

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 99-07

*BEING A BY-LAW TO ESTABLISH A NOTICE REQUIREMENTS POLICY FOR
THE MUNICIPALITY OF SIOUX LOOKOUT AND TO
REPEAL BY-LAW NO. 17-03*

WHEREAS the *Municipal Act, 2001*, as amended (the Act), requires that a municipality adopts and maintains 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;

NOW THEREFORE, the Council of The Corporation of the Municipality of Sioux Lookout ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-Law:

- (1) "Act" means the *Municipal Act, 2001*, as amended;
- (2) "Clerk" means the Clerk of The Corporation of the Municipality of Sioux Lookout;
- (3) "Council" means the Council of The Corporation of the Municipality of Sioux Lookout;
- (4) "Local newspaper" means a newspaper having general circulation in the Municipality, and may include the "on-line" version as posted on the Internet;
- (5) "Local radio station" means a radio station which can be locally received using Am or FM frequencies.
- (6) "Municipality" means the Municipality of Sioux Lookout;
- (7) "Notice" means a written, printed, published, posted, or announced notification;
- (8) "Publish" means published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the Municipality as to provide reasonable notice to those affected thereby, and may include posting on the Municipal website or broadcasting on a local radio station. "Publishing, published, and publication" have corresponding meanings;
- (9) "Registered Mail" means prepaid mail that requires the recipient to sign for it and is delivered by Canada Post or a courier service;
- (10) "Responsible Department Head" means the Head of the Department responsible for giving the required notice for an activity as set out in the attached Schedules.

2. NOTICE REQUIREMENTS

- (1) Where notice of a matter, notice of intention to pass a by-law, or notice of a public meeting is required to be given, the Responsible Department Head shall 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, as follows:

Notice Type #1

Notice shall be sent by registered mail to the last known address or hand-delivered. (This type of notice refers to personal notice to an individual or a limited number of people, agencies or organizations. It targets a very select group.)

Notice Type #2

Notice shall be published in a newspaper once a week for three consecutive weeks, with the final notice being published no later than the day of the Public Meeting.

Notice Type #3

Notice shall either be: (1) published in a newspaper at least once a minimum of one week prior to the holding of a Public Meeting or the passing of the by-law as the case may be; or (2) declared at an open meeting of Council that the subject will be placed on the agenda of the next regularly-scheduled meeting of Council, such declaration shall be recorded in the Minutes of the meeting at which it was made.

Notice Type #4

Written notice shall be given to parties having a direct interest in the matter (i.e. school boards, assessment office, etc.).

- (3) Schedule A forming part of this By-Law is hereby adopted as reasonable minimum procedures for the giving of notice as required under the Act.
- (4) The form, manner and timing for the giving of notice as set out in Schedule A shall be deemed to be the minimum standards required and nothing in this By-Law shall prevent Council, the Clerk or the Responsible Department Head from using more comprehensive methods of notice or providing for a longer notice period.
- (5) If a proposed by-law that is the subject of notice is not passed at the Council Meeting specified in such notice, but consideration of the matter is deferred, no further notice is required if a public statement is made at the meeting that the matter has been deferred and that the Council intends to deal with the matter at a specified later Council meeting. Such statement shall be recorded in the Minutes of the meeting at which it was made. This section applies to any further deferrals of the matter.

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3. CONTENT OF NOTICE

At a minimum, unless otherwise prescribed in legislation, where notice of a matter, notice of intention to pass a by-law, or notice of a public meeting is required to be given, the notice shall include the following information:

- (1) Identification of the legislated authority under which the notice is being given;
- (2) A description of the purpose for the meeting or the purpose and effect of the proposed by-law;
- (3) The date, time, and location of the meeting at which the matter will be considered;
- (4) A description of how and where comments and/or objections may be made;
- (5) The name, address, and other contact information of the person who will receive written comments on the issue that is the subject of the meeting or by-law and the deadline for receiving such comments;
- (6) Where the purpose of the meeting or proposed by-law is related to specific lands, a key map or other description of the affected lands.

4. 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.

