

THE CORPORATION OF THE TOWNSHIP OF LAURENTIAN VALLEY

BY-LAW 2008-10-417

BEING A BY-LAW TO ESTABLISH REASONABLE NOTICE PROCEDURES
FOR THE BUSINESS OF THE MUNICIPALITY

WHEREAS Section 270(1)(4) of the Municipal Act, 2001, as amended, provides that where a municipality is required to give notice under a provision of the Act, the municipality shall give the notice in a form and in the manner and at the times that the council considers adequate to give reasonable notice under the provision;

NOW THEREFORE, the Council of The Corporation of the Township of Laurentian Valley ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-Law:

1. "Act" means the Municipal Act, 2001, as amended;
2. "CAO" means the CAO/Clerk of The Corporation of the Township of Laurentian Valley;
3. "Council" means the Council of The Corporation of the Township of Laurentian Valley;
4. "Municipality" means the "The Corporation of the Township of Laurentian Valley";
5. "Newspaper" means a printed publication in sheet form, intended for general circulation in the municipality, published regularly at intervals of not longer than a week, consisting in great part of news on current events of general interest and sold or distributed free of charge to the public and to regular subscribers, and includes the "on-line" version as posted on the Internet;
6. "Notice" means a written, printed, published, posted, or announced notification;
7. "Publish" means published in a daily or weekly newspaper that, in the opinion of the CAO, has such circulation within the Municipality as to provide reasonable notice to those affected thereby, and includes posting on the Municipal website. "Publishing, published and publication" have a corresponding meanings;
8. "Registered Mail" means prepaid mail that requires the recipient to sign for it and is delivered by Canada Post or a courier service;
9. "Responsible Department Manager" means the Head of the Department responsible for giving the required notice for an activity as set out in the attached Schedules.
10. "Local Radio Station" means a radio station which can be locally received using AM or FM frequencies.

2. NOTICE REQUIREMENTS

- a) Where notice of a matter, notice of intention to pass a by-law or notice of a public meeting is required to be given, the Responsible Department Manager shall cause such notice to be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given in the type and manner of giving reasonable notice as set out herein, as follows:

Notice Type #1

Notice shall be sent by registered mail to the last known address or hand-delivered. (This area of notice refers to the personal notice to an individual or a limited number of people, agencies or organizations. It targets a very select group.)

Notice Type #2

Notice shall be published in a newspaper once a week for three consecutive weeks, with the final notice being published no later than the day of the Public Meeting.

Notice Type #3

Notice shall either be: (1) published in a newspaper at least once a minimum of one week prior to the passing of the by-law; or (2) declared at an open meeting of Council that the subject will be placed on the agenda of the next regularly-scheduled meeting of Council, such declaration shall be recorded in the Minutes of the meeting at which it was made.

Notice Type #4

Written notice of the passing of the By-Law shall be given to parties having a direct interest in the matter (i.e. school boards, assessment office, etc.).

- b) Schedule A forming part of this By-Law is hereby adopted as reasonable minimum procedures for the giving of notice as required under the Act.
- c) The form, manner and timing for the giving of notice as set out in Schedule A shall be deemed to be the minimum standards required and nothing in the By-Law shall prevent Council, the CAO or the Responsible Department Manager from using more comprehensive methods of notice or providing for a longer notice period.
- d) If the proposed By-Law that is the subject of notice is not passed at the Council Meeting specified in a notice but consideration of the matter is deferred, no further notice is required if a public statement is made at the meeting that the matter has been deferred and that the Council intends to deal with the matter at a specified later Council meeting. Such statement shall be recorded in the Minutes of the meeting at which it was made. This section applies to any further deferrals of the matter.

3. CONTENT OF NOTICE

At a minimum, unless otherwise prescribed in legislation, where notice of a matter, notice of intention to pass a By-Law or notice of a public meeting is required to be given, the notice shall include the following information:

- a) Identification of the legislated authority under which the notice is being given;
- b) A description of the purpose for the meeting or the purpose and effect of the proposed By-Law;
- c) The date, time, and location of the meeting at which the matter will be considered;
- d) A description of how and where comments and/or objections may be made;
- e) The name, address, and other contact information of the person who will receive written comments on the issue that is the subject of the meeting or By-Law and the deadline for receiving such comments;
- f) Where the purpose of the meeting or proposed By-Law is related to specific lands, a key map or other description of the affected lands.

