

THE CORPORATION OF THE TOWNSHIP OF ASPHODEL-NORWOOD
By-Law No. 2008-11



Being a By-law to establish reasonable minimum procedures for notice required under the Municipal Act 2001, as amended.

WHEREAS section 270 (1) 5 of the *Municipal Act SO 2001, C 25* provides that a municipality is required to adopt and maintain a policy for giving notice to the public, including the form, manner and times that notice will be given;

AND WHEREAS it has been deemed expedient to pass such a By-law;

NOW THEREFORE the Council of the Corporation of the Township of Asphodel-Norwood enacts as follows:

1. Definitions

As used in this by-law, the following terms shall have the meanings indicated:

Mail – Prepaid, first-class mail unless legislation requires otherwise.

Municipal Act – The Municipal Act, 2001, S.O. 2001, c. 25

Municipal Website – The official Township of Asphodel-Norwood Internet website.

Newspaper – A printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and regular subscribers.

2. Application

Where the municipality is required to give notice to the public under the provision of the Municipal Act 2001, the notice shall be given in a form and manner and at the times indicated in Schedule A, unless:

- a) The Municipal Act, another Act or a regulation prescribes otherwise for the notice to the public;
- b) The requirements for notice to the public are prescribed in another by-law; or
- c) Council directs that other public notice is to be given that Council considers adequate to give reasonable notice under the provision; or
- d) The CAO or Reeve determines that notice shall be waived due to an emergency situation.

3. Notice to the Public

The notice shall contain the following information:

- a) A general description of the matter.
- b) Where the matter relates to a defined location, sufficient particulars of the location such as reference to a municipal address or street intersection, or to a legal description or key map.
- c) The date at which the matter will be considered at a Committee of the Whole or Council meeting.
- d) The short title of this by-law shall be the “Notice by-law”.

READ a first, second and third time and passed this 4th day of February, 2008

Reeve Douglas J. Percy

Valerie Przybilla, CAO / Clerk

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Schedule “A”

<u>Section & Subject</u>	<u>Requirement of Municipal Act</u>	<u>Township Requirements</u>
Section 48 Change / naming of private roads	A local municipality may name or change the name of a private road after giving notice of its intention to pass the by-law.	Website posting 2 weeks prior to enactment of by-law. Publish notice in the newspaper, at least one time, 2 weeks prior to enactment of by-law.
Section 81 Shut Off of Public Utility	A municipality shall provide reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.	As required by the Act.
Section 110 (8) Agreements for municipal capital facilities – Tax exemption by-law	Upon the passing of a by-law, the municipal clerk shall give written notice of the contents of the by-law to: a) The assessment corporation; b) The clerk of any other municipality that would, but for the by-law, have had authority to levy rates on the assessment for the land exempted by the by-law; and c) The secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law.	As required by the Act.
Section 173 Restructuring Proposal	Council required to give notice of and hold at least one public meeting.	Publish in the newspaper at least 7 days in advance of the meeting.
Section 210 Business Improvement Areas	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.	As required by the Act.
Section 211 BIA – designation – repeal of by-law	Council shall give notice in accordance with Section 210. The council shall give the notice within 60 days after receiving the resolution or request.	As required by the Act.
Section 222 Establishment of Wards	Within 15 days after the by-law is passed, the municipality shall give notice of the passing of the by-law to the public, specifying the last date for filing a notice of appeal.	Publish in the newspaper according to the Act.
Section 238 Notice of Meetings	Notice of all public meetings of Council or Committees shall be made by means of posting the information in the Municipal Office, on the Township’s website and/or other available media and communication resources as deemed necessary by the Clerk a minimum of forty eight (48) hours in advance.	As required by By-law 2008-03
Section 295 Financial Statements – Publication	Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer for the municipality, shall publish in a newspaper having general circulation in the municipality.	As required by the Act.
Section 331 Taxes on Eligible Properties	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.	As required by the Act.
Section 343 Notice of Tax Bill	The treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due.	As required by the Act.
Section 348 Determination of Tax Status	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 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.	As required by the Act.

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By-Law No. 2008-11

Section 351 Seizure of personal property – Public Auction	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 the time and place of the public auction and the name of the person whose personal property is to be sold.	Publish in the newspaper two consecutive weeks prior to the public auction.
Section 356 Divisions of Land into Parcels	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.	As required by the Act.
Section 357 Cancellation, reduction, refund of taxes – Notice Requirement	On or before September 30 of the year following the year in which the application is made, council shall hold a meeting at which all applicants may make representations to council. Applicants shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of decision, council shall notify the applicants of the decision and specify the last day for appealing.	As required by the Act.
Section 358 Overcharges caused by a gross or manifest error	On or before September 30 of the year following the year in which the application is made, council shall hold a meeting at which all applicants may make representations to council. Applicants shall be notified of the meeting by mail sent at least 14 days before the meeting.	As required by the Act.
Section 359 Increase of Taxes as a result of any undercharge caused by 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 representation 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.	As required by the Act.
Section 365 Cancellation, reduction or refund of taxes.	If a lower tier municipality passes a by-law to cancel, reduce or refund taxes levied, it shall give notice of that fact to the upper tier municipality.	As required by the Act.
Section 374 Notice of Registration of tax arrears certificate – Notice requirement	Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to various specified parties.	As required by the Act.
Section 379 Public Sale (tax arrears certificate) Notice Requirement	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.	As required by the Act.

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By-Law No. 2008-11

<p>Section 391 Fees and Charges</p>	<p>Municipalities have the authority to impose fees and charges, under section 400, the Minister may make regulations regarding fees and charges, 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>Regulation 244/02 provides that, before passing a by-law to impose fees or charges, a municipality shall ensure that notice of the intention to pass the by-law is given to every person and organization that has, within 5 years before the day of the Council meeting, given to the clerk of the municipality a written request for notice of the intention to pass, containing a return address.</p>	<p>As required by the Act.</p> <p>Notice to be sent to last known address by registered mail or first class mail or hand delivered.</p>
<p>Section 402 Notice of 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 the Board determines.</p>	<p>As required by the Board.</p>
<p>Section 431 Power of Entry exercised</p>	<p>Where a municipality exercises a power of entry under this Act, the municipality must give notice to:</p> <ul style="list-style-type: none"> • Occupier of land • Within reasonable time before power of entry exercised • By personal service, in respect of room or place used a person dwelling • By personal service or prepaid mail or posting, in other circumstances 	<p>As required by the Act.</p>
<p>Section As required by the Act. 433 Closing premises, Public Nuisance – Notice to Attorney General</p>	<p>Upon the application of a municipality, where activities or circumstances constitute a public nuisance, the Superior court of Justice may make an order that the premises be closed. The municipality must give 15 days notice of its intention to make an application to the Attorney General.</p>	<p>As required by the Act.</p>
<p>Section 440 Collection of unpaid licensing fines</p>	<p>If any part of a fine for a contravention of a licensing by-law passed under section 6 of the Provincial Offenses 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.</p>	<p>As required by the Act.</p>