

BY-LAW NO. 11-2006

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A By-law to establish procedures for notices as required under the Municipal Act, 2001

FINALLY PASSED the 6<sup>th</sup> day of February, 2006

WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 251., (the "Act") provides that where a municipality is required to give notice under a provision of the Act, the municipality shall, except as otherwise provided, give the notice in a form and in the manner and at the times that the Council considers adequate to give reasonable notice under the provision;

AND WHEREAS it is deemed expedient to implement procedures with respect to the giving of reasonable notice to the public from time to time under the Act;

THEREFORE the Council of the Corporation of the Municipality of Chatham-Kent enacts as follows:

- 1) The "Procedure Schedules" attached hereto and forming part of this By-law be and they are adopted as reasonable notice to the public as required under the Act.
- 2) Unless otherwise provided, the form of the notice will be at the discretion of the CAO, but shall as a minimum provide a brief description of the action to be considered, as well as the date, time and place it will be considered by Council.
- 3) This By-law is intended to provide minimum standard of notice that Council considers adequate to give reasonable notice to the public, however, nothing in this By-law shall prevent the CAO from using additional means of notice or providing for a longer Notice

Period.

- 4) This By-law provides that the CAO or Council may by resolution determine “emergency” situations and give notice as soon as is practicable. In dealing with matters of an urgent or time sensitive nature, or a matter which might affect the health or well-being of the residents of the Municipality of Chatham-Kent, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, efforts will be made to provide as much notice as is reasonable under the circumstances.
  
- 5) By-law 10-2003 and By-law 216-2005 and all its amendments are hereby repealed.
  
- 6) That this By-law shall come into force and effect on the date of passing thereof.

By-law read a first and second time this 6<sup>th</sup> day of February, 2006.

By-law read a third time and finally passed this 6<sup>th</sup> day of February, 2006

Original Signed by:

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Mayor – Diane Gagner

Original Signed by:

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Clerk – Elinor Mifflin



**Index of Schedules 1 – 20**

Schedule	Notice of Intent	Municipal Act
1	Highway / Bridge Closing	34. Before passing a By-law for permanently closing a highway, a municipality shall give public notice of its intention to pass the By-law.
2	Private Road Closing	37. If a municipality requires the owner of any land to permanently close up any private road, entrance, gate or other structure that is constructed or is being used as a means of access to a controlled-access highway or other highway in contravention of a by-law, it shall give notice to the owner of the land personally or by prepaid registered mail to the last known address of the owner.
3	Naming Highways	47. Before passing a By-law naming a highway or changing the name of a highway, a municipality shall give public notice of its intention to pass the by-law.
4	Naming Private Roads	48. Before passing a By-law naming a highway or changing the name of a highway, a municipality shall give public notice of its intention to pass the by-law.
5	Shut off if Public Utilities for Overdue Accounts	81. (3) 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.
6	Licensing by-law	150.(4) Before passing a by-law under this section, the council of the municipality shall, except in the case of emergency,  hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter; and  ensure that notice of the public meeting is given.
7	Change of name	187.(2) Before passing a by-law changing its name, a municipality shall give notice of its intention to pass the by-law and shall hold a least one public meeting to consider the matter
8	Procedure bylaw	238. (4) Before passing a by-law under subsection (2), a municipality and local board shall give notice of its intention to pass the by-law.
9	Council composition	217. (2) Before passing a by-law under this section, the municipality shall give notice of its intention to pass the by-law and shall hold a least one public meeting to consider the matter
10	Adoption of budget	291. Before adopting all or part of a budget under section

Schedule	Notice of Intent	Municipal Act
		289 or 290, or amending such a budget, a municipality shall give public notice of its intention to adopt or amend the budget at a council meeting specified in the notice.
11	Financial statements	<p>295.(1) Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality,</p> <p>a) shall publish in a newspaper having general circulation in the municipality,</p> <p>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</p> <p>ii) a notice that the information described in sub clause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and</p> <p>b) may provide the information described in sub-clause (a)(i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.</p>
12	Improvements of services	<p>300. A municipality shall, at least once each calendar year, provide notice to the public of,</p> <p>1) improvements in the efficiency and effectiveness of the delivery of services by the municipality and its local boards; and</p> <p>2) barriers identified by the municipality and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them.</p>
13	Sewage systems or consumption of water	<p>Reg. 244/02 - s. 12(6)(a)</p> <p>Before passing a by-law imposing a fee or charge, the municipality or local board, as the case may be shall,</p> <p>(1) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter.</p>
14	Inspections & Issuances of Permits for fire purposes	<p>Reg. 244/02 - s. 13(6)(a)</p> <p>Before passing a by-law imposing a fee or charge, the municipality or local board, as the case may be shall,</p> <p>(2) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter.</p>
15	Advertising/ signs	99(1) Before passing the by-law, the municipality shall give public notice of its intention to pass the by-law
16	Dissolve or change	216(4) Before passing a by-law under this section, the

