

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW 2007-113

BEING A BY-LAW TO ESTABLISH A POLICY RESPECTING THE CIRCUMSTANCES AND MANNER IN WHICH NOTICE WILL BE PROVIDED TO THE PUBLIC

WHEREAS pursuant to Section 270 of the Municipal Act, 2001, S.O. 2001, c. 25, a municipality 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 notices shall be given;

AND WHEREAS it is deemed expedient to set out reasonable minimum notice requirements for those actions for which requirements are not prescribed under the provisions of the said Act or its regulations;

NOW THEREFORE the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. In this by-law.
 - (a) "Act" means the Municipal Act, 2001, S.O. 2001, c.25;
 - (b) "Clerk" means the Clerk of the Corporation of the Municipality of West Elgin;
 - (c) "Council" means the Council of the Corporation of the Municipality of West Elgin;
 - (d) "Form" means the format of the notice;
 - (e) "Mailed" means mailed by prepaid first class mail;
 - (f) "Municipality" means the Corporation of the Municipality of West Elgin;
 - (g) "Prescribed requirements" means the requirements prescribed by the Act or its regulations.
2. Schedule "A" attached, forms part of this by-law and is hereby adopted as reasonable minimum procedures for the giving of notice as required under the Act.

MANNER OF NOTICE

3. Where notice is required, the Clerk shall cause such notice to be published in The Chronicle and to be posted on the Municipal website in the form and manner and at the times indicated in Schedule "A" to this by-law unless:
 - a) Council directs that other public notice is to be given as the Council considers adequate in the circumstances;
 - b) No additional notice will be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by Council
 - c) Notwithstanding Section 2 of this By-law, a notice is deemed to have been given in accordance with the requirements of Schedule "A" of this By-law even if there are times when the Municipal website is not accessible to the public.

TIME OF NOTICE

4. Notice shall be provided in the time frame prescribed in the Act and if not so prescribed or in the form and manner indicated in Schedule "A" to this by-law, notice shall be given at least seven (7) days immediately preceding consideration of the matter by Council.

FORM OF NOTICE

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:

- a) Section of the Act or its regulations that apply to the matter;
- b) A description of the purpose of the meeting or the purpose and effect of the proposed by-law;
- c) Where the matter relates to a defined location, sufficient particulars of the location such as reference to a municipal address or to a legal description or to a key map;
- d) Date, time and location of the meeting;
- e) The name and address of the person who will receive written comments including the deadline for receiving such comments, on the matter which is the subject of the meeting or on the proposed by-law.

FINANCIAL

5. Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
6. Notice is required if a proposed amendment within a departmental budget will change the total expenditures approved for the department in that current year.
7. Notice shall be provided when a proposed change in the total expenditures in the current budget exceeds \$50,000.00.

GENERAL

8. Where separate by-laws have been enacted in accordance with provisions contained in Act, the notice provisions set out in such by-laws shall prevail.
9. 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 Act.
10. Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

EMERGENCY PROVISION

11. If a matter arises, which in the opinion of the Clerk, in consultation with the Mayor, is considered to be of an urgent nature, and which could affect the health or well-being of the residents of the Municipality of West Elgin, or if so advised by a Provincial Ministry, the notice requirements of this by-law may be waived and the Clerk and the Mayor shall make their best efforts to provide as much notice as is reasonable under the circumstances.

REPEAL

12. That By-law No. 2003-77 is hereby repealed.

EFFECTIVE DATE

13. This by-law shall come into effect on January 1, 2008.

READ A FIRST, SECOND and THIRD TIME THIS 20TH DAY OF DECEMBER,
2007.

"Graham Warwick"
MAYOR

"Norma Bryant"
CLERK

SCHEDULE "A"
BY-LAW 2007-113

MATTER	SECTION OF ACT	MANNER AND TIME OF NOTICE
Highway closing (permanent)	34	<ul style="list-style-type: none"> • In accordance with the procedure by-law for closing of certain classes of highways • Municipal website
Highway and Private Road Renaming	47 and 48	<ul style="list-style-type: none"> • Notice of intention to pass a by-law published once in the Chronicle at least two (2) week prior to the meeting when the by-law is to be considered • Notice of intention to pass a by-law at next regular council meeting included on agenda of preceding regular council meeting • Notice mailed to Municipality abutting road allowance, if any • Municipal website
Shut-off of Public Utility	81	<ul style="list-style-type: none"> • In accordance with procedure by-law for the Water Department
Proposal to restructure	173	<ul style="list-style-type: none"> • Notice of intention to pass a by-law published once in the Chronicle at least seven (7) days prior to the meeting when the by-law is to be considered • Municipal website
Establish, change ward boundaries or dissolving existing wards	222	<ul style="list-style-type: none"> • Notice of intention to pass a by-law published once in the Chronicle at least seven (7) days prior to the meeting when the by-law is to be considered • Municipal website
Procedure by-law governing calling, proceedings and place of meeting	238	<ul style="list-style-type: none"> • Notice of intention to pass a by-law published once in the Chronicle at least seven (7) days prior to the meeting when the by-law is to be considered • Notice of intention to pass a by-law at next regular council meeting included on agenda of preceding regular council meeting • Municipal website
Sale or disposition of land	270	<ul style="list-style-type: none"> • In accordance with the by-law governing the sale and disposition of land
Adoption or amendments to budget	291	<ul style="list-style-type: none"> • Notice of intention to pass a by-law published once in the Chronicle at least seven (7) days prior to the meeting when the by-law is to be considered • Municipal website
Fees and charges, sewer and water	400	<ul style="list-style-type: none"> • Notice of intention to pass a by-law published once in the Chronicle at least seven (7) days prior to the meeting when the by-law is to be considered • Municipal website
Audited financial statements	295	<ul style="list-style-type: none"> • Notice of audited financial statements to be published once in the Chronicle within sixty (60) days after receiving the audited financial statement for the previous year; to include that information will be made available at no cost to any taxpayer or resident of the municipality upon request • Municipal website