



**Municipality of Middlesex Centre  
BY-LAW 2023-051**

**Being a by-law to provide for the collection of costs of repairs and maintenance of municipal drainage works in 2023 for works completed 2022 and prior in the Municipality of Middlesex 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 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 in 2022 or prior;

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

**AND WHEREAS** it is desirable to make a pro rata assessment and levy, pursuant to the *Drainage Act*, upon the lands and roads assessed for the construction of the drainage so as to collect the costs of the repairs and expenses.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Municipality of Middlesex Centre enacts as follows:

1. THAT the costs and charges for the maintenance and repair of municipal drainage works within the Municipality of Middlesex Centre shall be assessed and levied in accordance with Schedules for each identified drain below inclusive, attached hereto and forming a part of this By-law being:

<b>Name of Drain</b>	<b>Bylaw</b>	<b>Total Cost of Repair</b>
Armitage Drain	4672	\$ 899.66
Bear Creek Drain Br 1	2000-103	\$ 6,232.08
Bear Creek Drain Br 15	2008-060	\$ 3,224.78
Bear Creek Drain	5006	\$ 2,126.78
Borszcz Drain	53-78	\$ 4,778.12
Daugherty Drain	4-65	\$ 910.59
Elginfield Drain	12-1990	\$ 500.00
Ettrick Drain Kennedy Br	3767	\$ 3,127.82

Highbury-Armitage Drain	6393-94	\$ 2,041.40
Holden Drain	4776	\$ 22,244.99
Jones Drain	5131	\$ 268.96
Kime Drain	4764	\$ 1,290.61
Lendzian Drain	30-66	\$ 335.44
Link Drain	5799	\$ 1,597.44
McIntyre-Hilton Drain	3-86	\$ 182.92
McKellar Drain	33-74	\$ 566.04
Mills Drain	4339	\$ 625.00
Munro Creek Drain Br K	17-83	\$ 3,514.30
Nichols Drain	22-68	\$ 100.00
Nixon Drain	4808	\$ 19,947.52
Olson Drain	5046	\$ 1,722.22
Schaum Drain	33-68	\$ 335.81
Taylor Drain	99-044	\$ 400.00
Thomson Drain	41-69	\$ 1,267.30
Ward Drain	994	\$ 279.84
Wonnacott Drain	4874	\$ 7,509.89
Zavitz Drain	2007-092	\$ 2,670.48
<b>Total</b>		<b>\$ 88,699.99</b>

2. That for the purpose of paying the said repairs and expenses and for repaying into the General Funds of the Municipality of Middlesex Centre the amount or cost of the sum of \$71,901.18, being the amount charged against the land assessed for the construction of the drainage works and now assessable for the maintenance, to be invoiced from the under mentioned lots or parts of lots as specified in the attached schedules of Assessment in the present year. This amount includes a grant portion of \$21,489.82 for agricultural properties that meet the eligibility qualifications.
3. For the purpose of paying the said repairs and expenses and for repaying into General Funds of the Municipality the amount or cost thereof the sum of \$5,212.96 the amount charged against the Ministry of Transportation, Canadian National Railway (CNR), Canadian Pacific Railway (CPR), County of Middlesex and other municipalities assessed for the construction of drainage works, and now assessable for maintenance the following shall be assessed and be invoiced from the under mentioned lots or parts of lots or roads as specified in the attached schedules of Assessment in the present year.
4. For the purposes of paying the sum of \$10,727.33 the amount charged against the said roads owned by the Municipality of Middlesex Centre shall be levied and collected upon and from the whole rateable property in the Municipality of Middlesex Centre.

5. Assessments under \$10.00 shall be written off. This totals \$847.63.
6. For the purposes of paying the sum of \$10.89 the amount charged against the assessments for properties located within the settlement areas be charged to the Stormwater Reserve Fund.
7. Assessments that remain unpaid after the specified due date, the amount unpaid shall be considered to be in arrears and shall be subject to interest of 1.25% per month. For assessments levied under paragraph 2, any unpaid balances shall be transferred onto the 2023 tax roll with a \$30 transfer fee, to be collected in the same manner as other taxes.
8. Pro rated assessment schedules for the municipal drains as listed above shall form part of this by-law.
9. THAT any other by-laws or resolutions contrary to this by-law are hereby repealed.
10. This by-law shall go into full force and effect upon the final passing thereof and may be cited as Municipal Drain Collection By-law No. 2023-051.

**PASSED AND ENACTED** this 17<sup>th</sup> day of May, 2023.

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Aina DeViet, Mayor

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James Hutson, Municipal Clerk