

THE CORPORATION OF THE TOWNSHIP OF TARBUTT
BY-LAW 2022 - 22

A BY-LAW TO PRESCRIBE THE FORM AND MANNER
FOR THE PROVISION OF PUBLIC NOTICE UNDER THE
MUNICIPAL ACT, AND TO REPEAL BY-LAW 08 - 2003.

WHEREAS pursuant to Section 8 (1) of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 270 (1) 4 of the *Municipal Act*, as amended, provides that a municipality shall adopt and maintain a policy regarding 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 reasonable minimum notice requirements for those actions of the municipality for which the notice requirements are not prescribed under the provision of the Act or its regulations; and

WHEREAS it is deemed expedient to repeal the original By-Law 08-2003, and to replace it with a new comprehensive By-Law, the provisions of which will include use of the internet, social media and new technology;

NOW THEREFORE be it hereby enacted by the Council of The Corporation of The Township of Tarbutt as follows:

1. In this By-law:

- a. "Agenda" means the agenda for Council or Committee of the Whole which is prepared by the Clerk and posted on the Township website to notify the public of a Council meeting.
- b. "Clerk" means the Clerk of The Township of Tarbutt as appointed by Council, or their designate.
- c. "Local Posting Sites" means bulletin boards in the vicinity of The Township of Tarbutt, such as at the Municipal Office, the Desbarats Post Office and the 17E Trading Post.
- d. "Municipal Act" means the *Municipal Act, 2001*, S.O. c.25, as amended.
- e. "Municipality" means The Corporation of The Township of Tarbutt.
- f. "Newspaper" means a printed publication in paper form, intended for general circulation within the local distribution area consisting of news of current events of general interest, including but not limited to the North Shore Sentinel.

- g. “Notice to the Public” means notice given to the public generally, in print or online, but does not include Notice given only to specified persons.
- h. “Personal Notice” means notice given to a specified individual or group by personal service or delivery, and shall be deemed to be completed on the day that the serving of all required notices be completed.
- i. “Public Notices” means items listed under the “Notices” or “News” tab on the Township’s website where notices, updates and information of public interest are posted, or in a local publication or newspaper.
- j. “Township website” means the official website of The Township of Tarbutt, located at www.tarbutt.ca

2. Application

- a. Where the municipality is required to give notice under a provision of any Act or Regulation, the Notice shall be given in a form and manner, and at the time indicated in this By-law, unless:
 - i. The applicable Act or Regulation prescribes or permits otherwise;
 - ii. The requirements for Notice are prescribed in another By-law or Resolution; or
 - iii. Council directs, by resolution, a method by which Notice is to be given which Council considers adequate to give reasonable Notice.
- b. Notwithstanding the provisions of this By-law to the contrary, Section 2a ii above shall not be applicable where:
 - i. The *Municipal Act*, the *Planning Act*, or any other Act or Regulation prescribes specific notice requirements;
 - ii. The Township of Tarbutt Council directs that public notice be given in a specified manner different from the Public Notice provisions listed herein.
- c. Notwithstanding the above provisions for Notice requirements, Notice shall be given for the purposes of any of the following:
 - i. Road Closings
 - ii. Naming of Roads
 - iii. Sale of Land
 - iv. Adoption of Budget and Budget Amendments
 - v. Amendments to Waste Disposal Site Procedures or Hours
 - vi. Township Office Hours
 - vii. Service Fees and Charges
 - viii. Council Vacancy Declaration

- ix. Publication of Financial Statements
 - x. Any other matter that may arise that Council identifies as warranting Public Notice.
- d. The Clerk or designate is authorized to provide additional public or personal notice if reasonable and necessary in the circumstances.
- e. Where there is a conflict between this By-law and provision of an Act, or of another By-law specifying the timing, form and method of providing Notice, the Act or the other by-law shall apply.

3. Form, Manner and Time of Notice

- a. A Public Notice given on the Township website shall be considered sufficient notice, even if The Township of Tarbutt website is not accessible at all times during the public notice posting period.
- b. 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 with this By-law.
- c. A Public Notice given under the provisions of this By-law shall contain the following:
 - i. A general description of the proposed by-law or matter to be considered;
 - ii. The purpose of any meeting of which Notice is required to be given or the purpose and effect of the proposed action;
 - iii. Identification of the authority under which Notice is being given;
 - iv. Where the matter relates to a defined location, sufficient particulars of the location such as a municipal address, road intersection or legal description;
 - v. The date, time and location of a meeting at which the matter will be considered, if applicable;
 - vi. Instructions for obtaining additional information;
 - vii. Details on required actions and time frames; and
 - viii. Be clearly identified as a Notice given by The Township of Tarbutt.
- d. Unless otherwise provided by Act or Regulation, or by Resolution of Council, standard notice provisions shall be given at least 48 hours in advance of a meeting or event. All attempts shall be made to provide seven (7) days' notice, where applicable.
- e. If a matter is deferred at a Council meeting or if a matter is considered at a subsequent Council meeting, no additional notice to the public shall be required, except as listed on the Council Agenda, except where the *Municipal Act* provides otherwise, or if Council directs that additional public notice be given.
- f. Where the giving of specific notice to the public is not required by legislation, Council may

waive the notice requirements by passage of a resolution at a Council meeting.

- g. 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 *Municipal Act*, S.O. 2001, c. 25, as amended.
- h. Where applicable notice is required to be set out by registered mail or prepaid mail, the notice will be sent to the address which appears on the most recent assessment roll.

4. Emergency Provision


- a. The Public Notice requirements of this By-law may be waived by the Mayor and/or the Clerk, where a matter is considered to be of an urgent or time sensitive nature, or could affect the health, safety and well being of the residents and/or employees of The Township of Tarbutt. Best efforts shall be made in all situations to provide as much notice as is reasonable under the circumstances.

5. Effective Date

- a. This By-law shall take effect on the date of passing.
- b. The Short Form Title of this By-law shall be "Notice By-law"

READ A FIRST TIME this Seventeenth day of August, 2022;

READ A SECOND AND THIRD TIME and finally passed this Twenty First day of September, 2022.



Lennox Smith, Mayor



Carol O. Trainor, Clerk