

THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE



BY-LAW NO. 2010-35

BEING A BY-LAW TO ADOPT POLICIES WITH RESPECT TO THE PROVISION OF PUBLIC NOTICE

WHEREAS Section 270 of the *Municipal Act, 2001*, provides that Municipalities shall adopt and maintain policies 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 various Statutes and Regulations, including the *Municipal Act* prescribe certain circumstances when Municipalities shall provide notice;

AND WHEREAS Sections 23.1 to 23.3 of the *Municipal Act, 2001*, authorize Municipalities to delegate powers and duties under certain Statutes, subject to restrictions as set out therein;

NOW THEREFORE the Council of the Township of Pickle Lake **ENACTS AS FOLLOWS:**

Interpretation

1. (1) For the purpose of this By-Law:

"Act" means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended and revised;

"Clerk" means the Clerk of The Corporation of the Township of Pickle Lake;

"Council" means the Council of The Corporation of the Township of Pickle Lake;

"Corporation" means The Corporation of the Township of Pickle Lake;

"Local Posting Sites" means bulletin boards located at such sites within the Municipality as may be designated by the Clerk;

"Municipal Website" means the official internet website of the Corporation;

"newspaper" means a printed 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 of general interest and sold to the public and to regular subscribers;

"published" means published in a newspaper that, in the opinion of the Clerk, has such circulation within the Municipality as to provide reasonable notice of a Subject Matter to those affected thereby;

"Subject Matter" means the issue, measure, requirement, meeting or other matter or thing in respect of which a notice is required to be given.

(2) Reference to the Act or any other Statute or Regulation or any provision thereof shall be construed as a reference to any amendment, revision or re-numbering thereof or to any provision enacted in substitution thereof.

Application

2. Where:
 - i. the Corporation is required to provide public notice under the provisions of the Act or under any other Statute or Regulation; or
 - ii. notice is required to be provided in relation to any Subject Matter as prescribed in this By-Law or in any other By-Law or Resolution of the Corporation;

to the extent that the same is not prescribed in the *Act* or in the Statute, Regulation, By-Law or Resolution requiring the notice, the form, manner, and times notice shall be given shall be governed by the provisions of this By-law.

Form of Notice

3. The Notice shall:
 - (a) be in writing;
 - (b) describe the Subject Matter under consideration or otherwise involved;
 - (c) describe who will deal with the Subject Matter, such as Council, a Committee of Council, or other person, tribunal, officer or body having jurisdiction;
 - (d) set out the date, time and location where the Subject Matter will be considered or dealt with;
 - (e) where the matter relates to a defined location, sufficient particulars of the location to identify it, such as by reference to a Municipal address, highway intersection, legal description or plan;
 - (f) where written submissions may be made, contain the name and title of the Official to whom they are to be sent and to whom any inquiries may be made, together with the address of the Official and the deadline for receipt of such submissions; and
 - (g) be clearly identified as a notice given by the Corporation.

Manner of Notice

4. (1) Notice shall be given in the manner and at the times set forth in Schedule "A" hereto.
 - (2) Notwithstanding anything herein contained, Council may, by Resolution, vary the method of providing notice in any case where, in its discretion, an alternative method is considered reasonable;

Rules

5. Except where otherwise provided in this By-Law, or in the Act or in any other Statute, Regulation or By-Law, the following Rules shall apply.
 - (1) Any person entitled to notice may at any time waive the requirements relating thereto.
 - (2) Where a notice does not strictly comply with the provisions hereof but would substantially inform a reasonable person of the Subject Matter to which the notice relates, the notice shall be deemed to be adequate and in compliance herewith.

- (3) Where notice has been given respecting a Subject Matter and the Subject Matter is adjourned or otherwise postponed to a fixed date and the new date is openly announced when the Subject Matter was originally to be considered or otherwise dealt with, it shall not be necessary to give further notice and the same shall apply *mutatis mutandi* with respect to subsequent deferrals.
- (4) Where notice is required to be given to an owner of land, the owner shall be deemed to be the person shown on the last revised assessment roll of the Corporation, at the address shown on the roll, provided that if the Clerk has received written notice of a change of ownership, the notice shall be given instead to the new owner at the address set out in the notice.

**Delegation of Concurrent
Authority to the Clerk**

6. (1) Where Notice is required to be given under the Act or under any other Statute or Regulation, or any By-Law of the Municipality, to the extent that the form, manner and times of the Notice are not specified in this By-Law or in such legislation or By-Law, there is hereby delegated to the Clerk the power and duty to determine and implement the same.
- (2) Where the Clerk has acted under the authority of Subsection 1 of this Section, he or she shall, as soon as is practicable thereafter, provide on a Council Agenda, a report as to the action taken and a recommendation as to any amendment to the requirements of this By-Law as the Clerk considers appropriate.
- (3) Any power delegated to the Clerk in this By-Law may also be exercised by Council Resolution.

Greater Notice

7. The Council declares that notice given in accordance herewith is considered adequate, but that greater or more comprehensive notice may be given by an officer of the Corporation and shall be deemed to comply herewith.
8. This By-Law shall come into force and take effect upon the final passing hereof.

BE READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS

14th day of December, 2010.

Mayor/Acting Chair

Clerk-Treasurer