

**BY-LAW 2009-20**

**A by-law to establish a policy for the giving of Notice and to repeal  
by-law 2003-04.**

**WHEREAS** Section 270(1) of The Municipal Act, 2001, c.25, provides that a municipality shall, adopt and maintain policies 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 advisable to adopt a policy for the giving of public notice, thereby establishing the Council of the Corporation of the Town of Midland adequacy standards for giving reasonable notice;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN  
OF MIDLAND HEREBY ENACTES AS FOLLOWS:**

**1. DEFINITIONS:**

That in this by-law:

- (a) **“Clerk”** shall mean the Clerk of The Corporation of the Town of Midland.
- (b) **“Council”** shall mean the Council of The Corporation of the Town of Midland.
- (c) **“Form”** shall mean the format of the notice to include, but not limited to the name of the Town of Midland, a description of the subject matter and the date of consideration, passage, public meeting or compliance.
- (d) **“Manner”** shall mean the mode of acting.
- (e) **“Municipal Administration”** shall mean officers and employees of The Corporation of the Town of Midland.
- (f) **“Newspaper”** shall mean a publication in sheet form, intended for general circulation, published regularly at intervals of not longer than one week, consisting in great part of news of current events of general interest and sold or distributed free of charge to the public.

- (g) “Town” shall mean The Corporation of the Town of Midland.

**2. GENERAL:**

1. That Council hereby adopts the Notice Policy attached hereto as Schedule “A” and forming part of this by-law, as reasonable notice to the public as required.
2. That the requirement to give reasonable notice to the public shall be deemed to be fulfilled upon completion of the actions provided for in the attached schedules.
3. That the manner and form of notice provided for the attached schedules shall be deemed minimum standards; additional methods giving notice may be undertaken at the discretion of the Clerk.
4. That for other matters not necessarily described in the Notice Policy, notice shall be provided in a manner and form deemed expedient by Council, and/or the Municipal Administration, and/or as per statutory requirements, as the case may be.
5. Where applicable notice will be sent to the address which most recently appears on the assessment role.
6. Where the giving of notice to the public is not required by legislation, Council may waive the notice requirements set out in the policy by passage of a resolution at a Council meeting.
7. No notice shall be required under this policy 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 Municipal Act, 2001, S.O.c.25, as amended.
8. That the Clerk may prepare additions, deletions and amendments to Schedule “A” and once adopted by resolution of Council shall be deemed to be amendments to this by-law.

**3. EMERGENCY PROVISIONS:**

That if a matter arises, which in the opinion of the Municipal Administration 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 Midland, 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 best efforts will be

made by Municipal Administration to provide as much notice as is reasonable under the circumstances.

4. **SHORT TITLE:**

That the title of this by-law shall be "Notice By-law."

5. **REPEAL:**

That by-law 2003-04 is hereby repealed.

6. **EFFECTIVE DATE:**

That this by-law shall come into full force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th DAY OF APRIL 2009.**

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**Mayor**

\_\_\_\_\_  
**Clerk**

**Schedule “A” to By-law 2009-20  
Notice By-law**

**1. HIGHWAY CLOSINGS**

No statutory requirement for notice.

**Form of Notice**

- Explanation
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where the by-law is to be enacted
- Address where to respond with comments prior to the public meeting
- Contact information at Town Office
- Clerk’s Name/Title

**Manner of Notice**

- Notice to affected ratepayers fronting the portion of the highway to be closed, either personally or by prepaid mail
- Notice to abutting municipality/upper tier municipality, utilities, if applicable
- Post on Town Website
- Post at Town Office

## **2. NAMING HIGHWAY**

No statutory requirement for notice.

This notice is required if naming a new highway or changing the name of an existing highway.

If the naming of a highway relates to a draft plan of subdivision as included within the municipal addressing by-law the notice requirement contained within this section does not apply.

