



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 99 OF 2019

A BY-LAW TO PRESCRIBE THE FORM AND MANNER AND TIMES FOR THE PROVISION OF PUBLIC NOTICE FOR THE TOWN OF GODERICH AND TO REPEAL BY-LAW NO. 122 OF 2007

WHEREAS the Corporation of the Town of Goderich is an accountable and transparent organization that believes that its residents should be made aware of the business of the municipality. Section 270 (1) 4 of the Municipal Act, 2001, c. 25 affirms that the municipality shall adopt and maintain 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.;

AND WHEREAS the Council of the Town of Goderich considers it appropriate to pass such a policy to set out the minimum notice requirements, a list of matters for which public notice is required, the form and the manner in which notice is to be given, with the minimum time for providing such notice;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. DEFINITIONS

“Act” means the Municipal Act, 2001 S.O. 2001, c. 25 as amended from time to time, and includes any regulation made there under.

“Clerk” means the Town Clerk, or that person’s designate.

“Local board” is any body performing any public function (pursuant to Section 216 of the Act).

“Newspaper” the same meaning as indicated in Subsection 87 of the Legislation Act 2006, which reads as follows, in a provision requiring publication, means a document that; is printed in sheet form, published at regular intervals of a week or less and circulated to the general public; and consists primarily of news of current events of general interest; (“journal”).

“Plain Language” is a way of writing, organizing and presenting information so that it makes sense and is easy to read. Information should be presented with straightforward vocabulary and sentence structures and by organizing material clearly and logically, to ensure that messaging is clearly understood.

“Public Notice” or “Notice to the Public” means notice given to the public generally, but does not include notice given only to specified persons.

“Public Notices Page” means a separate page on the Town of Goderich’s website where notices are posted and archived.

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

“Town website” means the website maintained by the Town of Goderich with a separate Public Notices Page on the website.

2. APPLICATION

2.1 Where the Town is required to give Public Notice under a provision of the Act, the notice shall

be given in a form and manner and at times indicated in this policy unless:

- a) The Act, another statute, or a regulation prescribes or permits otherwise;
- b) The requirements of notice are prescribed in another policy or resolution;
- c) Council directs that other Public Notice is to be given as the Council considers in the circumstances.

2.2 This policy sets out the minimum requirement for the giving of Public Notice to be 10 days.

However, nothing in this policy shall prevent the use of more comprehensive methods of Public Notice or for providing for a longer Public Notice period.

2.3 No additional Public Notice will be required for subsequent meetings where a matter has been deferred to a subsequent meeting by Town Council or by a Committee of Council.

2.4 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 Goderich, or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the Public Notice requirements of this policy may be waived and the Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances.

2.5 Where possible Public Notices will be produced in a manner that encourages participatory democracy.

3. CONTENT OF PUBLIC NOTICES

3.1 Notice to the Public shall contain the following information when applicable:

- a) A general description, the purpose and effect of the proposed action of the subject matter;
- b) Date, time and location of any meeting at which the subject matter will be considered;
- c) Identification of the authority for the proposed By-Law;
- d) A key map or other description of any lands affected by the proposal;
- e) Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or street intersection, or a legal description or plan;
- f) Where written submissions may be made, or where delegations for the purpose of providing a verbal submission can be registered, the name and title of the person to whom written comments are to be sent, together with the address of the official and the deadline for receipt of such submissions;
- g) That the Public Notice is given by The Corporation of the Town of Goderich, or by the Town Clerk on its behalf.

4. ENHANCING PARTICIPATORY OPPORTUNITIES FOR THE PUBLIC

4.1 Where possible, Public Notice to the public shall be written in plain language and in an accessible manner. Public Notice shall incorporate the following strategies to enhance participatory opportunities for the public.

- a) Ability to scan for information: Make use of short sentences and paragraphs, and headers.
- b) Ease of reading: Use simple sentence structure and grammar.
- c) Use simple everyday words instead of technical jargon. Use active voice rather than passive voice.
- d) Target audiences: Anticipate their interests and address potential enquiries.
- e) Images: Use images especially if it helps readers understand the message.

