

B Y - L A W N U M B E R 232-2005

A BY-LAW TO AMEND BY-LAW NUMBER 46-2003 BEING A BY-LAW TO DESCRIBE THE FORM, MANNER AND TIMES FOR THE PROVISION OF NOTICE UNDER THE MUNICIPAL ACT, 2001

Passed the 19th day of September, 2005.

WHEREAS the Council of the Corporation of the City of Windsor enacted By-law Number 46-2003 on February 17, 2003, for the purpose of describing the form, manner and times for the provision of notice under the Municipal Act, 2001;

AND WHEREAS it is deemed expedient and desirable to amend a portion of Schedule "A", attached to and forming part of said by-law;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. That the words "To Name or" be added to the portion of the Table under item 2 on said schedule which deals with Section 47, immediately preceding the words "change name of highway".
2. That this by-law shall come into force and take effect after the final passing thereof.

First Reading - September 19, 2005
Second Reading - September 19, 2005
Third Reading - September 19, 2005

B Y - L A W N U M B E R 129-2004

A BY-LAW TO AMEND BY-LAW NUMBER 46-2003 BEING A BY-LAW TO DESCRIBE THE FORM, MANNER AND TIMES FOR THE PROVISION OF NOTICE UNDER THE MUNICIPAL ACT, 2001

Passed the 10th day of May, 2004.

WHEREAS it is deemed expedient to amend By-Law Number 46-2003, cited as the By-Law to describe the Form, Manner and Time for the provision of Notice under the Municipal Act, 2001, passed February 17, 2003 to provide for giving of Notice.

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. That the following section be added to SCHEDULE "A"- **Notice Requirements:**

1. Notice Method # 7 means publishing one notice in a newspaper.

2. That the **Table** in SCHEDULE "A" be amended as follows:

Section of Municipal Act

**Recommende
d Notice
Method**

Sec. 34 (1)

Permanent closure of a highway

#7

3. This by-law shall come into force and take effect on the day following the passing thereof.

First Reading - May 10, 2004
Second Reading - May 10, 2004
Third Reading - May 10, 2004

BY - LAW NUMBER 46-2003

A BY-LAW TO DESCRIBE THE FORM,
MANNER AND TIMES FOR THE PROVISION
OF NOTICE UNDER THE MUNICIPAL ACT,
2001

Passed the 17th day of February, 2003.

WHEREAS THE Municipal Act, 2001, S.O. 2001, c. 25, s. 251 provides that where a municipality is required to give notice under a provision of the said 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 advisable and expedient to provide for the giving of notice as aforesaid;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. In this by-law,

“Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended and revised;

“City newsletter” means a printed publication intended for general circulation, published by the Corporation, consisting in great part of information with respect to programs and activities of the Corporation and circulated free of charge to the public;

“Clerk” means the Clerk of the Corporation of the City of Windsor;

“newspaper” means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than one (1) week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers;

“Public meeting” means a duly constituted meeting of Council, board, commission, committee of Council or other such duly authorized agency of Council, which has been convened to consider general or specific matters within the domain and responsibility of the Council, board, commission, committee or agency;

“published” means published in a newspaper that, in the opinion of the Clerk, has such circulation within the City of Windsor as to provide reasonable notice of a matter to those affected thereby;

“Subject Matter” means the issue, measure, requirement, meeting or other matter or thing in respect of which a notice is required to be given.

2. Where the Corporation is required to give notice under a provision of the Act, it shall, except as otherwise provided by the Act or a Regulation thereunder, give notice in the form and in the manner and at the times provided in this by-law.

3. The notice shall:

- (a) be in writing;
- (b) describe the Subject Matter under consideration or otherwise involved;
- (c) set out the date, time and location of any meeting at which the Subject Matter will be considered;

- (d) where written submissions may be made, contain the name and title of the City official to whom they are to be sent, together with the address of the official and the deadline for receipt of such submissions; and
- (e) be clearly identified as a notice given by the Corporation.

4. Notice shall be given in the manner and at the times set forth in Schedule "A" hereto.

5. The Council declares that notice given in accordance herewith is considered adequate, but that greater or more comprehensive notice may be given by an officer of the Corporation and shall be deemed to comply herewith.

6. Except where otherwise provided in this by-law, or in the Act or a Regulation thereunder, the following rules shall govern notice given pursuant to this by-law:

- a) Notice given by mail shall be conclusively deemed to have been received on the 5th day following the mailing of the notice.
- b) Any person entitled to notice may at any time waive the requirements relating thereto.
- c) Where a notice does not strictly comply with the provisions hereof but would substantially inform a reasonable person of the Subject Matter to which the notice relates, the notice shall be deemed to be adequate and in compliance herewith.
- d) Where notice has been given respecting a Subject Matter and the Subject Matter is adjourned or otherwise postponed to a fixed date and the new date is openly announced at the public meeting when the Subject Matter was originally to be considered or otherwise dealt with, it shall not be necessary to give further notice.
- e) Where notice is required to be given to an owner of land, the owner shall be deemed to be the persona shown on the last revised assessment roll of the Corporation, at the address shown on the roll, provided that if the Clerk of the Corporation has received written notice of a change of ownership, the notice shall be given instead to the new owner at the address set out in the notice.

