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Consolidated By-Law

The Corporation of the City of Thorold

By-law No. 97-2019

Being a By-law to Establish a Public Notice Policy

Whereas Section 270(1)(4) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, makes provision in part, that Municipalities adopt and maintain policies for circumstances in which the Municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notices shall be provided; and

Whereas Section 270(1)(5) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

Whereas sections of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, requires a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of the holding of certain required public meetings and notice of other matters; and

Whereas Section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides in part that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas it is deemed advisable to establish a public notice policy.

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

1. **DEFINITIONS**

In this By-law:

- a) "Latest News" shall mean the page where notices are posted on the City of Thorold website.
- b) "municipality" shall mean The Corporation of the City of Thorold.
- c) "Municipal Act" and/or "Act" shall mean the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;
- d) "newspaper" shall mean the local printed publication containing news, advertisements and correspondence having the highest circulation, in the opinion of the Clerk, with the City of Thorold. "City of Thorold website" shall mean the official Corporation of the City of Thorold internet website or site directly linked thereto.
- e) "Notice by mail" shall mean notice given to a specified person or persons by pre-paid first class mail, courier service, or regular mail. Delivery shall be deemed completed upon first attempt of the courier or mail provider to deliver to the address on file with the municipality. Seven (7) days shall be added to the date of any notice requirements in instances where regular or untracked mailing is utilized.
- f) "Notice to the Public" or "Public Notice" shall mean notice given to the public generally, but does not include notice given only to specified property owners.

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Subsections  
1(h) and (i)  
amended  
through By-  
law 56-  
2024.

- g) "Personal Notice" shall mean notice given to a specified person or persons by personal service, and shall be deemed to be completed on the day that the serving of all required notices is completed.
- h) "Property" means real property and includes all buildings and structures thereon.
- i) "Website" means the official internet website of the City of Thorold whose uniform resource locator is known as [www.thorold.ca](http://www.thorold.ca).

2. **GENERAL**

- a) Where the municipality is required to give notice pursuant to a provision of the Municipal Act where Council deems it appropriate to prescribe notice, notice shall be given in a form and manner indicated as shown on Schedule "A" attached.
- b) A public notice, utilizing the Municipal website, shall be sufficient even if the City of Thorold website is not accessible at all times during the public notice posting period.
- c) Notwithstanding any provision of this By-law is invalid in cases where:
  - i) the Municipal Act, or another Act or regulation prescribed specific notice requirements in excess of those outlined in this By-law or;
  - ii) the City of Thorold Municipal Council directs that public notice be given in excess of the requirements of this By-law or legislation.
- d) A public notice given under the provision of this By-law shall contain the following information (where applicable):
  - i) a general description of the matter; and
  - ii) where the matter relates to a defined location, sufficient particulars of the location such as a key map, municipal address or legal description; and
  - iii) the date, item and location of the Council meeting at which the matter will be considered; and
  - iv) instructions for obtaining additional information.
- e)
  - i) if a matter is deferred at a Council meeting or if a matter is considered at a subsequent Council meeting, no additional public notice shall be required, except where the Municipal Act, other Provincial Statute provides otherwise, or if the City of Thorold Council directs that additional public notice be given.
  - ii) if the matter is considered at a subsequent Council Meeting, no additional notice is required, except where the Municipal Act or other Provincial Statute provides otherwise.
- f) The public notice requirements of this By-law are minimum requirements and Council, City Clerk or Chief Administrative Officer are authorized to provide additional public notice if reasonable and necessary in the circumstances.

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- g) That unless specifically provided for by law, the failure to provide public notice with regard to any matter in accordance with this Policy does not thereby render any decision, action, motion, resolution, by-law or any other act invalid, void or voidable.
- h) The public notice requirements of this By-law may be waived by the Mayor or designate in consultation with the Clerk or Chief Administrative Officer where a matter is considered to be of an urgent or emergency nature affecting health, safety and well-being of the residents of the City of Thorold and best efforts shall be made to provide as much notice as is reasonable under the circumstances.
- i) Notice of an intention to designate a Property under section 26 or 39 of the Ontario Heritage Act, R.S.O., 1990, c.O.18 or notice of a proposed designation by-law or amendment to a designation by-law shall consist of publication of the notice on the City's Website.

Subsection  
2(i) amended  
through By-  
law 56-2024

3. **EFFECTIVE DATE**

That the effective date of this By-law shall be the date of passage thereof.

Read a first, second and third time and finally passed by Council this 16th day of July, 2019.

