

THE CORPORATION OF THE TOWN OF GANANOQUE

BY-LAW 2011-92

Public Notice Policy

BEING A BY-LAW TO ESTABLISH A PUBLIC NOTICE POLICY

WHEREAS the Municipal Act, 2011, S.O. 2011, c.25, section 5 provides that a municipality shall be exercise by its council and that their power be exercised through the adoption by-laws.

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 270, makes provision in part, that a Municipality adopt and maintain policies for circumstances in which the Municipality shall provide notice to the public, including the form, manner and times notice shall be provided;

AND WHEREAS the Municipal Act, S.O. 2001 and Planning Act, S.O. 2011, as amended require a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of the holding of certain required public meetings and notice of other matters;

AND WHEREAS the Municipal Act, S.O. 2011, c. 25, section 8 (1) provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate.

NOW THEREFORE the Council of the Town of Gananoque hereby enacts as follows:

- 1) In this By-law:
 - a) "municipality" shall mean the Corporation of the Town of Gananoque.
 - b) "newspaper" shall mean the same meaning of newspaper in Subsection 29 (1) of the Interpretation Act, as amended from time to time, which presently reads as follows: "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 regular subscribers".
 - c) "Website" or "Town website" shall mean the official Corporation of the Town of Gananoque website.
 - d) "Municipal Act" shall mean the Municipal Act, 2001, S.O. 2001, c.25 as amended.
 - e) "Notice to the Public" or "Public Notice" shall mean notice given to the public generally, but does not include notice given only to specified persons.
 - f) "Notice Page" shall mean the page where notices are posted on the Town of Gananoque website.
 - g) "Personal Notice" shall mean notice given to a specified person or persons by personal service, and shall be deemed to be completed on the day that the serving of all required notices is completed.
 - h) "Notice by mail" shall mean notice given to a specified person or person by pre-paid first class mail and shall be deem to be completed on the day that the mailing of all required notices is completed.
- 2) Where the municipality is required to give public notice pursuant to a provision of the Municipal Act or where Council deems it appropriate to prescribe notice, notice shall be given in a form and manner indicated as shown on Schedule "A" attached hereto and forming part of this by-law.

- 3) A public notice given under the provision of clause 2 of this By-law, utilizing the Town website, shall be sufficient even if the Town of Gananoque website is not accessible at all times during the public notice posting period.
- 4) Notwithstanding the provisions of the By-law to the contrary, clause 2 shall not be applicable where:
 - a) The Municipal Act, or another Act or regulation prescribe specific notice requirements, or
 - b) The Town of Gananoque Municipal Council directs that notice be given in the manner different from the public notice provision of clause 2.
- 5) A public notice given under the provision of this By-law shall contain the following information:
 - a) A general description of the matter; and
 - b) Where the matter relates to a defined location, sufficient particulars of the location such as a key map, municipal address or legal description; and
 - c) The date, item and location of the Council or Council-In-Committee meeting at which the matter will be considered; and
 - d) Instructions for obtaining additional information.
- 6) If a matter is deferred at a Council meeting or a matter is considered at a subsequent Council meeting, no additional public notice shall be required, except where the Municipal Act, other Provincial Statute provides otherwise, or if the Town of Gananoque Council directs that additional public notice be given.
- 7) The public notice requirements of this By-law are minimum requirements and Council, Clerk or Chief Administrative Officer are authorized to provide additional public notice if reasonable and necessary in the circumstances.
- 8) No public notice shall be required under the provisions of this By-law where the Council is authorized by the Municipal Act to consider a matter in a meeting closed to the public.
- 9) The public notice requirements of this By-law may be waived by the Mayor or designate in consultation with the Clerk or Chief Administrative Officer where a matter is considered to be of an urgent or emergency nature affecting the health, safety and well being of the residents of the Town of Gananoque and best efforts shall be made to provide as much notice as is reasonable under the circumstances.
- 10) That the effective date of this By-law shall be the date of the final passage thereof.

