



BY-LAW

2008- 32

**BEING A BY-LAW TO ADOPT A PROVISION OF NOTICE POLICY FOR THE
TOWNSHIP OF HURON-KINLOSS PURSUANT TO THE MUNICIPAL
ACT, 2001**

WHEREAS the Municipal Act, 2001 provides for the giving of public notice in several sections of the Act;

AND WHEREAS the Council of the Township of Huron-Kinloss deems it expedient to establish provisions for providing notice to the public in respect of certain matters as stipulated within the Municipal Act, 2001;

NOW THEREFORE the Council of the Township of Huron-Kinloss **ENACTS** as follows:

- 1.0 The Corporation of the Township of Huron-Kinloss hereby adopts the Provision of Notice Policy attached to this by-law.
- 2.0 That By-Law 2002-116 passed on the 16th day of December, 2002 and any other by-law in conflict with this by-law be and the same is hereby repealed and replaced.
- 3.0 This By-Law shall come into full force and effect upon its final passage.
- 4.0 This By-law may be cited as the "Adopt Provision of Notice Policy By-Law"

READ a FIRST, SECOND and THIRD time and FINALLY passed this 17th day of March, 2008.

Original Signed by
Mitch Twolan

Mayor

Original Signed by
Sonya Watson

Clerk



Section: 5.0 General
Policy: Provision of Notice Policy
By-Law: 2008-32

Date: March 17th, 2008
Pages: 4
Revision:

- Coverage:** This policy applies to the Council for the Township of Huron-Kinloss, committees of Council, all departments and staff in the exercise of power or the performance of a duty while acting on behalf of the Township of Huron-Kinloss.
- Policy Statement:** The requirement to give reasonable notice to the public shall be deemed to be fulfilled upon completion of the actions dictated in this policy.
- The manner and form of notice dictated in this policy shall be deemed minimum requirements. Additional methods of giving notice may be undertaken at the discretion of the Clerk, or Mayor.
- Legislative Authority:** The Municipal Act, 2001, as amended, Section 238 (2.1) requires that the procedural by-law provide for public notice of meetings.
- The Municipal Act, 2001, as amended by Bill 130, Section 270 (1) paragraph 4. requires that the municipality adopt and maintain a policy with respect to "the circumstances in which the municipality shall provide notice to the public and if notice is to be provided, the form, manner and times notice shall be given."
- Contents:** **1.0 CONTENTS OF NOTICE**
- At a minimum, unless otherwise prescribed in the Act or Regulations, a notice of the intention to pass a by-law or notice of a public meeting should include the following information:
- i) Identification of the authority under which the notice is being given;
 - ii) A description of the purpose for the meeting or the purpose and effect of the proposed by-law;
 - iii) The date, time and location of the meeting at which the matter will be considered

- iv) A description of how and where comments and/or objections can be made;
- v) Contact information for the purpose of submitting written comments prior to the meeting including any submission deadlines;
- vi) If applicable, a key map or other description of the lands affected by the proposal.

2.0 PROVISIONS

- 2.1 Where notice is required as stipulated in the various sections of the Municipal Act 2001, as outlined on the attached Schedule "A" to this By-Law, notice shall be provided to the public in accordance with the standards as classified on the attached Schedule "B" to this By-Law and as indicated on Schedule "A".
- 2.2 In the event that the standards established on Schedule "A" conflict with the standards established by the Municipal Act, 2001 or any successor regulation, the standards of the Act or regulations shall take precedence.
- 2.3 The standards established on Schedule "A" shall be deemed to be the minimum standards of notice and therefore may be augmented by the Township, so long as the minimum standard is applied.
- 2.4 Notice requirements, established on Schedule "A" may be, where deemed expedient by Council on a case-by-case basis, reduced by resolution of Council.
- 2.5 If a matter arises, which in the opinion of the Clerk, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this by-law may be waived and the Clerk shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.

