

Municipality Of Chatham-Kent

Corporate Services

Municipal Governance

To: Mayor and Members of Council
From: Judy Smith, Director, Municipal Governance/Clerk
Date: September 30, 2020
Subject: Public Notice By-law

Recommendations

It is recommended that:

1. A By-law to establish public notice policy be approved.
2. By-law 104-2014 be repealed.

Background

As required from time to time, administration reviews the municipal by-law database and flags those by-laws that are more than five years old. It is best practice to review by-laws every five years to ensure that they are up to date with current provincial and federal regulations and to determine if any updates are required.

Comments

The *Municipal Act, 2001* (Act) makes provisions in part, that municipalities adopt and maintain policies for circumstances in which a municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be provided.

The Act also provides 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 try to ensure that its actions are transparent to the public. It requires a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of holding of certain required meetings, and notice of other specific matters.

Finally, the Act provides in part that the powers of a municipality under the Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

The current Notice by-law (# 104-2014) is outdated and some legislation within the by-law has changed. Therefore, administration has reviewed the revised legislation and amended the Notice By-law accordingly.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

- Economic Prosperity:
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:
Chatham-Kent is a healthy and safe community with sustainable population growth
- People and Culture:
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- Environmental Sustainability:
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

- Financial Sustainability:
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- Has the potential to support all areas of strategic focus & critical success factors
- Neutral issues (does not support negatively or positively)

Consultation

Legal Services has reviewed the revised Notice By-law ensuring the current legislation is addressed.

Financial Implications

There are no financial implications at this time.

Prepared by:

Reviewed by:

Judy Smith, CMO
Director, Municipal Governance/Clerk

Cathy Hoffman, MPA, CHRL
General Manager, Corporate Services/
Chief Human Resource Officer

Consulted and confirmed the content of the consultation section of the report by:

Emily Crawford
Solicitor

Attachments (1)

1. A By-Law to Establish Public Notice Policy

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BY-LAW NUMBER 2020
Of The Corporation of the Municipality of Chatham-Kent

A By-Law to Establish Public Notice Policy

Finally Passed the day of 2020

Whereas Section 270(1)(4.) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, makes provision in part, that a municipality shall adopt and maintain policies for 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 provided;

And Whereas Section 270(1)(5.) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides the manner in which a municipality will try to ensure that it is accountable to the public for its actions, and the manner in which a municipality will try to ensure that its actions are transparent to the public;

And Whereas the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires 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 certain matters;

And Whereas Section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides in part that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And Whereas it is deemed advisable to establish a public notice policy;

Now Therefore, the Council of The Corporation of the Municipality of Chatham-Kent enacts as follows:

Definitions

In this By-Law:

- a) "Municipal Act" shall mean the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- b) "Municipal Website" shall mean the official Corporation of the Municipality of Chatham-Kent's internet website or site directly linked thereto.
- c) "Municipality" shall mean The Corporation of the Municipality of Chatham-Kent.
- d) "Newspaper" shall mean the local printed and electronic publication containing news, advertisements and correspondence having the highest circulation, in the opinion of the Clerk, within the Municipality of Chatham-Kent.
- 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;

2. General

- a) Where the Municipality is required to give Public Notice pursuant to a provision of legislation described in Schedule "A", Public Notice shall be given in the form and manner described in Schedule "A" attached.
- b) A Public Notice, utilizing the Municipal Website, shall be sufficiently given even if the Municipal Website is not accessible at all times during the Public Notice posting period.

- c) Notwithstanding any provision herein, this By-Law is invalid in cases where;
 - i) the Municipal Act or another Act or regulation thereto prescribe specific Public Notice requirements in excess of those outlined in this By-Law, or
 - ii) Council for the Municipality directs that Public Notice be given in excess of the requirements of this By-Law, an Act, or regulation.
- d) A Public Notice given under a provision of this By-Law shall contain the following information (where applicable):
 - i) a general description of the matter;
 - ii) where the matter relates to a defined location, sufficient particulars of the location such as a key map, municipal address or legal description;
 - iii) the date, item and location of the meeting at which the matter will be considered; and
 - iv) instructions for obtaining additional information concerning the matter.
- e) The Public Notice requirements of this By-Law are minimum requirements and Council, Clerk or CAO are authorized to provide additional Public Notice if reasonable and necessary in the circumstances.
- f) No Public Notice shall be required under the provisions of this By-Law where Council is authorized by the Municipal Act to consider a matter in a meeting closed to the public.
- g) The Public Notice requirements of this By-Law may be waived by the Mayor or designate in consultation with the Clerk or CAO 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 Municipality of Chatham-Kent and, in such case, best efforts shall be made to provide as much notice to the public as is reasonable under the circumstances.

3. Repeal

That By-Law 104-2014 being a By-Law to establish a Policy to provide Public Notice be repealed.

This By-law shall come into full force and effect upon the final passing thereof.

