

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2008-04

BEING a by-law to establish a public notice policy.

WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

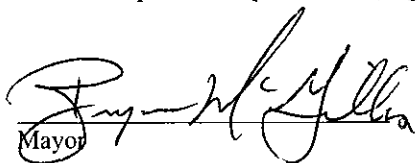
AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (3) provides that the powers of every council are to be exercised by by-law;


AND WHEREAS the *Municipal Act 2001*, c. 25, provides that a municipality adopt and maintain a policy with regard to the circumstances that the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

NOW THEREFORE the Council of the Corporation of the Township of South Stormont enacts as follows;

1. That the Public Notice Policy, as outlined in Schedule "A" attached hereto is adopted by Council.
2. That the Clerk, or designate, shall be responsible for the administration of this By-law and will be accountable to the Council for its enforcement.
3. That By-law No. 85-2002 be hereby repealed in its entirety.
4. That this By-law shall come into force and take effect on the date of its passing and be known as the Public Notice Policy By-law.

READ and passed in open Council, signed and sealed this 9th day of January, 2008.


Mayor


Clerk

Township of
SOUTH STORMONT

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THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

Title: Public Notice Policy	Effective Date: January 9, 2008
Resolution No. 11/2008	Department: Administration

Purpose

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the manner that the municipality will ensure to that it is accountable to the public for its actions.

The requirement to give reasonable notice to the public shall be deemed to be fulfilled upon completion of the actions dictated in this policy.

This policy applies to all committees of Council, departments and staff.

Notwithstanding the notice requirements dictated in this policy, where the giving of notice to the public is required by legislation, Council may provide additional notice, reduce or amend such requirements upon passage of a resolution at a regular meeting of Council, provided the motion provides an alternate method of giving notice deemed to be in a form and manner adequate to the circumstances. Where the giving of notice to the public is not required by legislation, Council may waive the notice requirements dictated in this policy confirmed by a resolution at a regular meeting of Council.

PROCEDURE:

Manner of Notice

1. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk, or designate shall cause such notice to be published in a local publication and on the Township website.

Time of Notice

2. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the *Municipal Act 2001*, as amended, or its regulations, and if not so prescribed, notice shall be given at least once during the fourteen days prior to the proposed action being taken.

Form of Notice

3. Unless otherwise prescribed in the *Municipal Act 2001*, as amended or its regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - a) A description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
 - b) The date, time and location of the meeting;
 - c) Where the purpose of the meeting or proposed by-law is related to specific lands within the Township, a key map, as deemed appropriate, showing the affected lands;
 - d) The name and address of the person who will receive written comments on the issue which is the subject of the meeting and the deadline for receiving such comments.

FINANCIAL

Adoption of Annual Budget

4. The notice provisions set out in Sections 1, 2 and 3 shall apply to the adoption of the annual budget in total.

Operating Costs Incurred Prior to Budget Approval

5. Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.

GENERAL

6. No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under the *Municipal Act 2001*, as amended.
7. Nothing in this policy shall prevent Council from using more comprehensive methods of notice or providing for a longer notice period.

EMERGENCY PROVISION

8. If a matter arises that in the opinion of the Chief Administrative Officer, in consultation with the Head of Council, 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 South Stormont, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this policy may be waived and the Township shall make the best effort to provide as much notice as is reasonable under the circumstances.
9. Attached are the Provisions for Public Notice, identified as Appendix A.

APPENDIX "A" to Public Notice Policy

NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC MUNICIPAL ACT 2001, as amended			
SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART III – Specified Municipal Powers ~ Highways			
Name or change name of private road	Before passing by-law	Public notice of intention to pass by-law	48
PART III – Specified Municipal Powers ~ Public Utilities			
Shut off supply of public utility to land if overdue fees or charges for supply of public utility to land	Reasonable notice	Personal service or prepaid mail or by posting the notice on the land in a conspicuous place	81(1),(3)
Shut off supply of water to land if overdue sewage fees or charges based on supply of water to land		Personal service or prepaid mail or by posting the notice on the land in a conspicuous place	81 (2), (3)
PART III – Specified Municipal Powers ~ Economic Development Services			
Agreement for provision of municipal capital facilities	Upon passing of by-law giving authority to entering into agreement	Clerk to give written notice of by-law to Minister of Education	110(5)
Exempt land on which municipal capital facilities are or will be located from taxation		Written notice of contents of by-law to assessment corporation, clerk of any other affected municipality and secretary of affected school board	110(8)
PART III – Specified Municipal Powers ~ Natural Environment			
Prohibition or regulation by upper-tier municipality of destruction or injuring of trees in woodlands	Immediately upon passing of by-law	Notification to lower-tier municipalities	135(6)
PART V – Municipal Reorganization ~ Municipal Restructuring			
Restructuring Proposal	Before council votes on whether to support or oppose restructuring proposal	Holding at least one public meeting with notice	173(3)

**NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC
MUNICIPAL ACT 2001, as amended**

SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART V – Municipal Reorganization ~ Municipal Restructuring			
Opportunity to make representations to restructuring commission at public meeting and inspect draft and written submissions		Commission to notify public in prescribed geographic area***	174(10)
Opportunity to inspect restructuring proposal and written submissions		Commission to notify public in prescribed geographic area***	174(10)
PART V – Municipal Reorganization ~ Change of Name			
Change of name of municipality	Before passing by-law	Notice of intention to pass by-law and hold at least one public meeting	187(2)
PART V – Municipal Reorganization ~ Business Improvement Area			
Meeting to hold vote for directors of business improvement area or discuss budget	Reasonable notice	To general membership of improvement area	206
Designate business improvement area, establish board of management, establish special charge or minimum and/or maximum charge, and change of boundaries of area	Before passing by-law	Set 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 prescribed business property class	210(1)
Proposed repeal of designation of business improvement area and establishment board of management on initiative of board or payers of one-third of taxes levied	Before passing by-law	Set 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 prescribed business property class	211(1)

**NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC
MUNICIPAL ACT 2001, as amended**

SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART V – Municipal Reorganization ~ Changes to Council			
Change in composition of council of local municipality	Before passing by-law	Notice and at least one public meeting	217(2)
Change in composition of council of upper-tier municipality	Before passing by-law	Notice and at least one public meeting	219(1)
Divide or re-divide municipality into wards or dissolve existing wards	Within 15 days after by-law is passed	Public notice of passing of by-law specifying last date for filing notice of appeal	222(3)
PART VI – Practices and Procedures ~ Procedure By-law			
Council or local board meetings		Procedure by-law to provide for public notice	238(2.1)
Procedure by-law for governing the calling, place and proceedings of meetings	Before passing by-law	Municipality and local board give notice of intention to pass by-law	238(4)
PART VII – Financial Administration			
Audited financial statements of municipality for previous year	Within 60 days after receipt	Treasurer to publish copy of statements and notice that statements available upon request in newspaper	295(1)
PART VIII – Municipal Taxation			
Notice of demand of taxes payable in respect of which there is a phase-in		Indicate amount of taxes that would have been payable without phase-in, amount of taxes payable and difference	318(15)
PART IX – Limitation of Taxes for Certain Property Classes			
Determination by assessment corporation that there are not comparable properties with respect to eligible property	Within 60 days of receiving the notice by assessment corporation	Local municipality to give notice to owner and of amount determined for year or portion of year under Part IX	331(10)

**NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC
MUNICIPAL ACT 2001, as amended**

SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART X – Tax Collection			
Tax collection – ceasing of alternative installments and due dates of property taxes	Taxes unpaid after due date	Treasurer gives written notice to taxpayer that alternative installments and due dates may no longer be used	342(5)
Tax collection – taxes and related late payment charges owing as of December 31 of preceding year	Upon determination to tax account by February 28 each year	Treasurer to send notice to every taxpayer in arrears, may be sent with a tax bill	348(2)
Tax collection – land occupied by tenant		Treasurer may give tenant written notice requiring tenant to pay rent to Treasurer up to amount of taxes due and unpaid plus costs	350(1)
Tax collection – public auction of personal property seized for taxes owing		Treasurer or Treasurer's agent to give public notice of time and place of auction and name of taxpayer	351(8)
Tax collection – application by Treasurer or owner to divide land into parcels and apportion unpaid taxes among them	On or before September 30 of year following year application made and at least 14 days before meeting	Council to notify applicants and owners of meeting by mail	356(4)
Tax collection – decision by council whether to divide land into parcels and apportion unpaid taxes among them	Within 14 days after decision	Council to notify applicants and owners of decision and specify last day for appeal	356(5)
Tax collection – local municipality hearing application to cancel, reduce or refund all or part of taxes levied on land	On or before September 30 of year following year application made and at least 14 days before meeting	Council to notify applicants and owners of meeting by mail	357(5)
Tax collection – decision whether to cancel, reduce or refund all or part of taxes levied on land	Within 14 days after decision	Council to notify applicants and owners of decisions and specify last day for appeal	357(6)

**NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC
MUNICIPAL ACT 2001, as amended**

SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART X – Tax Collection			
Overcharged taxes – application for refund determined to be invalid		Treasurer to notify applicant in writing giving reasons application is not valid	358(8)
Overcharged taxes – council to hold meeting at which applicant may make representations	At least 14 days before meeting	By mail	358(9)
Over charged taxes – council determining application	Within 14 days after making decision		358(10)
Undercharged taxes – council to hold a meeting at which Treasurer and affected taxpayer may make representations	At least 14 days before meeting	By mail	359(3)
Undercharged taxes – council determining application	Within 14 days after making decision	Last day for appeal to be specified	359(4)
Undercharged taxes – council determining application		Council to forward copy of decision to assessing corporation	359(13)
Tax collection – action to collect on debt resulting from decrease in rebate for charity	Not commenced until 120 days after providing notice to eligible charity		361(10.0)
Tax collection – cancellation, reduction, or refund of taxes in respect of eligible property of persons applying for such relief and whose taxes are considered by council to be unduly burdensome	After by-law passed by lower-tier municipality	Notice to upper-tier municipality	365(2)
Tax collection – eligible heritage property – local municipality establishes program to provide tax reductions or refunds in respect of.	Within 30 days after the by-law is passed	Deliver copy of by-law to Minister of Finance	365.2(5)

**NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC
MUNICIPAL ACT 2001, as amended**

SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART X – Tax Collection			
Tax collection – eligible heritage property – lower-tier municipality establishes program to provide tax reductions or refunds in respect of		Notification of upper-tier municipality	365.2(6)
PART XI – Sale of Land for Tax Arrears			
Tax sale – registration of tax arrears certificate	Within 60 days	Treasurer to send to owner, persons listed on title and spouse, unless Treasurer can not find name or notice waived****	374(1), (2), (5)
Tax sale – where cancellation price remains unpaid 280 days after registration of tax arrears certificate	Within 30 days after expiry of 280 day period	Treasurer to send final notice stating that land will be advertised for public sale unless cancellation price is paid before the end of one-year period following registration of tax certificate****	379(1)
Tax sale – cancellation price remains unpaid after one year following registration of tax arrears certificate	Immediately	Advertise land for sale once in <i>The Ontario Gazette</i> , and once a week for four weeks in appropriate newspaper, or if none, post notice in municipal office and one other prominent place in municipality – advertisement to state mobile homes not included if such by-law passed****	379(2), (4)
Tax sale – statement of facts regarding payment of net proceeds into court	Within 60 days of payment	Treasurer to send statement to Public Guardian and Trustee, owner and spouse and persons listed on title****	380(3)

**NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC
MUNICIPAL ACT 2001, as amended**

SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART XI – Sale of Land for Tax Arrears			
Tax sale – no successful purchaser on original public sale	At least 30 days before land is re-advertised for public sale	Treasurer to send notice that land will be re-advertised for public sale to persons entitled to receive notice	380.1
Tax sales – cancellation by upper-tier municipality by by-law of agreement with local municipality authorizing Treasurer of former to perform the duties of Treasurer under Part XI	Forthwith	Clerk of upper-tier municipality to send certified copy of by-law by registered mail to Treasurer of other municipality	385.1(5)
Tax sales – entering to carry out inspection without warrant	At least 7 days before inspection	Written notice of inspection containing date, times (for more than one), equipment to be left, served by personal service or by prepaid mail on owners and occupants****	386.2(1)
Tax sales – entering to carry out inspection with warrant	7 days before application	Written notice of time and place of hearing, purpose of application, the length of time being asked for warrant to be issued or extended, right to appear and make representations and that warrant may be issued or extended in their absence****	386.3
Local improvement by-law	Before passage	Reasonable notice of intention to pass by-law to public and to owners of lots liable to be specially charged	O.Reg.28 6/06, ss. 4, 6