7. In the event a matter arises which, in the opinion of the City Manager (or designate) 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 Windsor, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action and will present a report to Council for ratification.

8. This By-law shall come into force and take effect upon the final passing hereof.

MICHAEL HURST, MAYOR

JOHN SKOROBOHACZ, CITY CLERK

First Reading - February 17, 2003
Second Reading - February 17, 2003
Third Reading - February 17, 2003

SCHEDULE "A"
to By-law Number 46-2003

Notice Requirements

1. In this schedule:

Notice Method #1 means notice given by ordinary, prepaid mail;

Notice Method #2 means notice given by prepaid registered mail;

Notice Method #3 means notice delivered personally to the person to be notified;

Notice Method #4 means notice published in a newspaper once a week for three (3) successive weeks;

Notice Method #5 means notice published in a newspaper not less than one (1) week prior to the date when the subject matter is dealt with;

Notice Method #6 means posted on the property affected.

2. The following Table shall apply to notices given pursuant to this By-law.

Section of Municipal Act	Recommended Notice Method
Section 34(1) Permanent closure of a highway	#4
Section 34(2) Permanently altering a highway	#4
Section 36(1)(a) and (b) Controlled Access Highway a) public notice of intention to pass by-law b) notice to owner personally or by prepaid registered post	#4 Governed by Act
Section 36(3)(a) Intention to pass by-law to owner and public	#5
Section 36(3)(b) Passage of By-law	#2 or #3
Section 37(1) Closure of access to controlled access highway	#2 or #3
Section 47 Change name of highway	#5
Section 48 Change name of private roads	#5
Section 81(1) Shutoff of public utilities	#2 or #6
Section 99(1) Advertising devices – by-law	#5
Section 110(8) Notice of tax exemption by-law	#1
Section 144(5)(c) Power of entry – order repair	#2, #3 or #6

Section of Municipal Act	Recommended Notice Method
Section 144(8)(9)(11) Authority of Municipality	#2 or #3
Section 150(4)(b) Notice of public meeting to pass licensing by-law	#5
Section 150(5) Notice of public meeting – emergency licensing by-law	#5
Section 157(3) Notice of Public meeting – registry of businesses	#5
Section 173(3) Restructuring proposal	#5
Section 174(12) Commission on restructuring	#5
Section 187 change name of corporation	#4
Section 206 Establish BIA corporations	#1
Section 210 BIA By-law	#1
Section 211 BIA repealing by-law	#1
Section 216(4) Dissolution of local boards (except Police Service Boards)	#1
Section 217 Council composition	#4 or #5
Section 222 Establishment of wards	#4 or #5
Section 238(2) Procedural by-law	#5
Section 251 Giving of notice	#5
Section 268 Sale of land procedures	#5
Section 291 Adoption or amendment of budget	#5
Section 295 Financial Statements – publication	#5
Section 297 Auditors right to attend	#1
Section 300 Municipal Performance Measures Program -Improvements in service	#5 unless otherwise designated by Minister
Section 331(2) Taxes on eligible properties	#1
Section 348(2) and (3) Determination of tax status	#1
Section 350 Obligations of tenant – taxes owed	#1
Section 351(8) Sale of Seized Personal Property – public auction	#1 and #4
Section 357(5)(b) and (6) Cancellation, reduction, refund of taxes a) notice of meeting b) notice of decision	#1 #1
Section 358 Overcharges – gross or manifest error	#1

Section of Municipal Act	Recommended Notice Method
Section 359 Increase resulting from undercharge caused by gross or manifest error	#1
Section 365 Cancellation, reduction or refund of taxes	#1
Section 374(1) Notice of registration of tax arrears certificate	#1
Section 379(1) Public sale	#1
Section 379 (5b) and (15) no registration of notice of vesting	#4
Section 380(3) Payment into court – proceed of sale	#1
Section 388 (2) Notice of forfeiture registered	#2
Section 400 Collection of unpaid licensing fines	#1 and #4
Section 402 (1) Notice of debt	#1 and #5
Section 408 By-laws re debentures	#1 and #5
Section 431 Where Power of Entry exercised	#1, #3 or #6
Section 432 Closing premises for lack of licence	#1
Section 433 Closing premises, public nuisance	#1
Section 440 Collection of unpaid licensing fees	#1