

1
Sample Only
Local Improvement By-law

(Name of Municipality)

By-law No. _____

Being a By-law of the _____ (Name of Municipality) _____ to authorize the Expenditure and Borrowing of money for the (brief description of project) as a Local Improvement.

Whereas Section 311 of *The Municipal Act*, S.M. 1996, C.58, provides in part as follows:

If approved by by-law, a municipality may undertake, as a local improvement for the benefit of all or part of the municipality,

- (a) the acquisition, development, upgrading or replacement of one or more of the following:
 - (i) sewage collection and treatment facilities;
 - (ii) water supply, treatment and distribution facilities;
 - (iii) waste management facilities;
 - (iv) highways;
 - (v) drainage systems; or
- (b) any (use only the part that is applicable) other project the cost of which includes a capital component.

And Whereas subsection 320(1) of *The Municipal Act* provides as follows:

Subject to subsection (2) to (6) and subsection 321(4), a Council may by by-law

- (a) approve the local improvement or special service as set out in the plan or proposal;
and
- (b) authorize the municipality to impose taxes as set out in the plan or proposal.

And Whereas Section 172 of *The Municipal Act* provides in part as follows:

In this Division,

"Borrowing" means the borrowing of money, and includes

- (b) borrowing to pay for a local improvement under Division 4 (Local Improvements and Special Services) of Part 10,
- (e) issuing debentures.

And Whereas, the Council of the _____ (Name of Municipality) _____ has prepared Local Improvement Plan No. _____ providing for the spending, borrowing authority, and imposition of taxes for the (brief description of project) as a local improvement pursuant to Part 10 of *The Municipal Act*;

And Whereas, in order to complete such undertaking, it will be necessary for the _____ (Name of Municipality) _____ to borrow the sum of \$ _____ as hereinafter provided, which is the amount of the debt intended to be created by this by-law;

And Whereas the consecutive annual amounts, including principal and interest, required to be raised each year for _____ years, as hereinafter provided, for paying the principal and interest under this by-law are the amounts set out in Schedule "A" hereto;

And Whereas the requirements are prescribed in Sections 318, 319 and 320 of *The Municipal Act* have been complied with;

And Whereas the assessed value of the whole lands chargeable under this by-law according to the latest revised Assessment Roll is \$ _____;
(delete clause if not applicable)

And Whereas the amount of the existing borrowing debt of the _____ (Name of Municipality) _____ is

Sample Only

Local Improvement By-law

\$ _____, 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 (or special) session assembled, enacts as follows:

1. That pursuant to subsection 320(1) of *The Municipal Act*, _____ (Name of Municipality) adopt Local Improvement Plan No. _____ attached hereto as Schedule "B".
2. That the _____ (Name of Municipality) may expend up to (dollar amount written) dollars (\$ _____) for the purpose of (brief description of project) as a local improvement.
3. That for the aforesaid project, the said municipality may borrow (dollar amount written) dollars (\$ _____), such borrowing shall be issued by the _____ (Name of Municipality) in the Province of Manitoba, and shall be payable at the _____ (Name of Municipality's financial institution) in the (Town/Village) or at the principal office of the Bank in one of the Cities of Winnipeg, Toronto, Montreal or Vancouver, Canada at the holder's option (delete italics if not applicable), and shall be dated the _____ day of (month) _____, A.D. (year) .
4. That the said borrowing shall bear interest at a rate estimated for the time being at _____% per annum, and subject in any event to the authorization of The Municipal Board at the time of sale, and shall mature in accordance with the maturities set out in Schedule "A" hereto on the _____ day of (month) _____ in each of the years _____ to _____, both inclusive.
5. That the issuance of borrowings shall be signed by the Mayor or 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.
- 6(A). That during the currency of the said borrowing; namely, in each of the years _____ to _____, both inclusive, there shall be raised annually by a special _____ rate on all rateable property described in Schedule "C" hereto, *according to the frontage thereof*, an amounts sufficient to provide for *part of* the principal and interest requirements hereunder.
(delete clause if not required)
(delete italics if not applicable)
- 6(B). That during the currency of the said borrowing; namely, in each of the years _____ to _____, both inclusive, there shall be raised annually by a special _____ rate on all the rateable property *described in Schedule "C" hereto*, an amounts sufficient to meet the (balance required/or requirement) for principal and interest, *which amount, with due regard to reserves satisfactory to any authority having jurisdiction, may be reduced by application of revenue surpluses of the utility.*

(delete italics if not applicable)
7. That pursuant to subsection 174(3)(d) of *The Municipal Act*, pending the issue of the borrowing, the Council of the _____ (Name of Municipality) may agree with a bank or person or borrow from the general funds of the municipality for temporary advances from time to time to meet expenditures incurred for the purpose aforesaid, and the total of such advances shall not exceed (dollar amount written) dollars (\$ _____).
8. That, at any time prior to or within (30) days following completion of the work, any ratepayer of the area affected by the local improvement as described in Schedule "C" hereto may commute and pay in one principal sum that part of his/her share of the debt herein authorized in respect of the frontage and/or flankage OR per parcel rate(s) provided herein to the said Chief Administrative Officer of the _____ (Name of Municipality) and thereafter no frontage and/or flankage OR per parcel rate(s) shall be levied against his/her said lands in

Sample Only Local Improvement By-law

respect of the borrowing to be authorized herein.
(delete if not required)

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

Mayor or Reeve

MUNICIPAL S E A L

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) .

Note: Original and three certified copies to be submitted prior to second reading