

THE CORPORATION OF THE TOWN OF ERIN

BY-LAW # 10 – 50

Being a By-Law to prescribe the form and 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 the Municipal Act 2001, S.O. 2001, c. 25, requires 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;

AND WHEREAS it is deemed advisable to establish a public notice policy;

NOW THEREFORE the Council of the Corporation of the Town of Erin **ENACTS AS FOLLOWS:**

1. In this by-law

“Act” means the Municipal Act, 2001, S.O. 2001, c. 25

“Clerk” means the Clerk of the Town of Erin;

“Municipality” shall mean The Corporation of the Town of Erin;

“Newspaper” shall have the same meaning of newspaper in Subsection 29(1) of the Interpretation Act, as amended from time to time, which presently reads as follows: “a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers”;

“Notice”

- “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 Town of Erin’s website.
- “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.
- “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.

2. 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 on Schedule “A” attached.

3. A public notice given under the provisions of clause 2 of this By-Law, utilizing the Town of Erin's website, shall be sufficient even if the Town of Erin website is not accessible at all times during the public notice posting period.
4. Notwithstanding the provision of this By-Law to the contrary, clause 2 shall not be applicable where:
 - a. The Municipal Act, or another Act or regulation prescribe specific notice requirements, or
 - b. The Town of Erin Council directs that public notice be given in the manner different from the public notice provision of clause 2.
5. A public notice given under the provision of this By-Law shall contain the following information:
 - a. A general description of the matter; and
 - b. Where the matter relates to a defined location, sufficient particulars of the location such as a key map, municipal address or legal description; and
 - c. The date, item and location of the Council meeting at which the matter will be considered; and
 - d. The instructions for obtaining additional information.
6.
 - a. 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, other Provincial Statute provides otherwise, or if the Council directs that additional public notice be given.
 - b. If the matter is considered at a subsequent Council Meeting, no additional notice is required, except where the Municipal Act or other Provincial Statute provides otherwise.
7. The public notice requirements of this By-Law are minimum requirements and Council, Clerk or the Town Manager are authorized to provide additional public notice if reasonable and necessary under the circumstances.
8. No public notice shall be required under the provision of this By-Law where the Council is authorized by the Municipal Act to consider a matter in a meeting closed to the public.
9. If a matter arises, which in the opinion of the Town Manager, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Town of Erin, 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 and the Clerk, shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.
10. That the effective date of this By-Law shall be the date of final passage thereof.

**READ A FIRST, SECOND AND
THIRD TIME AND FINALLY PASSED
THIS 24 DAY OF August 2010.**

Mayor

Clerk

Schedule "A"
To By-Law #10 - 50

Group 1 Notice: **Personal Notice to an Individual or a Limited Number of People and/or to required Agencies and/or to other levels of government** – included on agenda and published prior to the meeting and posted on the Town's website.

Format: first class mail to the last known address or hand deliver.

Group 2 Notice: **Advertisement/notice** published in a newspaper having regular publication and **Notice shall be placed at least 14 days prior to passing the By-Law** – included on agenda and published prior to the meeting and posted on the Town's website.

Format: Printed in a newspaper 14 days prior to passing.

Group 3 Notice: **Advertisement/notice** published in a newspaper and posted on the Town's website.

Format: One insertion in a newspaper.

Group 4 Notice: **Advertisement/notice** posted on the Town's website.

Group 5 Notice: **Notice** included on agenda published prior to the meeting and posted on the Town's website.