### **Form of Notice**

- Explanation
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where by-law is to be enacted
- Address where to respond with comments prior to the public meeting
- Contact information at Town Office
- Clerk's Name/Title

### **Manner of Notice**

- Notice to all affected ratepayers fronting the highway either personally or by prepaid mail to the last known address of the owner
- Publish at least once in advance of the public meeting where by-law is to be enacted, in a local newspaper
- Notice to abutting municipality/upper tier municipality, utilities, if applicable
- Post on Town Website
- Post at Town Office

### 3. NAMING OR CHANGING NAME OF PRIVATE ROAD

#### **The Municipal Act, 2001, S.O.c.25, s.48**

A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law.

If the naming of a private road relates to a draft plan of subdivision as included within the municipal addressing by-law the notice requirement contained within this section does not apply.

#### **Form of Notice**

- Explanation
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where by-law is to be enacted
- Address where to respond with comments prior to the public meeting
- Contact information at Town Office
- Clerk's Name/Title

#### **Manner of Notice**

- Notice to all affected ratepayers fronting the highway either personally or by prepaid mail to the last known address of the owner
- Notice to abutting municipality/upper tier municipality, utilities, if applicable
- Post on Town Website
- Post at Town Office

#### 4. SHUT OFF OF PUBLIC UTILITY FOR OVERDUE ACCOUNTS

**The Municipal Act, 2001, S.O. c.25, s. 81(3)**

A municipality shall provide reasonable notice of the proposed shut off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.

#### **Form of Notice**

- Printed on standard pre-printed forms for waste/sewer billings
- Amount of account due, including interest/penalty
- Due date for payment
- On the FINAL Disconnection Notice- date of earliest disconnection of service if account is not paid in full by the due date

#### **Manner of Notice**

- Reminder Notice**: By prepaid mail to all unpaid accounts with accounts with at least a \$50.00 balance within 14 days of the due date giving 14 days to pay in full.
- Disconnection Notice**: By prepaid mail to all unpaid accounts with at least a \$50.00 balance and no arrangements made for payment, within 28 days of the account due date to pay in full or disconnection will occur without further notice.
- Personal On-Site Notice**: If the current address of the owner is not known, a notice may be posted on the land in a conspicuous place.

## 5.0 INTERRUPTION OR REDUCTION TO UTILITY SUPPLY

### **The Municipal Act, 2001, S.O. c.25, s.82(1)**

A municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to a municipality or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given.

### **Form of Notice**

- Explanation
- Name/Title of contact at Town Office

### **Manner of Notice**

- Emergency or breakdown: notice to affected properties personally delivered as soon as practicable.
- Repair or extension: notice to affected properties personally delivered at least 24 hours prior to commencement.

6. **ADVERTISING DEVICES**

No statutory requirement for notice.

This would relate to by-law respecting advertising devices such as signs.

**Form of Notice**

- Explanation
- Date/Title/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where by-law is to be enacted
- Address where to respond with comments prior to the public meeting
- Name/Title of contact at Town Office

**Manner of Notice**

- Post on Town Website
- Post at Town Office

## 7. AGREEMENTS FOR MUNICIPAL CAPITAL FACILITIES

### **The Municipal Act, 2001, S.O. c.25,s. 110(5)**

Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the Clerk of the municipality shall give written notice of the by-law to the Minister of Education.

### **Form of Notice**

- Explanation
- Contact information at Town Office
- Clerk's Name/Title

### **Manner of Notice**

- Mail written notice of the by-law to the Minister of Education as soon after passing the by-law as possible.

## 8. TAX EXEMPTION BY-LAW

### **The Municipal Act, 2001, S.O. c.25,s.110 (8)**

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 exempted by the by-law.

### **Form of Notice**

- Explanation
- Contact information at Municipal Office
- Clerk's Name/Title

### **Manner of Notice**

- Mail written notice of the by-law to the following persons:
  - (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.

## 9. RESTRUCTURING PROPOSAL

### **The Municipal Act, 2001, S.O. c.25,s.173(3)**

Before the Council of a municipality votes on whether to support or oppose a restructuring proposal, the Council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed.

(a) Council shall consult with the public by giving notice of, and by holding, at least one public meeting.

(b) Council shall consult with such persons or bodies as the Minister may prescribe.

(c) Council may consult with such other persons and bodies as the municipality considers appropriate.

