

CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

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|---------------------------|-----------------------|------------------------------|---------------------|----------------|
| SUBJECT: | PUBLIC NOTICES | | | |
| TYPE: | ADMINISTRATION | POLICY NO. ADM-001-01 | | |
| DATE: | REVIEW DATE: | FREQUENCY: | REL. BY-LAW: | PAGE #: |
| Feb 7, 2008 | July 7, 2008 | As Required | 08-296 | 1 of 14 |
| Revisions | | | | |
| July 7, 2008 Re-formatted | | | | |
| Feb 7, 2008 New Policy | | | | |
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I. Purpose:

The *Municipal Act, 2001* (the Act) *Section 270 (1) Subsection (4)* requires that all municipalities 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. The purpose of this policy is to provide guidance for the delivery of the municipality’s activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with *Section 270 (1) Subsection (4)*.

II. Definition (s):

Publication shall mean publication of a notice in the local weekly newspapers, “The Bancroft This Week” and “The Barry’s Bay This Week” and if more than one (1) publication is specified these publications shall be made in successive issues of the newspaper and in cases where publication is required, the last required public notice shall be published not less than then (10) days before the meeting of Council at which the matter is to be considered.

Notice in Writing shall mean notice either served personally, sent by email with a required read receipt or sent by prepaid registered post directed to the addressee at his/her last known address and to the addressee’s address as shown on the Tax Roll of this Municipality, if the addressee is a taxpayer, and such notice shall be mailed at least ten (10) days prior to the meeting of Council at which the matter is to be considered or shall be served personally at least seven (7) days prior to such meeting.

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III. Policy Statement:

In recognition of the emphasis placed on transparency and accountability measures within the *Municipal Act* (the Act), the Council of the Township of South Algonquin acknowledges that it is responsible for providing notice to its citizens and, if notice is to be provided, the form, manner and times notice shall be given. Council considers that adequate and reasonable notice of the proposed passage of By-laws or of taking other proceedings under the provisions of the Act is sufficient if given in accordance with the provisions of this Policy.

IV. Operating Principle:

Notice provisions are based on the following:

- citizens should be aware of what, when and where the business of the municipality is being discussed;
- citizens should be aware, when the business being discussed will have an impact on them; and
- adequate time should be provided to citizens so they can make submissions.

Notice should:

- be provided as soon as possible;
- be distributed to the broadest possible audience;
- be given in a variety of manners;
- provide credible, accessible information in a usable format that is easy to understand while being open, inclusive and respectful to all citizens; and
- in some circumstances, be given directly to the affected individuals.

V. Operating Details:

Notice Format:

A common format for giving notice which ensures consistency shall include the following information:

- date, time, location, contact information, summary for what notice is being given, how to obtain additional information, and how to register as delegation (if appropriate). Sample Notice provided as Schedule 'A' to this policy.

A review process through the Clerk's Office will be established for notices pertaining to major issues to ensure conformity and consistency. The format for notices will be amended as required to meet accessibility needs such as font size, etc. All language in notices should be written in English and at a reading level that most citizens can understand.

Individual departments will need to establish their own standards related to informal notice and collecting information from the public for matters such as minor road construction/repairs, etc.

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Emergency Provisions:

If a matter or situation arises that, in the opinion of the Clerk, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or could affect the health and well-being of the residents of the municipality, or if a state of emergency is declared, or is so directed by a Provincial Ministry, the notice provisions may be waived and best efforts should be made to provide as much notice as is reasonable under the circumstances.

VI. Notice Categories:

General Guidelines:

- all references to days are calendar days, not business days;
- direct delivery includes hand delivery, facsimile and email; and
- notice can be provided through multiple channels including, notice on Township website, local newspapers, radio, television, direct mailing, and posting on local bulletin boards.

#1 - Standard Council/Committee Meetings (minimum 7 days notice):

This refers to when notice is provided of upcoming Committee/Council meetings.

The foundation for this class of notice is the publication of the annual schedule of meetings and updates to the Schedule. The schedule is available on the municipality's official website and is distributed in electronic or hard copy upon request. The schedule shows the time and date for each regular Council meeting and changes to the schedule will be made a minimum of seven (7) days in advance.

Notice of Council/Committee meetings where business of the municipality is being discussed is provided through the development of agendas. Notice shall be provided a minimum of seven (7) days in advance of the meeting by:

- posting of the Agenda and supporting information including staff reports to the municipality's website; and
- direct delivery to affected individuals where they have requested to be notified of an upcoming meeting or the municipality is legislatively required to provide notice.

