

## TOWN OF FORT FRANCES

### BY-LAW NO. 64/02

#### A BYLAW TO ESTABLISH REASONABLE MINIMUM PROCEDURES FOR NOTICES REQUIRED UNDER THE MUNICIPAL ACT, 2001, S.O. 2001, CHAPTER 25

WHEREAS section 251 of the *Municipal Act, 2001*, the Act, provides that where a municipality is required to give notice under a provision of the 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 the *Interpretation Act*, R.S.O. 1990, c. I.11, s. 5 allows council to pass a by-law under the *Municipal Act, 2001*, to become effective when the Act comes into operation;

AND WHEREAS the Act will come into operation on January 1, 2003;

AND WHEREAS it is deemed expedient to set out reasonable minimum notice procedures for those actions for which the notice requirements are not prescribed under the provisions of the Act or its Regulations;

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

#### **1. Short Title**

The short title of this by-law shall be "Procedures for Notices By-law"

#### **2. Definitions**

"Act" -means the *Municipal Act, 2001*, and includes regulations thereunder  
"Clerk" - means the Clerk of the Corporation of the Town of Fort Frances or his or her designate  
"Newspaper" – means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not 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  
"Notice" –means a written, printed, published or posted notification or announcement

#### **3. Notice Requirements**

For purposes of this by-law and schedules hereto, the type and manner of giving reasonable notice is set out herein for application in the different circumstances for which notice is required as follows:

- # 1: Notice to be sent by registered mail to the last known address or hand delivered.
- # 2: Notice to be published in a newspaper once a week for three successive weeks
- # 3: Notice to be published in a newspaper at least once a minimum of one week prior to the passing of the by-law and/or declared at an open meeting of Council that the subject will be placed on the agenda for the next regularly scheduled meeting of Council
- # 4: Give written notice of the passing of the by-law (i.e. school boards, assessment office).



**4. Procedures for the Giving of Notice**

The following procedure schedules attached to and forming part of this By-law be and they are hereby adopted as reasonable minimum procedures for the giving of notice as required under the Act.

Schedule A-Part III – Specific Municipal Powers	
Schedule B -Part IV -- Licensing and Registration	
Schedule C -Part V -- Municipal Reorganization	
Schedule D -Part VI – Practices and Procedures	
Schedule E -Part VII, VIII, IX, X, XI – Financial Administration and Taxation	
Schedule F -Part XII – Fees and Charges	
Schedule G -Part XIII – Debt And Investment	
Schedule H -Part XIV – Enforcement	

**5. Content of Notice**

At a minimum, unless otherwise prescribed in the Act or its Regulations, where 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:

- (1) Identification of the authority under which the notice is being given;
- (2) A description of the purpose for the meeting or the purpose and effect of the proposed by-law;
- (3) The date, time and location of the meeting at which the matter will be considered;
- (4) A description of how and where comments and/or objections may be made;
- (5) The name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments;
- (6) 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.

**6. Deemed Minimum Standards**

The form, manner and timing for giving of notice as set out in the attached schedules shall be deemed to be the minimum standards required and nothing in the by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

**7. General**

- (1) 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.
- (2) 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 Act.

**8. 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 Town of Fort Frances or of neighbouring 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 the Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances. Failing to provide notice prior to the action, the Clerk shall provide notice as soon as practicable following the action.

**9. Alternate method by Council Resolution**

Notwithstanding the notice requirements set out in the attached schedules, 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.

**10. 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 already 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 4 days prior to the proposed activity to be undertaken.

**11. Effective date**

This by-law shall come into force and take effect on the first day of January, 2003.

READ THREE TIMES and finally passed in open Council this 16<sup>th</sup> day of December 2002.

  
MAYOR

  
CLERK



PART III - SPECIFIC MUNICIPAL POWERS

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 34 (1)	Permanent closure of a Highway	Before passing a By-law for permanently closing a highway, a municipality shall give public notice of its intention to pass the By-law		Public Notice	#2
Section 34 (2)	Permanently altering a highway	Before passing a by-law for permanently altering a highway, if the alteration is likely to deprive any person of the sole means of motor vehicle access to and from the person's land over any highway, a municipality shall give public notice of its intention to pass the By-law.		Public Notice	#2
Section 36 (3)(a)	Intention to pass By-law to owner and public	Give notice of its intention to pass the By-law to the public and to the owner of any land abutting the highway		Give Notice	#3
Section 36 (b)	Passage of By-law	Serve the notice under Sub-section (a) on the owner of the land personally or by prepaid registered mail to the last known address of the owner		Serve Notice	#1
Section 37 (1)	Closure of access to controlled-access highway	If a municipality requires the owner of any land to permanently close up any private road, entrance, gate or other structure that is constructed or is being used as a means of access to a controlled-access highway or other highway in contravention of a By-law, it shall give notice to the owner of the land personally or by prepaid registered mail to the last known address of the owner.		Give notice	#1