Attachments

Schedule "A" Established Notice Provisions
Schedule "B" Established Notice Classifications

Schedule "A" By-law 2008-32

The following shall be established as the Notice Provisions-Statutory Notice Per Municipal Act, 2001 (Bill 130):

Section	Description in Act	Requirement as outlined in the Act	Time Limits Prescribed	Notice Requirements (minimum)
34 (1)	Permanent Closure of a Highway	Notice not required		#3 & #1
34 (2)	Permanent Altering of a Highway	Notice not required		#3 & #1
47	Changing Name of Highway	Notice not required – Section repealed		#3
48.	Naming of Private Roads	A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law.		#3 & #1
81 (1)	Shut off of Public Utility	Shall provide reasonable notice by personal service or prepaid mail or by posting notice on the land.	Reasonable notice	#6
99 (1)	Advertising devices, including signs	Notice not required		#3
110 (5)	Agreements for Municipal Capital Facilities	Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the Clerk of the municipality shall give written notice of the by-law to the Minister of Education.	Written notice within 10 days of by-law passage	#4
110 (8)	Tax Exemption By-law	Upon the passing of a by-law under subsection (6), the Clerk of the municipality shall give written notice of the contents of the by-law to: <ul style="list-style-type: none"> a) the assessment corporation b) the Clerk of any other municipality that would , but for the by-law, have had authority to levy rates on the assessment for the land exempted by the by-law; and c) the secretary of any school board if the area of jurisdiction of the board included the land exempted by the by-law 	Written notice upon passage	#4
132 (2) 4.	Power of entry to a building	Shall provide reasonable notice of the proposed entry to the occupier of the adjoining land.		#5
133 (6)	By-law and building code	If a municipality makes an order to do work under subsection 445(1) with respect to a contravention of the by-law, the order shall give not less than three months to complete the work.		#6
151(1)	Powers re licences	Notice and public meeting not required		#3
173(3)	Restructuring Proposal	Before the Council of a municipality votes on whether to support or oppose a restructuring proposal, the Council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed. <ol style="list-style-type: none"> 1. Council shall consult with the public by giving notice of at least one public 	Prior to Council Voting	#3 and as prescribed by Minister Reg's

Schedule "A" By-law 2008-32

The following shall be established as the Notice Provisions-Statutory Notice Per Municipal Act, 2001 (Bill 130):

Section	Description in Act	Requirement as outlined in the Act	Time Limits Prescribed	Notice Requirements (minimum)
		meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such persons or bodies as the municipality considers appropriate.		
174(12)	Commission on Restructuring	The Commission shall give notice to the public in the prescribed geographic area advising them of the opportunity to inspect the restructuring proposal.	Set by the Commission	#3 and set by Commission
187 (3)	Municipality changing name	Shall send a copy of the by-law to the Director of Titles appointed under the Land Titles Act and the Minister promptly after its passage. (Notice and public meeting not required)		#2 & #4
206	Powers to establish Corporations (Improvement Areas) (BIA)	A board of management shall give reasonable notice to the general membership of the improvement area of a meeting to hold a vote under clause 204(3) (b) or for the purposes of a discussion under subsection 205(1).	Date and time set by municipality	#1
210 (1)	Business Improvement Areas	Before passing a by-law under subsection 204(1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed by-law shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll is assessed for rateable property that is in a prescribed business property class which is located, (a) Where the improvement area largely exists, in the improvement area an in and geographic area the proposed by-law would add to the improvement area; and (b) Where a new improvement area would be created by the proposed by-law, in the proposed improvement area.		#1
211	Business Improvement Area- Repealing By-law	Council shall give notice in accordance with subsection 210(1) of a proposed by-law to repeal a by-law under subsection 204(1) if the municipality has received, (a) a resolution from the board of management requesting the repeal; or (b) a request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement areas.	Before passing the by-law changing the name	#1
217(1)	Composition of Council of local municipality.	Notice and public meeting not required		#3
219(1)	Upper-Tier Council composition	Before passing a by-law the Upper Tier municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter.	By-law does not come into effect until the day	#3

