

**THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

BY-LAW NO. 58-2021

**Being a By-Law to Amend the By-Law 20-2021 enacted to establish
a capital levy charge for the Burgoyne Drinking Water System ("BDWS")**

Whereas the Municipal Act S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by By-Law;

And Whereas Section 326 of the Municipal Act, 2001, c 25, allows a municipality to enact a by-law to identify a special service charge, and to determine the costs, including capital costs related to that special service, and to designate the area of the municipality in which the residents and property owners will receive an additional benefit from the special service;

And Whereas the Municipal Act, 2001, Chapter 25, Section 391(1) authorizes a municipality to impose fees or charges on any class of persons,

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) for the use of its property including property under its control.

And Whereas the Municipality of Arran-Elderslie deems it expedient to establish a capital levy charge;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE HEREBY ENACTS AS FOLLOWS:

1. THAT in this by-law the following definitions shall apply:
 - a. "Capital Cost" means all costs attributable to the Municipality for the decommissioning of the BDWS;
 - b. "Capital Levy Charge" means a charge imposed for the purpose of recovering the capital costs of the BDWS
 - c. "Service Area" means the property owners connected to the BDWS
2. That a Capital Levy Charge for the BDWS be charged upon the basis of equal allocation amongst the 21 property owners which is payable according to Schedule "A":
 - a. This Capital Levy Charge will be payable on or before January 31st, 2021 in full;
 - b. If this Capital Levy Charge is not paid in full on or before January 31st, 2021, and written notification of intent to debenture was received at December 31st, 2020, then the Capital Levy Charge shall be debentured in accordance with Schedule "B";
 - c. If the Capital Levy Charge is not paid in full on or before January 31st, 2021, and written notification of intent to debenture was not received at December 31st, 2020, then the full amount of the Capital Levy Charge shall be added to the property tax account of the respective property owner and collected in the same manner as municipal taxes;
3. That the debenture of the Capital Levy Charge shall incur an annual interest rate of 3.15%.

4. That all outstanding capital levy charges are due and payable upon the sale of a property.
5. THAT By-Law 20-2021 being a by-law to establish a capital levy charge for Burgoyne Drinking Water System ("BDWS") is hereby rescinded.
6. THAT this By-law shall come into force and take effect on with final passing.

READ a FIRST and SECOND time this 13th day of September, 2021.

READ a THIRD time and finally passed this 13th day of September, 2021.

Steve Hammell, Mayor

Christine Fraser-McDonald, Clerk

Schedule A

Capital Levy Charge	\$1,864.65
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Schedule B

Payment No.	Payment Date	Beginning Balance	Total Payment	Principal	Interest	Ending Balance
1	2021	1,864.65	408.90	350.16	58.74	1,514.49
2	2022	1,514.49	408.90	361.19	47.71	1,153.30
3	2023	1,153.30	408.90	372.57	36.33	780.73
4	2024	780.73	408.90	384.31	24.59	396.42
5	2025	396.42	408.91	396.42	12.49	-