5. POLICY APPLICATIONS

5.1 Schedule A – Notice Requirements Contained in the Municipal Act

6. REVIEW PERIOD

6.1 This Policy shall be reviewed every three years or as legislation requires.


7. SHORT TITLE


7.1 This policy may be referred to as the “Public Notice By-Law”.

THAT By-Law No. 122 of 2007 is hereby repealed, and this By-Law shall supersede all others.

THAT this By-Law shall come into full force and effect upon final passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF NOVEMBER, 2019.


MAYOR, John C. Grace


CLERK, Janice Hallahan

SCHEDULE A – NOTICE REQUIREMENTS CONTAINED IN THE MUNICIPAL ACT

MUNICIPAL ACT SECTION AND SUBJECT MATTER	REQUIREMENT OF MUNICIPAL ACT	TOWN OF GODERICH NOTICE REQUIREMENTS
Section 99 Advertising Sign By-law – adoption, amendment, excluding variances	Before passing the By-Law, the municipality shall give public notice of its intention to pass the By-Law.	Website posting 10 days prior to Council meeting at which the matter is being discussed.
Section 150 General Licensing Powers	Before passing the By-Law, the municipality shall give public notice of its intention to pass the By-Law.	Website posting 10 days prior to Committee or Council meeting at which the matter is being discussed.
Section 173 Restructuring Proposal	Before the council of a municipality votes on whether to support or oppose a restructuring proposal, the council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed: 1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipality considers appropriate.	Council shall hold at least one public meeting. Website posting 10 days prior to the public meeting.
Section 187 Change of Name of Municipality	No public notice requirement.	Council shall hold at least one public meeting.
Sections 204-210 Business Improvement Areas	A local municipality may designate an area as an improvement area and may establish a board of management. Before passing a by-law under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed bylaw 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	Website posting 10 days prior to the public meeting. As required by the Act.

	<p>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>	
<p>Section 211 Business Improvement Areas Repealing By-Law</p>	<p>Council shall give notice of a proposed by-law to repeal a by-law establishing a business improvement area. 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 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. Notice shall be given within 60 days of receiving a valid request to repeal the bylaw. Recipients are to respond within 60 days after the last day of mailing of the notices.</p>	<p>As required by the Act.</p>
<p>Section 216 Dissolution of Local Boards (Excluding Police Services Board) Section 217-219 Council Composition</p>	<p>No public notice requirement.</p> <p>Before passing a by-law described in Section 218, the municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter.</p>	<p>Notice by mail to local board 10 days prior to Committee or Council meeting at which matter is being considered.</p> <p>Council shall hold at least one public meeting.</p> <p>Website posting 10 days prior to the public meeting.</p>

<p>Section 238 Procedure By-Law</p>	<p>No public notice requirement prior to passage of a procedural by-law.</p>	<p>Any change to the procedural by-law or the introduction of a new procedure by-law will require: Website posting 10 days prior to the public meeting. Website posting 10 days prior to Committee or Council meeting at which the matter is being considered.</p>
<p>Section 270 (1) 1 Sale of Land</p>	<p>A municipality shall adopt and maintain policies with respect to the sale and other disposition of land.</p>	<p>Website posting 10 days prior to regular Council or Committee meetings, at which the matter is being considered.</p>
<p>Section 270 (1) 4 Notice to the Public</p>	<p>A municipality shall adopt and maintain policies with respect to notice to the public and, if notice is to be provided, the form, manner and times notice shall be given</p>	<p>Website posting 10 days prior to Committee or Council meeting at which the matter is being considered.</p>
<p>Sections 290-291 Budget – Adopt or Amend</p>	<p>No public notice requirement.</p>	<p>Website posting 10 days prior to Committee or Council meeting at which the matter is being considered.</p>
<p>Section 295 Financial Statements Publication</p>	<p>Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality; (a) shall publish in a newspaper having general circulation in the municipality, (i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or (ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and (b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.</p>	<p>As required by the Act.</p>
<p></p>	<p>If a request is made under subsection (1), the treasurer shall provide a copy of the information to</p>	<p></p>

