

The Corporation of the Municipality of South Huron

By-Law #45-2020

Being a By-law to collect costs for maintenance and repair of municipal drains in the Municipality of South Huron.

Whereas the Drainage Act, R.S. O. 1990, as amended, provides under Section 74 that any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained and repaired by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of all the upstream lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance or repair is varied or otherwise determined by an engineer in a report or on appeal therefrom; and

Whereas maintenance and repairs for 2019 and prior year projects have now been completed on the following drains, and the total costs for each drain are as indicated below:

Anderson Drain	(Usborne Ward B/L 15-1986)	254.25
Brock Creed Drain	(Usborne Ward B/L 8-1994)	265.59
Chambers Drain	(Stephen Ward B/L 36-1986)	18,724.63
Eagleson Drain	(Stephen Ward B/L 52-1972)	3,847.31
Eighteenth Conc Drain	(Stephen Ward B/L 12-1960)	4,288.56
Finkbeiner Drain	(Stephen Ward B/L 20-1994)	8,221.50
Fleming-Morrissey Drain	(Stephen Ward B/L 33-1975)	260.64
Gaiser Drain	(Stephen Ward B/L 19-1967)	12,844.08
Huron St Drain	(Usborne Ward B/L 3-1976)	620.64
Khiva Drain	(Stephen Ward B/L 15-1997)	1,444.80
Mud Creek Drain (Upper)	(Stephen Ward B/L 23-2003)	57,094.06
Mud Creek Drain	(Stephen Ward B/L 39-1991)	1,547.26
New Venice-Eagleson Drain	(Stephen Ward B/L 12-1977)	3,894.86
Parsons Drain	(Stephen Ward B/L 25-1972)	7,861.96
Prout Drain	(Usborne Ward B/L 7-1966)	3,343.76
Shipka Drain	(Stephen Ward B/L 18-1923)	6,979.57
Sideroad 5 Drain	(Stephen Ward B/L 32-1993)	2,990.98
Sitter Drain	(Stephen Ward B/L 32-1982)	18,340.19
Turner Drain	(Stephen Ward B/L 17-1972)	15,771.58
Veri Drain	(Stephen Ward B/L 24-1972)	8,827.67
Washburn Drain	(Usborne Ward B/L 1-1981)	420.00

Now therefore be it resolved that the Council of the Corporation of the Municipality of South Huron enacts as follows:

1. That a special rate sufficient to collect drain maintenance and repair costs as indicated above shall be levied upon upstream lands and roads on a pro rata basis in accordance with the maintenance provisions set out in the reports adopted by the respective By-laws identified above.
2. That all costs shall be payable in full in the year in which they are imposed.

3. That where lands in the same ownership have drainage assessments with an accumulated total of \$10 or less, the costs shall be charged to general municipal drain expenses. This includes costs on drains where due to the excessive size of the watershed, as determined by the Drainage Superintendent, it would not be cost effective to have the costs assessed out. The amounts assessed against the lands as described in "1" above shall be levied and collected in the same manner and at the same time as the final taxes are levied and collected.
4. That this By-law shall come into force and take effect on the date of final passing.

Read a first and second time this 10th day of August, 2020

Read a third time and passed this 10th day of August, 2020

George Finch, Mayor

Rebekah Msuya-Collison, Clerk