### **Form of Notice**

- Brief explanation of the proposed restructuring
- Date/Time/Place of public meeting
- Written comments and/or verbal comments will be considered at the public meeting
- Address where to respond with comments prior to the public meeting
- Name/Title of contact at Town Office

### **Manner of Notice**

- Publish as least twice in advance of the public meeting, in a local newspaper
- Post on Town Website
- Post at Town Office

**10. LICENSING BY-LAW**

No statutory requirement for notice.

**Form of Notice**

- Explanation
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where by-law is to be enacted
- Address where to respond with comments prior to the public meeting
- Contact information at Municipal Office
- Clerk's Name/Title

**Manner of Notice**

- Notice to all known affected businesses personally or by prepaid mail at the last known address
- Post on Town Website
- Post at Town Office

## 11. CHANGES TO BOUNDARY – IMPROVEMENT AREA

### **The Municipal Act, 2001, S.O. c.25,s.210(1)**

Before passing a by-law under subsection 204(1), clause 208(2)(b), subsection 208(3) or section 209, notice of the proposed by-law shall be 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 a prescribed business property class which is located,

- (a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and
- (b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.

### **Form of Notice**

- Explanation
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where by-law is to be enacted
- Address where to respond with comments prior to the public meeting
- Contact information at Town Office
- Clerk's Name/Title

### **Manner of Notice**

- Notice sent by pre-paid mail to the board of management of the improvement area (existing or proposed)
- Notice sent to every person who is assessed for rateable property within the existing and proposed improvement area

## 12. REPEALING BY-LAW – IMPROVEMENT AREA

### **The Municipal Act, 2001, S.O. c.25,s.211**

Council shall give notice in accordance with subsection 210 (1) of a proposed by-law to repeal a by-law under subsection 204 (1) if the municipality has received,

(a) a resolution from the board of management requesting the repeal; or

(b) a request for the repeal signed by persons who are responsible for at least one third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area.

### **Form of Notice**

- Explanation
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where repealing by-law is to be enacted
- Address where to respond with comments prior to the public meeting
- Contact information at the Town Office
- Clerk's Name/Title

### **Manner of Notice**

- Notice sent by pre-paid mail within sixty days after receiving the resolution or request to the Board of Management and to every person assessed to rateable property within the improvement area.

**13. COUNCIL COMPOSITION**

No statutory requirement for the notice.

**Form of Notice**

- Explanation of proposed council composition
- Date/Time/Place of public meeting for consideration of by-law
- Clerk's Name/Title

**Manner of Notice**

- Published once at least once in advance of the meeting in a local newspaper
- Post on Town Website
- Post at Town Office

#### **14. ESTABLISHMENT OF WARDS – PROPOSED BY-LAW**

No statutory requirement for notice

This section includes not only the establishment of new wards but also the change to or dissolving of existing wards.

##### **Form of Notice**

- Explanation of proposed ward boundaries
- Date/Time/Place of public meeting for consideration of By-law
- Clerk's Name/Title

##### **Manner of Notice**

- Published at least once in advance of the meeting in a local newspaper
- Post on Town Website
- Post at Town Office

**15. ESTABLISHMENT OF WARDS – FOLLOWING PASSAGE OF BY-LAW**

**The Municipal Act, 2001, S.O.c.25,s.222**

Within 15 days after the passing of the establishment of wards by-law (could include changing or dissolving), the municipality shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal under subsection (4).

**Form of Notice**

- Brief explanation of revised ward boundaries
- Last date for filing a notice of appeal
- Clerk's Name/Title

**Manner of Notice**

- Publish once within 15 days after the passing of the related by-law in a local newspaper
- Post on Town Website
- Post at Town Office

**16. PROCEDURE BY-LAW RESPECTING MEETINGS**

No statutory requirement for notice.

**Form of Notice**

- Brief explanation of procedure by-law
- Date/Time/Place of public meeting for consideration of by-law
- Clerk's Name/Title

**Manner of Notice**

- Post on Town Website
- Post at Town Office

## 17. SALE OF MUNICIPAL LAND

No statutory requirement for notice.

