

**THE CORPORATION OF THE MUNICIPALITY OF
MAGNETAWAN**

BY-LAW NO. 2013-10

PUBLIC NOTICE BY-LAW

1. NOTICE: - OF INTENTION TO PASS A BY-LAW
 2. NOTICE: - OF A PUBLIC A 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 MAGNETAWAN AS FOLLOWS:

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PART # 1

1. **TITLE:**

This by-law shall be called the “**Public Notice By-law**” of the Municipality of Magnetawan.

2. **DEFINITIONS AND INTERPRETATIONS:**

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 Magnetawan, or such other person to whom Council or the Clerk has delegated the responsibility to give Notice under this by-law.

“Day” is any period of consecutive hours between 12:01 a.m. and ending at midnight. When calculating the numbering of days, the first day and the last day are included.

“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. For the purpose of this by-law, the Almaguin News is deemed to be such newspaper.

“Notice” means Notice given to the public generally.

“Notice Period Extension – 5th Day” where a period of time for giving Notice is prescribed herein between the giving of a Public Notice and the last date of publication, and if it is the intention of Council to pass a by-law or if it is the intention of Council to hold a public meeting, such event shall not take place until the fifth (5th) day after the last date of publication.

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

“Shore Road Allowance” means a road allowance designated in the Original Township survey or reserved in the Original Patent.

PART #2

3. **FORM AND CONTENT OF NOTICE:**

The form and content of the Notice shall be as follows, unless otherwise prescribed by the Act or Regulations, or by a special Resolution of Council:

- (a) **Description** – a description of the purpose of the meeting and/or the purpose and effect of the by-law;
- (b) **Date** – the date, time and location of the meeting;

- (c) **Land Matters** – if the Notice involves the subject of land, the location, and description of the said land;
 - (d) **Comments** – the name and address of the Municipal person who will receive the comments on the subject of the meeting and the deadline for receiving such comments.
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PART #3

4. NOTICE: - PUBLICATION AND POSTING (GENERAL):

Except as otherwise provided herein, in Section 4 [Highways], Section 5 [Emergencies] and Section 6 [Financial], the following provisions for:

- (1) **Giving Notice of intention to pass a by-law;**
- (2) **Giving Notice of a public meeting;**
- (3) **Giving Notice of a sale of land.**

Shall apply:

- (a) **Publication** – to be published in a newspaper at least once during a period of fourteen days (14 days) immediately preceding the 5th day after which the public meeting will be held;
 - (b) **Posting** – Municipal Office – to be posted at the Municipality of Magnetawan municipal office for at least fourteen (14) days before the day of the meeting;
 - (c) **Website** – if the municipality has a website, to be posted thereon, fourteen (14) days before the day of the meeting and such posting shall also be deemed posting in the municipal office.
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PART #4

5. NOTICE: – HIGHWAYS, CLOSINGS, ALTERATIONS:

Where the subject matter of the proposed by-law is the closing, alteration or licensing of a public highway, notice of the proposal and of the public meeting is required to be given as follows:

- (a) **Publication** - to be published in a newspaper for three (3) consecutive weeks;
 - (b) **Consideration by Council** - not to be considered by Council until five (5) days after the last publication date;
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- (c) **Area of Posting** - posted in a minimum of four (4) places in the general area of the subject road, at least twenty-one (21) days before the meeting;
 - (d) **Posting, Municipal Offices** - posted in the Municipality of Magnetawan administrative office for a period of twenty-one (21) days before the meeting;
 - (e) **Website** - if the Municipality has a website, to be posted thereon for a period of twenty-one (21) days before the meeting and such posting shall be deemed to be posting in the Township offices.
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PART #5

6. **NOTICE: - EMERGENCIES: UNUSUAL CIRCUMSTANCES**

- 1 **Emergencies** - if a matter arises which in the opinion of the Head of Council, and/or in consultation with the Clerk, is considered to be urgent, or of a time sensitive nature, such as:
 - (a) it was likely to adversely affect the health or well-being of a significant number of residents of the Municipality; or
 - (b) it was likely to cause significant financial loss to the Municipality or a significant number of its residents; or
 - (c) a state of emergency had been declared.
 - 2 **Direction** - the Head of Council shall direct the Clerk to give such notice, if any, as may be possible before the by-law is passed.
 - 3 **Publication** - the Head of Council shall direct the Clerk to 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.
 - 4 **Unusual Circumstances** - If the Clerk determines that because of unusual circumstances the Notice Provisions required by this By-law cannot be complied with, the Clerk, in consultation with the Mayor shall use his/her best efforts to provide such Notice as is determined to be reasonable under the circumstances.
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PART #6

7. **NOTICE: - FINANCIAL:**

1 **Adoption of Annual Budget:**

The notice provisions set out in Section 3 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 2 and 3 shall apply to any amendment to the annual budget that would require an increase in the tax rates for the Municipality of Magnetawan 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.

PART #7

8. **GENERAL APPLICATION:**

1 **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, or may adjourn to continue consideration of the by-law to another specified date. On such subsequent date, notice shall be deemed to have been sufficiently given to continue the public meeting or consideration and pass the proposed by-law.

2 **More Comprehensive Notice:**

Nothing in this by-law shall prevent the Clerk from using a more comprehensive method of giving Notice or providing for longer or shorter Notice period, if so directed by by-law/resolution of Council.

9. **REPEAL:**

By-law no. 2007-32 is hereby repealed.

10. **EFFECTIVE DATE:**

- 1 This by-law comes into effect on the day it is passed;
- 2 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 AND SECOND TIME THIS 10th DAY OF APRIL 2013.

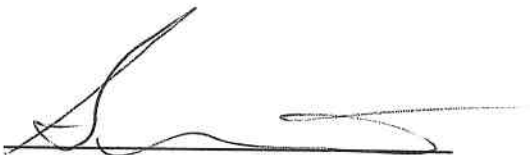


Mayor



Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 8 DAY OF MAY 2013.



Mayor



Clerk