

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2008-007

BEING A BY-LAW TO PRESCRIBE THE FORM, MANNER AND THE TIMES FOR THE PROVISION OF NOTICE, AND COMMONLY CALLED THE NOTICE BY-LAW.

WHEREAS Section 270(1) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, requires that a municipality shall adopt and maintain a policy 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 expedient to set out the minimum notice requirements that Council feels will provide adequate and reasonable notice for those actions for which notice is required but not specifically provided for in the Act, or its Regulations.

BE IT ENACTED as a By-Law of this Corporation as follows:

1. DEFINITIONS

1.1 In this By-Law:

“**Act**” means the Municipal Act, S.O. 2001, c25; as amended and any successor legislation thereto;

“**Clerk**” shall mean the person within the Municipality’s administration who fulfills the function of the Municipal Clerk as required by the Municipal Act, or his or her delegate;

“**Council**” shall mean the Council of the Corporation of the Municipality of Calvin;

“**Notice**” in this By-law shall mean notice given to the public generally and includes Notice for the Call for Tenders, but does not include notice given to specified persons.

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

“**Publication**” means published in a daily or weekly newspaper, periodical or community flyer that, in the opinion of Council, has sufficient circulation within the municipality as to provide reasonable notice to those affected thereby.

“**Township Website**” shall mean the Municipality of Calvin internet website.

2. Public Notice given under the provisions of this by-law, utilizing the Township Website, shall be sufficient even if the Municipality of Calvin website is not accessible at all times during the public notice period.

3. NOTICE OF:

- A) INTENTION TO PASS A BY-LAW**
- B) NOTICE OF PUBLIC MEETING**

Where Notice of Intention to Pass a By-law or Notice of a Public Meeting is required the following provisions shall apply.

3.1 **Method of Notice**

The Clerk, unless otherwise provided herein, shall cause such Notice to be given in the following manner at least once during the fourteen (14) days prior to the consideration or occurrence of the subject matter:

- a) in a local publication (Community Flyer)
- b) and posted in the Municipal offices
- c) and posted on the Township website

3.2 **Form/ Content of Notice**

Unless otherwise prescribed in the Act or its regulations the form of Notice shall include the following information:

- a) **Purpose**-a description of the purpose of the meeting, or the purpose and effect of the By-law,
- b) **Date, etc.**-the date, time and location of the meeting,
- c) **Land description**-where the By-law relates to specific lands, the description of the subject land, and
- d) **Municipal address**-the address of where in the municipality additional information will be available.

3.3 **Additional Notice**

- a) If the matter is deferred at the open meeting of which notice has been given, no additional notice is required, except where an act or by-law provides otherwise or the Council directs otherwise.
- b) If the matter is considered at a subsequent open meeting, no additional notice is required, except where an act or by-law provides otherwise or the council provides otherwise.

4. **PURPOSE OF NOTICE**

Notice shall be given for the purpose of any of the following:

- i) Highway/Road closure
- ii) Removing or restricting common law passage over a public highway
- iii) Naming Roads
- iv) Sale of Land
- v) Adoption of Annual Budget
- vi) Amendments to Disposal of Garbage Procedures/Hours
- vii) Change to Office Hours
- viii) Fees and Charges
- ix) Council Vacancy Declaration
- x) Any other matter that may arise that Council identifies as warranting public notice

5. **SPECIAL NOTICE: HIGHWAY/ROAD**

Where the proposed by-law relates to highways/roads with reference to the following sections of the Municipal Act, 2001, namely:

- a) **s.34** – Highway closing
- b) **s.35** – A by-law removing or restricting the common law rights of passage over a public highway
- c) **s.48** – Naming or changing the name of a private road

the Notice provisions in s.2.1 and Form/Content of Notice in s.2.2 shall apply with the following time factors:

- i) **Time of Notice** – the time frame for Public Notice under this section shall be four (4) consecutive weeks.
- ii) **Six day waiting period** – the proposed by-law shall not be passed by Council sooner than six (6) days after the last Notice date.
- iii) **Posting** – the form of Notice in s. 2.2 shall be posted for at least four (4) weeks in four (4) of the most public places in the immediate neighbourhood of the subject highway.

6. **NOTICE EXCEPTION: COUNCIL DETERMINATION**

If Council, by by-law or resolution, is of the opinion that the required Notice to the public will be more effectively circulated by Publication (Section 1.1 Definitions) then such notice shall be published:

- a) in that periodical or flyer,
- b) posted at the Municipal office
- c) and, posted on the Township website

7. **FINANCIAL NOTICES**

7.1 **Adoption of Annual Budget**

The Notice provisions set out in Sections 2.1. 2.2 and 2.3 shall apply to the adoption of the Annual Budget in total.

7.2 **Procurement By-Law**

Where the total of expenditure estimates, as approved in the budget, are to be increased above the total budget then the approval process set out under the Corporation of the Municipality of Calvin's Procurement By-Law shall apply.

7.3 **Operating Costs Prior to the Adoption of Annual Budget**

Normal operating expenditures incurred prior to the adoption of the Annual Budget shall not require Notice, and the approval of such expenditures shall be deemed to be ratified upon the adoption of the Annual Budget.

7.4 **Financial Statements**

Manner of Notice

- Published in a local newspaper within 60 days after receiving the audited financial statements of the municipality for the previous year.
- Posted on the Township Website within 60 days of receipt
- Available at the Administration Office within 60 days of receipt.

Content of Notice

- Explanation of financial notice in that the information will be made available at no cost to any taxpayer or resident of the municipality upon request
- Contact information at Administration Office and where detailed information can be obtained
- Clerk-Treasurer's Name/Title

7.5 **Public/Closed Meetings**

Shall be as per the provisions of the Municipality of Calvin Procedural By-Law.

8. **GENERAL**

8.1 Nothing in this By-law shall prevent the Clerk from using more comprehensive methods of giving Notice or providing for a longer or shorter Notice period if so directed by by-law or resolution of Council.

8.2 Where separate by-laws have been enacted in accordance with the provisions contained in the Act, the notice provisions set out in such by-laws shall prevail.

8.3 No notice shall be required under this by-law, 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 under Section 239 of the Act.

9. **EMERGENCY PROVISION**

If a matter arises, which in the opinion of the Head of Council, is considered to be of an urgent nature or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Notice requirements of this by-law may be waived by the Head of Council and the Clerk shall make his/her best efforts to provide such notice as is reasonable under the circumstances.

10. **REPEAL**

By-law 2005-026 is hereby repealed.

11. **EFFECTIVE DATE**

This By-law shall come into full force and effect on the date of passing.

Read a 1st and 2nd time this the **8th** day of **April** 2008.

Read a 3rd time and finally passed before an open Council this the **8th** day of April 2008.

Wayne Brown
Wayne Brown - Mayor

Lynda Kovacs
Lynda Kovacs – Clerk & Treasurer

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