



**The Corporation of the Municipality of West Grey
Bylaw No. 2023-020**

A bylaw to adopt a policy to provide for notice to the public as required under the
Municipal Act, 2001

WHEREAS section 270 of the *Municipal Act, 2001* (“the Act”) provides that a 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 it is deemed expedient to set out minimum notice requirements for those actions for which the notice requirements are not prescribed under the provisions of the Act or its regulations; and

WHEREAS the council of the Corporation of the Municipality of West Grey passed Resolution No. R-230221-015 on February 21, 2023 to bring forward the subject bylaw for approval as per a staff report to council at its meeting held on February 21, 2023;

NOW THEREFORE be it resolved that the council of the Corporation of the Municipality of West Grey hereby enacts as follows:

Part I. Preamble and Defined Terms

Short Title

1. This bylaw may be referred to as the “Notice Bylaw”.

Headings

2. The division of this bylaw into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the bylaw.

References to Applicable Law

3. All references to applicable law are ambulatory and apply as amended from time to time.

Interpretation

4. For the purposes of this bylaw:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c.25 and includes the regulations thereto;

“Municipality” means the Municipality of West Grey;

“Clerk” means the Clerk of the Municipality of West Grey or his or her designate;

“Council” means the municipal council;

“Newspaper” means a printed publication in sheet form, intended for a general circulation, published regularly at intervals of no longer than a week, consisting in great part of news of current events or general interest and sold to the public and to regular subscribers;

“Public Utility” means municipally owned and/or operated water or wastewater systems.

Part II. General

5. The municipality shall follow the notice provisions set out in the Act.
6. Where separate bylaws have been enacted in accordance with the provisions contained within the Act, the notice provisions set out in such bylaws shall prevail.

7. It is the responsibility of the appropriate Director, in conjunction with the Clerk, to ensure that the form, manner, and timing of notice requirements applicable to his or her department are met.
8. No notice shall be required under this bylaw where the provision of notice will interfere with the ability of council to conduct business with respect to a matter permitted for a closed session under section 239 of the Act.
9. Nothing in this bylaw shall prevent the use of additional notice or using more comprehensive methods of notice.

Part III. Public Meetings and Intention to Pass a Bylaw Manner of Notice

Notice

10. Where notice of a public meeting or notice of intention to pass a bylaw is required to be given by the Act, the Clerk shall cause such notice to be published in a newspaper and on the municipality's website.

Time of Notice

11. Where notice of a public meeting or notice of intention to pass a bylaw is required to be given by the Act, such notice shall be provided in the time frame prescribed.
12. If the time frame is not so prescribed, notice shall be given at least once, not less than seven (7) days or more than thirty (30) days prior to the proposed public meeting being held or bylaw being considered.
13. No additional notice shall be required where a matter has been deferred or referred to a subsequent meeting.

Form of Notice

14. Unless otherwise prescribed in the Act, where notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - a. A description of the purpose of the public meeting;
 - b. The date, time, and location of the meeting;
 - c. Where the purpose of the public meeting is related to specific lands, a key map showing the affected lands;
 - d. The name and address of the person who will receive written comments on the subject issue and the deadline for receiving such comments.
15. Unless otherwise prescribed in the Act, where notice of intention to pass a bylaw is required to be given, the form of the notice shall include the following information:
 - a. A description of the purpose and effect of the proposed bylaw;
 - b. The date, time, and location of the meeting;
 - c. Where the proposed bylaw is related to specific lands, a key map showing the affected lands.

Part IV. Public Utility Restriction or Shut-off

16. Reasonable notice of a proposed restriction or shut-off of a public utility due to overdue accounts, as set out in section 81 of the Act, shall be as follows:
 - a. A past due notice will be sent by prepaid mail to both owners and tenants associated with an unpaid account after the account is past due for two (2) billing cycles. The past due notice shall include:
 - i. The amount of account due, including interest and notice fee;
 - ii. The due date for payment of the outstanding amount; and
 - iii. Contact information to make payment arrangements.
 - b. After the due date of the past due notice has passed and no arrangements have been made for payment of the unpaid balance, the following shall occur:

- i. Where a tenant is associated with an unpaid account a Disconnection Notice will be hand delivered to the tenant. The Disconnection Notice shall include:
 - ii. The amount of account due, including interest and notice fee;
 - iii. That the balance is due in full within three (3) business days of the notice; and
 - iv. That disconnection will occur if full payment is not received.
 - v. Where an owner only (no tenant) is associated with an unpaid account, a Notice of Transfer to Tax Roll will be sent by prepaid mail to the owner. The Notice of Transfer to Tax Roll shall include:
 - vi. The total transferred amount, including interest and transfer fee; and
 - vii. That the amount transferred will now be collected in the same manner as realty taxes.
17. Reasonable notice of an interruption or reduction of a public utility due to emergency or breakdown, as set out in section 82 of the Act, shall be by personal delivery to affected properties as soon as practicable.
18. Reasonable notice of an interruption or reduction of a public utility due to repair or extension, as set out in section 82 of the Act, shall be by personal delivery to affected properties at least 24 hours prior to commencement.

