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Consolidated Version

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2018-022 (Original)	March 5, 2018

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-law No. 2018-022

A By-law to adopt a Policy to provide for notice to the public as required under the *Municipal Act, 2001*

WHEREAS section 270 of the *Municipal Act, 2001* ("the Act") provides 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 notice is to be provided, the form, manner and times notice shall be given; and

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

WHEREAS the Council of the Corporation of the City of Owen Sound passed Resolution No. R-180212-011 on February 12, 2018 to repeal Policy No. CrS-C29 and to bring forward the subject by-law for approval as per Staff Report CR-18-012 from the Corporate Services Committee meeting held on January 25, 2018;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Preamble and Defined Terms

Short Title

1. This by-law may be referred to as the "Notice By-law".

Headings

2. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the by-law.

References to Applicable Law

3. All references to applicable law are ambulatory and apply as amended from time to time.

Interpretation

4. For the purposes of this by-law:

"Act" means the *Municipal Act, 2001*, S.O. 2001, c.25 and includes the regulations thereto.

"City" means the City of Owen Sound;

"Clerk" means the Clerk of the City of Owen Sound or his or her designate;

"Council" means the City Council;

"Newspaper" means a printed publication in sheet form, intended for a general circulation, published regularly at intervals of no longer than a week, consisting in great part of news of current events or general interest and sold to the public and to regular subscribers;

"Public Utility" means City owned and/or operated water or wastewater systems;

Part II. General

5. The City shall follow the notice provisions set out in the Act.
6. 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.

7. It is the responsibility of the appropriate Director, in conjunction with the Clerk, to ensure that the form, manner and timing of notice requirements applicable to his or her department are met.
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 Act.
9. Nothing in this by-law shall prevent the use of additional notice or using more comprehensive methods of notice.

Part III. Public Meetings and Intention to Pass a By-law

Manner of Notice

10. Where notice of a public meeting or notice of intention to pass a by-law is required to be given by the Act, the Clerk shall cause such notice to be published in a newspaper and on the City's website.

Time of Notice

11. Where notice of a public meeting or notice of intention to pass a by-law is required to be given by the Act, such notice shall be provided in the time frame prescribed.
12. If the time frame is not so prescribed, notice shall be given at least once, not less than ten (10) days or more than thirty (30) days prior to the proposed public meeting being held or by-law being considered.
13. No additional notice shall be required where a matter has been deferred or referred to a subsequent meeting.

Form of Notice

14. Unless otherwise prescribed in the Act, where 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 public meeting;
 - b. the date, time and location of the meeting;
 - c. where the purpose of the public meeting is related to specific lands, a key map showing the affected lands;
 - d. the name and address of the person who will receive written comments on the subject issue and the deadline for receiving such comments.
15. Unless otherwise prescribed in the Act, where notice of intention to pass a by-law is required to be given, the form of the notice shall include the following information:
 - a. a description of the purpose and effect of the proposed by-law;
 - b. the date, time and location of the meeting;
 - c. where the proposed by-law is related to specific lands, a key map showing the affected lands.

Part IV. Public Utility Restriction or Shut-off

16. Reasonable notice of a proposed restriction or shut-off of a public utility due to overdue accounts, as set out in section 81 of the Act, shall be as follows:
 - a. a Past Due Notice will be sent by prepaid mail to both owners and tenants associated with an unpaid account after the account is past due for two (2) billing cycles. The Past Due Notice shall include:
 - i. the amount of account due, including interest and notice fee;
 - ii. the due date for payment of the outstanding amount; and

- iii. contact information to make payment arrangements.
- b. after the due date of the Past Due Notice has passed and no arrangements have been made for payment of the unpaid balance, the following shall occur:
 - i. where a tenant is associated with an unpaid account a Disconnection Notice will be hand delivered to the tenant. The Disconnection Notice shall include:
 - ii. the amount of account due, including interest and notice fee;
 - iii. that the balance is due in full within three (3) business days of the notice; and
 - iv. that disconnection will occur if full payment is not received.
 - v. where an owner only (no tenant) is associated with an unpaid account, a Notice of Transfer to Tax Roll will be sent by prepaid mail to the owner. The Notice of Transfer to Tax Roll shall include:
 - vi. the total transferred amount, including interest and transfer fee; and
 - vii. that the amount transferred will now be collected in the same manner as realty taxes.
- 17. Reasonable notice of an interruption or reduction of a public utility due to emergency or breakdown, as set out in section 82 of the Act, shall be by personal delivery to affected properties as soon as practicable.
- 18. Reasonable notice of an interruption or reduction of a public utility due to repair or extension, as set out in section 82 of the Act, shall be by personal delivery to affected properties at least 24 hours prior to commencement.

