

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 394-2002

A By-law to provide for the form, manner and time for the provision of notice for various matters

WHEREAS section 251 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality is required to give notice under a provision of the Act, the municipality shall give notice in a form, in a manner and at the times the Council considers adequate to give reasonable notice to the public under the provision;

AND WHEREAS the Council of The Corporation of the City of Vaughan deems it appropriate to establish minimum notice requirements for actions, proposed by-laws or other matters where specific minimum notice requirements have not been prescribed by the Act or regulations;

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

1. Definitions

In this By-law, the following terms shall have the meanings set out:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

“City” means The Corporation of the City of Vaughan.

“City’s web site” means the City of Vaughan’s official web site at www.city.vaughan.on.ca.

“Committee” means a Committee of Council.

“Council” means the Council of the City.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

“Newspaper” means a printed publication in sheet form intended for general circulation, published at intervals of not less than weekly, consisting in great part of news of current events of general interest.

“Notice” means printed and published notification and includes notice by listing on a public agenda for a meeting of a Committee or City Council, whichever is applicable.

“Notice to the Public” means notice provided to the public generally, but not notice where it is given only to specified persons.

“Public Agenda” means a listing of the matters to be considered at a meeting of a Committee or Council.

“Published” or “Publication” means published in a daily or weekly newspaper that, in the opinion of the City’s Clerk, has sufficient circulation within the City to provide reasonable notice to those who may be affected by a proposed by-law, action or matter.

2. Application

- (1) Where the City is required to give notice under a provision of the *Municipal Act*, the municipality

shall provide notice in the form, manner and at the times set out in this By-law, except where:

- (a) The *Municipal Act*, another Act or a regulation prescribes the requirements for notice;
 - (b) Another by-law enacted by the City prescribes the requirements for notice;
 - (c) Council has specifically directed that some other public notice is to be given, which may be for a longer or a shorter period, or in a different form, that Council considers adequate to give reasonable notice under the provision;
 - (d) The provision of such notice will interfere with the Council's ability to conduct business with respect to a matter for which a closed meeting may be held in accordance with section 239 of the *Municipal Act*; or
 - (e) A matter arises which, in the opinion of the Mayor in consultation with the City's Chief Administrative Officer, is considered an emergency, is an urgent or time sensitive matter which could affect the health or well-being of the residents of the City, where a state of emergency has been declared or is an urgent or time sensitive matter advised by the Premier or a Minister of the government of the Province of Ontario.
- (2) Where a matter is deferred at a Committee meeting or the matter is considered at a subsequent meeting of the Committee, another Committee or a meeting of Council, no additional notice shall be required, except where otherwise provided in the *Municipal Act* or in a regulation made under the Act.

3. General

- (1) The provisions for notice contained in this By-law are minimum requirements unless otherwise provided.
- (2) The Clerk shall ensure that schedules of meetings as adopted by Council from time to time are posted in the Clerk's Office and on the City's web site, and the posted schedule may be revised to include additional information at the meetings and any public meetings.
- (3) Where notice to the public is required by listing on the public agenda under this By-law, the Clerk shall cause notice of the proposed by-law or amendment to a by-law, or other matter, to be listed or posted on the printed public agenda for the Committee or Council meeting, as applicable, which agenda shall be available to the public, and the Clerk may also cause the notice to be posted on the City's web site;
- (4) Where notice to the public or a public meeting is required by publication in a newspaper under this By-law, the Clerk shall cause notice of the proposed by-law or amendment to a by-law, or other matter, to be published in a newspaper, which notice shall contain:
- (a) a general description of the matter;
 - (b) where it relates to a specific location, sufficient particulars of the location which may include reference to a municipal address, street intersection, legal description or plan number, or a key plan showing the location;
 - (c) the date, time and location of the meeting at which the matter will be considered;
 - (d) instructions for requests to attend at the Committee meeting to speak to the matter or for the submission of written comments to the Committee, as well as the name of a person who may

be contacted for further instructions or information on the matter.

(5) Where a public meeting is required under this By-law, at least one public meeting shall be held where persons in attendance are given an opportunity to be heard or to deliver written submissions for the consideration of the committee.

4. Specified Notice to the Public

Unless the proposed by-law or other matter comes within one of the circumstances described in section 2 of this By-law or additional notice is required under any provision of the *Municipal Act* or a regulation made thereunder, where the City is required to give notice to the public pursuant to a provision of the *Municipal Act*, the municipality shall provide notice in the form, manner and at the times set out below as required under the *Municipal Act* provisions noted in brackets:

Highways

(1) Notice of a proposed by-law or amendment to a by-law respecting highways or roads and dealing with matters under clauses (a) or (b) of this subsection shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least once a week for two (2) successive weeks prior to the week the meeting will be held to consider the proposed by-law:

(a) by-laws permanently *closing or altering* a highway (subsections 34(1) and (2) of *Municipal Act*); and

(b) by-laws *naming or changing the* name of a street, highway or private road (sections 47 and 48 of *Municipal Act*).

Advertising Devices, including Signs

(2) Notice of a proposed by-law or amendment to a by-law respecting advertising devices, including signs, on private or public property shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least thirty (30) days prior to the date the proposed by-law is to be considered, or such notice as may be required from time to time in the City's By-law regulating such signs or advertising devices (section 99 of *Municipal Act*).