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Terry Ugolini, Mayor

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Donna Delvecchio, City Clerk

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**Schedule "A" to By-law No. 97-2019**

<b>PUBLIC NOTICE REQUIREMENTS</b>		
<b>Circumstances</b>	<b>Summary of Requirements</b>	<b>Form, Manner and Times</b>
<p><b>Budget – Adopting Rate or Tax Budget</b></p> <p><i>(Section 290 and 291, Municipal Act, 2001)</i></p>	<p>Public notice required to advise of a minimum of one Council meeting to consider the enactment of a rate or tax budget by-law. The notice shall specify when and where information in regard to such a by-law may be obtained and shall specify whether any fee or charge may be included.</p> <p>Despite, any other provision of this by-law, no separate or additional public notice shall be required for a fee or charge that forms part of a rate or tax budget by-law for which public notice has been given under this provision.</p>	<p>One notice published on the municipal website a minimum of 7 days prior to the Council meeting.</p>
<p><b>Change of Name of Municipality</b></p> <p><i>(Section 187, Municipal Act, 2001)</i></p>	<p>Notice not required under the Municipal Act, 2001</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the meeting.</p> <p>One notice posted on City's website at least 14 days prior to adoption of by-law.</p>
<p><b>Changes to Composition of Council</b></p> <p><i>(Section 217, Municipal Act, 2001)</i></p>	<p>Notice not required under the Municipal Act, 2001</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the meeting.</p> <p>One notice posted on City's website at least 14 days prior to adoption of by-law.</p>
<p><b>Dissolution or Change to Local Board</b></p> <p><i>(Section 216, Municipal Act, 2001)</i></p>	<p>Notice to local board required to advise of a Council meeting to consider the enactment of a by-law to dissolve or change local board.</p>	<p>One notice sent by regular prepaid mail, mailed to the local board a minimum of 14 days prior to the Council meeting.</p>
<p><b>Enactment of a Business Licensing By-law or Amendments thereto</b></p>	<p>Notice not required under the Municipal Act, 2001</p>	<p>One notice published on the municipality website a minimum of 7 days prior to the Council meeting.</p>
<p><b>Enactment of a Fee or Charge By-law</b></p>	<p>Public notice required to advise of a minimum of one Council meeting to consider the enactment of a fee or charge by-law. The notice shall specify when and where information in regard</p>	<p>One notice published on the municipality website a minimum of 7 days prior to the Council meeting prior to adoption of by-law.</p>

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	<p>to such a by-law may be obtained.</p> <p>Despite any other provision of this By-law, no separate or additional public notice shall be required for a fee or charge for which public notice has been given under this provision.</p>	
<p><b>Establish or Dissolve Wards</b></p> <p><i>(Section 222, Municipal Act, 2001)</i></p>	<p>Public notice required to advise of a Council meeting to consider enactment of a by-law dividing or redividing into wards or dissolving wards.</p> <p>After a by-law dividing or redividing into wards or dissolving wards has been passed, public notice required to advise of the passing of the by-law. The public notice shall specify the last date for filing a notice of appeal.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the meeting.</p> <p>One notice posted on City's website at least 14 days prior to adoption of by-law.</p> <p>One notice published in a newspaper within 15 days of the passing of the by-law.</p>
<p><b>Naming or Renaming a Private Road</b></p> <p><i>(Section 48, Municipal Act, 2001)</i></p>	<p>Public notice required to advise of intention to pass a by-law naming or renaming a private road.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the meeting to consider the by-law.</p> <p>One notice posted on City's website at least 14 days prior to the meeting to consider the by-law.</p>
<p><b>Ontario Heritage Act designation</b></p>	<p>The Ontario Heritage Act requires public notice respecting the City's intention to designate a property, and the City's passage or amendment of a designation By-law.</p>	<p>Notice shall consist of publication on the City's Website, in accordance with the timeframes established under the Ontario Heritage Act, R.S.O., 1990, c.O.18</p>
<p><b>Permanent Closure and/or Alteration of a Highway</b></p>	<p>Notice not required under the Municipal Act, 2001</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the meeting to consider the by-law.</p> <p>One notice posted on City's website at least 14 days prior to the meeting to consider the by-law.</p>
<p><b>Proposal to Restructure Municipality</b></p>	<p>Public notice required to advise of a meeting to consider enactment of a by-</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the meeting.</p>

Schedule "A" respecting Ontario Heritage Act amended through By-law 56-2024.

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(Section 173, <i>Municipal Act 2001</i> )	law to change municipality's name.	One notice posted on City's website at least 14 days prior to adoption of by-law.
<b>Sale of Municipal Land or Closed Highway or portion thereof</b>	Notice not required under the Municipal Act, 2001	<p>Notice of surplus land or closed highway, or portion thereof, being offered for sale will be posted on the City's website a minimum of 21 days,</p> <p>Where an unsolicited offer to purchase prompts Council to consider declaring certain municipal lands surplus to the City's needs, or Interest to declare surplus will be in accordance with the Disposition of Municipal Lands Policy.</p>
<b>Seizure of Personal Property – Public Auction</b>  (Section 351, <i>Municipal Act, 2001</i> )	Subject to certain conditions, the treasurer may seize personal property to recover taxes and costs of the seizure. The treasurer or treasurer's agent is required to give the public notice of the time and place of public auction and of the name of the person whose personal property is to be sold.	<p>One notice published in a newspaper and municipal website a minimum of 14 days prior to the auction.</p> <p>One notice sent by regular pre-paid mail, mailed to the sheriff, bailiff, assignee, liquidator, trustee or licenses trustee in bankruptcy a minimum of 21 days prior to the auction.</p>
<b>Sign By-law Requirements, Amendment to</b>	Notice not required under the Municipal Act, 2001	One notice posted on City's website at least 14 days prior to adoption of by-law.