READ A FIRST AND SECOND TIME this 4th day of October, 2011.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall

READ A THIRD TIME passed, signed, and sealed with the corporate seal this 4th day of October, 2011.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall

TOWN OF GANANOQUE

Public Notice Policy

SCHEDULE "A" - BY-LAW/2011-92

NOTICE CLASSIFICATION:

- Class # 1** Personal notice to individual or a limited number of people and/or to required agencies and/or other levels of government – sent by mail (may be sent pre-paid registered mail) to the last known address or hand delivered. Notice of tax related matters will be sent to school boards, MPAC and/or other levels of governments as appropriate. Included on Council agenda, published prior to the meeting, and posted on the website.
- Class # 2** Advertisement/notice published in a newspaper having regular publication and is sold to the public and subscribers.
Notice shall be placed at least 14 days prior to passing of the By-law and may include a 2nd notice, unless otherwise required by the applicable legislation, whichever is greater. Included on Council agenda, published prior to the meeting, and posted on the website. Notice included on the Town's website at www.gananoque.ca.
- Class # 3** Advertisement/notice published on the Town's website at www.gananoque.ca.
- Class # 4** Advertisements/notice published on the Town's website. No Statutory requirement associated.
- Class # 5** Notice included on Council Agenda, published prior to the meeting, and posted on the Town's website at www.gananoque.ca.

Municipal Act Part / Section	Subject Matter	Basic Requirement	Notice Class	Department Accountable for Ensuring Notice is Given
34 (1) & (2)	Highway Closing Permanent	<p><u>No Statutory requirement for Notice</u></p> <p>Advertisement/notice published in a local newspaper having a regular publication and is sold to the public and subscribers at least 14 days prior to passing of By-law. Included on Council agenda published prior to the meeting and posted on the website.</p>	2	Public Works
48	Naming of Private Roads	<p><u>No Statutory requirement for Notice</u></p> <p>Notice of intent to persons and agencies directly affected by the By-law at least 2 weeks prior to passing of by-law and posted on the Town's web site.</p>	1	Public Works
99	Advertising Devices	<p><u>No Statutory requirements of Notice</u></p> <p>Notice posted on the website at least 14 days prior to passing the by-law.</p> <p><u>Statutory requirement of Notice</u></p> <p>Written notice of by-law to Minister of Education, MPAC.</p> <p><u>No Statutory requirement of Notice</u></p>	4	Planning
110 (8)	Capital Facility Agreements (tax exemptions)		1	Treasury
151	Municipal General Licensing Powers (ie: Taxi)	<p>Public notice posted on the Town's website at least 14 days prior to the passage of a by-law.</p>	4	Clerk

210	Business Improvement Area Designation – Notice	<p><u>Statutory requirement of Notice</u></p> <p>Before passing a by-law to establish an area as an improvement area – subsection 204 (1), to set a levy upon rateable property in the improvement area – clause 208 (2) b), subsection 208 (3) or to alter the boundaries of the improvement area – subsection 209, notice of the proposed by-law shall be sent by pre-paid 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.</p>	1	Clerk
211	Business Improvement Area – Repeal of By-law to designate area	<p><u>Statutory requirement for notice</u></p> <p>In accordance with subsection 210 (1) of a proposed by-law to repeal a by-law under section 204 (1) if the municipality has received 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 the purposes of the general local BIA levy on rateable property in all prescribed commercial property classes in the improvement area. Notice is to be given within 60 days of receiving the resolution or request.</p>	1	Clerk
217	Council Composition (size of Council, etc.)	<p><u>No Statutory requirement for notice</u></p> <p>Before passing a by-law the Town shall give notice of the intention to pass the by-law at least 14 days prior to passage and post on the Town's website and hold at least one public meeting to consider the matter.</p>	2	Clerk

238	Procedure By-law	<u>No Statutory requirement for notice</u> Notice of intent to pass by-law posted on the Town's website at least 14 days prior to the passing of the by-law.	4	Clerk
238 (2.1)	Council, Committee, or Local Board Meetings	As provided for in the Town's Procedural By-law.	3	Clerk or Secretary of the respective Board
270	Land Sale	<u>No Statutory requirement for notice</u> As per Town's Sale or Disposition of Land Policy	4	Clerk
290	Adoption of capital and/or operating budgets	<u>No Statutory requirement for notice</u> To pass a by-law to adopt the annual capital and operating budgets under the provisions of section 290 the Town will give notice at least 14 days prior to the meeting and post the intention on the Town's website.	4	Treasury
291	Amend Capital and/or operating budgets	<u>No Statutory requirement for notice</u> To pass a by-law to adopt the annual capital and operating budgets under the provisions of section 290 the Town will give notice at least 14 days prior to the meeting and post the intention on the Town's website.	4	Treasury
295	Publication of Financial Statements	<u>Statutory requirement for notice</u> Within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer of the Town (a) shall publish in a newspaper, having general circulation in the Town, a copy of the audited financial statements, the notes to the financial statements, auditor's report and tax rate information for the current and previous year as contained in the financial review, or a notice that the information described previously will be made available at no cost to any taxpayer or resident of the Town upon request, and (b) may provide the information described previously to such persons and (non Statutory) on the Town's website.	3	Treasury