#2 – Defined or Specific Issues (minimum 14 days notice):

This refers to issues that are more specific and affect a smaller more contained population. There are cases where the broad general notice may still be required but some discretion is necessary. Notice is to be more flexible and directed at affected individuals. As an example this notice provision will apply but is not limited to the following:

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- sale of minor parcels of land;
- controlled access by-laws and amendments;
- road renaming, highway closing by-laws;
- consultation on localized road repairs where environmental assessment is not required;
- consulting with the public on the development of new policies/by-laws and the amendment of existing policies/by-laws under the Municipal Act;
- approval of the budget and any amendments resulting in an adjustment to the levy.

A minimum of fourteen (14) days notice is required utilizing the following methods:

- direct delivery or registered mail to affected parties, that may include, but are not limited to: land owners/occupants; abutting land owners/occupants; or stakeholders; and
- posting of notice on the Township website;
- at the discretion of the Department Head advertisement in a local newspaper that has sufficient general circulation in the specific area.

#3 – Major Issues (minimum 21 days notice):

This refers to issues that have a significant impact on the community. This notice of meeting shall serve the broadest audience, as the topics may be of interest to the Township as a whole. It is important that sufficient time is allowed for the public to respond to these issues. The following notice provisions will apply but not limited to the following:

- proposed changes to the structure of the governance (e.g. change of municipality name, change in size of Council).

A minimum of twenty-one (21) days notice is required utilizing the following methods:

- advertising in a local newspaper in advance of meeting and/or passing of By-law, etc.; and
- posting of notice on the Township website in advance.

#4 – Planned Service Disruptions (minimum 24 hours notice):

Departments shall be responsible for establishing processes to deal with planned service interruptions. Notice of the disruption should include information about the reason for the disruption, its anticipated duration and a description of any available alternate services. A minimum of 24 hours is required utilizing the following methods:

- direct delivery or registered mail to affected parties, that may include, but are not limited to: land owners/occupants; abutting land owners/occupants; or stakeholders; or
- posting of the information in a conspicuous place or on the premises as applicable; and
- posting of notice on the Township website.

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VII. Policy Requirements:

The Council of the Township of South Algonquin shall, by its Clerk, give prior notice of meetings to consider the passage of proposed By-laws or to take proceedings under the *Municipal Act, 2001* (the Act), in accordance with the following:

Notice to be given by Municipality or to Public provided as Schedule “B” to this Policy.

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Schedule 'A'

Sample Notice

(date)

NOTICE

TAKE NOTICE that The Corporation of the Township of Township of South Algonquin proposes to enact a By-law for the purpose of (closing and selling, altering, designating, as the case may be) a (highway or private road, as the case may be) located within (provide description of highway or road sufficient to allow the man on the street to know its location) in the Township of South Algonquin, in the District of Nipissing.

(Insert information which may be pertinent – i.e. that the highway is a part of a road allowance which does not contain a road and is not required for Municipal purposes, etc.)

Any person interested may examine a copy of the description and sketch at the office of the Clerk undersigned.

AND FURTHER THAT NOTICE THAT Council shall hear any person who claims that his/her land will be prejudicially affected by the proposed By-law and who applies to be heard at a meeting of Council which will be held for that purpose in the Council Chamber at the Municipal Office, Hwy. 60, Madawaska, Ontario in the () day of (), 20__ at the hour of () o'clock in the (morning, afternoon or evening, as the case may be).

"NAME OF CLERK"

CLERK

TOWNSHIP OF SOUTH ALGONQUIN

Hwy. 60

P.O. Box 240

Madawaska, Ontario

K0J 2C0

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Schedule "B"

Notice to be given by Municipality or to Public

Notices under the Act

| Subject matter | Timing of Notice | Manner of giving | Section |
|---|---|---|----------------|
| Name or change name of private road | before passing by-law | public notice of intention to pass by-law | 48 |
| 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 (1),(3) |
| 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 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 of any other affected municipality and secretary of affected school board | 110 (8) |
| Prohibition or regulation by upper-tier municipality of destruction or injuring of trees in woodlands | immediately upon passing of by-law | notification to lower-tier municipalities | 135 (6) |
| Restructuring proposal | before council votes on whether to support or oppose restructuring proposal | holding at least one public meeting with notice | 173 (3) |
| 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) |

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Notices under the Act

| Subject matter | Timing of Notice | Manner of giving | Section |
|---|---------------------------------------|---|----------------|
| Meeting to hold a 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 or management, establish special charge or minimum and/or maximum charge, and change boundaries of 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 business 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 business property class | 211 (1) |
| Change in composition of council of local municipality | before passing by-law | notice and at least one public meeting | 217 (2) |
| Change in Composition of council of upper-tier municipality | before passing by-law | notice and at least one public meeting | 219 (1) |
| Divide or redivide 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) |
| Council of local board meetings | | procedure by-law to provide for 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) |