Schedule	Notice of Intent	Municipal Act
	local board – notice to board	municipality shall give notice of its intention to pass the by-law to the board
17	Wards – public meeting	<p>222(1) Despite any Act, a Municipality may divide or re-divide the municipality into wards or dissolve the existing wards</p> <p>222(2) Before passing a by law under subsection (1) the municipality shall,</p> <p>a) give notice of its intention to pass the bylaw and hold at least one public meeting to consider the matter; and</p> <p>b) have regard to criteria for establishing ward boundaries prescribed by the Minister</p> <p>222(3) Within 15 days after a by-law is passed under subsection (1) the municipality shall give notice to the passing of the by-law to the public specifying the last date for filing a notice of appeal under subsection (4)</p>
18	Notice with respect to fees and charges	<p>400. The Minister may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes of the Part, including</p> <p>f) requiring a Municipality or local board to give the prescribed notice of its intention to pass a by-law imposing the fees and charges which have priority lien status under clause (d) to the prescribed person in the manner and form and at the times prescribed</p>
19	Restructuring proposal- public meeting	<p>173(3) 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 is developed:</p> <p>1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting</p>
20	Registry of Business – By-law public meeting notice	<p>157 before passing any by-law under this section the council of the municipality shall, except in the case of emergency,</p> <p>a) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter;</p>

## SCHEDULE "1"

### Procedures for Notice - Highway / Bridge Closings

34. Before passing a By-law for permanently closing a highway/ bridge a municipality shall give public notice of its intention to pass the By-law.

#### **Content of Notice**

- Explanation of road / bridge closing, including location and mapping
- Section of Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written comments and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address information where to respond with comments prior to the Council meeting

#### **Manner of Notice**

- Published 1 week, at least 10 days prior to scheduled Council meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Municipal Website

## SCHEDULE "2"

### Procedures for Notice - Private Road Closings

37. If a municipality requires the owner of any land to permanently close up any private road, entrance, gate or other structure that is constructed or is being used as a means of access to a controlled-access highway or other highway in contravention of a by-law, it shall give notice to the owner of the land personally or by prepaid registered mail to the last known address of the owner.

#### Content of Notice

- Explanation of private road closing, including location and mapping
- Section of Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written comments and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### Manner of Notice

- Published 1 week, at least 10 days prior to scheduled Council meeting in Chatham-Kent Matters
- Notice to all ratepayers fronting the private road either personally or by prepaid registered mail to the last known address of the owner
- Notice to abutting municipality, if applicable
- Municipal Website

## **SCHEDULE “3”**

### **Procedures for Notice - Naming Highways**

47. Before passing a By-law naming a highway or changing the name of a highway, a municipality shall give public notice of its intention to pass the by-law.

#### **Content of Notice**

- Explanation of highway naming, including location and mapping
- Section of Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written comments and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### **Manner of Notice**

- Published 1 week, at least 30 days prior to scheduled Council meeting in Chatham-Kent Matters
- Notice to all ratepayers fronting the highway either personally or by prepaid mail to the last known address of the owner
- Notice to abutting municipality, if applicable
- Municipal Website

## SCHEDULE "4"

### Procedures for Notice - Naming Private Roads

48. A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law
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#### **Content of Notice**

- Explanation of private road naming, including location and mapping
- Section of Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written comments and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### **Manner of Notice**

- Published 1 week, at least 30 days prior to scheduled Council meeting in Chatham-Kent Matters
- Notice to all ratepayers fronting the private road either personally or by prepaid mail to the last known address of the owner
- Notice to abutting municipality, if applicable
- Municipal Website

## SCHEDULE "5"

### Procedures for Notice - Shut-Off of Public Utility for Overdue Accounts

81. (3) 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.

#### Content of Notice

- Printed on pre-printed municipal forms for water/sewer billings
- Amount of account due, including interest/penalty
- Due date for payment of outstanding amount
- On the FINAL Disconnection Notice - date of disconnection of service if account is not paid in full by the due date

#### Manner of Notice

- Reminder Notice: By prepaid mail to all unpaid accounts 14 days after the Due Date giving 7 days to pay the outstanding account.
- Collection Notice: By prepaid mail to all unpaid accounts 21 days after the Due Date giving 9 days to pay the outstanding account or the service will be disconnected.
- Disconnection Notice: By hand delivered mail 30 days after the Due Date to the customer that their service will be disconnected the next day.