4. GENERAL

Where separate By-Laws have been enacted in accordance with provisions contained in the Act, the notice provisions set out in such By-Laws shall prevail.

5. EMERGENCY PROVISION

If a matter arises, which, in the opinion of the Chief Administrative Officer, in consultation with the Mayor or Acting 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 Township of Laurentian Valley or of neighboring municipalities, 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 Council shall provide as much prior notice as is reasonable under the circumstances, or will provide notice of the action as soon as possible following the action, in the type and manner as directed by Council.

6. ALTERNATE METHOD BY COUNCIL RESOLUTION

Notwithstanding the notice requirements set out in this By-Law, Council may reduce or amend such requirements upon passage of a motion at a duly called meeting of Council, provided the motion dictates an alternate method of giving notice deemed to be in a form and manner and timing adequate to the circumstances.

7. NOTWITHSTANDING PROVISION

Where notice of intention to pass a By-Law or notice of a public meeting is required to be given and the timeframe for such notice is not prescribed in the Act or its Regulations or otherwise addressed in this By-Law, notice shall be given at least once by publication in a newspaper no less than five days or more than 30 days prior to the proposed passing of the By-Law or holding of the public meeting.

8. AMENDMENT OF SCHEDULE A

On an ongoing basis, additional notice requirements may be determined, Schedule A shall be amended and updated, if required, on an ongoing basis, but no less than annually, at the time of review. Delay in amending Schedule A does not preclude the implementation of notice requirements as determined by Council or staff. Schedule A can be amended by Resolution of Council.

9. REPEAL

The By-Law replaces any Notice By-Law previously adopted by the Council of the Corporation of the Township of Laurentian Valley and its predecessor municipalities.

9. EFFECTIVE DATE

This By-Law shall come into force and take effect on January 1st, 2009.

**READ A FIRST AND SECOND TIME THIS EIGHTEENTH DAY OF
NOVEMBER, 2008.**

**READ A THIRD TIME AND PASSED THIS EIGHTEENTH DAY OF
NOVEMBER, 2008.**

Jack Wilson, Mayor

John Baird, CAO/Clerk

SCHEDULE A TO BY-LAW 2008-10-417

(Also refer to Notes at end of Schedule Table)

Column 1 Section, Subject Matter Municipal Act, 2001	Column 2 Notice Requirement
Section 34(1) – Permanent Closure of a Highway	Notice type # 2
Section 34(2) – Permanent altering of a highway	To be determined as required
Section 36 – Designation of a highway as a controlled access highway	To be determined as required
Section 37 – Permanent closure of a Private Road	Notice Type # 1 Personal notice to owner of the land. Additional notice, if any, to be determined is situation arises
Section 47 – Name/Change Name of Highway	Notice not required for naming (assuming it is a new road with no dwellings). Notice Type # 1 to affected property owners of name change
Section 48 – Name/Change Name of Private Road	Notice Type # 1 to affected property owners for naming or change of name
Section 81 – Shut off of Public Utilities (if fees/charges unpaid by owners or occupants)	N/A
Section 99 – Advertising Devices (including signs)	Notice Type # 3 and public meeting at discretion of Council
Section 110 (5) – Municipal Capital Facilities – Agreement By-Law	Legislation will be followed Notice Type # 4
Section 110(8) – Municipal capital Facilities - Tax Exemption By-Law	Legislation will be followed Notice Type # 4
Section 144(5)(c) – Power of Entry – Work Order	Legislation will be followed
Section 150 – Licensing	Notice Types # 3, # 1 If comprehensive business By-Law is to be passed, public notice; public meeting at discretion of Council. If By-Law is to license specific type of business, notice to affected businesses
Section 157 – Registry of Businesses	To be determined as required
Section 173 – Proposal to Restructure (note: this provision applies to a municipally or local board initiated restructuring proposal and not to when a commission is appointed. There are public meeting/notice provisions; however the commission is responsible to carry them out)	Legislation will be followed
Section 187 – Municipal Name Change	Notice Types # 3 and # 4 Public notice with opportunity to comment; public meeting at direction of Council. By-Law to be sent to parties as set out in legislation
Section 206 – Business Improvement Area (Board of Management composition and BIA Budget)	Legislation will be followed
Section 210 – Business Improvement Area (create BIA; levy special charge or minimum and maximum charges; change boundaries)	Legislation will be followed
Section 211 – Business Improvement Area (repeal of By-Law)	Legislation will be followed
Section 216 – Dissolution of Local Boards (with some exceptions)	Notice Type # 4 Provide notice to local board
Section 217(2) – Changes to Council Composition	Notice Type # 3 Mandatory notice/consultation if increase to size of Council is being proposed; discretionary (council) notice/consultation if decrease to size is being proposed; public meeting discretionary in both cases
Section 219(1) – Changes to Upper Tier Council Composition	Not Applicable
Section 223(3) – Establishment/Dissolution of Wards	Notice Type # 3 Notice and consultation required; public meeting at discretion of Council
Section 238(4) Procedural By-Law	No Notice is required