<p>Section 297 (4) Auditor</p>	<p>the taxpayer or resident at no cost. The auditor may attend any meeting of members of council or any local board of the municipality and is entitled, (a) to receive all notices relating to the meeting that any member is entitled to receive; and (b) to make representations at that meeting on any matter that concerns him or her as auditor</p>	<p>As required by the Act.</p>
<p>Section 318 Phase-in of Tax Changes Resulting from Reassessments</p>	<p>A notice of demand of taxes payable in respect of which there is a phase-in shall indicate the amount of taxes that would have been payable without the phase-in, the amount of taxes that are payable and the difference.</p>	<p>As required by the Act.</p>
<p>Section 331 Taxes on Eligible Properties</p>	<p>The assessment corporation shall provide a list of the comparable properties for each eligible property [as defined in 331(20) – i.e. properties with additional assessments; properties that cease to be exempt; properties that are added to the roll due to subdivision or severance of land; or properties for which there is a change in classification]. The municipality shall mail to the owner of each eligible property the list of comparable properties, along with the municipality's determination of taxes, within 60 days after the date the list of comparable properties is received by the municipality.</p>	<p>As required by the Act.</p>
<p>Section 343 Notice of 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>As required by the Act.</p>
<p>Section 348 Determination of Tax Status</p>	<p>The treasurer shall by February 28 in each year determine the position of every tax account as of December 31 of the preceding year. On making this</p>	<p>As required by the Act.</p>

<p>Section 351 Seizure of Personal Property - Public Auction</p>	<p>determination, 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. The notice may be sent with a tax bill. Subject to certain conditions, the treasurer may seize personal property to recover the taxes and costs of the seizure. The treasurer or the treasurer's agent shall give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold.</p>	<p>Website posting 10 days prior to auction. Notice to be published in the newspaper 10 days prior to auction. Written notice by mail, posted 2 weeks prior to auction, to sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy As required by the Act.</p>
<p>Section 356 Division of Land into Parcels</p>	<p>Upon application by the treasurer of a municipality or to the treasurer by an owner of land, the municipality may divide land into two or more parcels; apportion unpaid taxes; and direct part payment of taxes to each of the parcels. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting to consider the issue. Applicants and owners of any part of the land shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision.</p>	<p>As required by the Act.</p>
<p>Section 357 Cancellation, Reduction, Refund of Taxes</p>	<p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes levied. On or before September 30 of the year following the year in respect of which the application is made, council shall hold a meeting at which all applicants may make representations to council. Applicants shall be</p>	<p>As required by the Act.</p>

	<p>notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, As required by the Act.</p>	
<p>Section 358 Overcharges Caused by a Gross or Manifest Error</p>	<p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes which were overcharged due to a gross or manifest error in the preparation of the assessment roll. The treasurer shall send a copy of the application to the assessment corporation and the registrar of the Assessment Review Board. If the application is deemed to be invalid, the treasurer shall notify the applicant in writing of the reasons that it is not valid. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting at which the applicant may make representations to council.</p> <p>The applicant shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days after making its decision, council shall notify the applicant of the decision.</p>	<p>As required by the Act.</p>
<p>Section 359 Increase of Taxes as a Result of any Undercharged Caused by a Gross or Manifest Error</p>	<p>Upon receipt of an application by the treasurer, the municipality may increase the taxes levied when the taxes were undercharged due to a gross or manifest error. The council shall hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council. The council shall notify the parties of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the parties of the decision and specify the last day for appealing the decision.</p>	<p>As required by the Act</p>