### Form of Notice

- Explanation
- Date/Time/Place of public meeting for consideration of By-law
- Address where to respond with comments prior to the public meeting
- Contact information at Town Office
- Clerk's Name/Title

### Manner of Notice

- Publish once at least 20 days in advance of the meeting in a local newspaper.
- Post on Town Website
- Post at Town Office

## 18. ADOPTION OF BUDGET

No statutory requirement for notice.

### Form of Notice

- Explanation
- Date/Time/Place of public meeting for consideration of passing the budget
- Treasurer's Name/Title

### Manner of Notice

- Publish once at least one week in advance of the meeting in the local newspaper where deemed practical to do so
- Post on Town Website prior to adoption
- Post at Town Office prior to adoption

## 19. FINANCIAL STATEMENTS

### **The Municipal Act, 2001, S.O. c.25, s.295(1)**

Within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer of the municipality,

- (1) shall publish in a newspaper having general circulation in the municipality,
  - (i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or
  - (ii) a notice that the information described in sub clause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request
- (2) may provide the information described in sub-clause (1) (i) or (ii) to, such persons and in such other manner as the Treasurer considers appropriate.

### **Form of Notice**

- Copy of the audited financial statements or notice on how to obtain same at no cost
- Contact information at Town Office where documents can be obtained
- Treasurer's Name/Title

### **Manner of Notice**

- Publish in a local newspaper
- Post on Town Website
- Post at Town Office

20. **PART VII – MUNICIPAL TAXATION**

**Form of Notice**

- Explanation
- Contact information at Town Office
- Treasurer's Name/Title

**Manner of Notice**

- As per the requirements stipulated in the Municipal Act, 2001, S.O. c .25, Part VII, s. 306 to 326

21. **PART IX – LIMITATION ON TAXES FOR CERTAIN PROPERTY CLASSES**

**Form of Notice**

- Explanation
- Contact information at Municipal Office
- Treasurer's Name/Title

**Manner of Notice**

- As per the requirements stipulated in the Municipal Act, 2001, S.O. c.25, Part IX, s. 327 to 338

## **22. PART X – TAX COLLECTION**

### **Form of Notice**

- Explanation
- Contact information at Town Office
- Treasurer's Name/Title

### **Manner of Notice**

- As per the requirements stipulated in the Municipal Act, 2001, S.O. c.25, Part X, s. 339 to 370

**23. PART XI – SALE OF LAND FOR TAX ARREARS**

**Form of Notice**

- Explanation
- Contact information at Municipal Office
- Treasurer's Name/Title

**Manner of Notice**

- As per the requirements stipulates in the Municipal Act, 2001, S.O. c.25, PART XI, s. 371 to 389

## 24. FEES AND CHARGES BY-LAW – WATER AND WASTEWATER

No statutory requirement for notice

### Form of Notice

- Explanation
- Location where information is available for viewing
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where By-law is to be enacted
- Treasurer's Name/Title

### Manner of Notice

- Publish once at least one week in advance of the meeting in a local newspaper
- Post on Town Website
- Post at Town Office

**25. FEES AND CHARGES BY-LAW**

No statutory requirement for notice

**Form of Notice**

- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where By-law is to be enacted
- Contact information at Town Office
- Clerk's Name/Title

**Manner of Notice**

- Post on Town Website
- Post at Town Office

**26. LOCAL IMPROVEMENTBY-LAW**

**The Municipal Act, 2001, S.O.c.25, s.400**  
Regulation 586/06 – s.4, 6.

Before passing a by-law to undertake a work as a local improvement under section 5,  
The municipality shall give notice of its intention to pass the by-law, to the public and to the owners of the lots liable to be specially charged.

**Form of Notice**

- As per the requirements stipulated in O. Reg. 584/06 6. (2)
- Date/Time/Place of public meeting for consideration of by-law
- Written comments and/or verbal comments will be considered at the public meeting where By-law is to be enacted
- Contact information at Town Office
- Clerk's Name/Title

**Manner of Notice**

- Notice to affected ratepayers either personally or by prepaid mail
- Post on Town Website
- Post at Town Office

