

# THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

## BY-LAW NUMBER 2009-06

**BEING** a by-law to prescribe the form, manner and times for the provision of notice.

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

**AND WHEREAS** certain sections of the *Municipal Act 2001*, S.O. 2001, c.25, require 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 provides in part that the powers of a municipality under the *Municipal Act* shall be interpreted to enable the municipality to govern its affairs as it considers appropriate;

**NOW THEREFORE** the Council of the Corporation of the United Townships of Head, Clara & Maria enacts as follows:

### 1. DEFINITIONS

**THAT** in this by-law and the accompanying Schedule:

- “Act” means the *Municipal Act 2001*, S.O. 2001, c. 25;
- “Clerk” means the Clerk of the Corporation of the United Townships of Head, Clara & Maria, or designate;
- “Local post offices” means in all local outlets for Canada Post
- “Newspaper”, shall have the same meaning of newspaper in the *Legislation Act, 2006*, S.O. 2006, as amended from time to time, which presently reads: “in a provision requiring publication, means a document that,
  - a. is printed in sheet form, published at regular intervals of a week or less and circulated to the general public, and
  - b. consists primarily of news of current events of general interest; (“journal”)
- “Notice to the Public” or “Public Notice” shall mean notice given to the public generally, but does not include notice given only to specified persons.
- “Notice Page” shall mean the page where notices are posted on the Municipal website, currently entitled “What’s New”.
- “Notice by mail” shall mean notice given to a specified person or persons by pre-paid first class mail and shall be deemed to be completed on the day that the mailing of all required notices is completed.
- “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.
- “Post office box locations” means wherever a large number of Canada Post boxes are located in one area within the municipality.
- “Township Hall” means the Township Hall or Community Centre of the United Townships of Head, Clara & Maria at 15 Township Hall Road, Stonecliffe.
- “Township(s)” or “Municipality” shall mean the Corporation of the United Townships of Head, Clara & Maria.
- “Treasurer” means the Treasurer of the Corporation of the United Townships of Head, Clara & Maria or designate.

2. **THAT** where the municipality is required to give public notice pursuant to a provision of the *Municipal Act* or where Council deems it appropriate to prescribe notice, notice shall be given in a form and manner indicated as shown in Schedule "A" attached.
3. **THAT** public notice given under the provision of clause 2 of this By-Law, utilizing the Municipal website, currently at [www.townshipsofheadclaramaria.ca](http://www.townshipsofheadclaramaria.ca), shall be sufficient even if the Municipal website is not accessible at all times during the public notice posting period.
4. **THAT** notwithstanding the provision of this By-Law to the contrary, clause 2 shall not be applicable where:
  - the *Municipal Act*, or another Act or regulation prescribe specific notice requirements, or
  - the Municipal Council directs that public notice be given in the manner different from the public notice provision of clause 2.
5. **THAT** public notice given under the provision of this By-Law shall contain the following information:
  - a general description of the matter; and
  - where the matter relates to a defined location, sufficient particulars of the location such as a key map, municipal address or legal description; and
  - the date, time and location of the Council meeting at which the matter will be considered; and
  - the instructions for obtaining additional information.
6. **THAT** 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* or other Provincial Statute provides otherwise, or if the Municipal Council directs that additional public notice be given.
7. **THAT** the public notice requirements of this By-Law are minimum requirements and Council, the Clerk or Senior Administrative Officer are hereby authorized to provide additional public notice if reasonable and necessary in the specific circumstances.
8. **THAT** the public notice requirements of this By-Law may be waived by the Council in consultation with the Clerk where a matter is considered to be of an urgent or emergent nature as defined under the Municipal Emergency Management Plan as "*A situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise*" and best efforts shall be made to provide as much notice as is reasonable under the circumstances.

## **NOTICE OF INTENTION TO PASS BY-LAWS & NOTICE OF PUBLIC MEETINGS**

### **MANNER OF NOTICE**

9. **THAT** where notice of intention to pass a By-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be posted in the following locations:
  - In the Municipal (Clerk's) Office;
  - In the Township Hall/Community Centre;
  - In the local post office outlets;
  - At the post office box locations;
  - On the municipal website.

### **TIME OF NOTICE**

10. **THAT** where notice of intention to pass a By-Law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the Act, its regulations or in the attached Schedule "A" to this By-Law and if not so prescribed, notice shall be given once at least fourteen days prior to the proposed action being taken.

**FORM OF NOTICE**

11. **THAT** unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a By-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:
- The name of the municipality;
  - A description of the purpose of the meeting, or the purpose and effect of the proposed By-law;
  - The time, date and location of the meeting;
  - The Clerk's name and phone number.
12. **THAT** If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction the remainder of this By-law shall still continue in force.
13. **THAT** this By-law will come into force and take effect on the date it is passed by the Council of The Corporation of the United Townships of Head, Clara & Maria.
14. **READ** a first and second time this 3<sup>rd</sup> day of April, 2009.
15. **READ** a third time short and passed this 17<sup>th</sup> day of April, 2009.

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TAMMY STEWART, REEVE

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MELINDA REITH, CLERK