Section 238(2.1) – Procedural By-Law – Notice of Meetings	Legislation and procedural By-Law will be followed
Section 251 – Notice (Section 270(1)(4))	Legislation will be followed
Section 268(3) – Procedures for Sale of Land	Legislation and municipal By-Laws/Policies will be followed
Section 291(1) – Notice regarding Budget	Council may consult with the public through a public meeting prior to Budget deliberations and may present the approved budget to the public at a public meeting called for that purpose
Section 295(1) – Publication of Financial Statements	Legislation will be followed
Section 300(1) – Notice regarding improvements in service	None
Section 331(9) – Taxes on Eligible Properties – list to be mailed to the Owner	Legislation will be followed
Section 348 (1) and 348 (2) – Determination of Tax Status	Legislation will be followed
Section 351(7) and 351(8) – Seizure of Personal Property and Public Auction	Legislation will be followed
Section 356(4) – Division of land into parcels – notice/meeting requirement	Legislation will be followed
Section 357(5 and 357(6) – Cancellation, Reduction, Refund of Taxes – notice/meeting requirement; decision	Legislation will be followed
Section 358(9) and 358(10) – Overcharges caused by gross or manifest error – notice/meeting requirement; decision	Legislation will be followed
Section 359(3); 359(4); 359(7) – Increase of taxes as a result of any undercharge caused by a gross or manifest error – notice/meeting requirement; decision	Legislation will be followed
Section 374(1) – Notice of Registration of Tax Arrears Certificate	Legislation will be followed
Section 379(1) – Public Sale (tax arrears certificate)	Legislation will be followed
Section 380(3) – Application of proceeds	Legislation will be followed
Section 400(f) – regulations regarding fees and charges – those having priority lien status	Legislation(regulation) will be followed
Section 402(1) – Debt	Legislation will be followed
Section 435 – Power of Entry	Legislation will be followed
Section 447.1(3) – Closing Premises – Public Nuisance	Legislation will be followed
Section 441(2)	Legislation will be followed

Notes to Schedule A – By-Law 2008-10-417:

1. When notice or public meeting is indicated, it also includes notice on the Municipal Website and the opportunity for people to submit written comments.
2. Column 2 shows the minimum requirements for notice. Further notice can be provided at the discretion/direction of Council and/or Municipal staff.
3. For items marked “to be determined if situation arises”, once notice is determined, that becomes the notice requirement for the purpose of this By-Law. Schedule A can be amended by resolution of Council. Delays in amending Schedule A do not preclude the implementation of notice requirements as determined by Council or Municipal staff.
4. If activity requiring notice has been omitted from Schedule A, legislation will be followed. If legislation does not specify how, when or where notice is to be given, reasonable notice applicable to the activity and situation shall be given. In both cases, the activity and notice shall be added to Schedule A by resolution of Council.
5. This schedule does not include Notice Requirements contained in any regulations. Notice requirements contained in regulations will be followed. If regulations do not specify how, when or where notice is to be given, reasonable notice applicable to the activity and situation shall be given. In both cases, the activity and notice requirement shall be added to Schedule A by resolution of Council.
6. Reference shall be made to the actual text if the legislation and notice provisions.

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October 15, 2008