

**THE CORPORATION OF THE MUNICIPALITY OF CALVIN**

**BY-LAW 2008-014**

**PUBLIC NOTICE**

which includes

1. PUBLIC NOTICE - OF INTENTION TO PASS A BY-LAW.
  2. PUBLIC NOTICE - OF A PUBLIC MEETING.
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WHEREAS Section 270 of the Municipal Act, 2001, S.O., c. 25, as amended, provides that municipalities shall adopt policies for the giving of Public Notice and the form, manner, and times of such notice as Council considers adequate in the circumstances.

AND WHEREAS these policies are hereinafter set forth.

BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF CALVIN AS FOLLOWS:

1. TITLE

.1 This by-law shall be called the "Public Notice By-Law."

2. DEFINITIONS AND INTERPRETATION

.1 In this By-law,

"Act" means the Municipal Act, 2001, S.O., c. 25 and its amendments and includes Regulations made under the Act.

"Clerk" means the Clerk of the Corporation of the Municipality of Calvin, or such other person to whom Council or the Clerk has delegated the responsibility to give Notice under this by-law.

"Day" is a period of consecutive hours beginning at 12:01 a.m. and ending at midnight.

"Highway" means a road allowance, street, or lane under the jurisdiction of the municipality.

"Newspaper" means a printed publication in sheet form, intended for general circulation

to all parts of the municipality, published at regular intervals consisting in a greater part of news or articles of general interest to the general public, which in the opinion of Council, has such circulation within the municipality.

“**Notice**” means Notice given to the public generally and includes Notice for the call for Tenders.

“**Notice Period**” where a period of time is prescribed between the giving of a Public Notice, and a subsequent event, such period shall include **both the day the Notice is given, and the day on which the subsequent event is to occur.**

“**Published**” means published in a daily or weekly newspaper.

“**Shore Road Allowance**” means a road allowance at the waters edge designated in the original Township survey or reserved in the original Patent of the adjacent land.

### 3. **PUBLIC NOTICE: FORM AND CONTENT**

.1 The form and content of the Notice shall be as follows, unless otherwise prescribed by the Act or Regulations:

- i) **Description** - a description of the purpose of the meeting and the purpose and effect of the by-law;
- ii) **Date** - the date, time and location of the meeting;
- iii) **Land Matters** - if the Notice involves the subject of land, the location and description of the said land;
- iv) **Comments** - the name and address of the person who will receive written comments on the subject of the meeting and the deadline for receiving such comments.

### 4. **PUBLIC NOTICE: PUBLICATION AND POSTING**

.1 The following provisions apply to:

- 1) **Public Notice - of intention to pass a by-law**
- 2) **Public Notice - of a public meeting**

This section shall not apply to:

- a) **Highways - Section 5 herein.**
- b) **Sale of Land - Section 6 herein.**
- c) **Emergencies - Section 7 herein.**
- d) **Special Notice - Section 8 herein.**

- .2 **Publication** - to be published in a newspaper at least once during the fourteen (14) days immediately preceding the day on which the public meeting will be held or proceeding the day that Council will consider the by-law;
- .3 **Posting - Municipal Office** - to be posted at the municipal office for at least ten (10) days before the day of the meeting;
- .4 **Website** - if the municipality has a website, posting thereon, ten (10) days before the day of the meeting shall be deemed posting in the municipal office.
- .5 **Exception** - If Council, by by-law or Resolution is of the opinion that the required Notice to the Public will be more effectively circulated other than by a newspaper, then the Notice shall be published as directed by Council in accordance with subsection 4.1, 4.3, and 4.4.
- .6 **Specifics** - Notice shall be given for the purpose of any of the following:
  - i) amendments to disposal of garbage procedures/hours;
  - ii) change to office hours;
  - iii) fees and charges;
  - iv) council vacancy declaration;
  - v) any other matter that may arise that Council identifies as warranting Public Notice.
- .7 **General - Six (6) day waiting period** - The proposed by-law shall not be passed by Council sooner than six (6) days after the last public notice date.

## 5. **PUBLIC NOTICE: HIGHWAYS/ROADS**

- .1 **The closing or alteration of a highway** - where the subject matter of the

proposed by-law is (1) the closing or alteration of a public highway, (2) removing or restricting common law passage over a public highway, (3) naming a public highway, notice of a public meeting is required to be given as follows:

- i) **Publication** - to be published in a newspaper for three (3) consecutive weeks; however, the by-law shall not be considered by Council until six (6) days after the last notice date;
- ii) **Area of posting** - posted in a minimum of four (4) places in the general area of the road allowance being closed, and for a period of twenty-one (21) days;
- iii) **Posting, Municipal Offices** - posted in the municipal office for a period of three (3) consecutive weeks before the day of the meeting;
- iv) **Website** - if the municipality has a website, posting thereon for a period of three (3) consecutive weeks shall be deemed to be posting in the municipal offices.