Read a First, Second, and Third Time, this day of 2020

Mayor – Darrin Canniff

Clerk – Judy Smith

Schedule A – Notice Bylaw

Circumstances	Summary of Requirements	Form, Manner and Times
<p>Budget – Adopting Rate or Tax Budget (Section 290 and 291, Municipal Act, 2001)</p>	<p>Public Notice required to advise of a minimum of one Committee meeting to consider the enactment of a rate or tax budget by-law. The Public Notice shall specify when and where information in regard to such a by-law may be obtained and shall specify whether any fee or charge may be included.</p> <p>Despite any other provision of this By-law, no separate or additional Public Notice shall be required for a fee or charge that forms part of a rate or tax budget by-law for which Public Notice has been given under this provision.</p>	<p>Public Notice to be published on the Municipal Website a minimum of 14 days prior to the Budget Committee meeting.</p>
<p>Enactment of a Fee or Charge By-law</p>	<p>Public Notice required to advise of a minimum of one meeting to consider the enactment of a fee or charge by-law. The Public Notice shall specify when and where information in regard to such a by-law may be obtained.</p> <p>Despite any other provision of this By-law, no separate or additional Public Notice shall be required for a fee or charge for which Public Notice has been given under this provision.</p>	<p>Public Notice to be published on the Municipal Website a minimum of 14 days prior to the meeting.</p>
<p>Seizure of Personal Property – Public Auction (Section 351, Municipal Act, 2001)</p>	<p>Subject to certain conditions, the treasurer may seize personal property to recover taxes and costs of the seizure. The treasurer or the treasurer’s agent is required give Public Notice of the time and place of public auction and of the name of the person whose</p>	<p>Public Notice to be published on the Municipal Website a minimum of 14 days prior to the auction;</p> <p>Public Notice to be published in a Newspaper a minimum of 14 days prior to the auction; and</p>

	personal property is to be sold.	Public Notice be sent by regular pre-paid mail, mailed to the sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy a minimum of 21 days prior to the auction.
Proposal to Restructure Municipality (Section 173, Municipal Act, 2001)	Public Notice required to advise of holding of public meeting before Council votes on whether to support or oppose a restructuring proposal.	Public Notice to be published on the Municipal Website a minimum of 14 days prior to the meeting; and Public Notice to be published in a Newspaper a minimum of 14 days prior to the meeting.
Change of Name of Municipality (Section 187, Municipal Act, 2001)	Public Notice required to advise of a Committee meeting to consider enactment of a by-law to change municipality's name.	Public Notice to be published on the Municipal Website a minimum of 14 days prior to the meeting; and. Public Notice to be published in a Newspaper a minimum of 14 days prior to the meeting.
Dissolution or Change to Local Board (Section 216, Municipal Act, 2001)	Notice to local board required to advise of a Committee meeting to consider the enactment of a by-law to dissolve or change local board.	Notice sent by regular prepaid mail, mailed to the local board a minimum of 14 days prior to the meeting.
Changes to Composition of Council (Section 217, Municipal Act, 2001)	Public Notice required to advise of a Committee meeting to consider to enactment of a by-law changing the composition of Council.	Public Notice to be published on the Municipal Website a minimum of 14 days prior to the meeting; and. Public Notice to be published in a Newspaper a minimum of 14 days prior to the meeting.
Establishment of Wards (Section 222, Municipal Act, 2001)	Public Notice required to advise of a Committee meeting to consider enactment of a by-law dividing or redividing into wards or dissolving wards.	Public Notice to be published on the Municipal Website a minimum of 14 days prior to the meeting; and

	<p>After a by-law dividing or redividing into wards or dissolving wards has been passed, Public Notice required to advise of the passing of the by-law. The Public Notice shall specify the last date for filing a notice of appeal.</p>	<p>Public Notice to be published in a Newspaper a minimum of 14 days prior to the meeting; and</p> <p>Public Notice published in a Newspaper within 15 days of passing of the by-law.</p>
<p>Naming or Re-Naming a Private Road (Section 48, Municipal Act, 2001)</p>	<p>Public Notice required to advise of intention to pass a by-law naming or renaming a private road.</p>	<p>Public Notice to be published on the Municipal Website a minimum of 14 days prior to the meeting; or</p> <p>Public Notice to be published in a Newspaper a minimum of 14 days prior to the meeting.</p>
<p>Highway Closure - Permanent</p>	<p>Public Notice to all affected property owners required to advise of a Committee meeting to consider the enactment of a by-law to close or permanently alter highway when such closure or permanent alteration would deny access to a property.</p>	<p>Public Notice sent by registered mail, mailed to last known address of the property owner(s) a minimum of 14 days prior to the meeting, except in emergency situations where Council determines necessary.</p>
<p>Ontario Heritage Act R.S.O. 1990, Chapter O.18 Part IV S. 26(4)</p>	<p>Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the <i>Municipal Act, 2001</i> is deemed to satisfy the requirement of this Part to publish notice in a newspaper.</p>	<p>Notice to be published on the Municipal Website a minimum of 14 days prior to the meeting.</p> <p>All other notices to adhere to provisions of the Ontario Heritage Act Part IV.</p>