

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 2016 – 46

**BEING A BY-LAW OF THE CITY OF PEMBROKE TO ADOPT A POLICY  
FOR THE PROVISION FOR THE GIVING OF PUBLIC NOTICE**

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WHEREAS Section 270 (1) 4 of the *Municipal Act, 2001*, as amended, provides that a municipality shall adopt and maintain policies 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 advisable and necessary to establish and adopt a Notice Policy thereby establishing that the Council of the Corporation of the City of Pembroke complies with the legislative requirements for giving reasonable notice to the public to ensure that it is accountable;

NOW THEREFORE THE COUNCIL OF THE CITY OF PEMBROKE  
HEREBY ENACTS AS FOLLOWS:

1. THAT the City of Pembroke Public Notice Policy attached hereto as Appendix “A” is hereby adopted.
2. THAT the short title of Appendix “A” to this By-law shall be the “Notice Policy”.
3. THAT This By-law shall come into force and take effect on the date of passing thereof.

READ A FIRST AND SECOND TIME THIS 9<sup>th</sup> DAY OF AUGUST, 2016.

  
\_\_\_\_\_  
Treasurer/Deputy Clerk

  
\_\_\_\_\_  
Mayor

READ A THIRD TIME AND PASSED THIS 9<sup>th</sup> DAY OF AUGUST, 2016.

  
\_\_\_\_\_  
Treasurer/Deputy Clerk

  
\_\_\_\_\_  
Mayor



**By-law 2016-46  
Appendix "A"**

**Public Notice Policy**

**1. Policy**

This policy describes the circumstances in which notice shall be provided to the public and the form, manner, and times notice shall be given as required under section 270 (1) 4 of the *Municipal Act, 2001*.

**2. Purpose**

In accordance with the provisions contained in the Municipal Act, this policy sets 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.

**3. Definitions**

- a. **"Act"** means the Municipal Act 2001, S.O. 2001, c.25 as amended from time to time, and includes any regulation made there under;
- b. **"CAO/Clerk"** means the CAO/Clerk of The Corporation of the City of Pembroke or his/her designate.
- c. **"City"** means the City of Pembroke;
- d. **"City website"** means website maintained by the City of Pembroke ([www.pembroke.ca](http://www.pembroke.ca));
- e. **"Council"** means the municipal council of the City of Pembroke;
- f. **"Council Procedure By-law"** means By-law 2016-44 being a By-law of the City of Pembroke to establish procedures for the City of Pembroke and any successor by-law to that by-law;
- g. **"Newspaper"** means a document that:
  - i. Is printed in sheet form, published at regular intervals of a week or less and circulated to the general public;
  - ii. Consists primarily of news of current events of general interest; and
  - iii. For the purpose of this By-law circulated in the geographic area of the City of Pembroke
- h. **"Notice to the Public"** or **"Public Notice"** means notice given to the public generally, but does not include notice given only to specified persons;
- i. **"Notice Page"** means the subdirectory on the City's web site where notices are posted;
- j. **"Published"** means to print in a newspaper that in the opinion of the CAO/Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby.
- k. **"Public"** means the persons of the City of Pembroke, including the residents, citizens, taxpayers, whether natural persons or corporations;

#### **4. Application**

Where the City is required to give notice to the public under a provision of the Act, the notice shall be given in a form and manner and at the times indicated in this policy unless;

- a. The Act, another statute, or a regulation pursuant to such Act prescribes or permits otherwise;
- b. The requirements for notice to the public are prescribed in another policy or by-law; or
- c. Council directs that some other form and manner of public notice is to be given that Council considers adequate to give reasonable notice under the provision.

This policy sets out the minimum requirement; nothing in this policy shall prevent the use of more comprehensive methods of Public Notice or for providing for a longer Public Notice period. No additional Public Notice will be required for subsequent meetings where a matter has been deferred to a subsequent meeting by City Council or by a Committee of Council.

