



## The Corporation of Norfolk County

### By-Law 2018-10

#### Being a By-Law to Establish a Public Notice Policy.

**WHEREAS** Section 270(1)(4) of the *Municipal Act, 2001, S.O. 2001, c.25, as amended*, makes provision in part, that Municipalities adopt and maintain policies for 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 provided;

**AND WHEREAS** Section 270(1)(5) of the *Municipal Act, 2001, S.O. 2001, c.25, as amended*, provides the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

**AND WHEREAS** sections of the *Municipal Act, 2001, S.O. 2001, c.25, as amended*, requires a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of the holding of certain required public meetings and notice of other matters;

**AND WHEREAS** Section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, provides in part that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** it is deemed advisable to establish a public notice policy.

**NOW THEREFORE** the Council of The Corporation of Norfolk County hereby enacts as follows:

#### 1. DEFINITIONS

In this By-Law:

- a) "municipality" shall mean The Corporation of Norfolk County.
- b) "newspaper" shall mean the local printed publication containing news, advertisements and correspondence having the highest circulation, in the opinion of the Clerk, within Norfolk County. "Norfolk County website" shall mean the official Corporation of Norfolk County internet website or site directly linked thereto.

- c) "Municipal Act" shall mean the Municipal Act, 2001, S.O. 2001, c.25, as amended;
- d) "Planning Act" shall mean the Planning Act, R.S.O. 1990 c. P.13
- e) "Notice to the Public" or "Public Notice" shall mean notice given to the public generally, but does not include notice given only to specified persons.
- f) "Notice Page" shall mean the page where notices are posted on the Norfolk County website
- g) "Personal Notice" shall mean notice given to a specified person or persons by personal service, and shall be deemed to be completed on the day that the serving of all required notices is completed.
- h) "Notice by mail" shall mean notice given to a specified person or persons by pre-paid first class mail, courier service, or regular mail. Delivery shall be deemed complete upon first attempt of the courier or mail provider to deliver the letter to the address on file with the municipality. Seven (7) days shall be added to the date of any notice requirements in instances where regular or untracked mailing is utilized.

## 2. GENERAL

- a) Where the municipality is required to give public notice pursuant to a provision of the *Municipal Act* or *Planning Act* where Council deems it appropriate to prescribe notice, notice shall be given in a form and manner indicated as shown on Schedule "A" attached.
- b) A public notice, utilizing the Municipal website, shall be sufficient even if the Norfolk County website is not accessible at all times during the public notice posting period.
- c) Notwithstanding any provision of this By-Law is invalid in cases where;
  - i) the *Municipal Act*, or another Act or regulation prescribe specific notice requirements in excess of those outlined in this By-Law or
  - ii) the Norfolk County Municipal Council directs that public notice be given in excess of the requirements of this By-Law or legislation.

- d) A public notice given under the provision of this By-Law shall contain the following information (where applicable):
  - i) a general description of the matter; and
  - ii) where the matter relates to a defined location, sufficient particulars of the location such as a key map, municipal address or legal description; and
  - iii) the date, item and location of the Council or Council-In-Committee meeting at which the matter will be considered; and
  - iv) instructions for obtaining additional information.
- e)
  - i) if a matter is deferred at a Council meeting or if a matter is considered at a subsequent Council meeting, no additional public notice shall be required, except where the Municipal Act, other Provincial Statute provides otherwise, or if the Norfolk County Council directs that additional public notice be given.
  - ii) if the matter is considered at a subsequent Council-In-Committee or Council Meeting, no additional notice is required, except where the Municipal Act or other provincial Statute provides otherwise.
- f) The public notice requirements of this By-Law are minimum requirements and Council, Clerk or County Manager are authorized to provide additional public notice if reasonable and necessary in the circumstances.
- g) No public notice shall be required under the provision of this By-Law where the Council is authorized by the Municipal Act to consider a matter in a meeting closed to the public.
- h) The public notice requirements of this By-Law may be waived by the Mayor or designate in consultation with the Clerk or County Manager where a matter is considered to be of an urgent or emergency nature affecting health, safety and well-being of the residents of the Municipality of Norfolk County and best efforts shall be made to provide as much notice as is reasonable under the circumstances.

**3. REPEAL**

That By-Law 2008-25 being a By-Law to establish a Policy to provide Public Notice be repealed.