Schedule "A" By-law 2008-32

The following shall be established as the Notice Provisions-Statutory Notice Per Municipal Act, 2001 (Bill 130):

Section	Description in Act	Requirement as outlined in the Act	Time Limits Prescribed	Notice Requirements (minimum)
			the new council is organized.	
222	Establishment of Wards	A municipality shall give notice within 15 days after a by-law is passed specifying the last date for filing a notice of appeal.	Within 15 days of passage	#2
238 (2.1)	Procedural By-law	The procedural by-law shall provide for public notice of meetings.	As approved by Council	#3
290	Yearly Municipal budget-Adoption or Amendment	Notice and public meeting not required		#3
295	Publication of Financial Statements	<p>Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality,</p> <p>(a) shall publish in a newspaper having general circulation in the municipality,</p> <p>(i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or</p> <p>(ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and</p> <p>(b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.</p>	Within 60 days of receipt	#3
297 (1) & (4)	Right of Access-Auditor's right to attend	<p>The auditor of a municipality has right of access at all reasonable hours to all records of the municipality or any of its local boards.</p> <p>The auditor may attend any meetings of members of council or any local board of the municipality and is entitled,</p> <p>(a) to receive all notices relating to the meeting that any member is entitled to receive; and</p> <p>(b) to make representations at that meeting on any matter that concerns him or her as auditor.</p>	As requested by auditor	#1
331	Taxes on eligible properties	The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the local municipality.	Within 60 days of receipt from MPAC	#5

Schedule "A" By-law 2008-32

The following shall be established as the Notice Provisions-Statutory Notice Per Municipal Act, 2001 (Bill 130):

Section	Description in Act	Requirement as outlined in the Act	Time Limits Prescribed	Notice Requirements (minimum)
343	Notice of Tax Bill	The treasurer shall send a tax bill to every taxpayer at least 21 day before any taxes show on the tax bill are due	21 days prior to due date	#5
348	Determination of tax status	The treasurer shall by February 28 th in each year determine the position of every tax account as of December 31 st of the preceding year. As such the treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related payment charges.	Yearly by February 28 th	#5
350(1)	Obligations of tenant-taxes owed	Where taxes are owed in respect of any land occupied by a tenant, the treasurer may give the tenant notice in writing requiring the tenant to pay rent in respect of the land to the treasurer as it becomes due up to the amount of the taxes dues and unpaid plus costs, and the tenant shall comply with the notice.		#5
351(8)	Seizure of personal property for public auction	The treasurer or treasurer's agent shall give the public notice of the time and place of public auction and of the name of the person whose personal property is to be sold.	At time set by Treasurer	#1 & #3
356 (5)	Division into parcels-land	Within 14 days after making its decision, Council shall notify the applicants of the decision and specify the last day for appealing the decision.	Within 14 days of decision	#5
357 (6)	Cancellation, reduction, refund of taxes	Within 14 days after making its decision, Council shall notify the applicants of the decision and specify the last day for appealing the decision.	Within 14 days of decision	#5
358	Overcharges on taxes caused by a gross or manifest error	Treasurer to send copy of application to the Assessment Corporation and Assessment Review Board; and if invalid to notify the applicant in writing of the reasons it is not valid. On or before September 30 th of the year following in which an application is made Council shall hold a meeting, notify the applicant and make a decision. Within 14 days after making its decision the council shall notify the applicant of the decision.	On or before September 30 th of the year following when the application was made.	#5
359	Increase of taxes caused by a gross or manifest error	Treasurer shall send copy of application to the Assessment Corporation and Assessment Review Board; Council shall, (a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representations to council; (b) notify the treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and (c) make its decision.	Must be heard within the year in which the application is made.	#5
365	Cancellation, reduction or refund of taxes	Refer to Section 365 directly		Notice to Minister of Finance as prescribed.