#### **5. Notice to the Public (General Requirements)**

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

- a. A general description of the matter under consideration or otherwise involved;
- b. Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as a reference to a municipal address or street intersection, or to a legal description or key map;
- c. Purpose of any meeting of which Public Notice is required to be given or the purpose and effect of the proposed action;
- d. Identification of the authority under which the Public Notice is being given;
- e. The date, time and location of any meeting at which the matter will be considered of which Public Notice is required to be given;
- f. Instructions on obtaining additional information, submitting comments or attending the meeting.
- g. That the Public Notice is given by the Corporation of the City of Pembroke, or by the CAO/Clerk on its behalf.

#### **6. Form of Notice**

Where legislation requires the municipality to provide public notice and it is silent on how the notice is to be provided, the notice shall be:

- a. Placed on the City's website at least one week before the meeting at which the matter is to be dealt with by Council, and
- b. Published in the local daily newspaper at least one week before the meeting at which the matter is to be dealt with by Council.

#### **7. Closed Session**

No notice shall be required under this policy, 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 in accordance with Section 239 of the Municipal Act 2001.

**8. Emergency Provision**

If a matter arises, which in the opinion of the CAO/Clerk, 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 City of Pembroke, or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of this policy may be waived and the CAO/Clerk shall make best efforts to provide notice as is reasonable under the circumstances.

**9. Notwithstanding Provision**

Where notice of intention to pass a by-law or notice of a public meeting is required to be given and the timeframe for such notice is not already prescribed in the Act or its Regulations or otherwise addressed in this policy, notice shall be given at least once, no less than 7 days prior to the proposed activity to be undertaken.

**Notice Classification:**

**Class #1** *Personal Notice* to Individual or a Limited number of People – sent by mail (may be sent pre-paid or registered mail) to the last known address or hand delivered or posting the notice on the land in a conspicuous place. Notice may be posted on the City website under NOTICES.

**Class #2** *Public Notice* shall be published once in a newspaper within one week prior to the passing of the by-law and shall also be posted on the website of the Corporation under NOTICES.

**Class #3** *Notice* to be posted on the City of Pembroke’s website under NOTICES.

<b>Municipal Act Section</b>	<b>Subject Matter</b>	<b>Basic Requirement</b>	<b>Notice Classification</b>
48	Change/Naming of Private Roads	Municipality shall give public notice of intent to pass by-law.	Public Notice #2
81 (3)	Shut-off of Public Utility	Upon proposed shut-off by municipality or a public utility.	Personal Notice #1
173 (3)	Proposal to Restructure	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 person or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipal considers appropriate.	Public Notice #2 Prior to Council voting  At Least 1 public meeting
206	BIA Composition and Budget	A board of management shall give reasonable notice to the general membership of the improvement area of a meeting to hold a vote under clause 204 (3) (b) or for the purposes of a discussion under subsection 205 (1)	Personal Notice #1 to the general membership Date and time set by the municipality.
210	BIA By-law	Prior to passing a by-law and prior to designating an area as an improvement area and establish a board of management and to set levy upon rateable property in the improvement area. Notice of the proposed by-law shall be sent by prepaid mail to the Board of Management of the improvement area and every person assessed for rateable property within the improvement area.	Personal Notice #1

<b>Municipal Act Section</b>	<b>Subject Matter</b>	<b>Basic Requirement</b>	<b>Notice Classification</b>
211	BIA – Repeal of By-law	Council shall give notice in accordance with subsection 210 (1) of a proposed by-law to repeal a by-law under section 204 (1) if the municipality has received a qualifying resolution or a request. A municipality shall give notice before passing a by-law and shall hold at least one public meeting.	Personal Notice #1 Before passing the by-law. At least one public meeting
219 (1)	Change composition of Council	Before passing a by-law, 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.	Public Notice #2 At least one Public Meeting
238 (2.1)	Giving of Notice	The Procedural By-law shall provide for public notice of meetings.	Public Notice #3
295	Publication of Financial Statement	Within 60 days after receiving the audited financial statements of the municipality for the previous year.	Public Notice #3 Within 60 Days
297 (4)	Auditor's right to attend – Right of Access	Auditor's entitlement to attend any meeting and receive all notices relating to the meeting and to make representation as required.	Personal Notice #1
331	Taxes on Eligible Properties	The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the local municipality.	Personal Notice #1 Within 60 days
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.	Personal Notice #1 21 Days prior to due date
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. Upon making the 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.	Personal Notice #1 By February 28 <sup>th</sup> in each year
350	Tenant Obligations – taxes owning	Where taxes are owned in respect of any land occupied by a tenant, the Treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the Treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with this notice.	Personal Notice #1