**4. EFFECTIVE DATE**

That the effective date of this By-Law shall be the date of passage thereof.

**ENACTED AND PASSED** this 30th day of January, 2018.

**Original By-Law Signed by:**

**Mayor C. H. Luke and County Clerk Andrew Grozelle**

Staff Report C.A.O. 18-03

## Schedule “A” to By-Law 2018-10

<b>PUBLIC NOTICE REQUIREMENTS</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Circumstances</b>	<b>Summary of requirement</b>	<b>Form, Manner and Times</b>
<p><b>Budget – Adopting Rate or Tax Budget</b> (Section 290 and 291, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a minimum of one Committee meeting to consider the enactment of a rate or tax budget by-law. The notice shall specify when and where information in regard to such a by-law may be obtained and shall specify whether any fee or charge may be included.</p> <p>Despite any other provision of this By-law, no separate or additional public notice shall be required for a fee or charge that forms part of a rate or tax budget by-law for which public notice has been given under this provision.</p>	<p>One notice published on The County Website a minimum of 14 days prior to the Committee meeting.</p>
<p><b>Enactment of a Fee or Charge By-law</b></p>	<p>Public notice required to advise of a minimum of one Committee meeting to consider the enactment of a fee or charge by-law. The notice shall specify when and where information in regard to such a by-law may be obtained.</p> <p>Despite any other provision of this By-law, no separate or additional public notice shall be required for a fee or charge for which public notice has been given under this provision.</p>	<p>One notice published on The County Website minimum of 14 days prior to the Committee meeting.</p>

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<b>Circumstances</b>	<b>Summary of requirement</b>	<b>Form, Manner and Times</b>
<p><b>Seizure of Personal Property – Public Auction</b> (Section 351, <i>Municipal Act, 2001</i>)</p>	<p>Subject to certain conditions, the treasurer may seize personal property to recover taxes and costs of the seizure. The treasurer or the treasurer’s agent is required 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.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the auction.</p> <p>One notice sent by regular pre-paid mail, mailed to the sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy a minimum of 21 days prior to the auction.</p>
<p><b>Proposal to Restructure Municipality</b> (Section 173, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of holding of public meeting before Council votes on whether to support or oppose a restructuring proposal.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the public meeting.</p>
<p><b>Change of Name of Municipality</b> (Section 187, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a Committee meeting to consider enactment of a by-law to change municipality’s name.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p>

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<b>PUBLIC NOTICE REQUIREMENTS</b>		
<b>Circumstances</b>	<b>Summary of requirement</b>	<b>Form, Manner and Times</b>
<p><b>Dissolution or Change to Local Board</b> (Section 216, <i>Municipal Act, 2001</i>)</p>	<p>Notice to local board required to advise of a Committee meeting to consider the enactment of a by-law to dissolve or change local board.</p>	<p>One notice sent by regular prepaid mail, mailed to the local board a minimum of 14 days prior to the Committee meeting.</p>
<p><b>Changes to Composition of Council</b> (Section 217, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a Committee meeting to consider to enactment of a by-law changing the composition of Council.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p>
<p><b>Establishment of Wards</b> (Section 222, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a Committee meeting to consider enactment of a by-law dividing or redividing into wards or dissolving wards.</p> <p>After a by-law dividing or redividing into wards or dissolving wards has been passed, public notice required to advise of the passing of the by-law. The public notice shall specify the last date for filing a notice of appeal.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p> <p>One notice published in a newspaper within 15 days of the passing of the by-law.</p>

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<b>PUBLIC NOTICE REQUIREMENTS</b>		
<b>Circumstances</b>	<b>Summary of requirement</b>	<b>Form, Manner and Times</b>
<p><b>Naming or Re-Naming a Private Road</b></p> <p><i>(Section 48, Municipal Act, 2001)</i></p>	<p>Public notice required to advise of intention to pass a by-law naming or renaming a private road.</p>	<p>One notice published in a newspaper a minimum of 7 days prior to the Committee meeting to consider the by-law.</p>
<p><b>Highway Closure or Permanent Alteration - Access Denied to any Property</b></p>	<p>Notice to all affected property owners required to advise of a Committee meeting to consider the enactment of a by-law to close or permanently alter highway when such closure or permanent alteration would deny access to a property.</p>	<p>One notice sent by registered mail, mailed to the last known address of the property owner(s) a minimum of 14 days prior to the Committee meeting.</p>