



THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW #09-24

BEING A BY-LAW TO PRESCRIBE THE FORM, MANNER AND TIMES
FOR THE PROVISION OF NOTICE

WHEREAS Section 270.(1)(4) of the Municipal Act, 2001, as amended, states that a municipality shall adopt and maintain policies with respect to the circumstances in which the municipality shall give notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;

AND WHEREAS it is deemed advisable by the Council of the Corporation of the Township of Lake of Bays to set out the minimum notice requirements for those actions for which the notice requirements are not prescribed under the provisions of the *Municipal Act, 2001, as amended* or its regulations;

NOW THEREFORE be it enacted that the attached revised "Provision of Notice" policy be adopted by the Council of the Corporation of the Township of Lake of Bays:

This by-law and attached policy shall come into force and take effect on January 1st, 2008.

And further, this by-law shall repeal by-law #07-158 in its entirety.

READ a FIRST and SECOND time this 10th day of February, 2009

Janet P. Pease Mayor Y. Aubrichon Clerk

READ a THIRD time and finally passed 10th day of February, 2009

Janet P. Pease Mayor Y. Aubrichon Clerk

TOWNSHIP OF LAKE OF BAYS POLICY MANUAL			
Chapter:	Administration	Index No.	AD-3.2
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1 PURPOSE:

1.01 To provide a policy that prescribes the form, manner and time that public notice shall be given.

2 POLICY:

2.01 The Township of Lake of Bays has developed the provision of notice policy pursuant to Section 270 (1) (4) of the *Municipal Act, 2001, as amended*, and subsequent By-law #09-24.

2.02 Definitions

1. In this policy

- (a) "Act" means the *Municipal Act, 2001, as amended*
- (b) "Clerk" means the Clerk of the Township of Lake of Bays
- (c) "Publication" means a printed publication in sheet form, intended for general circulation, having regular publications at intervals not longer than a week, consisting in great part of news of current events of general interest and may or may not be sold to the public and to regular subscribers;
- (d) "Electronic" includes created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and "electronically" has a corresponding meaning.
- (e) "Municipality" shall mean the Corporation of the Township of Lake of Bays
- (f) "Municipal Act" shall mean the *Municipal Act, 2001, S.O.*,
- (g) "Personal Notice" shall mean notice to an individual or limited number of persons; sent by regular or registered mail sent to the last known address or hand delivered.
- (h) "Advertisement/notice" shall be notice published in a newspaper having regular publications.

2.03 Notice

- 1 Where the municipality is required to give notice pursuant to a provision of the *Municipal Act* or where Council deems it appropriate to prescribe notice, notice shall be given in a form and manner indicated as shown in Schedule "A" attached.

2.04 Disclaimer

- 1 (a) A public notice given under the provision of clause 2.03 1 of this policy, utilizing the municipal website, shall be sufficient even if the Corporation of the Township of Lake of Bays website is not accessible at all times during the public notice posting period.

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- (b) The Corporation of the Township of Lake of Bays cannot be held responsible for failure to post notice if the cause for the failure is the result of, but not limited to, power failure, electronic communications failure, Acts of God or during emergency situations.
- 2 Notwithstanding the provisions of this by-law to the contrary, clause 2.03 1 shall not be applicable where:
- (a) the Municipal Act, or another Act or regulation prescribe specific notice requirements, or
 - (b) the Township of Lake of Bays Council directs that public notice be given in the manner different from the public notice provisions of clause 2.03 1.

2.05 Form of Notice

- 1 A public notice given under the provisions of this by-law shall contain the following information:
- (a) A general description of the purpose of the meeting;
 - (b) The date, time and location of the meeting; and
 - (c) The name and address of the person who will receive written comments on the issue which is the subject of the meeting and the deadline for receiving such comments.

2.06 General

- 1 If a matter is deferred at a meeting or if a matter is considered at a subsequent meeting, no additional public notice shall be required, except where the Municipal Act, or other Provincial Statute provides otherwise, or if the Township of Lake of Bays Municipal Council directs that additional public notice be given.
- 2 The public notice requirements of this by-law are minimum requirements and Council, Clerk or Chief Administrative Officer are authorized to provide additional public notice if reasonable and necessary under the circumstances.
- 3 No public notice shall be required under the provisions of this by-law where the Council is authorized by the Municipal Act to consider a matter in a meeting closed to the public.

2.07 Emergency Provision

- 1 The public notice requirements of this by-law may be waived by the Chief Administrative Officer or designate in consultation with the Mayor and Clerk or 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 Township of Lake of Bays and best efforts shall be made to provide as much notice as is reasonable under the circumstances.

2.08 Effective Date

- 1 This revised policy shall come into force and effect on the day of its passing.

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3. ADMINISTRATION

This policy shall be adhered to by all elected officials and employees of the Corporation of the Township of Lake of Bays.

