

THE CORPORATION OF THE TOWNSHIP OF CONMEE

BY-LAW NO. 920

Being a By-law to prescribe the form, manner and the times for the provision of giving of notice under the Municipal Act, 2001 as amended.

**WHEREAS** the Municipal Act, S.O. 2001, c. 25, herein referred to as “the Act” provides in Section 251 that where a municipality is required to give notice under a provision of the Act, the municipality shall, except as otherwise provided, give notice in a form, manner and at times that the Council considers adequate to give reasonable notice under the provision;

**NOW THEREFORE** THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF CONMEE ENACTS AS FOLLOWS:

1. **Definitions** – For the purposes of this by-law:

“**Act**” means the Municipal Act, 2001, S.O. c. 25 as amended from time to time and includes any regulation made thereunder;

“**Clerk**” means the Clerk of the Township of Conmee;

“**Newspaper**” means a printed publication in sheet form, which is intended for general circulation in the community or area affected by the relevant notice provision, published regularly at intervals of no longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers and has the desired circulation;

“**Newsletter**” means a printed publication, produced by the Township, which is intended for circulation to all households within the Township of Conmee, containing information pertinent to the ratepayers of the Township of Conmee and published monthly;

“**Notice by Mail**” means notification forwarded through Canada Post first class delivery service to the last known address of the person being notified, unless otherwise specified under the Act;

“**Notices Page**” means the subdirectory of the Township’s web site where notices are posted;

“**Personal Service**” means notice delivered directly to the address of the person being notified and includes handing the notice directly to the person being notified, or a person 18 years or older who resides at the same place as the person being notified, or placing the notice in the mail box or on the property of the person being notified;

“**Posting**” means the placement of material in a place where individuals have access to the material, and “**posted**” shall have the same meaning;

“**Public Meeting**” means a specially called meeting held for the purpose of consulting with the public and hearing representations on the subject matter;

“**Public Notice**” or “**Notice to the Public**” means notice given to the public but does not include notice given only to specific persons;

“**Publish**” includes publication in one or more of the following media: written, posted or electronic media including publication in a

newspaper; within the Agenda of the Township of Conmee or one of its committees; on the internet via the web site; via television advertising; on a road side sign; via electronic e-mail, via tax bill inserts and via fax transmission;

**“Registered Mail”** means notification by registered mail through Canada Post to the last known address of the individual to be given notice, unless otherwise specified under the Act;

**“Subject Matter”** means the issue, measure, requirement, meeting or other matter or thing in respect of which a notice is required to be given;

**“Web Site”** means the Township of Conmee web site located at [www.conmee.com](http://www.conmee.com).

## 2. **Application**

- a) Where the Township is required to give notice under a provision of the Act, the notice shall be given in a form and manner and at the times indicated in this By-law, unless:
  - i) The Act, another Act or a Regulation prescribes or permits otherwise
  - ii) The requirements for notice are prescribed in another By-law or resolution, or
  - iii) Council directs by resolution a method by which notice is to be given that Council considers adequate to give reasonable notice under the provision.
- b) This By-law applies only to notices that are mandatory under the Act and for which a notice procedure has not otherwise been established under the Act.
- c) This By-law does not apply to discretionary notices or to notices required pursuant to legislation other than the Act. Nothing in this By-law shall prevent the use of more comprehensive methods of notice or providing for a longer notice period.
- d) Where there is a conflict between this By-law and provisions of the Act or of another By-law, the Act or the other By-law shall apply.
- e) Where a notice does not strictly comply with the provisions herein, but would substantially inform a reasonable person of the subject matter to which the notice relates, the notice shall be deemed to be adequate, and in compliance with this By-law.
- f) Where a notice is required under the Act but is not provided for specifically in this By-law, a notice which would substantially inform a reasonable person of the subject matter to which the notice relates, shall be deemed to be adequate, and in compliance with this By-law.
- g) The effect of a failure to give a notice required under the Act or of a failure to give a notice which would substantially inform a reasonable person of the subject matter to which the notice relates, shall be determined without reference to this By-law.

### 3. **Content of Notices**

#### a) **Public Notice**

A “notice to the public” shall contain the following information when applicable:

- A general description of the subject matter under consideration or otherwise involved;
- Purpose of any meeting of which notice is required to be given or the purpose and effect of the proposed action;
- Identification of the authority under which the notice is being given;
- Date, time and location of any meeting at which the subject matter will be considered of which notice is required to be given;
- General provisions guiding the submission of information by delegations to any meeting referred to in the notice for the purpose of a verbal submission;
- A key map or other description of any lands affected by the proposal;
- Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or street intersection or a legal description or plan;
- Where written submissions may be made, the name and title of the person to whom they are to be sent, together with the address of the official and the deadline for receipt of such submissions;
- Instructions on obtaining any additional information;
- That the notice is given by the Township of Conmee or the Clerk on its behalf.