Licensing and Business Registry

(3) Notice of a proposed by-law or amendment to a by-law respecting the licensing of any business or to establish and maintain a registry of businesses shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least ten (10) days prior to the date the proposed by-law is to be considered (subsections 150(4) and 157(3) of *Municipal Act* respectively) or, in the case of a licensing by-law or business registry by-law passed in an emergency without complying with the above requirements, as set out in subsections 150(5) and 157(4) of the *Municipal Act* respectively.

Fees and Charges

(4) Notice of a proposed by-law or amendment to a by-law to impose fees and charges under Part XII of the *Municipal Act*, except proposed by-laws described in subsection 4(5) below, shall be as follows:

- (a) publication of notice of a public meeting in a newspaper at least fourteen (14) days prior to the date the proposed by-law is to be considered;
- (b) notice of the public meeting shall set out the intention of the municipality to pass the proposed by-law or amendment to a by-law under Part XII of the Act and the nature of the fee or charge to be imposed or amended by the by-law; and
- (c) notice of the public meeting shall be provided in writing to every person and organization that within the past five (5) years has given the Clerk a written request for notice and a self-addressed envelope in accordance O.Reg. 244/02, section 14.

(5) Notice of a proposed by-law or amendment to a by-law to impose fees and charges for the use of a waste management system, sewage system or consumption of water or a by-law to impose fees or charges for inspections or issuance of permits for fire purposes shall be given in accordance with O.Reg. 244/02, sections 12 or 13, as applicable.

Restructuring Proposal

(6) Prior to a vote by City Council on a proposal to restructure the municipality (subsection 173(3) of *Municipal Act*), which proposal may be submitted to the Minister of Municipal Affairs and Housing, or any successor thereto, in addition to any consultation that may be prescribed from time to time by the Minister or by regulation, notice of the restructuring proposal shall be provided to the public by publication of notice in a newspaper of a public meeting to consider the proposed restructuring at least twenty-one (21) days prior to the date Council holds a vote to support or oppose the proposed restructuring, and by listing on the printed public agenda and/or posting on the City's web site.

Change of Name of Municipality

(7) Notice of a proposed by-law or amendment to a by-law respecting the changing of the name of the municipality (subsection 187(2) of *Municipal Act*) shall be provided to the public at least twenty-one (21) days prior to the date the proposed by-law is to be considered by listing on the printed public agenda and/or posting on the City's web site.

Composition of Council

(8) Notice of a proposed by-law or amendment to a by-law respecting changing the composition of the council of the municipality (subsection 217(2) of *Municipal Act*) shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least twenty-one (21) days prior to the date the proposed by-law is to be considered, and by listing on the printed public agenda and/or posting on the City's web site.

Establishing or Changing Wards

(9) Notice of a proposed by-law or amendment to a by-law dividing or re-dividing the municipality into wards or dissolving existing wards (subsection 222(2) of *Municipal Act*) shall consist of publication of notice in a newspaper of a public meeting to consider the proposed by-law at least twenty-one (21) days prior to the date the proposed by-law is to be considered, and by

listing on the printed public agenda and/or posting on the City's web site.

Procedure By-law

(10) Notice of a proposed by-law or proposed amendment to a procedure by-law (subsection 238(4) of *Municipal Act*) shall be provided to the public at least ten (10) days prior to the date the proposed by-law is to be considered by listing on the printed public agenda and/or posting on the City's web site.

Sale of Lands

(11) Notice of a proposed by-law or amendment to a by-law to declare any public land surplus and before the sale of any public land (subsection 268(3) of *Municipal Act*), shall conform to the notice requirements contained in the City's Disposal of Property By-law Number 121-95, as amended.

Adoption or Amendments to Budget

(12) Notice of an intention to adopt all or part of a budget or amendment to a budget (subsection 291(1) of *Municipal Act*) shall consist of publication of notice in a newspaper of a public meeting to consider the proposed action at least fourteen (14) days prior to the date of the Council meeting, instead of a Committee meeting, and by listing on the printed public agenda and/or posting on the City's web site.

(13) Notice of an intention to adopt an amendment to a budget shall consist of publication of notice in a newspaper of a public meeting to consider the proposed amendment at least seven (7) days prior to the date of the Council meeting at which the proposed amendment is to be considered by listing or inclusion on the printed public agenda and/or by posting on the City's web site.

Toll Roads

(14) Notice of an intention to designate and operate and maintain a designated highway as a toll highway shall conform to the notice requirements specified in any regulation made under subsection 40(3) of the *Municipal Act*.

5. Transition

Despite the provisions of this By-law, if public notice of a matter was commenced or given under the *Municipal Act*, R.S.O. 1990, c.M-45, such notice shall be considered adequate to give reasonable notice of the matter for purposes of the public notice requirements under the Act or this By-law.

6. The provisions of this By-law shall come into force and effect on the 1ST day of January, 2003.

READ a FIRST, SECOND and THIRD time and finally passed this 16th day of December, 2002.

Michael Di Biase, Mayor

J. D. Leach, City Clerk