

# ***Memorandum***

**TO:** Sheelagh Hendrick, Deputy City Clerk

**FROM:** John S. Hannam, City Clerk  
Office of the City Clerk, Corporate Services

**DATE:** March 26, 2009

**SUBJECT:** City of Thunder Bay Notice By-law

**MEETING DATE:** City Council - April 6, 2009

**By-law Description:** A By-law to describe the form, manner and times for the provision of notice to members of the public.

**Authorization:** Report No. 2008.068 (Office of the City Clerk) - Committee of the Whole - April 28, 2008

**By-law Explanation:** A By-law to describe the form, manner and times for the provision of notice to members of the public.

**Schedules/Attachments:** Attachment 1 - Schedule A - Notice Requirements  
Attachment 2 - Schedule B - References for Notice Requirements  
Found Elsewhere

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THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER 029-2009

A By-law to describe the form, manner and times for the provision of notice to members of the public.

Recitals

1. Section 270 of the Municipal Act, 2001, S.O 2001, c.25 provides that the municipality adopt and maintain a policy with respect to the circumstances in which it provides notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.
2. This By-law outlines most requirements for giving notice considered reasonable by the Council for the Corporation. The requirements of this By-law are considered minimum requirements.
3. Schedule 'B' of this By-law is a list of other by-laws or policies involving notice to the public for circumstances not covered in this By-law.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. **Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letters capitalized, the term is intended to have the meaning set out for it in this Section 1. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

(1) **“Act”** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended from time to time, including successor legislation.

(2) **“By-law”** means this by-law, as amended from time to time, including its recitals and schedules, which are considered to be integral parts of it.

(3) **“City News”** means a publication in the Corporations newsletter, which at the time of passage of this By-law was entitled “Your City”. “City News” is intended to mean that publication, as it evolves over time, including any change to its title. The reference to “City News” in Schedule “A” means published in the Corporation’s newsletter.

(4) **“City Web Site”** means the web site of the Corporation, available online at [www.thunderbay.ca](http://www.thunderbay.ca) for viewing by the general public.

(5) **“Corporation”** means The Corporation of the City of Thunder Bay, a municipal corporation duly incorporated and in good standing under the Act.

(6) **“Council”** means the elected municipal council for the Corporation.

(7) **“Delivered”** means taken to the address intended to receive it and:

deposited into a receptacle at that site intended to receive mail deliveries; or where there is no mail receptacle, left in a conspicuous place at the site, in a manner where it is unlikely to be removed from the site by wind or other weather.

(8) “**Mailed**” means sent by prepaid first class mail to the person being notified. The reference is to the deposit of the item with Canada Post.

(9) “**Newspaper**” means a 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 within Thunder Bay. Reference to “Newspaper” in Schedule “A” means published within a publication meeting this definition.

(10) “**Occupant**” means a person, other than the Property Owner, shown on the last revised assessment roll of the Corporation, at the address shown on the roll, provided that if the City Clerk has received written notice of a change of occupancy, the term refers instead to the new occupant according to that notice.

(11) “**Online**” means placed electronically on the City Web Site.

(12) “**Posted**” means physically placed at a location, affixed by sign on vacant property, or with a sign or by some means attached to a building at the property.

(13) “**Property Owner**” means the person identified as such on the last revised assessment roll of the Corporation, at the address shown on the roll, provided that if the City Clerk has received written notice of a change of ownership, the term refers instead to the new owner according to that notice.

(14) “**Subject Matter**” means the issue, measure, requirement, or meeting about which notice is required to be given under this By-law or otherwise.

(15) “**Thunder Bay**” means the geographic area within the jurisdiction of the Corporation.

(16) “**Visual Identification Manual**” means the manual maintained by the Manager of Corporate Communications, providing publishing rules and guidelines, including the guidelines for use of the Corporation’s trademarks.

2. **Interpretation:** This section sets out the rules to be applied to the interpretation of this By-law.

(a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

(b) This By-law is to be read with all changes of gender or number required by the context.