Part V. Matters for Which Notice is Not Required by the Act

Manner of Notice

19. Notice to the public shall be provided for all matters set out in Schedule 'A' in the manner set out in Schedule 'A'.

Time of Notice

20. Notice to the public shall be provided for all matters set out in Schedule 'A' in the time set out in Schedule 'A'.
21. No additional notice shall be required where a matter has been deferred or referred to a subsequent meeting.

Form of Notice

22. Notice to the public for all matters set out in Schedule 'A' shall include the following information, where applicable:
- a. A description of the subject matter under consideration;
 - b. The date, time, and location of the meeting where the subject matter will be considered;
 - c. Where the subject matter is related to specific lands, a key map showing the affected lands;
 - d. The name and address of the person who will receive written comments on the subject matter and the deadline for receiving such comments.

Council Motion

23. For all matters set out in Schedule 'A' council may reduce or amend the notice requirements upon passage of a motion at a duly called meeting of council, provided the motion dictates alternative requirements for giving notice deemed by council to be adequate in the circumstances.

Part VI. Emergencies

24. The notice requirements of this bylaw may be waived and the Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances where:
- a. The Chief Administrative Officer, in consultation with the Mayor, believes a matter:
 - i. Is of an urgent or time sensitive nature; or

- ii. Could affect the health or well-being of the residents of the municipality; or
- b. A state of emergency is declared.

Part VII. Conflict and Transition

Conflict

25. In the event the provisions of this bylaw are inconsistent with the provisions of the Act, the provisions of the Act shall prevail.

Terms Severable

26. The terms and provisions of this bylaw shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the bylaw shall continue to be in full force and effect.

Repeal

27. Bylaw Nos. 86-2002 and 3-2003 are hereby repealed.

Enactment

28. This bylaw shall come into full force and effect on the date it is passed at which time all bylaws, policies and resolutions that are inconsistent with the provisions of this bylaw are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this bylaw.

Read a first, second and third time and finally passed this 7th day of March, 2023.

Original signed

Mayor Kevin Eccles

Original signed

Jamie M. Eckenswiller, Clerk

Schedule 'A'
to Bylaw 2023-020
Matters for which Notice is not Required by the Act

(section references are from the Act)

| Matter | Summary of Requirement | Manner and Time Notice is to be Given |
|---|---|--|
| Permanent closure of a highway – s. 34 | Notice of intent to pass a bylaw permanently closing a highway | Published in a newspaper and on the municipality's website at least seven (7) days before the council meeting where the bylaw will be considered |
| Advertising devices bylaw – s.99 | Notice of intent to pass a bylaw respecting advertising devices | Published on the municipality's website at least seven (7) days before the council meeting where the bylaw will be considered |
| Business licencing – s. 151 | Notice of intent to pass a bylaw respecting business licencing | Published on the municipality's website at least seven (7) days before the council meeting where the bylaw will be considered |
| Change of name of municipality – s. 187 | Notice of public meeting and notice of intent to pass a bylaw changing the name of the municipality | Published in a newspaper and on the municipality's website at least seven (7) days before the council meeting where the matter will be considered |
| Dissolution of local boards – s. 216 | Notice of intent to pass a bylaw dissolving a local board | Notice by electronic mail, prepaid mail or personal service to local board secretary at least seven (7) days before the council meeting where the bylaw will be considered |
| Change composition of council – s. 217 | Notice of public meeting and notice of intent to pass a bylaw changing the composition of council | Published in a newspaper and on the municipality's website at least seven (7) days before the council meeting where matter will be considered |
| Establishment of wards – s. 222 | Notice of public meeting and notice of intent to pass a bylaw establishing wards | Published in a newspaper and on the municipality's website at least seven (7) days before the council meeting where matter will be considered |
| Procedural bylaw – s. 238 | Notice of intent to pass a bylaw respecting the calling, place and proceedings of meetings | Published in a newspaper and on the municipality's website at least seven (7) days before the council meeting where bylaw will be considered |

| Matter | Summary of Requirement | Manner and Time Notice is to be Given |
|------------------------------------|--|---|
| Adoption of policies – s. 270 | Notice of intent to pass a bylaw adopting a policy listed in s. 270 | Published on the municipality's website at least seven (7) days before the council meeting where the bylaw will be considered |
| Adoption of annual budget – s. 290 | Notice of public meeting and notice of intention to pass a bylaw adopting the budget | Published in a newspaper and on the municipality's website at least seven (7) days before the council meeting where the matter will be considered |
| Fees and charges – s. 391 | Notice of intent to pass a bylaw respecting fees and charges | Published on the municipality's website at least seven (7) days before the council meeting where the bylaw will be considered |