297	Auditor's right to attend	<u>Statutory requirement for notice</u> The auditor is entitled to receive all notices relating to any meeting of Council or Committees that any member is entitled to receive and to make representations at that meeting on any matter that concerns him or her as an auditor.	1	Clerk
331 (9)	Tax on Eligible Properties	<u>Statutory requirement for notice</u> The Town shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to the eligible property within 60 days after the date the list is received by the Town.	1	Treasury
342 (5)	Alternate Tax Instalments	<u>Statutory requirement for notice</u> If a taxpayer misses an instalment and due date the Treasurer shall give written notice to the taxpayer that the alternative instalments and due dates may no longer be used.	1	Treasury
343 (1)	Tax Bill	<u>Statutory requirement for notice</u> The Treasurer shall send a tax bill to every taxpayer at least 21 days before taxes shown on the tax bill are due.	1	Treasury
348	Tax Status	<u>Statutory requirement for notice</u> The Treasurer shall by February 28 th in each year determine the position of every tax account as of December 31 st of the preceding year, and send to every taxpayer who owes taxes from the preceding year a notice of those taxes and of the related late payment charges and said notice may take the form and be sent with the tax bill.	1	Treasury

350	Tenant Obligations (Rent to Town for unpaid taxes of the owner of the property)	<u>Statutory requirement for notice</u> When taxes are owed in respect of any land occupied by a tenant, the Treasurer may give the tenant notice in writing required the tenant to pay the rent in respect of the land to the Treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with this notice.	1	Treasury
351 (8)	Seizure of Assets for unpaid taxes	<u>Statutory requirement for notice</u> After seizure of assets to be auctioned the Treasurer shall give notice of the date and time at which the public auction will be held.	1 & 3	Treasurer
357 (5) (6)	Cancel, Reduce or refund taxes (commonly known as section 357's)	<u>Statutory Requirement for notice</u> On or before September 30 th each year a public meeting must be held and the Treasurer shall give notice to the property owner 14 days in advance of the public meeting and 14 days after a decision is made by Council.	1	Treasurer
358	Overcharges caused by a gross or manifest error on taxes	<u>Statutory Requirement for notice</u> On or before September 30 th each year a public meeting must be held and the Treasurer shall give notice to the property owner 14 days in advance of the public meeting and 14 days after a decision is made by Council.	1	Treasurer
359	Increase in Taxes (as a result of any undercharge by a gross or manifest error ... but not an error in judgement)	<u>Statutory Requirement for notice</u> On or before December 31 st each year a public meeting must be held and the Treasurer shall give notice to the property owner 14 days in advance of the public meeting and 14 days after a decision is made by Council.	1	Treasurer

359.1	Error in calculating taxes	<u>Statutory Requirement for notice</u> A public meeting must be held and the Treasurer shall give notice to the property owner 14 days in advance of the public meeting and 14 days after a decision is made by Council.	1	Treasurer
374; 379 (1) (2); 380 (3); 380.1(1); 381 (1)	Tax Sale Process	<u>Statutory requirement for notice</u> The Treasurer shall give notice at specific periods throughout the Municipal Tax Sale process - as set out in the Municipal Act and the Town's Tax Billing and Collection Policy. <u>No Statutory requirement for notice</u>	1	Treasurer
400	General Fees and Charges	Notice posted on the Town's website at least 14 days prior to passing of the by-law subject to any regulations made by the Minister.	4	Treasurer
Planning Act				
	Land Use Planning Applications	<u>Statutory requirements for notice</u> All applications, depending on the type, have legislated notice requirements as set out in the Planning Act.	1	Planning
Freedom of Information and Protection of Privacy				
Guidelines for the Use of Video Surveillance Cameras in Public Places (Information and Privacy Commissioner of Ontario)	Installation of Video Surveillance Systems	As per the Town's Video Surveillance Policy.	4	Manager at affected facility