5. EMERGENCY PROVISION

If a matter arises, which, in the opinion of the Chief Administrative Officer, in consultation with the Mayor or Acting 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 Municipality of Sioux Lookout 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 Council shall 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, in the type and manner as directed by Council.

6. ALTERNATE METHOD BY COUNCIL RESOLUTION

Notwithstanding the notice requirements set out in this By-Law, Council may reduce or amend such requirements upon passage of a motion at a duly called meeting of Council, provided the motion dictates an alternate method of giving notice deemed to be in a form and manner and timing adequate to the circumstances.

7. NOTWITHSTANDING PROVISION

Where notice of a matter, notice of intention to pass a by-law, or notice of a public meeting is required to be given and the timeframe for such notice is not prescribed in the Act or its Regulations or otherwise addressed in this By-Law, notice shall be given at least once by publication no less than five days and no more than 30 days prior to the proposed passing of the by-law, holding of the public meeting, or taking of specified action.

8. AMENDMENT OF SCHEDULE A

On an ongoing basis, additional notice requirements may be determined. Schedule A shall be amended and updated, if required, on an ongoing basis, but no less than yearly, at the time of review. Delay in amending Schedule A does not preclude the implementation of notice requirements as determined by Councilor staff. Schedule A can be amended by Resolution of Council.

9. REVIEW OF BY-LAW

This By-Law shall be reviewed on a yearly basis.

10. REPEAL


By-Law No. 17-03 is hereby repealed.

11. EFFECTIVE DATE

This By-Law shall come into force and take effect on January 1, 2008.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS NINETEENTH DAY OF DECEMBER 2007.


Kathy Poling, Mayor


Linda R. Spence, Deputy Clerk

/mlm
Nov 30/07

Schedule A to
By-Law No. 99-07

(Also refer to Notes at end of Schedule.)

Column 1 Section, Subject Matter Municipal Act, 2001	Column 2 Notice Requirement
Section 34(1) - Permanent Closure of a Highway	Notice Type #2
Section 34(2) - Permanent Altering of a Highway	To be determined if situation arises
Section 36 - Designation of highway as a controlled access highway	To be determined if situation arises
Section 37 - Permanent Closure of Private Road	Notice Type #1 -- Personal notice to the owner of the land. Additional notice, if any, to be determined if situation arises.
Section 47 - Name/Change Name of Highway	Notice not required for naming (assuming it's a new road with no dwellings). Notice Type #1 to affected property owners for change of name.
Section 48 - Name/Change Name of Private Road	Notice Type #1, to affected property owners for naming or change of name.
Section 81 - Shut Off of Public Utility (if fees/charges unpaid by owners or occupants)	N/A (Sioux Lookout Hydro bills Municipality's sewer and water accounts; therefore, Municipality will not be shutting off service, Hydro not subject to Municipal Act, and Municipality has no control over notice)
Section 99 - Advertising Devices (including signs)	Notice Type #3 and public meeting at discretion of Council
Section 110(5) - Municipal Capital Facilities - Agreement By-Law	Legislation will be followed. Notice Type #4
Section 110(8) - Municipal Capital Facilities - Tax Exemption By-Law	Legislation will be followed. Notice Type #4
Section 144(5)(c) - Power of Entry-- Work Order	Legislation will be followed.
Section 150 - Licensing	Notice Types #3, #1 -- If comprehensive business licensing by-law is to be passed, public notice; public meeting at direction of Council. If by-law is to license specific type of business, notice to affected businesses.
Section 157 - Registry of Businesses	To be determined if situation arises.
Section 173 - Proposal to Restructure (Note: this provision applies to a municipally- or local body-initiated restructuring proposal and not to when a commission is appointed. There are public meeting/notice provisions; however, the commission is responsible to carry them out.)	Legislation will be followed.
Section 187 -- Municipal Name Change	Notice Types #3, #4 -- Public notice with opportunity to comment; public meeting at direction of Council. By-Law to be sent to parties as set out in legislation.

