

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2007-190

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

WHEREAS Section 270.(1) of the *Municipal Act, 2001*, as amended, requires that a municipality shall adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public and, if the notice is to be provided, the form, manner and times notice shall be given;

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;

AND WHEREAS Notice of the Public Meeting in the matter of the Notice By-law was given by way of an advertisement in the North Bay Nugget on the 11th day of August, 2007 and on the 18th day of August, 2007;

AND WHEREAS a Public Meeting under the *Municipal Act* in the matter of the Notice By-law was held on the 4th day of September, 2007

AND WHEREAS Council approved the Notice By-law setting out the minimum notice requirements by General Government Committee Report No. 2007-10 passed on the 10th day of September, 2007;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:
 - "**Act**" means the *Municipal Act, 2001*, S.O., c. 25, as amended and any successor legislation thereto;
 - "**Clerk**" means the Clerk of The Corporation of the City of North Bay;
 - "**Highway**" means all road allowances, highways, streets and lanes shown on a registered plan of subdivision;
 - "**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;
 - "**Published**" means published in a daily or weekly newspaper that, in the opinion of Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

NOTICE OF INTENTION TO PASS BY-LAW – NOTICE OF PUBLIC MEETING

Manner of Notice

2. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be published in the newspaper.

Time of Notice

3. 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 Act or its regulations, and if not so prescribed, notice shall be given at least once, no less than fourteen (14) days prior to the proposed action being taken.

Form of Notice

4. 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 form of the notice shall include the following information:
 - (i) a description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
 - (ii) the date, time and location of the meeting;
 - (iii) where the purpose of the meeting or proposed by-law is related to specific lands within the municipality, a key map showing the affected lands; and
 - (iv) 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

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

Purchasing By-law

6. Where the total of the expenditure estimates, as approved in the budget, are to be increased above the total budget then the approval process set out under The Corporation of the City of North Bay's Purchasing By-law shall apply.
7. Notices of such an increase to the budget shall be included in a staff report and the printing of this item on the Council and/or Committee Agenda, with the notation "*Amendment to Budget*", shall constitute sufficient public notice thereof.

Operating Costs Incurred Prior to Budget Approval

8. 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.

Improvements to Service

9. Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by The Corporation of the City of North Bay and its local boards; and barriers identified by The Corporation of the City of North Bay and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be published in the newspaper at the same time as prescribed in the Act for the publication of the Financial Statements of The Corporation of the City of North Bay.

HIGHWAYS

Permanently Closing a Highway

10. (i) The notice provisions set out in Sections 2 and 4 shall apply to the permanent closure of a highway.

- (ii) 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 Act or its regulations, and if not so prescribed, notice shall be given two (2) consecutive weeks, no less than twenty-one (21) days prior to the proposed action being taken.

Permanently Altering a Highway

- 11. (i) The notice provisions set out in Sections 2 and 4 shall apply to the permanent alteration of a highway.
- (ii) 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 Act or its regulations, and if not so prescribed, notice shall be given two (2) consecutive weeks, no less than twenty-one (21) days prior to the proposed action being taken.

Naming or Changing the Name of a Highway

- 12. The notice provisions set out in Sections 2, 3 and 4 shall apply to the naming of a highway or to the changing of the name of a highway.

SALE OF LAND

- 13. The notice provisions set out in Sections 2, 3 and 4 shall apply to the sale of land by the municipality.

USER FEES

City Department User Fees

- 14. (i) The notice provisions set out in Sections 2 and 4 shall apply to user fees charged by various City Departments.
- (ii) 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 Act or its regulations, and if not so prescribed, notice shall be given at least once, no less than twenty-one (21) days prior to the proposed action being taken.

Water and Sewer Rates

- 15. (i) The notice provisions set out in Sections 2 and 4 shall apply to user fees for existing water and sewer rates.
- (ii) 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 Act or its regulations, and if not so prescribed, notice shall be given at least once, no less than twenty-one (21) days prior to the proposed action being taken.

Waste Management Rates

- 16. (i) The notice provisions set out in Sections 2 and 4 shall apply to user users for existing waste management rates.
- (ii) 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 Act or its regulations, and if not so prescribed, notice shall be given at least once, no less than twenty-one (21) days prior to the proposed action being taken.

WARDS

- 17. The notice provisions set out in Sections 2, 3 and 4 shall apply to a by-law to divide or redivide the municipality into wards or to dissolve existing wards.

GENERAL

- 18. Where separate by-laws have been enacted in accordance with the provisions contained in the Act, the notice provisions set out in such by-laws shall prevail.
- 19. 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.
- 20. Notice provisions prescribed under the *Municipal Act* are set out in Schedule "A" attached hereto.
- 21. Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice for providing for a longer notice period or additional notices.

