

The Corporation of the Municipality of South Huron

By-Law #53-2022

Being a By-law to repeal By-Law 40-2022 to provide for a drainage works for the Pickering Municipal Drain 2022 in the Municipality of South Huron in the County of Huron

Whereas Section 5 of the Municipal Act 2001, S.O. 2001, as amended, provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas Council of the Corporation of the Municipality of South Huron passed By-Law 40-2022 - to provide for a drainage works for the Pickering Municipal Drain 2022 in the Municipality of South Huron in the County of Huron; and

Whereas the drainage works were petitioned under subsection 78(5) of the Drainage Act; and

Whereas O. Reg.500/21 made under the Drainage Act is the approval process for minor improvement to drainage works and Section 8 subsection 10 provides that if the contract price of carrying out the activity exceeds the 133 per cent of the engineer's estimate of the contract price set out in the engineer's report,

(a) the minor improvement project will proceed if the applicant consents to the new contract price; or

(b) the minor improvement project will not proceed and the municipality will repeal the by-law authorizing the project if the applicant does not consent to the new contract price; and

Whereas the contract price exceeded 133 per cent of the engineer's estimate of the contract price as set out in the Engineers report dated May 31, 2022 and the applicant did not consent to the new contract price;

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

1. That By-Law 40-2022 is hereby repealed.
2. That this By-Law takes effect upon the date of final passing.

Read a first and second time this 6th day of September, 2022.

Read a third time and passed this 6th day of September, 2022.

George Finch, Mayor

Rebekah Msuya-Collison, Clerk