

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 144 - 2007

A BY-LAW TO PROVIDE FOR THE GIVING OF PUBLIC NOTICE

WHEREAS the *Municipal Act, 2001* requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will provide notice; and

WHEREAS Council deems that the giving of public notice is a key element in municipal government transparency; and

WHEREAS the requirement to give reasonable notice to the public shall be deemed to be fulfilled upon completion of the actions dictated in this policy;

NOW THEREFORE the Council of the Corporation of the City of Kenora HEREBY ENACTS as follows:

1. **SHORT TITLE**

The short title of this by-law shall be "Notice By-law"

2. **DEFINITIONS**

"Act" - means the Municipal Act and includes regulations there under.

"Agenda" – means a list of items on an Agenda of Council or Committee and which may contain recommendations to be considered and which may also contain certain notices for the information of the public in accordance with this by-law, and is posted on the Portal.

"Clerk"- means the Clerk of the Corporation of the City of Kenora or designate.

"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 available to the public and to regular subscribers.

"Notice" – means a written, printed, published, verbal, electronic or posted notification or announcement.

"Portal" – means Kenora's electronic community gateway for the public to access a selection of websites containing a variety of pages and online services and information and is used as a tool for providing notice.

3. **MANNER AND FORM OF NOTICE**

The manner and form of notice set out in Schedule "A" attached shall be deemed minimum requirements. Additional methods and timeframes may be undertaken at the discretion of the Clerk or as directed by Council.

4. **NOTICE REQUIREMENTS**

Where notice is required to be given, the applicable Department shall be responsible and cause such notice to be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given in the type and manner of giving reasonable notice as set out herein.

5. **GENERAL**

Where separate by-laws have been enacted in accordance with provisions contained in the Act, the notice provisions set out in such by-laws shall prevail.

6. **EMERGENCY PROVISION**

If a matter arises, which in the opinion of the Clerk, in consultation with the Chief Administrative Officer, Mayor, or Deputy 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 City of Kenora or of neighbouring municipalities, 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 the Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances. Failing to provide notice prior to the action, the Clerk shall provide notice as soon as practicable following the action.

7. **DEEMED MINIMUM STANDARDS**

The form, manner and timing for giving of notice as set out in the attached schedule shall be deemed to be the minimum standards required and nothing in the by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period, however these notice provisions as set out will be deemed to be sufficient unless otherwise prescribed by prevailing legislation.

8. **NOTWITHSTANDING PROVISION**

Where notice of intention to pass a by-law is required to be given and the timeframe for such notice is not already prescribed in the Act or its Regulations or otherwise addressed in this by-law, notice shall be given at least once by publication in a newspaper, no less than 4 days prior to the proposed activity to be undertaken.

9. **EFFECTIVE DATE**

This by-law shall come into force and take effect on the third and final reading thereof.

10. **REPEAL**

By-law Number 14-2003 is hereby repealed.

BY-LAW read a First & Second Time this 10 day of December, 2007

BY-LAW read a Third & Final Time this 10 day of December, 2007

THE CORPORATION OF THE CITY OF KENORA:

per: _____ **Len P. Compton MAYOR**

per: _____ **J. L. McMillin CITY CLERK**

SCHEDULE "A"
To Notice By-law Number 144 - 2007

SECTION/SUBJECT MATTER	REQUIREMENT IN MUNICIPAL ACT	NOTICE POLICY
<p style="text-align: center;">34(1) Permanent closure of highway</p>	<p style="text-align: center;">Notice not required</p>	<p>Notice of intent to persons and agencies directly affected to be provided at least two weeks prior to enactment of by-law:</p> <ul style="list-style-type: none"> i) Personal service or prepaid first-class mail to all persons who abut the affected highway; ii) On applicable agenda preceding meeting subsequently posted on the Portal.
<p style="text-align: center;">34(2) Permanently altering a highway</p>	<p style="text-align: center;">Notice not required</p>	<p>Notice of intent to persons and agencies directly affected to be provided at least two weeks prior to enactment of by-law:</p> <ul style="list-style-type: none"> i) Personal service or prepaid first-class mail to all persons who abut the affected highway; ii) On applicable agenda preceding meeting subsequently posted on the Portal.
<p style="text-align: center;">47 Changing the name, or naming of a highway</p>	<p style="text-align: center;">Section Repealed, Notice not required</p>	<p>Notice of intent to persons and agencies directly affected to be provided at least two weeks prior to enactment of by-law:</p> <ul style="list-style-type: none"> i) Personal service or prepaid first-class mail to all persons who abut the affected highway; ii) On applicable agenda preceding meeting subsequently posted on the Portal.
<p style="text-align: center;">48 Changing the name, or naming of private roads</p>	<p style="text-align: center;">A municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law.</p>	<p>Notice of intent to persons and agencies directly affected to be provided at least two weeks prior to enactment of by-law:</p> <ul style="list-style-type: none"> i) Personal service or prepaid first-class mail to all persons who abut the affected

