrowing of money from the Minister of Agriculture, Food and Rural Affairs for the purpose of lending the money for the construction of drainage work;

And whereas it is deemed expedient to authorize the borrowing of money pursuant to the *Tile Drainage Act*;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. In this by-law:

“Authorized Borrowers” means the Mayor and Treasurer acting jointly;

“Drainage Work” means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;

“Lender” means the Toronto Dominion Bank, and any such other lender as may be determined from time to time by by-law of Council; and

“Municipality” means the Municipality of Lakeshore.

2. Subject to the provisions of this by-law, the Authorized Borrowers are authorized from time to time to borrow from a Lender, such sums as may be necessary for the purpose of Drainage Works as may be permitted in accordance with the *Tile Drainage Act*.

(b) The Municipality may borrow the funds from a Lender by way of promissory note or bankers' acceptance and the sum or sums may be borrowed with interest and subject to any other charges of a Lender which may be applicable from time to time.

(c) The aggregate of the sum or sums borrowed by the Municipality from all Lenders shall not exceed \$2,000,000.

3. The Treasurer may issue debentures on behalf of the Municipality for the amount borrowed as provided in the *Tile Drainage Act* payable to the Minister of

Finance, which debentures shall reserve the right to prepay the whole or any part of principal and interest owing at the time of such prepayment.

4. Where an application for a loan under the *Tile Drainage Act* is approved by the Council and the inspector of drainage has filed with the Clerk an Inspection and Completion Certificate, the Council may include a sum, not exceeding the amount applied for or seventy-five percent (75%) of the total cost of the drainage works with respect to which the loan is made, in a debenture payable to the Province of Ontario or delegate, and may approve of the Municipality lending the said sum to the applicant.
5. (a) A special annual rate shall be imposed, levied and collected over and above all other rates upon the land in respect of which the money is borrowed, sufficient for the payment of the principal and interest as provided by the *Tile Drainage Act*.

(b) The Treasurer is authorized and directed to apply in payment of all or any sums borrowed under this by-law, together with interest thereon, all or any of the monies hereafter collected or received, either on account of or realized in respect of the taxes levied for the Current Year and previous years or from any other source, that may be lawfully applied for such purpose.
6. Evidence of indebtedness in respect of any borrowing occurring under this by-law shall be signed by each of the Authorized Borrowers.
7. The Authorized Borrowers are authorized to sign on behalf of the Municipality such agreements, instruments or documents as are required to give effect to the borrowing authorized by this by-law.
8. By-law 2-2022 and all other by-laws which are inconsistent herewith with respect to the Municipality's borrowing of monies under the *Tile Drainage Act* are repealed.
9. This by-law shall be known as the "Drainage Borrowing By-law".
10. This by-law shall come into force upon passage.

Read and passed in open session on January 10, 2023.

**Mayor
Tracey Bailey**

**Clerk
Kristen Newman**