4. ATTACHMENTS

Attachment to By-law #09-24

Resolution No. #8(f)(iii)(b)/02/10/09

SCHEDULE "A"

NOTICE REQUIREMENTS TO BY-LAW #09-24 and POLICY AD-3.2

Notice of Classification

- Class #1:** Personal notice to an individual or limited number of people; sent by mail (may be sent by pre-paid registered mail) to the last known address or hand delivered. Notice of tax related matters will be sent to school boards, Municipal Property Assessment Corporation (MPAC) and/or other level of government as appropriate. Included on agenda prior to the meeting and posted on the website at www.lakeofbays.on.ca.
- Class #2:** Advertisement/notice published in a newspaper having regular publication, once per week for two consecutive weeks. Included on agenda published prior to the meeting and posted on the website at www.lakeofbays.on.ca
- Class #3:** Advertisement/notice published in a newspaper having regular publication, at least once during the fourteen (14) days prior to the action being taken, and /or declared at an open meeting of Council that the subject will be placed on the next regularly scheduled meeting of Council and posted on the Township's website at www.lakeofbays.on.ca

Part	Section of Act	Description	Notice	Notice of Classification
III	34(1) (2)	Highway Closing & Alternatives - Permanent	Notice requirement removed from the Act but still required under this policy	#2
	37	Private Road Closing	Notice requirement removed from the Act but still required under this policy	#1
	44	Road Maintenance	Notice requirement removed from the Act but still required under this policy	#3
	47	Change/naming of highway	Notice requirement removed from the Act but still required under this policy	#3
	48	Naming Private Roads	Notice required under the Act.	#3
	57	Closing Lower Tier Highway	Notice requirement removed from the Act but still required under this policy	#3
	81(3)	Shut-off of Public Utility	Municipality required to provide reasonable notice to the owners or occupants of land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.	#1
	99(i)	By-law - advertising devices	Notice requirement removed from the Act but still required under this policy	#3
	110(5)	Agreements for municipal capital facilities -Notice of Tax Exemption By-law	Required under the Act	#1
	110(8)	Tax Exemption By-law	Required under the Act	#1
	133(6)	Fortification of Land	Order requiring work to be done – Notice of work to be done	#1

Part	Section of Act	Description	Notice	Notice of Classification
IV	151	General Licensing Powers	Notice requirement removed from the Act but still required under this policy	#3
V	173(1)	Restructuring Proposal	Council required to give notice of and hold at least one public meeting.	#3
	173(3)	Proposal to Restructure – Consultation	Council required to give notice of and hold at least one public meeting.	#3
	187	Change of name of municipality	Notice requirement removed from the Act but still required under this policy	#3
V	210	Business Improvement Areas	All requirements to give notice and hold public meeting remain.	#1
	211	Business Improvement Areas – Repeal By-law	Required under the Act	#1
	216	Dissolving Joint Local Boards	Notice requirement removed from the Act but still required under this policy	#1
	217	Council composition	Notice requirement removed from the Act but still required under this policy	#3
	222(2)	Establish Wards	Notice requirement removed from the Act but still required under this policy	#3
	222(3)	Establish Wards By-law	Required under the Act	#3
VI	238	Procedure By-law	Notice requirement removed from the Act but still required under this policy	#3
	251	Giving of Notice	Repealed, but required under Section 270.1(4) of the Act	As specified within the Notice classifications of this policy
	270(1)(1)	Sale and other Disposition of Land	In accordance with Township policy	#2
VII	290(1)	Adopt or Amend Budget	Notice requirement removed from the Act but still required under this policy	#3
	295(1)	Publication of Financial Statements	Required under the Act	#3
	297(4)	Auditors Right to Attend	Required under the Act	#1
IX	331(9)	Tax on Eligible Property	Required under the Act	#1
X	343(1)	Notice of Tax Bills	Required under the Act	#1 & #3
	348	Tax Status	Required under the Act	#1
	350	Tenant Obligation	Required under the Act	#1
	351(8)	Seizure personal property – Public Auction	Required under the Act	#1
	356(12)	Dividing Land for Sale	Required under the Act	#1
	357	Cancellation, reduction, refund of taxes	Required under the Act	#1
	358	Overcharges	Required under the Act	#1
	359(1)(4)	Increase Taxes or Error in Calculating Taxes	Required under the Act	#1

Part	Section of Act	Description	Notice	Notice of Classification
	365(2)	Cancellation Reduction Refund	Required under the Act	#1
XI	374(1)	Tax Arrears Certificate	Required under the Act	#1
	379(1)	Tax Arrears Certificate Public Sale	Required under the Act	#1
	379(5b)	Notice of Vesting	Required under the Act	#1
	380(3)	Application of Proceeds	Required under the Act	#1
	380.1(1)	Second time offer of land for public sale	Required under the Act	#1
	381(1)	Methods of giving notice	Required under the Act	#1
	386.2(1)	Inspection without a warrant	Required under the Act	#1
	386.3	Notice of Application for Warrant	Required under the Act	#1
XII	400	Fees and Charges Regulations	Notice requirement removed from the Act but still required under this policy	#2
	402	Debt and Investment	Required under the Act	As prescribed by the Ontario Municipal Board (OMB)
XIV	435(2)	Power of Entry	Required under the Act	#1
	441(1)	Collection of Unpaid Licensing Fees	Required under the Act	#1
	444(1)	Order to Discontinue Activity	Required under the Act	#1
	446(1)(2)	Remedial Action – Entry Upon Land	Required under the Act	#1
	447(3)	Closing of Premises – Public Nuisance	Required under the Act	#1
	Reg 586/06	Local Improvement Charges, etc.	Required under the Act	#1 and #3