EMERGENCY PROVISION

- 22. 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 municipality, 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 by the Chief Administrative Officer and the Clerk shall make his/her best efforts to provide such notice as is reasonable under the circumstances.

EFFECTIVE DATE

- 23. This by-law shall come into full force and effect upon being passed.

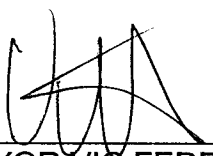
REPEAL

- 24. By-law No. 2003-01 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 10TH DAY OF SEPTEMBER, 2007.

READ A SECOND TIME IN OPEN COUNCIL THIS 10TH DAY OF SEPTEMBER, 2007.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 10TH DAY OF SEPTEMBER, 2007.



MAYOR VIC FEDELI



CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "A" TO BY-LAW NO. 2007-190 OF THE CORPORATION OF THE CITY OF NORTH BAY

NOTICES TO BE GIVEN

Subject Matter	Timing of Notice	Manner of Giving	Section
BUSINESS IMPROVEMENT AREAS			
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 or area.	Before passing by-law	Sent 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 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	Sent 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 property class.	211(1)
CAPITAL FACILITIES			
Agreement for provision of municipal capital facilities	Upon passing of by-law giving authority to enter into.	Clerk to give written notice of by-law to the Minister of Education	110(5)
Exempt land on which municipal capital facilities are or will be located from taxation.	Upon passing of by-law.	Written notice of contents of by-law to Assessment Corporation, Clerk or any other affected municipality and secretary of affected school board	110(8)
COUNCIL COMPOSITION			
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)

Subject Matter	Timing of Notice	Manner of Giving	Section
DEBT AND INVESTMENT			
Application of municipality to OMB 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)
ENFORCEMENT			
Proposed exercise of power of entry onto private land to connect or repair public utility or perform remedial action.	Reasonable notice of proposed entry.	Notice to occupier of land by personal service.	435(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 Department Commander of area OPP Detachment.	Notice to Attorney General of application, containing description of premises, activities and detrimental impact.	447.1(3)
Licensing By-law – fine for contravention of remaining unpaid after becoming due and payable.		Treasurer or agent may provide written notice specifying amount of fine payable and the final date on which it is payable (not less than 21 days after notice).	441(1)
FINANCIAL STATEMENTS			
Audited financial statements of municipality for previous year.	Within 60 days of receipt	Treasurer to publish copy of statements and notice that statements available upon request in newspaper.	295(1)
HIGHWAYS			
Name or change name of private road.	Before passing by-law	Public notice of intention to pass by-law	48
LOCAL IMPROVEMENTS			
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. 199/03, s.3.
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)

Subject Matter	Timing of Notice	Manner of Giving	Section
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)
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)
PROCEDURE BY-LAW			
Council or local board meeting		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)
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(5)
Determination by Assessment Corporation that there are no 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)
Tax Collection – ceasing of alternative instalments and due dates of property taxes.	Taxes unpaid after due date.	Treasurer gives notice to taxpayer that alternative instalments 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 of 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)

Subject Matter	Timing of Notice	Manner of Giving	Section
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 amount 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 amount 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 decision and specify last day for appeal.	357(6)
Overcharged taxes – application for refund determined to be invalid.		Treasurer to notify applicant in writing giving reasons application is not valid.	358(8)
Overcharge taxes – Council to hold meeting at which applicant may make representations.	At least 14 days before meeting.	By mail.	358(9)
Overcharged taxes – Council determining application.	At least 14 days after making decision.		358(10)
Undercharged taxes – Council to hold a meeting at which Treasurer and affected taxpayer to 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 letter of decision to Assessment 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(10.1)
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)

Subject Matter	Timing of Notice	Manner of Giving	Section
TAX SALES			
Tax sale – registration of tax arrears certificate.	Within 60 days.	Treasurer to send to owner, persons listing on title and spouse, unless Treasurer can't find name or notice waived.	371(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 arrears 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 The Ontario Gazette, and once a week for 4 weeks in appropriate newspaper, or if none, post notice in municipal office and one other prominent place in municipality – advertisement to state mobile home 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)
Tax sale – no successful purchaser on original public sale.	At least 30 days before land is readvertised for public sale.	Treasurer to send notice that land will be readvertised for public sale to persons entitled to receive notice.	380.1
Tax sales – entering to carry out inspection <u>without</u> warrant.	At least 7 days before inspection.	Written notice of inspection containing date, times (if more than one), equipment to be left, served by personal service or prepaid mail <ul style="list-style-type: none"> • On owners and occupants 	386.2(1)

Subject Matter	Timing of Notice	Manner of Giving	Section
Tax sales – entering to carry out inspection <u>with</u> 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
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.	Reasonable notice.	Personal service or prepaid mail or by posting the notice on the land in a conspicuous place.	81(2),(3)