<p>Section 365.2 (5) Tax Reduction for Heritage Property</p>	<p>If a local municipality passes a by-law to provide tax reductions or refunds to eligible heritage property, the Minister of Finance shall be notified within 30 days after the by-law is passed.</p>	<p>As required by the Act.</p>
<p>Section 374 Notice of Registration of Tax Arrears Certificate</p>	<p>Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to the assessed owner of the land, to the spouse of the assessed owner of the land, and to every person appearing to have an interest in the land at the time of closing of the land registry office on the day the tax arrears certificate was registered.</p>	<p>As required by the Act.</p>
<p>Sections 379 and 381 Public Sale (Tax Arrears Certificate)</p>	<p>If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the Treasurer, within 30 days after the expiry of the 280- day period, shall send to the persons entitled to receive notice under section 374 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.</p> <p>If at the end of the one-year period the cancellation price has not been paid the land shall be offered by public auction or public tender. The treasurer shall make a statutory declaration stating the names of the persons to whom notice was sent previously and advertise the land for sale once in The Ontario Gazette and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale. After the sale is made, and within 60 days after making a</p>	<p>As required by the Act.</p>

	<p>subsequent statement and payment to the Superior Court of Justice, the treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom notice was previously sent.</p>	
<p>Section 386.2 Tax Sales – Entering to Carry out Inspection without Warrant</p>	<p>The following apply to an inspection under this Part carried out without a warrant:</p> <ol style="list-style-type: none"> 1. At least seven days before entering to carry out an inspection, the municipality shall, by personal service or by prepaid mail, serve a written notice of the inspection on the owners and occupants of the land as shown by the records of the land registry office and by the last returned assessment roll of the municipality in which the land is located. 2. The notice shall specify the date on which the municipality intends to enter on the land to commence the inspection. 3. If the municipality intends to enter on the land more than once during a period of time, the notice shall specify that period. 4. If the municipality intends to leave equipment on the land for a period of time, the notice shall set out a description of the equipment and the period of time during which the municipality intends to leave it on the land. 5. A notice served under this section by prepaid mail shall be deemed to have been received on the fifth day after the date of mailing of the notice. 6. A municipality shall not use force against any individual in carrying out the inspection. 7. A municipality shall only enter on land to carry out an inspection between the hours of 6 a.m. and 9 p.m. unless, after or concurrent with serving the notice 	<p>As required by the Act.</p>

	<p>under paragraph 1, the municipality has given at least 24 hours written notice of the intent to inspect the land at other hours to the occupants by personal service, prepaid mail or by posting the notice on the land in a conspicuous place.</p>	
<p>Section 386.3 Tax Sales - Entering to Carry out Inspection with Warrant</p>	<p>Notice of application for warrant (2) The municipality shall give the owners and occupiers of the land seven days written notice of, (a) the time when and the place where the application for the issuance or extension of a warrant is to be considered; (b) the purpose of the application and the effect of the application being granted; (c) the length of time the municipality is asking for a warrant to be issued or extended; (d) the right of an owner or occupant or a representative of an owner or occupant to appear and make representations; and (e) the fact that if the owner, occupant or representative fails to appear, the judge or justice of the peace may issue or extend the warrant in their absence.</p>	<p>As required by the Act.</p>
<p>Section 391 By-Laws re Fees and Charges</p>	<p>No public notice requirement.</p>	<p>Notice is given to the public by posting the Council meeting date, agenda and by-laws on the Town's website.</p>
<p>Section 400 (d) Regulations - Local Improvement Charges – Priority Lien Status</p>	<p>The Minister may make regulations regarding fees and charges with priority lien status, including a requirement that the municipality give notice of its intention to pass a by-law imposing fees and charges which will have priority lien status.</p>	<p>As required by regulation.</p>
<p>Section 402 Notice to Incur a Debt</p>	<p>Upon receipt of an application of a municipality to incur a debt the Ontario Municipal Board may direct the municipality to give notice of the application to such persons and in such manner as</p>	<p>As required by the Board.</p>

	the Board determines	
Section 431 Where Power of Entry Exercised	Except with respect to and entry to determine whether a by-law order or condition to a permit has been complied with or an entry under Section 87, 97, 122 or 166 or Clause 430 (a), (b) or (c)	This area of notice infers to the notice to an individual or a limited number of people and targets a very select group. Notice is sent by registered mail to the last known address, or hand delivered or by telephone.
Section 441 Collection of Unpaid Licensing Fines	If any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice.	As required by the Act.