



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 2068/08

Being a Bylaw to Prescribe the Form and Manner and Times for the Provision of Notice

WHEREAS the Municipal Act, 2001, c. 25, S. 251 provides that where a municipality is required to give notice under a provision of this Act, the municipality shall give the notice in a form and in the manner and at the times that the council considers adequate to give reasonable notice under the provision;

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

NOW THEREFORE the Council of the Corporation of the Town of Espanola enacts as follows:

DEFINITIONS

1. In this bylaw

“Act” means the Municipal Act, 2001 c. 25 as amended

“Clerk” means the Clerk of the Corporation of the Town of Espanola

“Publication” for this purpose of this bylaw, “publication” can be in either or both of the following:

- a) “newspaper” publication in sheet form, intended for general circulation, published regularly at intervals of no longer than one (1) week, consisting in great part of news of current events of general interest
- b) a publication in a local news sheet which, in the opinion of the Clerk, has such circulation within the Municipality as to provide reasonable notice to those affected thereby.

“Municipal Website” means the use of the public communication using the internet

NOTICE OF INTENTION TO PASS BYLAW OR NOTICE OF PUBLIC MEETING

Manner of Notice

2. The manner of notice will be at the discretion of the Clerk taking into account the terms adequacy and reasonable notice.

2.1 Nothing in this Bylaw shall prevent the clerk from using more comprehensive methods of notice for providing for a longer period or additional notices.

2.2 Subject to clause 2, Where notice of intention to pass a bylaw or notice of a public meeting is required to be given the Clerk shall cause such notice to be published using the following options;

2.2.1 Group 1 Notice

Registered mail to the last known address or hand deliver.

2.2.2 Group 2 Notice

Advertisements in newspaper once a week for three consecutive weeks.

2.2.3 Group 3 Notice

Once insertion in newspaper. Target one week before passage of bylaw.

2.2.4 Group 4 Notice

Give notice of passage of Bylaw to other government jurisdictions.

2.2.5 In addition to the above, such notice shall also be posted on the municipal website.

Time of Notice

3. Where notice of intention to pass a bylaw or notice of public meeting is required to be given, such notice shall be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given at least once, not less than five days or more than thirty days prior to the proposal notice of intention to pass a bylaw or notice of a public meeting being taken.
 - 3.1 If the proposed bylaw is not passed at the council meeting specified in a notice in Section 2, but consideration of the matter is deferred, not further notice is required under Section 2, if a public statement is made at the meeting that the matter has been deferred and that the municipality now intends to adopt or amend the bylaw at a later council meeting specified in the public statement. This section applies to any further deferrals of the matter.

Form of Notice

4. Unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a bylaw or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - 4.1 A description of the purpose of the meeting, or the purpose and effect of the proposed bylaw;
 - 4.2 The date, time and location of the meeting;
 - 4.3 Where the purpose of the meeting or proposed bylaw is related to specific lands within the Town, a key map showing the affected lands;
 - 4.4 The name and address of the person who are to specifically receive a copy of the notice issue that is the subject of the meeting;
 - 4.5 The last date for receiving comments in response to the published notice.

FINANCIAL

Adoption of Annual Budget

5. The notice provisions set out in Section 2, 3 and 4 shall apply to the adoption of the annual budget in total.

Amendments to Budget

6. Where expenditure estimates approved in the budget have been subject to quotations or tenders quoting an amount greater than the estimated expenditure for that time, the approval process set out under the Town of Espanola purchasing bylaw shall apply, and notice of such amendment to the budget shall be included in the report and the printing of this item on the Council and/or Committee agenda, with the notation "Amendment to Budget" shall constitute sufficient notice.
7. New projects that have not been included in the annual budget shall be detailed in a staff report and notice of such amendment to the budget shall be included in the report and the printing of this item on the Council and/or Committee agenda, with the notation "Amendment to Budget", shall constitute sufficient notice.

Operating costs incurred prior to budget approval

8. 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.

Improvements to Service

9. Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by the Town of Espanola and its local boards; and barriers identified by the Town of Espanola and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be published in the newspaper at the same time as prescribed in the Act for the publication of the Financial Statements of the Town of Espanola.

GENERAL

10. Where separate bylaws have been enacted in accordance with provisions contained in the Act, the notice provision set out in such bylaws shall prevail.

10.1 No notice shall be required under this bylaw, 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.

EMERGENCY PROVISION

11. If a matter arises, which in the opinion of the Administrator, 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 Espanola, or is a State of Emergency is declared, or is so advised by a Provincial Ministry, the Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action and will present a report to Council for ratification.

REVOCAATION

12. Bylaw No. 1636/03, being a bylaw to prescribe the form and manner and time for the provision of notice is hereby revoked.

EFFECTIVE DATE

13. This bylaw shall come into full force and effect on February 12, 2008.

READ a first, second and third time and finally passed in open council this 12th day of February 2008.

“Bernie Gagnon”

Bernie Gagnon
Mayor

“Dianne Polden”

Dianne Polden
Deputy Clerk