

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 111-2002

A BY-LAW TO PRESCRIBE THE FORM AND MANNER FOR THE PROVISION OF NOTICE

WHEREAS Section 251 of the Municipal Act, 2001, S.O. 2001, c 25, as amended, provides that, "where a municipality is required to give notice under a provision of this Act, the municipality shall, except as otherwise provided, 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";

AND WHEREAS Council deems it desirable to set out the minimum notice requirements for those actions for which the notice requirements are not prescribed under the provisions of the Municipal Act or its regulations;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Woolwich enacts a follows:

DEFINITIONS

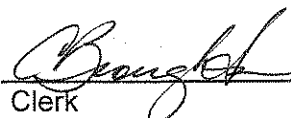
1. In this by-law
"Act" means the Municipal Act, 2001, S.O. 2001, c.25
"Clerk" means the Clerk of the Township of Woolwich;
2. That the Clerk, or designate, is hereby authorized and directed to give notice to the public in the form, and manner set forth in this by-law.
3. If a matter arises, which in the opinion of the Chief Administrative Officer, 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 Township of Woolwich, or if an 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.
4. (a) Unless otherwise or additionally provided by provincial law or regulation, the Clerk, is hereby authorized and directed to give notice when required to do so by the Municipal Act, 2001, S.O. 2001, c 25 as amended, in accordance with this section.
(b) 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 already prescribed in the Act or its Regulations or otherwise addressed in this by-law, notice shall be given as part of the agenda for a regularly scheduled meeting of Council, this meeting shall not be the meeting at which the by-law will be considered;

5. In addition to the required notice provisions set out in section 4, Council at its discretion, may by resolution pass in advance of its consideration of a by-law, direct notice to be given
- OR**
- The Clerk, at the Clerk's discretion, may give notice by one or more of the following:
- a. local cable TV community channel,
 - b. public radio (local AM/FM),
 - c. hand-delivered notices to specified areas,
 - d. mailed notices
 - e. media release,
 - f. weekly or daily newspaper(s)
6. (a) The notice provisions set out in section 4 shall apply to the adoption of the annual budget in total.
- (b) Where expenditure estimates approved in the budget have been subject to quotations or tenders quoting an amount greater than the budget expenditure for that item, the notice of the fact that a budget amendment is being proposed shall be included in the staff report and the printing of such item on the Council agenda, with the notation "Budget Amendment", shall constitute sufficient notice.
- (c) New projects that are being proposed and which have not been included in the annual budget shall be detailed in the staff report and the printing of such item on the Council agenda with the notation "Budget Amendment", shall constitute sufficient notice.
7. 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.
8. 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 section 239 of the Municipal Act, 2001, as amended.
9. Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.
10. This by-law shall come into force and take effect on the first day of January 2003.

PASSED this 10th day of December , 2002.



Mayor



Clerk

MUNICIPAL ACT 2001 AND REGULATIONS
NOTICE PROVISIONS

PART III - SPECIFIC MUNICIPAL POWERS

34(1)	By-law to permanently close a highway	<p>A municipality shall give public notice of its intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> • At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)
34(2)	By-law to permanently alter a highway if likely to deprive person of sole means of motor vehicle access	<p>A municipality shall give public notice of its intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> • At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)
34(4)	Manner of Notice for 34(1) & (2)	Manner of notice for 34(1) and 34(2) may be different for different classes of closings and alterations and for different classes of highways
36(3)	By-law for controlled access highway	<p>A municipality shall give notice of intent to pass the by-law to the public and serve notice on the owner personally or by prepaid registered mail. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> <p><i>At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)</i></p>