.2 **Shore Road Allowances** - where a portion of the highway to be closed is a shore road allowance, the following additional provision shall apply:

- i) **Notice by Mail** - a copy of the proposed Public Notice shall be mailed to each owner of land adjacent to the shore road allowance being closed, at least twenty-one (21) days before the Council meeting at which the by-law is scheduled to be considered.

## 6. **PUBLIC NOTICE: SALE OF LAND (OTHER THAN PUBLIC HIGHWAYS)**

.1 Where the proposed by-law relates to the sale of land, **other than a public highway**, the Clerk shall cause notice to be published as follows:

- i) **Newspaper** - in a newspaper once each week for two (2) consecutive weeks, with the last of such notice published not less than five (5) days before the day of the meeting;
- ii) **Municipal Office** - posted at the municipal office for a period of seven (7) days before the meeting;
- iii) **Website** - if the municipality has a website, posting thereon for a period of fourteen (14) days before the meeting, shall be deemed to be posting in the municipal office.

7. **PUBLIC NOTICE: EMERGENCIES**

- .1 If a matter arises which, in the opinion of the head of Council, in consultation with the CAO and/or Clerk, is considered to be urgent and of a time sensitive nature, such as a matter which:
  - i) was likely to adversely affect the health or well-being of a significant number of residents of the municipality;
  - ii) was likely to cause significant financial loss to the municipality or a significant number of its residents;
  - iii) or a state of emergency has been declared.
- .2 The Clerk shall give such notice, if any, as may be possible before the by-law is passed.
- .3 The Clerk will publish once in a newspaper as soon as practicable thereafter, a notice that the by-law has been passed. The provisions of Section 3 hereof relating to the Form and Content of Notice, shall apply.

8. **EXCEPTIONS: SPECIAL NOTICE**

- .1 This by-law does not apply:
  - i) **Act or Regulations**  
Where the Act or Regulations prescribe the manner or time of giving Public Notice in a given matter, then those provisions shall be followed instead of this by-law; or
  - ii) **Separate by-law enacted by Council**  
Where Council has enacted a separate by-law under the Act or Regulation, prescribing the manner or time of giving Public Notice in a given matter, then those provisions shall be followed instead of this by-law.

9. **NOTICE: FINANCIAL**

- .1 **Adoption of Annual Budget:**  
The notice provisions set out in Section 4 above shall apply to the adoption of the annual budget in total.

- .2 **Amendments to the Annual Budget:**  
Where expenditure estimates approved in the budget have been subject to quotations or tenders quoting an amount greater than the estimate for that item, Council may approve such quotation or estimate if it can be financed within the total expenditures adopted in the Annual Budget, or it is decided by Council to fund it by making a transfer from reserves.
- .3 **Amendments:**  
The notice provisions set out in Sections 3, and 4 shall apply to any amendment to the annual budget that would require an increase in the tax rates for the Municipality of Calvin or for which Council would have to borrow the necessary funds.
- .4 **Operating Costs Incurred Prior to the Adoption of the 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.
- .5 **Financial Statements:**  
Financial statements shall be published in the local newspaper, on the municipality's website, and be available in the administration office within sixty (60) days after receiving the audited financial statements of the municipality for the previous year.

## 10. GENERAL

- (a) **Adjournment: Notice deemed to continue:**  
Where Notice of a Public meeting or Notice of intention to pass a by-law has been given in accordance with this by-law, Council may adjourn the public meeting to another specified date. On such subsequent date, Notice shall be deemed to have been sufficiently given to continue the public meeting and consider the proposed by-law.
- (b) **More comprehensive Notice:**  
Nothing in this by-law shall prevent the Clerk from using a more comprehensive method of giving Notice or providing for a longer period when so directed by by-law or resolution of Council.

## 11. REPEAL

By-law 2008-007 is hereby repealed.

12. **EFFECTIVE DATE:**

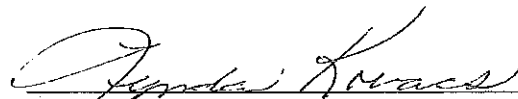
- (a) This by-law comes into effect on the day it is passed;
- (b) Provided however, that any procedure followed under the repealed by-law prior to the effective date of this by-law, shall be deemed to be in compliance with the *Municipal Act* and this by-law with respect to any Public Notice made before or after the effective date.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY  
OF AUGUST , 2008.

**THE CORPORATION OF THE  
MUNICIPALITY OF CALVIN**

  
\_\_\_\_\_  
Wayne Brown, Mayor

c/s

  
\_\_\_\_\_  
Lynda Kovacs, Clerk