

CORPORATION OF THE VILLAGE OF COBDEN

BY-LAW # 1995-1

BEING a by-law to authorize borrowing from time to time to meet current expenditures during the fiscal year December 31, 1995.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M45 Section 187 provides authority for a council by By-Law to authorize the head of Council and the treasurer to borrow from time to time, by way of promissory note, such as the sums as the council considers necessary to meet, until taxes are collected, the current expenditures of the Corporation of the year, and

WHEREAS the total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Corporation, except with the approval of the Municipal Act is limited by Section 187 of the Municipal Act, and


WHEREAS, if the Council borrows any larger amount than is permitted, every member of the Council who knowingly votes therefore is disqualified from holding office (municipal) for two years


NOW THEREFORE, the Council of the Corporation of the Village of Cobden enacts as follows:

1. The head of Council and the treasurer are hereby authorized to borrow from time to time by way of promissory note during the year 1995 (hereinafter referred to as the current year) such sums as the council considers necessary to meet until the taxes are collected, the current expenditures of the Corporation and the other amounts that are set out in subsection 187 (1) of the Municipal Act.
2. The amounts that may be borrowed under this by-law and the lender shall be as determined from time to time by resolution of the Council.
3. The total amount which may be borrowed at any one time under this by-law together with the total of any similar borrowings that have not been repaid shall not exceed from January 1st to September 30th of the year, 50 percent of the total, and from October 1st to December 31st, 25 percent of the total of the estimated revenues of the Corporation as set forth in the estimated adopted for the current year.
4. The treasurer shall, at the time when any amount is borrowed under this by-law ensure that the lender is furnished with a certified copy of this by-law, a certified copy of the resolution mentioned in Section 2 governing the amount being borrowed and a statement showing the nature and amount of the estimated revenues for the current year not yet collected and also showing the total of any other amounts borrowed from any sources under authority of Section 187 of the Municipal Act that have not been repaid.
5. (a) If the estimates for the current year have not been adopted at the time an amount is borrowed under this by-law, the limitation of total borrowing, as set out in Section 3 of this by-law shall be calculated for the time being upon the estimated revenues of the corporation as set forth in the estimated adopted for the next preceding year, less all revenues received for and on account of the current year.

5. (b) If the estimates of the current year have not been adopted at the time an amount is borrowed under this by-law, the statement furnished under Section 4 shall show the nature and amount of the estimated revenues of the Corporation as set forth in the nature and amount of the revenues received for and on account of the current year.
6. ALL or any sums borrowed under this by-law shall with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.
7. THE treasurer is hereby authorized and directed to apply in payment of all or any sums borrowed under this by-law, together with interest thereon, all or any of the monies hereafter collected or received, either on account of or realized in respect of the taxes levied for the current year and preceding years or from any other source, which may lawfully be applied for such purpose.

READ a first, second and finally passed upon the third reading this
6th day of December 1994.


REEVE


CLERK-TREASURER