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Notices under the Act

| Subject matter | Timing of Notice | Manner of giving | Section |
|---|---|--|----------------|
| Audited financial statements of municipality for previous year | within 60 days after receipt | Treasurer to publish copy of statements and notice that statements available upon request in newspaper | 295 (1) |
| 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 (15) |
| 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 written 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) |
| 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 among 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) |

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Notices under the Act

| Subject matter | Timing of Notice | Manner of giving | Section |
|---|---|---|----------------|
| Tax collection – decision by council whether to divide land into parcels and apportion unpaid taxes among 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) |
| Overcharges taxes – council determining application | within 14 days after making decision | | 358 (10) |
| Undercharged taxes – council to hold a meeting at which treasurer and affected taxpayer may 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 applications | | council to forward copy 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) |

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Notices under the Act

| Subject matter | Timing of Notice | Manner of giving | Section |
|--|--|--|-------------------|
| Tax collection – cancellation, reduction or refund of taxes in respect of eligible property of person applying for such relief and whose taxes are considered by council to be unduly burdensome | after by-law passed by lower-tier municipality | notice o upper-tier municipality | 365 (2) |
| 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) |
| Tax collection – eligible heritage property – lower-tier municipality establishes program to provide tax reductions or refunds in respect of | | Notification of upper-tier municipality | 365.2 (6) |
| Tax sale – registration of tax arrears certificate | within 60 days | Treasurer to send to owner, persons listed on title and spouse, unless treasurer can't find name or notice waived **** | 374 (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) |

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Notices under the Act

| Subject matter | Timing of Notice | Manner of giving | Section |
|--|---|--|----------------|
| Tax sale – cancellation price remains unpaid after one year following registration of tax arrears certificate | Immediately | advertise land for sale once in <i>The Ontario Gazette</i> , and once a week for four weeks in appropriate newspaper, or if none, post notice in municipal office and one other prominent place in municipality – advertisement to state mobile homes 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 | treasurer to send notice that land will be readvertised for public sale to persons entitled to receive notice | 380.1 |
| Tax sale – cancellation by upper-tier municipality by by-law of agreement with local municipality authorizing treasurer of former to perform the duties of treasurer under Part XI | forthwith | clerk of upper-tier municipality law to send certified copy of by-law by registered mail to treasurer of other municipality | 385.1 (5) |
| Tax sales – entering to carry out inspection without 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 by prepaid mail * * on owners and occupants ***** | 386.2 (1) |

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Notices under the Act

| Subject matter | Timing of Notice | Manner of giving | Section |
|--|--|--|-------------------------|
| Tax sales – entering to carry out inspection with 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 may be issued or extended in their absence **** | 386.3 |
| 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. 586/06, ss. 4, 6 |
| 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) |
| Proposed exercise of power of entry onto private land | reasonable time before proposed entry | notice to occupier of land by personal service or prepaid mail or by posting notice on land in conspicuous place | 435 (1) ¶ 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 detachment 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 the amount of the fine payable and the final date on which it is payable (not less than 21 days after notice) | 441 (1) |

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* manner may be different for different classes of closings and alterations and for different classes of highways

** notice deemed to have been received on the fifth day following mailing where service by prepaid registered mail

*** reasonable notice in form and manner and at times that restructuring commission considers adequate to give public in prescribed geographic area

**** Nothing in Part XI requires treasurer to ensure that a properly sent notice is received by the person to whom it was sent. Notice under Part XI may be given by personal delivery or be sent by certified or registered mail.

- (a) in the case of the assessed owner, to the address of the person as shown on the last returned assessment roll of the municipality;
- (b) in the case of the person whose interest is registered against the title of the land, to the address for service of the person furnished under the *Land Registration Reform Act*, or if non, to the address of the solicitor whose name appears on the registered instrument;
- (c) in the case of a person appearing to have an interest in the land by the index of executions for land registered under the *Land Titles Act* or by the index of writs received for execution by the sheriff for land registered under the *Registry Act*, to the address of the person or person's solicitor as shown in the index of executions or in the records of the sheriff for the area in which the land is situate;
- (d) in the case of a spouse of the person appearing by the records of the land registry office to be the owner of the land, addressed to the spouse of (name of person) at the usual or last known address of such spouse or, if unknown, at the address of the land; and
- (e) in the case of the Public Guardian and Trustee, addressed to the Public Guardian and Trustee.