## SCHEDULE "6"

### Procedures for Notice - Licensing By-law

- 150.(4) Before passing a by-law under this section, the council of the municipality shall, except in the case of emergency,
- (1) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter; and
  - (2) ensure that notice of the public meeting is given.

#### Content of Notice

- Explanation of licensing by-law
- Section of Act/Regulation, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information and address where to respond with comments prior to the public meeting

#### Manner of Notice

- Published 1 week, at least 10 days prior to scheduled public meeting in Chatham-Kent Matters
- Municipal Website

## **SCHEDULE “7”**

### **Procedures for Notice – Change of Name**

187. (2) Before passing a by-law changing its name, a municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter.
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#### **Content of Notice**

- Explanation of the by-law
- Section of Act, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information and address where to respond with comments prior to the public meeting

#### **Manner of Notice**

- Published 1 week, at least 10 days prior to scheduled public meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Website

#### **After Passage of By-law**

- A copy of the by-law shall be sent to the Director of Titles appointed under the Land Titles Act and to the Minister promptly after passing.

## SCHEDULE "8"

### Procedures for Notice - Procedure By-law

238. (4)	Before passing a by-law under subsection (2), a municipality and local board shall give notice of its intention to pass the by-law.
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#### **Content of Notice**

- Explanation of procedure by-law
- Section of Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written comments and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### **Manner of Notice**

- Published 1 week, at least 10 days prior to scheduled Council meeting in Chatham-Kent Matters
- Municipal Website

## **SCHEDULE “9”**

### **Procedures for Notice - Council Composition**

217. (2) Before passing a by-law under this section, 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.

#### **Content of Notice**

- Explanation of new composition of Council
- Section of the Act, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information and address where to respond with comments prior to the public meeting

#### **Manner of Notice**

- Published 1 week, at least 10 days prior to scheduled public meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Municipal Website

## **SCHEDULE “10”**

### **Procedures for Notice - Adoption of Budget**

291. Before adopting all or part of a budget under section 289 or 290, or amending such a budget, a municipality shall give public notice of its intention to adopt or amend the budget at a council meeting specified in the notice.

#### **Content of Notice**

- Explanation of budget public meeting
- Section of Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written comments and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### **Manner of Notice**

- Initial budget meeting will be published 1 week, at least 10 days prior to scheduled public meeting in Chatham-Kent Matters
- Municipal Website
- Council will provide an update at the conclusion of each Budget meeting as to the status of adopting the budget, to serve as public notice of Council's intention

## SCHEDULE "11"

### Procedures for Notice - Financial Statements

- 295.(1) 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,
    - (1) 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
    - (2) 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 sub-clause (a)(i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.

#### Content of Notice

- Explanation of financial notice in that the information will be made available at no cost to any taxpayer or resident of the municipality upon request
- Section of Act, including requirements
- Contact information at Administration Office where documents can be obtained

#### Manner of Notice

- Published 1 week, in Chatham-Kent Matters within 60 days of receipt of audited financial statements
- Municipal Website

## SCHEDULE "12"

### Procedures for Notice - Improvements in Service

300. A municipality shall, at least once each calendar year, provide notice to the public of,
- (1) improvements in the efficiency and effectiveness of the delivery of services by the municipality and its local boards; and
  - (2) barriers identified by the municipality and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them.

#### Content of Notice

- Explanation of approved public works projects, new services, etc. (include budget restraints)
- Section of Act, including requirements
- Contact information and address where information can be obtained

#### Manner of Notice

- Published 1 week in Chatham-Kent Matters, annually following adoption of annual budget
- Municipal Website

## **SCHEDULE “13”**

### **Procedures for Notice - Sewage System or Consumption of Water**

Reg. 244/02 - s. 12(6)(a)

Before passing a by-law imposing a fee or charge, the municipality or local board, as the case may be shall,

- (3) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter.

#### **Content of Notice**

- Set out the intention of the municipality or local board to pass the by-law and whether the by-law would impose any fee or charge which was not in effect on the day the notice is given or change any fee or charge which was in force on the day the notice is given
- Set out that the detailed information will be made available at no cost to any member of the public upon request. Said information shall include:
  - a description of the service or activity or other matter for which the fee or charge is being imposed;
  - an estimate of the costs of providing the sewage system or the water system, in respect of which the fee or charge is being imposed;
  - the amount of the fee or charge; and
  - the policies and rationale for imposing the fee or charge.
- Section of Act/Regulation, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information at Administration Office where documents can be obtained

#### **Manner of Notice**

- Published 1 week, at least 21 days prior to scheduled public meeting in Chatham-Kent Matters and/or notice by prepaid registered mail to each property owner affected by the municipal sewage system or water system which may be determined by resolution of the Public Utilities Commission and/or Council.
- Notice by prepaid mail at least 21 days prior to the public meeting to every person or organization that has within five years before the day of the public meeting given the Clerk of the municipality or secretary of the Local Board, as the case may be, a written request for notice of the passing of the by-law containing a return address
- Municipal Website
- Chatham-Kent PUC

## SCHEDULE "14"

### Procedures for Notice - Inspections and Issuance of Permits for Fire Purposes

Reg. 244/02 - s. 13(6)(a)

Before passing a by-law imposing a fee or charge, the municipality or local board, as the case may be shall,

- (4) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter.