(c) Where an officer or employee of the Corporation is referred to in this By-law by title, the term refers to the office as it existed on the date of passage of this By-law. If there are corporate restructurings or if the titles of some officers or employees are amended, the intention is that the officer or employee referenced in this By-law will be the one who assumes (or continues with) the duties held by the officer or employee named.

(d) As set out in Recital Number 2 to this By-law, the requirements within this By-law are minimum requirements. Enhanced or additional notice in circumstances where it is reasonable to do so does not violate this By-law.

(e) In circumstances of emergency, the provisions of this By-law requiring notice prior to the occurrence of an event may be waived. In those circumstances, however, notice shall be provided, as prescribed in Schedule "A", as soon as practicable after the event in question.

(f) Computation of time periods in Schedule "A" includes days which are weekends or statutory holidays.

3. **Delegation of Authority:** Where this By-law is silent on a matter, or where a decision is required with respect to the appropriate style or content of any particular notice, the Manager of Corporate Communications is delegated the authority to determine the style or content of the notice.
4. **Visual Identity Manual:** Notwithstanding that the term "guidelines" may be used within it, the Visual Identity Manual shall be adhered to unless the Manager of the Department issuing the notice and the Manager of Corporate Communications agree otherwise.
5. **Requirement to Comply:** Where the Corporation is required to give notice under a provision of the Act or this By-law, it shall do so in the manner set out in this By-law. Where the Corporation is required to give notice pursuant to a policy or By-law referenced in Schedule "B", it shall do so in a manner consistent with that policy or By-law.
6. **Conflicts:** Where there is a conflict between the provisions of this By-law and/or the provisions of any policy or By-law listed in Schedule "B" and/or the Visual Identity Manual, the provisions of this By-law shall govern, and the Manager of Corporate Communications shall report to the Corporation as soon as practicable to address the inconsistency.
7. **Detailed Notice Requirements:** Any notice required to be given by this By-law or by any of the by-laws or policies referenced in Schedule "B" shall:
  - (a) Clearly identify and describe the Subject Matter;

(b) Where applicable, set out the date, time and location of any meeting at which the Subject Matter will be considered;

(c) Where applicable, set out the name and title of the City official to whom written submissions may be sent, together with the contact information for that official, and the deadline for receipt of submissions; and

(d) Be clearly identified as a notice given by the Corporation.

8. **Annual Notice:** At least once each year, the Manager of Communications shall publish a notice setting out information on how to access the City Web Site to locate notices. This notice shall also include how and where further notification can be accessed on a regular basis.

9. **Postponements:** Where notice has been given respecting a meeting at which certain Subject Matter is to be considered, or a deadline for submission of input on any particular Subject Matter, and the meeting is adjourned or otherwise postponed, or the deadline is extended, this Section of the By-law applies. If the new date for the meeting or the new deadline for submissions is openly announced at a meeting held on the date and at the time when the Subject Matter was originally to be considered or otherwise dealt with, it is not necessary to give further notice. Otherwise, notice shall be re-issued in accordance with Schedule “A” to advise the public of the new date in question.

10. **Adequacy of Notice:** The Council considers notice given in accordance with:

this By-law, or

the policies and by-laws listed in Schedule “B”, or

the authority delegated to the Manager of Corporate Communications under Section of this By-law,

to be adequate notice, unless it has, in particular circumstances, passed a resolution requiring that notice be provided in a different manner.

11. **Subject Matter for Notices & Methods for Providing Notice:** Schedule “A” details the various Subject Matter for which notice is required to be provided, and the method by which that notice is to be provided. Notice shall be given in the manner and at the times set out in Schedule “A” of this By-law.

12. **Other Requirements:** Schedule “B” provides a reference to requirements found in other corporate policies and By-laws.

13. **Repeal:** By-law 4-2003 is repealed.

This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 6th day of April, A.D. 2009 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Andrew Foulds

Acting Mayor

Sheelagh Hendrick

Deputy City Clerk