Schedule "A" By-law 2008-32

The following shall be established as the Notice Provisions-Statutory Notice Per Municipal Act, 2001 (Bill 130):

Section	Description in Act	Requirement as outlined in the Act	Time Limits Prescribed	Notice Requirements (minimum)
367 (14)	Gross Leases- Property taxes	The notice must be given by personal service or prepaid mail. If the notice is given by mail, it shall be deemed to have been given on the day it is mailed.		#5
374 (1)	Notice of Registration of Tax Arrears Certificate	<p>Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to the following persons:</p> <ol style="list-style-type: none"> 1. the assessed owner of the land 2. Where the land is registered under the Land Titles Act, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who had an interest referred to in clause 379 (7.1) (a) or (b) 3. Where the Registry Act applies to the land every person appearing by the abstract index and by the index executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest to in clause 397(7.1) (a) or (b) 	Within 60 days	#1
379(1)	Tax Arrears-Public Sale	If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the Treasurer, within 30 days after the expiry of the 280 day period, shall send the persons entitled to receive notice under section 374 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.	Within 30 days after the expiry of the 280 day period	#1
380(3)	Tax Arrears-Public Sale Payment into Court	Within 60 days after making a payment into court under subsection (2), the treasurer shall send a copy of the statement to the Public Guardian and trustee and to the persons to whom the treasurer sent notice under subsection 379(1).	Within 60 days	#1
388(2)	Notice of forfeiture registered	If, before January 1, 2004 a notice of forfeiture was registered with respect to any land under section 23 of the Municipal Tax Sales Act, 1984 the land is vested in the municipality upon registration as it read on December 31, 2002.	Before January 1, 2004	#1

Schedule "A" By-law 2008-32

The following shall be established as the Notice Provisions-Statutory Notice Per Municipal Act, 2001 (Bill 130):

Section	Description in Act	Requirement as outlined in the Act	Time Limits Prescribed	Notice Requirements (minimum)
400	Fees and Charges imposed by a municipality on a person constitute a debt of the person. The amount owing can be added to a tax roll.	The Minister may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes on this Part, including, f) requiring a municipality or local board to give the prescribed notice of its intention to pass a by-law imposing the fees and charges which have priority lien status under (d) which are added to the tax roll, to the prescribed persons in the manner and form and at the times prescribed.	None provided. Refer to Regulations: 584/06 Fees & Charges 586/06 Local Improvement Charges	#3
435(2)	Conditions Governing Power of Entry Exercised	Where a municipality exercises a power of entry under this Act, the notice must satisfy the following requirements: 1. The notice must be given to the occupier of the land in respect of which the power of entry will be exercised. 2. The notice must be given within a reasonable time before the power of entry is exercised. 3. The notice must be given by personal service in the case of a proposed exercise of a power of entry under subsection 79,80 or 446 in respect of a room or place actually used as a dwelling. 4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.	Must provide reasonable notice of the proposed entry.	#6
441(2)	Collection of unpaid licensing fines	If any part of a fine for a contravention of a business licencing by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be less than 21days after the date of notice.	Less than 21 days	#5
447.1 (3)	Closing premises, Public Nuisance	Notice to the Attorney General After obtaining a consent under subsection (2) but before making an application under subsection (1), the municipality shall give 15 days notice of its intention to make an application under subsection (1) to the Attorney General.	15 days notice of its intention to make an application.	#5

SCHEDULE "B"

The following shall be established as the Notice Classifications:

Group Notice #1	This area of notice infers to the personal notice to an individual or a limited number of people on a specific subject matter. This notice can be sent by prepaid mail but it is recommended that this notice be sent by registered mail to the last know address or may be hand delivered and/or placed on the Township website.
Group Notice #2	Requires advertisement in geographically relevant newspaper for three weeks in addition to the Township website.
Group Notice #3	Requires advertisement in geographically relevant newspaper for one week in addition to the Township website.
Group Notice #4	Give written notice of the content and passage of the by-law to the appropriate parties, (ie. County Council/School Boards/ Assessment Office, Minister) and/or Township website
Group Notice #5	By personal service, prepaid mail and/or registered mail.
Group Notice #6	By personal service and/or prepaid mail and/or registered mail and/or by posting the notice on the land in a conspicuous place.