Municipal Act Section	Subject Matter	Basic Requirement	Notice Classification
351	Seizure of Personal Property – Public Auction	The Treasurer shall give the public notice of the time and place of the public auction to recover taxes and costs of seizure	Public Notice #3 At time set by Treasurer
356 (4) (5)	Division of Land into Parcels	On or before September 30 of the year in which the application is made, Council shall a. Hold a meeting at which the applicants and owners of any part of the land may make representation to council b. Notify the applicants and owners of the meeting by mail sent at least 14 days before the meeting; Within 14 days after making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision.	Public Notice #1
357 (6)	Cancellation, reduction, refund of taxes	Within 14 days after making its decision, Council shall notify the applicants of the decision and specify the last day for appealing the decision.	Personal Notice #1 Within 14 days of decision
358	Overcharges caused by a gross or manifest error	Treasurer to send copy of application to the Assessment Corporation and the Assessment Review Board; and to notify applicant of invalid application. A meeting is held where the applicant may make representation to the Council.	Personal Notice #1 On or before September 30th of the year following the year in which the application is made
359 (3) (4)	Increase of taxes as a result of any undercharge caused by a gross or manifest effort, but not an error in judgment in assessing the land.	Upon application made by the Treasurer, written notice is provided to the person in respect to whom the application is made.	Personal Notice #1

Municipal Act Section	Subject Matter	Basic Requirement	Notice Classification
374 (1)	Notice of Registration of Tax Arrear Certificate	<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 following:</p> <ol style="list-style-type: none"> <li>1. The assessed owner of the land</li> <li>2. Where land is registered under the <i>Land Titles Act</i>, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379 (711) (a) or (b).</li> <li>3. Where the <i>Registry Act</i> applies to the land, every person appearing by the abstract index and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379 (7.1) (a) or (b). 2001, c.25, s. 374 (1); 2006, c.32, Schedule A, s. 153</li> </ol>	Personal Notice #1 Within 60 days.
379 (1)	Public Sale (Tax Arrears Certificate)	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 days period, shall send to the person 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.	Personal Notice #1 Within 30 days after the expiry of the 280-day period.
380 (3)	Payment into Court – proceeds of sale	After making a payment into court under subsection 380 (2) (following sale of land) a copy of a statement to the Public Guardian and Trustee and the persons to whom the Treasurer sent notice under subsection 379 (1)	Personal Notice #1 Within 60 days.
388 (2)	Notice of forfeiture registered	If, before January 1, 2004, a notice of forfeiture was registered in respect to any land under section 23 of the Municipal Tax Sale Act, 1984, the land is vested in the municipality upon registration as it read on December 31, 2002.	Personal Notice #1 Before January 1, 2004
400	Fees and Charges imposed by a municipality on a person constitute a debt of the person – amount owing added to tax roll	Prior to passing a by-law imposing the fees and charges which have priority lien status which are added to the tax roll. The notice must be in the manner and form and at the times prescribed by the Minister.	Public Notice #2



Municipal Act Section	Subject Matter	Basic Requirement	Notice Classification
435 (2)	Conditions governing Power of Entry	When notice is required, the notice must satisfy the following requirements: <ol style="list-style-type: none"> <li>1. Be given to the occupier of the land in respect of which the power of entry will be exercised.</li> <li>2. Must be given within a reasonable time before the power of entry is exercised.</li> <li>3. Must be given by personal service in the case of a proposed exercise of a power of entry under section 79, 80, or 446 in respect of a room or place actually used as a dwelling.</li> <li>4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. 2006, c.32, Schedule A, s.184</li> </ol>	Personal Notice #1 Must provide reasonable notice of the proposed entry.
441	Collection of Unpaid Licensing Fines	Whenever any part of fine for a contravention of a licensing By-law passed under the <i>Municipal Act</i> remains unpaid after the fine become due and payable under section 6 of the <i>Provincial Offences Act</i> .	Personal Notice #1