

SAMPLE BY-LAW

SAMPLE LEASE BY-LAW

(Name of Municipality)

By-law No. _____

Being a By-law of the (Name of Municipality) to authorize the entering into of a Lease Agreement with _____ for (brief description) _____.

Whereas, The Municipal Act, S.M. 1996, c.58 provides, in part, as follows:

"172 In this Division,
"borrowing" means the borrowing of money, and includes

- (c) a lease of capital property with a fixed term beyond three years or a fixed term of less than three years but with a right of renewal that would, if exercised, extend the original term beyond three years,

"borrowing by-law" means a by-law referred to in clause 174 (1) (a)."

"174 (1) A municipality may make a borrowing only if

- (a) the borrowing is authorized by by-law; and
- (b) subject to subsection (2), the borrowing is set out as a debt obligation in the operating budget or capital budget or it is made to fund an expenditure authorized under subsection 169(5).

And Whereas the Council of the (Name of Municipality) is desirous of entering into a lease agreement for _____;

And Whereas, in order to complete such leasing agreement, it will be necessary for the (Name of Municipality) to enter into a agreement with _____ for the sum of \$ _____ for an annual total of \$ _____ per year for a period of _____;

And Whereas the amount of the existing debenture debt of the (Name of Municipality) is \$ _____, of which no portion of the principal or of the interest thereon is in arrears;

Now Therefore the Council of the (Name of Municipality) in regular session assembled, enacts as follows:

- 1. THAT the (Name of Municipality) is hereby authorized to enter into a lease agreement and shall be signed by the Mayor (Reeve), or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of The (Name of Municipality) and there shall be affixed thereto the corporate seal of the said municipality..
- 2. THAT the Lease Agreement and its terms and conditions shall form part of this By-Law and be attached as Schedule "A";
- 3. THAT during the term of the said lease; namely, in each of the years _____ to _____, both inclusive, there shall be raised allocated sufficient funds annually in the General Operating Fund to provide for the requirements.

Done and Passed by a by-law of the (Name of Municipality) in the Province of Manitoba this _____ day of (month) , (year) .

S E A L

Mayor or Reeve

Chief Administrative Officer

Read a first time this _____ day of (month) A.D. (year).
Read a second time this _____ day of (month) A.D. (year).
Read a third time this _____ day of (month) A.D. (year).

*original and three certified copies to be submitted prior to second reading