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 47	Change - naming of highway	Before passing a By-law naming a highway or changing the name of a highway, a municipality shall give public notice of its intention to pass the By-law		Public Notice	#3
Section 48	change - naming of private roads	A local municipality may name or change the name of a private road after giving public notice of		Public Notice	#3
Section 81 (1)	Shut off of Public Utilities	Upon proposed shut-off by municipality , of a public utility	reasonable notice	prepaid mail or by posting the notice on the land in a conspicuous place	#1
Section 99 (1)	By-law - advertising devices	Before passing the By-law, the municipality shall give public notice of its intention to pass the By-law		Public Notice	#3
Section 110 (8)	By-law - tax exemption	Upon the passing of a By-law under subsection (6), the Clerk of the municipality shall give written notice of the contents of the By-law to: a) the assessment corporation b) the Clerk of any other municipality that would, but for the By-law, have had authority to levy rates on the assessment for the land exempted by the By-law; and c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the By-law.		Written Notice	#4

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (ie) - Public - Reasonable	Notice Requirements
Section 144 (5)(c)	Power of entry - order repair	A notice stating that if the work is not done in compliance with the order within the period it specifies, the municipality may have the work done at the expense of the owner. Before the municipality enters on land to do the work, the order shall be served on the owner of the land personally or by prepaid registered mail to the last known address of the owner of the land. If the municipality is unable to effect service on the owner under subsection (8), it may place a placard containing the terms of the order in a conspicuous place on the land and may enter on the land for this purpose.	In accordance to the order given.	Notice - Clarification	#1
Section 144 (8) (9) (11)	Authority of Municipality	Notice under subsection (8) or (9) shall be deemed to be sufficient notice for the purpose of Section 431 (a) of the proposed entry on the land.		Order to Comply	#1
Section 150 (4) (b)	Notice of Public meeting before Bylaw is passed to license or impose any condition on any business or class of business - except in case of emergency	Before passing a Licensing Bylaw	none specified	Notice - published within newspaper with general circulation hold at least one public meeting at which any person has an opportunity to make representation with respect to the matter.	#3

Part IV - LICENSING AND REGISTRATION

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 150 (5)	Emergency - Public meeting - licensing power (post activity)	If a By-law is passed under this section in the <b>case of an emergency</b> without complying with subsection (4), the Council shall, as soon as it practicable after its passage, hold the meeting and give the notice referred to in subsection (4) and may, after that meeting, amend or repeal the By-law without the requirement of a further meeting.	Emergency basis	Give Notice - published within newspaper with general circulation	#3
Section 157(3)	Registry of Business Notice of public meeting before By-law is passed	Before passing any Bylaw	non specified - at least one week prior	Notice - published within newspaper with general circulation. hold at least one public meeting at which any person has an opportunity to make representation with respect to the matter.	#3

PART V ~ MUNICIPAL REORGANIZATION

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 173 (3)	Restructuring Proposal	SHALL: Before the council votes on support or opposition to restructuring proposal consult with the public by giving notice of and by holding at least one public meeting; and consult with such persons or bodies as the Minister may prescribe.	Prior to Council voting	Shall consult with public by holding one public meeting	#3 also through Minister regulations
Section 174 (12)	Commission on restructuring	opportunity to make representations and advise where municipality can inspect written submissions received by the Commission on restructuring	set by the Commission	shall give notice to the public in the prescribed geographic area advising them of the opportunity to inspect the restructuring proposal.	#3 set by the Commission
Section 187	Municipality wishes to change name	Prior to passing a By-law changing its name		Public Notice and hold one public meeting to consider the matter	#3
Section 206	Powers to establish Corporations (Improvement Areas) (BIA)	Prior to holding a meeting to vote in its directors and prior to approving its fiscal budget	date and time set my municipality	to general membership	#1



Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 210	BIA Bylaw	Prior to passing a By-law and Prior to designating an area as an improvement area and establish a board of management and to set levy upon rateable property in the improvement area		Prepaid mail to the Board of Management of improvement area...and every person assessed for rateable property within improvement area	#1
Section 211	BIA - Repealing By-law	Council shall give notice to repeal a By-law (s.204) if municipality received resolution or request	Before passing the By-law changing the name.	A municipality shall give notice before passing a By-law and shall hold at least one public meeting.	#1
Section 216 (4)	Dissolution of Local Boards (exception to Police Service Boards)	Any municipality shall give notice of its intention to pass a By-law to dissolve or make changes to local boards	Before passing the By-law	the By-law does not come into force until at least half of the municipalities give their approval by resolution	#1 Minister regulations
Section 217	Council Composition	A municipality shall give notice of its intention to pass a By-law to change the composition of council.	Before passing the By-law. The By-law does not come into force until the day the new council is organized.	A municipality shall give notice before passing a By-law and shall hold at least one public meeting	#3