		highway; ii) On applicable agenda preceding meeting subsequently posted on the Portal.
81(3) Shut off of public utility	A municipality shall provide reasonable notice of the proposed shut-off of a public utility to the owners and occupants of the land	Disconnect notice is mailed 30 days after utility bill is sent, together with follow-up phone call.
99(1) Advertising devices, including signs	Notice not required	Before passing the by-law, Council shall give public notice of its intention to pass the by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal.
110(5) Agreements for Municipal Capital Facilities	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	Written notice to the Minister of Education by prepaid first class mail within ten (10) days of the passing of the by-law.
110(8) Tax Exemption	Upon the passing of a by-law, the Clerk of the municipality shall give written notice of the contents of the by-law to: -the Assessment Corporation -the Clerk of any other municipality that would, but for the by-law, had had authority to levy rates on the assessment for the land exempted by the by-law; and -the Secretary of a School Board if the area of jurisdiction of the Board includes the land exempted by the by-law.	Written notice by prepaid first class mail immediately upon passing of the by-law to all persons identified by the Act as requiring notice
132(2) Adjoining property – entry on Conditions	The owner or occupant shall provide reasonable notice of the proposed entry to the occupier of the adjoining land	Written notice by prepaid first class mail by owner to adjoining owner upon passing of by-law
150(4) (b) General Licensing Powers	Notice and public meeting not required	Before passing a by-law or an amendment, Council shall give public notice of its intention to pass the by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal
150(5) Emergency – Public Meeting -Licensing Power (Post Activity)	Notice and public meeting not required	Notice of public meeting to be provided: i) publication within a local newspaper; ii) placed on applicable agenda subsequently posted on the Portal

<p align="center">173(3) Restructuring Proposal</p>	<p>Before Council votes on support or opposition to a restructuring proposal, the municipality shall consult with the public by giving notice of and by holding at least one public meeting and consulting with such persons or bodies as the Minister may prescribe</p>	<p>Notice of public meeting to be provided: i) publication within a local newspaper; ii) placed on applicable agenda subsequently posted on the Portal</p>
<p align="center">174(12) Commission on restructuring</p>	<p>The Commission shall give notice to the public in the prescribed geographic area advising them of the opportunity to inspect restructuring proposal</p>	<p>As determined by the Commission</p>
<p align="center">187(2) Municipality wishes to change name</p>	<p>Notice and public meeting not required</p>	<p>Notice of public meeting to be provided: i) publication within a local newspaper; ii) placed on applicable agenda subsequently posted on the Portal iii) personal service or prepaid first-class mail to those persons who request further notice following the public meeting</p>
<p align="center">210 Business Improvement Areas</p>	<p>Before passing a by-law under subsection 201(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 it is located:</p> <ul style="list-style-type: none"> i) 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 ii) Where a new improvement area would be created by the proposed by-law, in the proposed improvement area 	<p>Personal notice by prepaid first-class mail at least two (2) weeks prior to the passage of by-law to the Board of Management of the improvement area (existing, or proposed, as the case may be) and every person assessed for rateable property within the improvement area</p>

<p align="center">211 Business Improvement Area Repealing By-law</p>	<p>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:</p> <ul style="list-style-type: none"> i) A resolution from the Board of Management requesting the repeal; or ii) 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 	<p>Personal notice by prepaid first-class mail within sixty (60) days after receiving the resolution or request and at least two (2) weeks prior to the passage of by-law to the Board of Management of the improvement area and every person assessed for rateable property within the improvement area</p>
<p align="center">216(4) Dissolution of Local Boards (exception to Police Services Boards)</p>	<p align="center">Notice not Required</p>	<p>Notice of intent to be provided at least two (2) weeks prior to enactment of the by-law to those persons directly affected:</p> <ul style="list-style-type: none"> i) Personal service or prepaid first-class mail to all board members ii) City Portal
<p align="center">217 Council Composition Local</p>	<p align="center">Notice not Required</p>	<p>Notice of public meeting to be provided at least two (2) weeks prior to the meeting:</p> <ul style="list-style-type: none"> i) publication within a local newspaper; ii) City Portal
<p align="center">222 Establishment of Wards</p>	<p>Notice of Council's intention not required.</p> <p>Notice of by-law enactment required within 15 days of enactment.</p>	<p>Notice of public meeting to be provided at least twenty (20) days prior to the meeting:</p> <ul style="list-style-type: none"> i) publication within a local newspaper; ii) City Portal <p>Personal service or prepaid first-class mail to those persons who request further notice following the public meeting.</p> <p>Notice of by-law passing not later than fifteen (15) days following enactment:</p> <ul style="list-style-type: none"> i) publication within a local newspaper; ii) City Portal iii) personal service or prepaid first-class mail to those persons who have requested notice