#### b) **Other Notice**

Notices other than “public notice” shall contain the following information where applicable:

- A general description of the subject matter under consideration or otherwise involved;
- Identification of the authority under which the notice is being given;
- Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to the municipal address or street intersection, or a legal description or plan;
- Instruction on obtaining any additional information including the name address, phone number and fax number of any office providing notice;
- Details on the required actions and timeframes.

### 4. **Additional Notice**

If the matter is deferred at the Council or Committee meeting of which notice has been given, no additional notice is required, except where the Act provides otherwise or the Council or Committee direct otherwise;

## 5. Special Provisions

**a) Notice of Budget Changes** – the following rules apply to public notice of Council's intention to adopt or amend a budget, as required under Section 291 of the Municipal Act, 2001 S.O. c. 25:

- i) notice of intention to adopt a budget shall be given in accordance with the requirements of giving notice to the public herein;
- ii) if a proposed amendment to a budget will result in a change to the total tax-supported net levy or a change to any property tax rate, notice to the public shall be given in accordance with the requirements of giving of notice to the public herein;
- iii) if a proposed amendment to a budget does not affect the tax supported net levy or property tax rates, notice of the proposed amendment shall be given to the public by means of publication in the Council or Committee Agenda;
- iv) measures or operations that incur costs prior to the adoption of the annual budget shall not constitute the adoption of a budget or the amendment of a budget and shall not require notice.

**b) Improvements to Service** – Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by the Township and its local boards and committees; and barriers identified by the Township and its local boards and committees to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be given by means of publication in the Notices Page of the Township's web site and by publication in the newsletter and in the Agenda of the Council.

**c) Emergency Provisions** – In the event of a circumstance which in the opinion of the Head of Council or Chair of a local board or committee, the Clerk or their designate, is considered to be of an urgent or time sensitive nature, and which may affect the health, safety or physical security of residents of the Township of Conmee, or if an emergency is declared, the requirements of the notice by-law may be suspended by the Head of Council or the Clerk or their designate, and best efforts shall be made by the Clerk to provide as much notice as is reasonable under the circumstances.

**d) Ability to Maintain Confidentiality** – Nothing in this By-law shall require the giving of notice in a form, manner or at a time which would have the effect of interfering with the ability of Council to maintain confidentiality with respect to a matter permitted to be dealt with in a closed session under Section 239 of the Act.

## 6. Notice Requirements

Notice shall be given as set forth in Schedule "A" (Notice Options) and Schedule "B" (Notice Provisions and Methods) attached hereto and forming part of this By-law and notice so given is considered by the Council to be adequate to give reasonable notice under the provisions of the Act requiring notice to be given.

Any provisions by Schedule "B" stipulating by whom notice is to be given shall not be considered mandatory and the giving of notice by any other person shall, if otherwise in compliance with the requirements of this By-law, be deemed to be adequate to give reasonable notice in compliance with this By-law.

**7. Effective Date**

This By-law shall come into force and effect on the date of passing thereof.

Read a first and second time this 28<sup>th</sup> Day of August, 2007.

Read a third and final time this 28<sup>th</sup> Day of August, 2007.

THE CORPORATION OF THE  
TOWNSHIP OF CONMEE

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Reeve

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Clerk

## SCHEDULE "A" TO BY-LAW NO. 920

### NOTICE OPTIONS

#### **Notice #1 – Notice Given by "Prepaid Mail"**

- Notification forwarded through Canada Post first class delivery service to the last known address of the person being notified unless otherwise specified.
- Last known address in respect of a person owning or occupying real property within the Township of Conmee shall be deemed to be the person's address shown on the last revised assessment roll available at the time that the notice is given.
- Notice shall be conclusively deemed to have been received on the 5<sup>th</sup> day following mailing of the notice.

#### **Notice #2 - Notice Given by "Prepaid Registered Mail"**

- Notification by registered mail, for which acknowledgement is required through Canada Post, to the last known address of the individual to be given notice, unless otherwise specified.
- Last known address in respect of a person owning or occupying real property within the Township of Conmee shall be deemed to be the person's address shown on the last revised assessment roll available at the time that the notice is given.

#### **Notice #3 - Personal Service to the Person to be Notified**

- "Personal Service" shall have the same meaning as and shall include both "personal service" and "an alternative to persona service" under Rules 16.02 and 16.03 of the Rules of Civil Procedure R.R. O. 1990 Reg. 194 as amended.

#### **Notice #4 - "Notice to the Public" or "Public Notice"**

- The notice shall be published at least once in a newspaper not later than two weeks but no earlier than 1 month before the occurrence of the subject matter of which notice is being given.