37(1)	Closing of private road to eliminate access to a controlled access highway	Municipality shall give notice to the owner of land
41	By-law to prohibit motor vehicles on any highway for its full width	<p>A municipality shall give public notice of its intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • <i>Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered</i> • <i>At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u></i> • <i>At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)</i>
47	By-law to name or change the name of a highway	<p>A municipality shall give public notice of its intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • <i>Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered</i> • <i>At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u></i> • <i>At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)</i>
48	By-law to change name of private roads	<p>A municipality shall give public notice of its intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • <i>Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered</i> • <i>At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u></i> • <i>At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)</i>
81(3)	Shut off public utility	Notice to owner/occupants by personal service or prepaid mail or posting a notice in a conspicuous place
82(1)	Interruption or reduction of service of a public utility supplied by municipality	Notice to owner/occupants by personal service or prepaid mail or posting a notice in a conspicuous place

99	By-law for Advertising Devices	<p>A municipality shall give public notice of its intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> • At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)
110(5)	Municipality may enter into agreement for provision of municipal capital facilities	Clerk to give written notice of the by-law to the Minister of Education and to other agencies outlined in Section 110(8)
144(1)	Power of Entry - Work Orders	See Section 144(8)

PART IV - LICENCING AND REGISTRATION

150(4)	By-law for purposes of health and safety, nuisance control and consumer protection	<p>Municipality shall hold at least 1 public meeting and ensure that notice of public meeting is given. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> • At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)
157(3)	By-law for registration of businesses <i>Note: a municipality <u>may</u> establish and maintain a registry of businesses</i>	<p>Municipality shall hold at least 1 public meeting and ensure that notice of public meeting is given. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> • At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)

PART V - MUNICIPAL REORGANIZATION

173(3)	Proposal to restructure	Municipality shall hold at least 1 public meeting and ensure that notice of public meeting is given.
174	Commission established to develop a proposal for restructuring	Commission to give notice as outlined in Sections 174 (9) through (13)
187(2)	By-law to change name of municipality	One public meeting is required with notice of intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i> <ul style="list-style-type: none"> • <i>Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered</i> • <i>At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u></i> • <i>At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)</i>
206	Improvement Area Board of Management to hold a vote	Board shall give notice to the general membership of the improvement area of a meeting to hold a vote
210(1)	By-law to designate, impose levies for, or change boundaries of Improvement Areas	Notice of the proposed by-law goes to list of persons named in Section 210(1)
211(1)	By-law to repeal a by-law establishing an improvement area	Notice of the proposed by-law goes to list of persons named in Section 211(1)
211(3)	Resolution or request for repeal of by-law to establish an improvement area	Council has 60 days to give notice after receiving the resolution or request
216(4)	By-law to dissolve or make prescribed changes to a local board	Municipal shall give notice to the local board of its intent to pass the by-law
217(2)	By-law to change the composition of Council	One public meeting is required with notice of intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i> <ul style="list-style-type: none"> • <i>Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered</i> • <i>At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u></i> • <i>At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media</i>

		<i>release; weekly or daily newspaper(s)</i>
222	By-law to divide or redivide the municipality into wards or dissolve the existing wards	<p>One public meeting is required with notice of intent to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> • At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s) <p>Within 15 days of passing of by-law, municipality shall give notice to the public specifying the last date for filing a notice of appeal.</p>

PART VI - PRACTICES AND PROCEDURES

238	Procedural By-law	<p>Municipality shall give notice of its intention to pass the by-law. <i>As outlined in the Township's Notice By-law 111-2002:</i></p> <ul style="list-style-type: none"> • Clerk shall give notice of intent to pass the by-law on the agenda for a regularly scheduled meeting of Council which is not the meeting at which the by-law will be considered • At its discretion, Council may by resolution pass in advance of its consideration of the by-law direct notice to be given <u>OR</u> • At his/her discretion, the Clerk may give notice by one or more of the following: local cable TV community channel; public radio; hand-delivered notices to specified areas; mailed notices; media release; weekly or daily newspaper(s)
251	Form and manner of Notice	This is the general "notice" clause which led to the development of By-law 111-2002
268(1)	By-law to establish procedures for the sale of land	By-law shall establish procedures including the giving of notice to the public
268(3)	Sale of Property	Give notice to the public of the proposed sale. Refer to Property Sale By-law.