### Content of Notice

- Set out the intention of the municipality or local board to pass the by-law and whether the by-law would impose any fee or charge which was not in effect on the day the notice is given or change any fee or charge which was in force on the day the notice is given
- Set out that the detailed information will be made available at no cost to any member of the public upon request. Said information shall include:
  - a description of the service or activity or other matter for which the fee or charge is being imposed;
  - an estimate of the costs of providing the fire inspection and permit system in respect of which the fee or charge is being imposed;
  - the amount of the fee or charge; and
  - the rationale for imposing the fee or charge.
- Section of Act/Regulation, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information at Administration Office where documents can be obtained

### Manner of Notice

- Published 1 week, at least 21 days prior to scheduled public meeting in Chatham-Kent Matters
- Municipal Website

## SCHEDULE "15

### Procedures for Notice – Advertising / Signs

99 (1) Before passing a by-law under this section, the municipality shall give notice of its intention to pass the by-law
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#### **Content of Notice**

- Explanation of by-law
- Section of the Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### **Manner of Notice**

- Published 1 week, at least 10 days prior to scheduled Council meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Municipal Website

## **SCHEDULE “16”**

### **Procedures for Notice – Dissolve or Change local board – Notice to Board**

216 (4) Before passing a by-law under this section, the municipality shall give notice of its intention to pass the by-law to the board
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#### **Content of Notice**

- Explanation of by-law
- Section of the Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### **Manner of Notice**

- Published 1 week, at least 10 days prior to scheduled Council meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Municipal Website

## SCHEDULE “17”

### Procedures for Notice – Wards – Public Meeting

222(1)	Despite any Act, a Municipality may divide or re-divide the municipality into wards or dissolve the existing wards
222(2)	Before passing a by law under subsection (1) the municipality shall, a) give notice of its intention to pass the bylaw and hold at least one public meeting to consider the matter; and b) have regard to criteria for establishing ward boundaries prescribed by the Minister
222(3)	Within 15 days after a by-law is passed under subsection (1) 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 under subsection (4)

#### Content of Notice

- Explanation of new ward composition
- Section of the Act, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information and address where to respond with comments prior to the public meeting

#### Manner of Notice

- Published 1 week, at least 10 days prior to scheduled public meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Municipal Website

## SCHEDULE "18"

### Procedures for Notice – Fees and Charges

400. (f) requiring a Municipality or local board to give the prescribed notice of its intention to pass a by-law imposing the fees and charges which have priority lien status under clause (d) to the prescribed person in the manner and form and at the times prescribed

#### Content of Notice

- Explanation of fees or charges for service or activities provided
- Section of the Act, including requirements
- Date/Time/Place of Council meeting for consideration of By-law
- Written and/or verbal comments will be considered at the Council meeting where By-law is to be enacted
- Contact information and address where to respond with comments prior to the Council meeting

#### Manner of Notice

- Published 1 week, at least 10 days prior to scheduled Council meeting in Chatham-Kent Matters
- Municipal Website

## SCHEDULE "19"

### Procedures for Notice – Restructuring Proposal – Public meeting

- 173(3) 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

#### Content of Notice

- Explanation of restructuring proposal
- Section of the Act, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information and address where to respond with comments prior to the public meeting

#### Manner of Notice

- Published 1 week, at least 10 days prior to scheduled public meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Municipal Website

## SCHEDULE "20"

### **Procedures for Notice – Registry of Businesses – By-law public meeting notice**

157 Before passing any by-law under this section the council of the municipality shall, except in the case of emergency,

a) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter;

#### **Content of Notice**

- Explanation of registry of business and maintain its registry
- Section of the Act, including requirements
- Date/Time/Place of public meeting for consideration of By-law
- Written and/or verbal comments will be considered at the public meeting
- Contact information and address where to respond with comments prior to the public meeting

#### **Manner of Notice**

- Published 1 week, at least 10 days prior to scheduled public meeting in Chatham-Kent Matters
- Notice to abutting municipality, if applicable
- Municipal Website