

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2003-17

A By-law to describe the form, manner and times for the provision of notice under the Municipal Act, 2001

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, s. 251 provides that where a municipality is required to give notice under a provision of the said Act, the municipality shall, except as otherwise provided, give the notice in a form and in the manner and at the times that the Council considers adequate to give reasonable notice under the provision;

AND WHEREAS it is advisable and expedient to provide for the giving of notice as aforesaid;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:

1. In this by-law,

“Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended and revised;

“Clerk” means the Clerk of the Corporation of the Town of Amherstburg;

“Corporation” means the Corporation of the Town of Amherstburg;

“Published” means published in a newspaper that, in the opinion of the Clerk, has such circulation within the Town of Amherstburg as to provide reasonable notice of a matter to those affected thereby;

“Subject Matter” means the issue, measure, requirement, meeting or other matter or thing in respect of which a notice is required to be given.

2. Where the Corporation is required to give notice under a provision of the Act, it shall, except as otherwise provided by the Act, or a Regulation thereunder, give notice in the form and in the manner and at the times provided in this by-law.

3. The notice shall:

(a) be in writing;

(b) describe the Subject Matter under consideration or otherwise involved;

(c) set out the date, time and location of any meeting at which the Subject Matter will be considered;

(d) where written submissions may be made, contain the name and title of the Town official to whom they are to be sent, together with the address of the official and the deadline for receipt of such submissions; and

(e) be clearly identified as a notice given by the Corporation.

4. Notice shall be given in the manner and at the times set forth in Schedule “A” hereto.

5. The Council declares that notice given in accordance herewith is considered adequate, but that greater or more comprehensive notice may be given by an officer of the Corporation and shall be deemed to comply herewith.

6. 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.
7. 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.
8. The rules set forth in Schedule "B" hereto shall govern notice given pursuant hereto.
9. If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the 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 Town of Amherstburg, or if a State of Emergency is declared, or if so advised by a senior level of government, the Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action and will present a report to Council for ratification, notice of which will be given in accordance with this policy.
10. This By-law shall come into force and take effect upon the final passing hereof.

Read a first, second and third time and finally passed this 10th day of March, 2003.


DEPUTY MAYOR


CLERK

CLERK

Certified to be a true copy of By-Law No. 2003-17
passed by the Amherstburg Municipal Council on
the 10th day of March, 2003.

NOTICE REQUIREMENTS

1. In this Schedule:

“Notice Method #1” means notice given by ordinary, prepaid mail;

“Notice Method #2” means notice given by prepaid registered mail;

“Notice Method #3” means notice delivered personally to the person to be notified;

“Notice Method #4” means notice published in a newspaper once a week for three (3) successive weeks;

“Notice Method #5” means notice published in a newspaper not less than one (1) week prior to the date when the Subject Matter is dealt with.

“Notice Method #6” means posted on the property affected.

2. The following Table shall apply to notices given pursuant to this By-law.

TABLE

Section of Act	Notice Method	Special Provisions
Section 34 (1) Highway closings and alterations	#4	
Section 36 (1) (a) and (b) Controlled access highway		
a) Public Notice of intention to pass by-law	#4	
b) Notice to owner personally or by prepaid registered post	Governed by Act	Not less than 21 days prior to meeting
Section 47 Naming or changing name of highways	#4	
Section 48 Naming or changing name of private roads	#5	
Section 81 (1) Shut Off of public utilities	#2 or #6	Act requires reasonable notice
Section 99 (1) Advertising devices – by-law	#4	
Section 110 (8) Notice of tax exemption by-law	#1	
Section 150 (4) (b) Licensing by-law – Notice of Public Meeting	#5	At least one Public Meeting

Section of Act	Notice Method	Special Provisions
Section 150 (5) Emergency licensing by-law – Notice of Public Meeting	#5	At least one Public Meeting
Section 157 (3) Registry of businesses – Notice of Public Meeting	#5	At least one Public Meeting
Section 173 (3) Restructuring proposal – Notice of Public Meeting	#5	At least one Public Meeting
Section 187 Change name of Corporation – Notice of Public Meeting	#4	At least one Public Meeting
Section 216 (4) Dissolution of local boards, except Police Services Board	#4	
Section 217 Changing composition of council – Notice of Public Meeting	#4	At least one Public Meeting
Section 222 Establishment of wards	#4	At least one Public Meeting
Section 238 (2) Procedural by-law	#5	
Section 268 Sale of land procedures	As governed by the Town of Amherstburg Land Sale Procedures	
Section 291 Adoption or amendment of budget	#5	
Section 300 Improvements in services	#5 unless otherwise designated by Minister	At least once each calendar year
Section 348 (2) and (3) Determination of tax status	#1	
Section 350 Obligations of tenant – taxes owed	#1	
Section 351 (8) Sale of Seized Personal Property – Public Auction	#4	Not less than 21 days
Section 357 (5) (b) and (6) Cancellation, reduction, refund of taxes a) Notice of meeting	Governed by Act	Meeting with applicant

Section of Act	Notice Method	Special Provisions
b) Notice of decision	#1	Act requires notice within 14 days following decision
Section 440 Collection of unpaid licensing fines	#1	Not less than 21 days after date of Notice

RULES

Except where otherwise provided in this by-law, or in the Act or a Regulation thereunder, the following rules shall apply:

1. Notice given by mail shall be conclusively deemed to have been received on the 5th day following the mailing of the notice.
2. Any person entitled to notice may at any time waive the requirements relating thereto.
3. Where a notice does not strictly comply with the provisions hereof but would substantially inform a reasonable person of the Subject Matter to which the notice relates, the notice shall be deemed to be adequate and in compliance herewith.
4. Where notice has been given respecting a Subject Matter and the Subject Matter is adjourned or otherwise postponed to a fixed date and the new date is openly announced when the Subject Matter was originally to be considered or otherwise dealt with, it shall not be necessary to give further notice.
5. Where notice is required to be given to an owner of land, the owner shall be deemed to be the person shown on the last revised assessment roll of the Corporation, at the address shown on the roll, provided that if the Clerk of the Corporation has received written notice of a change of ownership, the notice shall be given instead to the new owner at the address set out in the notice.