#### **Notice #5 - Property Posting**

- Posting the notice on the land or property affected by the matter of which notice is being given in a conspicuous place.
- Notice shall be posted not less than 14 days prior to consideration of the By-law

#### **Notice #6 - Web Site Posting**

- Posting on the "Notices Page" of the Township of Conmee Web Site for at least the 14 day period immediately preceding the occurrence of the subject matter of which notice is being given. In the event the Township's web site is not accessible during a portion of this period, the notice given shall nevertheless be deemed sufficient and reasonable notice.

**Notice #7 - Agenda Placement**

- Listing and identifying the subject matter on the Agenda of the Council or Local Board or Committee meeting at which is to be discussed. Such Agenda is to be available to the public a minimum of 5 days before the meeting at which the matter will be discussed and will be available for public perusal during the regular operating hours of the Municipal Office.

**Notice #8 - Newsletter**

- Identifying the subject matter in the Conmee Chronicle newsletter in sufficient detail to inform a reasonable person. As the newsletter is published monthly, Council must allow sufficient time before a subject matter is discussed at a Council or Committee or Local Board meeting to allow the newsletter to be received.

SCHEDULE "B" TO BY-LAW NO. 920

**NOTICE PROVISIONS AND METHODS**

<b>Municipal Act Section</b>	<b>Subject Matter</b>	<b>Notice Methods/ Special Provisions</b>	<b>Individual to Give Notice</b>
Section 34(1)	Permanent Closure of a Highway	#4, #6, #7, #8	Clerk
Section 34(2)	Alteration of Highways	# 4, #6, #7, #8	Clerk
Section 36	Controlled Access Highways	#2, #4, #6, #7, #8	Clerk
Section 37	Closing of Private Roads	#2, #7, #8	Clerk
Section 47	Naming Highways	#4, #6, #7, #8	Clerk
Section 57	Closing Lower-tier Highways	#4, #6, #7, #8	Clerk
Section 81	Shut off Public Utility	#4, #7, #8	Clerk
Section 110	Agreements for Municipal Capital Facilities	#1, #7, #8	Clerk
Section 135	Tree By-laws	#1, #7, #8	Clerk
Section 173	Proposal to Restructure	#4, #6, #7, #8	Clerk
Section 187	Change of Name of Municipality	#4, #6, #7, #8	Clerk
Section 203	Powers to Establish Corporations	#4, #6, #7, #8 Ont. Reg. 168/03	Clerk
Section 216	Dissolution of Local Boards	#1 – No less than 14 days before passing by-law	Clerk
Section 219	Composition of Upper-Tier Council Change	#4, #6, #7, #8	Clerk



### NOTICE PROVISIONS AND METHODS

<b>Municipal Act Section</b>	<b>Subject Matter</b>	<b>Notice Methods/ Special Provisions</b>	<b>Individual to Give Notice</b>
Section 238	Procedure By-law	#6, #7, #8	Clerk
Section 262	Vacancy Declaration	#1 – no greater than 7 days after declaration	Clerk
Section 268	Sale of Land Procedures	By-law No. 919 Governs	Clerk
Section 291	Yearly Budget Deliberations	#6, #7, #8 – See also Section 5 of By-law No. 920	Clerk
Section 295	Publication of Financial Statements	#6, #7, #8	Clerk
Section 297	Auditor – Right of Access to Information	, #6, #7, #8	Clerk
Section 299	Information re Municipal Operations	#7, #8	Clerk
Section 110	Agreements for Municipal Capital Facilities	#1, #7, #8	Clerk
Section 135	Tree By-laws	#1, #7, #8	Clerk
Section 173	Proposal to Restructure	#4, #6, #7, #8	Clerk
Section 187	Change of Name of Municipality	#4, #6, #7, #8	Clerk
Section 203	Powers to Establish Corporations	#4, #6, #7, #8 Ont. Reg. 168/03	Clerk
Section 216	Dissolution of Local Boards	#1 – No less than 14 days before passing by-law	Clerk
Section 219	Composition of Upper-Tier Council Change	#4, #6, #7, #8	Clerk

### NOTICE PROVISIONS AND METHODS

<b>Municipal Act Section</b>	<b>Subject Matter</b>	<b>Notice Methods/ Special Provisions</b>	<b>Individual to Give Notice</b>
Section 300	Notice re Improvements and Barriers in Service	#6, #7, #8	Clerk
Part XII Sections 390 to 400	Waste Management Systems; Use of Sewage System or Consumption of Water	As set out in Ont. Reg. 244/02	Clerk
	Police or Fire Purposes	As set out in Ont. Reg. 244/02	Clerk
	Service Fees or Charges	#1, #6, #7, #8	Clerk
	Local Improvements	#1 to Affected Land Owners As set out in Ont. Reg. 119/03 #6, #7, #8	Clerk
Section 402	Notice of Debt	Notice may be directed by Ontario Municipal Board	Clerk
Section 408	By-laws re Debentures	To be contained within the Debenture By-law	Clerk
Section 431	Power of Entry	#2, #3 to the person affected	Clerk or Fire Chief or By-law Enforcement Officer or Chief Building Official