Part V. Matters for which Notice is Not Required by the Act

Manner of Notice

- 19. Notice to the public shall be provided for all matters set out in Schedule 'A' in the manner set out in Schedule 'A'.

Time of Notice

- 20. Notice to the public shall be provided for all matters set out in Schedule 'A' in the time set out in Schedule 'A'.
- 21. No additional notice shall be required where a matter has been deferred or referred to a subsequent meeting.

Form of Notice

- 22. Notice to the public for all matters set out in Schedule 'A' shall include the following information, where applicable:
 - a. a description of the subject matter under consideration;
 - b. the date, time and location of the meeting where the subject matter will be considered;
 - c. where the subject matter is related to specific lands, a key map showing the affected lands;
 - d. the name and address of the person who will receive written comments on the subject matter and the deadline for receiving such comments.

Council motion

- 23. For all matters set out in Schedule 'A' Council may reduce or amend the notice requirements upon passage of a motion at a duly called meeting of

Council, provided the motion dictates alternative requirements for giving notice deemed by Council to be adequate in the circumstances.

Part VI. Emergencies

24. The notice requirements of this by-law may be waived and the Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances where:
- a. the City Manager, in consultation with the Mayor, believes a matter:
 - i. is of an urgent or time sensitive nature; or
 - ii. could affect the health or well-being of the residents of the City; or
 - b. a state of emergency is declared.

Part VII. Conflict and Transition

Conflict

25. In the event the provisions of this by-law are inconsistent with the provisions of the Act, the provisions of the Act shall prevail.

Terms Severable

26. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Repeal

27. Policy No. CrS-C29 is hereby repealed.

Enactment

28. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 5th day of March, 2018.

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk

Schedule 'A'
to By-law 2018-022
Matters for which Notice is not Required

(section references are from the Act)

Matter	Summary of Requirement	Manner and Time Notice is to be Given
Permanent closure of a highway – s. 34	Notice of intent to pass a by-law permanently closing a highway	Published in a newspaper and on the City's website at least ten (10) days before the Council meeting where the by-law will be considered
Advertising devices by-law – s.99	Notice of intent to pass a by-law respecting advertising devices	Published on the City's website at least ten (10) days before the Council meeting where the by-law will be considered
Business licencing – s. 151	Notice of intent to pass a by-law respecting business licencing	Published on the City's website at least ten (10) days before the Council meeting where the by-law will be considered
Change of name of municipality – s. 187	Notice of public meeting and notice of intent to pass a by-law changing the name of the municipality	Published in a newspaper and on the City's website at least ten (10) days before the Council meeting where the matter will be considered
Dissolution of local boards – s. 216	Notice of intent to pass a by-law dissolving a local board	Notice by electronic mail, prepaid mail or personal service to local board secretary at least ten (10) days before the Council meeting where the by-law will be considered
Change composition of council – s. 217	Notice of public meeting and notice of intent to pass a by-law changing the composition of council	Published in a newspaper and on the City's website at least ten (10) days before the Council meeting where matter will be considered
Establishment of wards – s. 222	Notice of public meeting and notice of intent to pass a by-law establishing wards	Published in a newspaper and on the City's website at least ten (10) days before the Council meeting where matter will be considered
Procedural by-law – s. 238	Notice of intent to pass a by-law respecting the calling, place and proceedings of meetings	Published in a newspaper and on the City's website at least ten (10) days before the Council meeting where by-law will be considered

Matter	Summary of Requirement	Manner and Time Notice is to be Given
Adoption of policies – s. 270	Notice of intent to pass a by-law adopting a policy listed in s. 270	Published on the City's website at least ten (10) days before the Council meeting where the by-law will be considered
Adoption of annual budget – s. 290	Notice of public meeting and notice of intention to pass a by-law adopting the budget	Published in a newspaper and on the City's website at least ten (10) days before the Council meeting where the matter will be considered
Fees and charges – s. 391	Notice of intent to pass a by-law respecting fees and charges	Published on the City's website at least ten (10) days before the Council meeting where the by-law will be considered