NOTICE TO BE GIVEN BY MUNICIPALITY OR TO PUBLIC MUNICIPAL ACT 2001, as amended			
SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART XIII – Debt and Investment			
Application of municipality to Ontario Municipal Board to incur a debt	Upon receipt of application	OMB may direct municipality to give notice of application to such persons and in such manner as OMB determines	402(1)
PART XIV – Enforcement			
Proposed exercise of power of entry onto private land	Reasonable time before proposed entry	Notice to occupier of land by personal service or prepaid mail, or by posting notice on land in conspicuous place	432(1), (2)
Licensing By-Law – fine for contravention of remaining unpaid after becoming due and payable		Treasurer or agent may provide written notice specifying the amount of the fine payable and the final date on which it is payable (not less than 21 days after notice)	441(1)
Closing premises deemed to constitute a public nuisance by court order	15 days before making application to court, but only after obtaining consent of chief of police or detachment commander of area OPP detachment	Notice to Attorney General of application, containing description of premises, activities and detrimental impact	447.1(3)
NOTICE TO BE GIVEN TO MUNICIPALITY MUNICIPAL ACT 2001, as amended			
SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART III – Specified Municipal Powers ~ Highways			
Commencing action for failure by municipality to keep highway or bridge in state of repair	Within 10 days after the occurrence of the injury (may be extended unless ice or snow related)	Written notice of claim and injury complained of serviced upon or sent by registered mail to municipal clerk or clerks	44(10)

**NOTICE TO BE GIVEN TO MUNICIPALITY
MUNICIPAL ACT 2001, as amended**

SUBJECT MATTER	TIMING OF NOTICE	MANNER OF GIVING	SECTION
PART III – Specified Municipal Powers ~ Public Utilities			
Application for order authorizing interference with public utility if use of land is substantially affected	90 days		91(5), (6)
PART III – Specified Municipal Powers ~ Annual Farm Dues			
Direction by member that annual farm dues be collected in same manner as taxes	Before tax roll is certified	Written notice to Treasurer of local municipality	149(2)
Direction by member to discontinue collection of annual farm dues in same manner as taxes	Before tax roll is certified	Written notice to Treasurer of local municipality	149(3)
PART IV – Municipal Restructuring ~ Commission			
Opportunity to make representations to restructuring commission and inspect written submissions		Notify each municipality in prescribed geographic area	174(9)
PART VI – Practices and Procedures ~ Vacancies			
Resignation by member of council		Written notice filed with clerk	260(1)
PART XIV – Enforcement			
Suspension of closing order for carrying on or engaging in trade, business or occupation without license		Municipality deemed to be party to proceedings to suspend closing order and entitled to notice of proceedings in accordance with rules of court	432(8)
Closing premises deemed to constitute a public nuisance by court order		Municipality deemed to be party to proceedings to suspend closing order and entitled to notice of proceedings in accordance with rules of court	433(11)

*** Reasonable notice in a form and manner and at times that restructuring commission considers adequate to give the public in a prescribed geographic area.

**** Nothing in Part XI requires the Treasurer to ensure that a properly sent notice is received by the person to whom it was sent. Notice under Part XI may be given by personal delivery or sent by certified or registered mail,

- a) in the case of the assessed owner, to the address of the person as shown on the last returned assessment roll of the municipality;
- b) in the case of any person whose interest is registered against the title of the land, to the address for service of the person furnished under the *Land Registration Reform Act*, or if none, to the address of the solicitor whose name appears on the registered instrument;
- c) in the case of a person appearing to have an interest in the land by the index of executions for land registered under the *Land Titles Act* or by the index of writs received for execution by the sheriff for land registered under the *Registry Act* to the address of the person or person's solicitor as shown in the index of executions or in the records of the sheriff for the area in which the land is situate;
- d) in the case of a spouse of the person by the records of the land registry office to be the owner of the land, addressed to the spouse of (name of person) at the usual or last known address of such spouse or, if unknown, at the address of the land; and
- e) in the care of the Public Guardian and Trustee, addressed to the Public Guardian and Trustee.

For further information, contact:

Township of South Stormont
Clerk's Department
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