<p>260 & 262 Council Member Resignation</p>	<p>Notice in writing filed with the Clerk; however it is not effective if it would reduce the number of members to less than a quorum</p>	<p>Council shall declare the vacancy at its next meeting following the resignation to declare the vacancy. If the vacancy occurs as a result of death, the declaration may be made at the next two meetings. Vacancy must be filled within 60 days of the declaration. If vacancy occurs within 90 days of the next municipal election, the municipality is not required to fill the vacancy in accordance with the Municipal Elections Act.</p>
<p>268 Sale of Land</p>	<p>Notice Not Required (As set out in Sale of Land By-law)</p>	<p>Prior to the sale of proposed land and depending on subject property, i.e. road allowance, etc.:</p> <ul style="list-style-type: none"> i) Before passing a by-law, Council shall give public notice of its intention to pass the by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal; and/or ii) To be published in a local newspaper once a week for three (3) successive weeks
<p>283 Council Remuneration and expenses</p>	<p>Notice not Required</p> <p>Council shall review a by-law at a meeting at least once during its four year period corresponding to the term of office of its members after a regular election</p>	<p>Before passing or amending a by-law, Council shall give public notice of its intention to pass a by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal</p>
<p>291 Budget Adoption or Amendment</p>	<p>Section Repealed No Notice Required</p>	<p>Before passing or amending the budget by-law, Council shall give public notice of its intention to pass the by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal</p>
<p>295 Financial Statements Publication</p>	<p>Within 60 days after receiving the audited financial statements of the municipality for the previous year</p>	<p>Statements published in a local newspaper and on the City Portal within 60 days of receipt.</p>
<p>297(4) Auditor's right to attend – Right of Access</p>	<p>Auditor's entitlement to attend any meeting and receive all notices relating to the meeting and to make representation as required</p>	<p>Auditor to be provided with a list of Council/Committee schedule together with agenda title pages for information purposes.</p>

<p align="center">300 Municipal performance measures program – improvements in service</p>	<p align="center">Section Repealed No Notice Required</p>	<p>At least once each year, provide public notice to the general public of improvements in the efficiency and effectiveness of the delivery of services by the municipality and also identify barriers that impaired achieving service goals. Minister may designate form and manner of notice</p>
<p align="center">331 Taxes on Eligible properties</p>	<p>The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination made with respect to that eligible property within 60 days after the date the list is received by the municipality</p>	<p>Personal notice by prepaid first-class mail to the eligible property owner within 60 days after receipt of the list from MPAC</p>
<p align="center">342 Tax Installments</p>	<p>The use by a taxpayer of the alternative installments and due dates ceases if the taxes of the taxpayer are unpaid after the due date and the Treasurer gives written notice to the taxpayer that the alternative installments and due dates may no longer be used</p>	<p>Personal reminder notice by prepaid first-class mail as determined by the municipality</p>
<p align="center">343 Notice – Tax Bill</p>	<p>The Treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due</p>	<p>Personal notice by prepaid first-class mail to each affected taxpayer</p>
<p align="center">348 Determination of Tax Status</p>	<p>The Treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related late payment charges.</p>	<p>Personal notice by prepaid first-class mail to each affected taxpayer by February 28 in each year</p>
<p align="center">357 Cancellation, reduction, refund of taxes</p>	<p>On or before September 30 of the year following the year in which the application is made, Council shall a) hold a meeting at which the applicants may make representations to Council; b) notify the applicants and owners of the meeting by mail sent at least 14 days before the meeting; and c) make its decision</p>	<p>Personal notice by first-class mail to the applicants at least 14 days prior to the meeting. Council shall also notify the applicants and owners of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision</p>

<p>358 Overcharges caused by a Gross or Manifest Error</p>	<p>Treasurer to send copy of application to the Assessment Corporation and the Registrar of the Assessment Review Board and to notify applicant to invalid application.</p>	<p>Personal notice by prepaid first-class mail to the applicants at least 14 days prior to the meeting. Council shall also notify the applicants and owners of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision</p>
<p>359 Increase of Taxes (as result of any undercharge caused by a gross or manifest error) but not an error in judgment assessing the land</p>	<p>Council shall a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representations to Council; b) notify the Treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and c) make its decision</p>	<p>Personal notice by prepaid first-mail to the applicants at least 14 days prior to the meeting. Council shall also notify the applicants and owners of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision</p>
<p>400 Fees & Charges</p>	<p>The Minister may make regulations providing for any matters which in the opinion of the Minister are necessary or desirable for the purposes of this Part of the Act.</p>	<p>Before passing or amending a by-law pertaining to fees and charges imposed by the municipality, Council shall give public notice of its intention to pass a by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal</p>
<p>435 (2) Powers of Entry</p>	<p>Where subsection (1) requires that notice of a proposed exercise of a power of entry be given, the notice must satisfy certain requirements.</p>	<p>See Municipal Act for prescribed methods of notice.</p>