PART VII - FINANCIAL ADMINISTRATION

291(1)	Before adopting all or part of a budget under Section 289 or 290, or amending such a budget	Municipality shall give public notice of its intention to adopt or amend the budget at a Council meeting specified in the notice
291(2)	Deferral of adoption or amendment of budget	No further notice is required if public statement is made at meeting that the matter has been deferred and the date of the later Council meeting is specified.

291(3)	Further deferral of budget	Same as above.
295	Publication of financial statements	Within 60 days after receiving the audited financial statements, the Treasurer shall publish the financial statements or place a notice in a local newspaper to inform the public that the information is available at no cost to any taxpayer or resident upon request
300(1)a	Improvements in efficiency and effectiveness of the delivery of services by the municipality and its local boards	Provide notice to the public at least once each calendar year. The Minister may designate the manner and form of which notice shall be given under this section.
300(1)b	Barriers identified by the municipality and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them	Provide notice to the public at least once each calendar year. The Minister may designate the manner and form of which notice shall be given under this section.

PART VIII - MUNICIPAL TAXATION

308(22)	Establish Tax Ratios	Minister may make regulations requiring municipalities that establish tax ratios to give notice of the tax ratios to such persons and in such manner as prescribed
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PART X - TAX COLLECTION

350(8)	Personal property to be sold at public auction	Notice of public auction required
361 (10.1) <u>Bill 177</u>	Notice of Debt to Charity - Bill 177	When Municipality gives rebate to charity and redetermination lowers rebate, municipality shall take no action to collect amount of excess payment due until 120 days after notice of the debt is given to the charity
365.1 <u>Bill 177</u>	Cancellation of Taxes, Rehabilitation and Development Period	Subsections 5, 7, 11 and 23 require local municipality to give notice to the Minister of Finance.
365.2 <u>Bill 177</u>	Tax Reduction For Heritage Property	Subsections 5 and 6 require local municipality to give notice to the Minister of Finance and upper-tier municipality

PART XI - SALE OF LAND FOR TAX ARREARS

379(2)	Land to be sold at public auction	Notice of public auction required
386.2 <u>Bill 177</u>	Inspection without warrant	Written notice of the inspection is to be served on the owners/occupants at least 7 days before search. Also applies to Notice of application for warrant

PART XII - FEES AND CHARGES

O.Reg. 244/02	Conditions re Waste, Water	Before passing a by-law under Part XII of the Municipal Act to impose a fee or charge for the use of a waste management system, the use of a sewage system or the consumption of water, the Municipality
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		shall hold at least 1 public meeting at which any person who attends has an opportunity to comment. Municipality shall ensure that a minimum of 21 days notice of the public meeting is given, including giving 21 days notice to every person and organization that has, within 5 years before the day of the public meeting, given the clerk a written request for notice of the passing of the by-law containing a return address. Regulation also sets out contents of required notice.
O.Reg. 244/02	Conditions re fire purposes	Before passing a by-law under Part XII of the Municipal Act to impose a fee or charge for inspections or the issuance of permits for fire purposes, the Municipality shall hold at least 1 public meeting at which any person who attends has an opportunity to comment. Municipality shall ensure that a minimum of 21 days notice of the public meeting is given, including giving 21 days notice to every person and organization that has, within 5 years before the day of the public meeting, given the clerk a written request for notice of the passing of the by-law containing a return address. Regulation also sets out contents of required notice.
O.Reg. 244/02	All Fees and Charges other than Waste/Water and Fire	Before passing a by-law under Part XII of the Municipal Act to impose fees or charges, a municipal shall ensure that notice of intent to pass the by-law at the council meeting specific in the notice is given to every person and organization that has, within 5 years before the day of the council meeting, given the clerk a written request for notice of the intention to pass the by-law containing a return address

PART XIV - ENFORCEMENT

425	By-law providing that any person who contravenes any by-law of the municipality is guilty of an offence	Public notice is not required.
440(1)	Collection of unpaid licensing fines	Municipality may authorize the Treasurer to give the notice at the times and in the manner set out in the by-law permitted under Section 425.