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Section 206 - Business Improvement Area (Board of Management (directors) composition and BIA budget)	Legislation will be followed.
Section 210 - Business Improvement Area (create BIA; levy special charge or minimum and maximum charges; change boundaries)	Legislation will be followed.
Section 211 - Business Improvement Area (repeal of by-law)	Legislation will be followed.
Section 216 - Dissolution of Local Boards (with some exceptions)	Notice Type #4 -- Provide notice to local board.
Section 217(2) - Change to Council Composition	Notice Type #3 -- Mandatory notice/consultation if increase to size of Council is being proposed; discretionary (Council) notice/consultation if decrease to size is being proposed; public meeting discretionary in both cases.
Section 219(1) - Change to Upper-Tier Council Composition - N/A	N/A
Section 222(3) - Establishment (/dissolution) of Wards	Notice Type #3 -- Notice and consultation required; public meeting at discretion of Council
Section 238(4) - Procedure By-Law	None
Section 238(2.1) (New) - Procedure. By-Law - Notice of Meetings	Legislation and Procedure By-Law will be followed.
Section 251 - Notice (Section 270(1)(4) (to be proclaimed Jan 1/08)	Legislation will be followed.
Section 268(3) - Procedures re Sale of Land	Legislation and existing By-Laws and Policies will be followed. A revised Policy may come forward to Council for consideration at a later date.
Section 291 (1) - Notice re Budget	Council may wish to consult with the public prior to budget deliberations and may wish to provide public presentation of approved budget.
Section 295(1) - Publication of Financial Statements, etc.	Legislation will be followed.
Section 300(1) - Notice re Improvements in Service	None
Section 331 (9) - Taxes on Eligible Properties - List to be Mailed to the Owner	Legislation will be followed.
Section 348(1) and (2) - Determination of Tax Status	Legislation will be followed.
Section 351 (7), (8) - Seizure of Personal Property and Public Auction	Legislation will be followed.
Section 356(4) - Division of Land Into Parcels - Notice/Meeting Requirement	Legislation will be followed.
Section 357(5), (6) - Cancellation, Reduction, Refund of Taxes - Notice/Meeting Requirement; Decision	Legislation will be followed.
Section 358(9), (10) - Overcharges caused by a gross or manifest error - Notice/Meeting Requirement; Decision	Legislation will be followed.

Section 359(3), (4), (7) - Increase of taxes as a result of any undercharge caused by a gross or manifest error - Notice/Meeting Requirement; Decision	Legislation will be followed.
Section 374(1) - Notice of Registration of tax arrears certificate	Legislation will be followed.
Section 379(1) - Public Sale (tax arrears certificate)	Legislation will be followed.
380(3) - Application of Proceeds	Legislation will be followed.
Section 400(f) - Re Regulations re Fees and Charges - those having Priority Lien Status	Legislation (Regulation) will be followed.
Section 402(1) - Debt	Legislation will be followed.
Section 431 - Powers of Entry (Now Section 435)	Legislation will be followed.
Section 433 - Closing Premises -- Public Nuisance (Now Section 447.1, specifically 447.1 (3))	Legislation will be followed.
Section 440 - Collection of Unpaid Licensing Fines (Now Section 441, specifically 441 (2))	Legislation will be followed.

Notes to Schedule A - By-Law No. 99-07

1. When notice or public meeting is indicated, it also includes notice on the Municipal website and the opportunity for people to submit written comments.
2. Column 2 shows minimum requirements. Further notice can be provided at the discretion of Council and/or staff.
3. For items marked "To be determined if situation arises", once notice is determined, that becomes the notice requirement for the purposes of the By-Law. Schedule A can be amended by Resolution of Council. Delay in amending Schedule A does not preclude the implementation of notice requirements as determined by Council or staff.
4. If an activity requiring notice has been omitted from this list, legislation shall be followed. If legislation does not specify how, when or where notice is to be given, reasonable notice applicable to the activity and the situation shall be given. In both cases, the activity and notice will be added to Schedule A, by Resolution of Council.
5. This schedule does not include Notice Requirements contained in Regulations. Notice Requirements contained in Regulations will be followed. If the Regulations do not specify how, when or where notice is to be given, reasonable notice applicable to the activity and the situation shall be given. In both cases, the activity and notice will be added to Schedule A, by Resolution of Council.
6. Reference shall be made to the actual text of the legislation and notice provisions.

/mlm
Nov 30/07