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (ie) - Public - Reasonable	Notice Requirements
Section 219	Upper-Tier Council Composition	A municipality shall give notice of its intention to pass a By-law to change the composition of the upper-tier council.	Before passing the By-law. A majority of votes required ss 219(2). The By-law does not come into force until the day the new council is organized	A municipality shall give notice before passing a By-law and shall hold at least one public meeting	#3
Section 222	Establishment of Wards	A municipality shall give notice of its intention to pass a By-law to (re)divide or dissolve existing wards, notice shall be given specifying the last date for appealing	Notice shall be given before the passing of the By-law and within 15 days after passing the By-law.	A municipality shall hold at least one public meeting.	#3 Minister may prescribe criteria

Part VI - PRACTICES AND PROCEDURES

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (ie) - Public - Reasonable	Notice Requirements
Section 238(2)	Procedural By-laws	Before passing the By-law the municipality shall give notice of its intention to pass the Procedural By-law	Before the passing, sufficient notice to ensure general public is informed. Date, time and location clearly stated.	Public Notice	#3
Section 251	Giving of Notice	Reasonable notice in a form and in the manner and at the times that the council considers adequate to give reasonable notice under the provisions	As approved by the Council	Public Notice as approved by Council	#3
Section 260 & 262	Council member resignation	Notice in writing filed with Clerk (not effective if it would reduce the number of members to less than a quorum)	The Council shall at its next meeting declare the vacancy, if the vacancy occurs as a result of death the declaration may be made at the next two Council meetings. Vacancy must be filled within 60 days of the declaration. If declaration occurs within 90 days of an election, the municipality is not required to fill the vacancy.	Public Notice - in writing filed with Clerk in accordance with Municipal Elections Act	—



Section	Subject Matter	When Notice Is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 268	Sale of Land Procedures	Prior to the sale of Proposed Land	As defined in the established in procedures	Public Notice	#3

Part VII - FINANCIAL ADMINISTRATION

Section 291	Budget - Adopt or Amend	Prior to adopting or amending the budget, the Municipality shall give <i>public notice</i> of its intentions.	Prior to the specified council meeting, in order to ensure sufficient notice to the general public.	Public Notice	#3
Section 295	Financial Statements - Publication	Within 60 days after receiving the audited financial statements of the municipality for the previous year	60 days after receiving the audited financial statements	Public Notice	#3
Section 297	Auditor's right to attend - Right of Access	Auditor's entitlement to attend any meeting and receive all notices relating to the meeting and to make representation as required	Auditor to be provided with a listing of Council dates for information purposes	Reasonable Notice	#1

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (ie) - Public - Reasonable	Notice Requirements
Section 300	MPMP - performance measures Improvements in Service	Improvements in service. Municipality must provide notice to the general public of improvements in the efficiency and effectiveness of the delivery of services by the municipality and also identify barriers that impaired achieving service goals.	At least once each calendar year	Public Notice	#3 Minister may designate manner and form in which notice shall be given

PART VIII - MUNICIPAL TAXATION

PART IX ~ LIMIT ON TAXES

Section 331 (2)	Taxes on Eligible Properties	When eligible properties as defined in 331(20) are added to the roll (ie properties with additional assessments; properties that cease to be exempt; properties that are added to the roll be severance; or properties for which there is a change in classification)	Within 60 days after the date the list of comparable properties is received by the municipality	the list of comparable properties	#1
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PART X ~ TAX COLLECTION

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (ie) - Public - Reasonable	Notice Requirements
Section 348	Determination of Tax Status	Upon making the determination of every tax account as of December 31 <sup>st</sup> of the preceding year	By February 28 <sup>th</sup> in each year	Notice of Tax Arrears & related late payment charges	#1
Section 350	Obligations of tenant - taxes owed	Taxes owed in respect of any land occupied by tenant		To tenant in writing requiring tenant to pay rent in respect of the land	#1
Section 351	Seizure personal property - Public Auction	When Treasurer sells all or part of seized personal property to recover taxes & costs of seizure	at time set by Treasurer	Public Notice	#1 and #3
Section 357 (5)(b), ...	Cancellation, reduction, refund of taxes as a result of "change event" in accordance to subsection 34 (3.2) of the <i>Assessment Act</i>	Upon receiving an appeal from applicant	at least 14 days before the meeting on or before September 30 of the year following the year of application ~ frames as identified in Act as appeal is being processed	Notice to the applicant, Assessment Review Board	#1 and #4



Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (ie) - Public - Reasonable	Notice Requirements
Section 358	Overcharges caused by a gross or manifest error	Treasurer to send copy of application to the Assessment Corporation and Assessment Review Board; and to notify applicant of invalid application	On or before September 30 <sup>th</sup> of the year following the year in which the application is made	Hold a meeting where applicant may make representation to the Council	#1 and #4
Section 359	Increase of Taxes as a result of any undercharge caused by a gross or manifest error...but not an error in judgement in assessing the land	Upon application made by the Treasurer	Within the year in which the application is made	In writing to the person in respect of whom the application is made	#1 and #4
Section 364	Cancellation, reduction or refund of taxes	Upon a lower-tier municipality passing a by-law under subsection (1) to provide the cancellation, reduction or refund of taxes levied	As soon as possible	Letter to Upper-tier municipality giving facts	#1 and #4

PART XI TAX ARREARS SALES

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required ie) - Public - Reasonable	Notice Requirements
Section 374 (1)	Notice of Registration - after registration of tax arrears certificate in the third year following that in which the real property taxes become owing	60 days after registration of tax arrears to assessed owner; (Land Titles Act) persons appearing on parcel register; and (Registry Act) persons appearing by the abstract index and by the index of writs received for execution by the sheriff...	After third year of tax arrears	Notice of Registration of certificate	#1
Section 379 (1)	Public Sale	If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered	within 30 days after the expiry of the 280-day period	Final Notice that land will be advertised for public sale - unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.	#1
Section 379 (5b) and (15)	No Registration of Notice of Vesting	within one year of after a public sale is conducted at which there is no successful purchaser, the tax arrears certificate with respect to the land shall be deemed to be cancelled	one year after public sale is conducted	Notice of Vesting	#2
Section 380 (3)	Payment into Court - proceeds of sale	after making a payment into court under subsection 380(2) (following sale of land)	within 60 days	copy of a statement to the Public Guardian and Trustee and to the persons to whom the treasurer sent notice under subsection 379(1)	#1

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 388 (2)	Notice of forfeiture registered	if, before January 1, 2003 a notice of forfeiture was registered with respect to any land under section 23 of the Municipal Tax Sales Act, 1984, the land is vested in the municipality upon registration as it read on December 31, 2002, to land in respect of which a tax arrears certificate was registered under the Municipal Affairs Act, being chapter 303 of the Revised Statutes of Ontario, 1980, before January 1, 1985 or a certificate was given under section 433 of the Municipal Act, being chapter 302 of the R.S.O.1980, before January 1, 1985	Before January 1, 2003	Registration of a Notice of forfeiture	#1



PART XII - FEES AND CHARGES

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (ie) - Public - Reasonable	Notice Requirements
Section 400 - Regulations	Fees and Charges imposed by a municipality on a person constitute a debt of the person ~ amount owing added to tax roll	Prior to passing a by-law imposing the fees and charges which have priority lien status which are added the tax roll.	none provided	Notice of intent to pass a Bylaw ~ In the manner and form and at the times As prescribed by the Minister	#1

PART XIII - DEBT AND INVESTMENT

Section 402 (1)	Notice of Debt	upon receipt of an application of a municipality to incur a debt	none provided	the OMB may direct the municipality to give persons and <b>Notice of Application</b> to such persons and in such manner as the Board determines	#1 and #3
Section 408	Bylaws re: debentures	When a municipality authorizes long term borrowing by the issue of debentures or through another municipality under section 403 or 404	none provided	To persons with an interest in the debentures.	#1

PART XIV ~ ENFORCEMENT

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (e) - Public - Reasonable	Notice Requirements
Section 431	Where Power of Entry exercised	Except with respect to an entry to determine whether a bylaw order or condition to a permit has been complied with or an entry under section 87, 97, 122 or 166 or clause 430(a), (b) or (c)	must provide reasonable notice of the proposed entry	inform occupier of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place	#1
Section 432	Closing premises for lack of licence	Upon owner conviction or premises without a licence required by a By-law under this Act, and where court order that the premises or part of the premises be closed (not to exceed two years)	in accordance to court order	Court to notify municipality who passed the licensing By-law	#1
Section 433	Closing premises , Public Nuisance	Notice to the Attorney General...Upon the application of a municipality, where activities or circumstances constitute a public nuisance.... the Superior Court of Justice may make an order...be closed to any use...not to exceed two years .	15 days notice of its intention to make an application	Letter of application	#1
Section 440	Collection of unpaid licensing fines	Whenever any part of a fine for a contravention of a licensing By-law passed under the <i>Municipal Act</i> remains unpaid after the fine becomes due and payable under section 6 of the <i>Provincial Offences Act</i> .	No date specified	Written notice specifying the amount of the fine payable and final date to pay (no less than 21 days after date of Notice)	#1